

2/1/12

IN THE MATTER OF
THE APPLICATION OF
OLIVER AND FELECIA WEBB/LEGAL OWNER
FOR A VARIANCE ON THE PROPERTY
LOCATED AT 7205 FAIRBROOK ROAD
SW/SIDE OF FAIRBROOK ROAD, 230' NW
OF THE C/L OF BLUFFDALE ROAD

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 11-243-A

*

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal of the decision of the Administrative Law Judge ("ALJ") wherein he denied a Petition for Variance filed by the Legal Owners of the subject property, Oliver and Felecia Webb, herein referred to as Petitioners. Petitioners are requesting variance relief from section 432.A.1.C.1 of the Baltimore County Zoning Regulations (BCZR). The Petitioners are requesting a parking setback of 2.5 feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility. Joining in the Petition for Variance is the Lessee, namely Leverta Page. Petitioners and Lessee were represented by Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, LLC. Protestant, Nicole Bohanan, who resides at 7207 Fairbrook Road, which is on the left side of the duplex of the subject property, *pro se*, only representing herself. A hearing was held on November 1, 2011. A public deliberation was conducted on November 29, 2011.

Background

Mr. Oliver Webb purchased the subject property at 7205 Fairbrook Road as a result of a bank foreclosure. The property is a three bedroom duplex dwelling which the Applicant wishes to convert to an Assisted Living Facility. The Applicant is interested in housing four elderly

residents within the three bedroom dwelling. In addition to the four residents there would be two full-time workers within the dwelling at all times. These workers would work 12 hour shifts and would be replaced by two new workers who would take the second shift of the 24 hour day. All told, there would be six adults within this duplex dwelling at all times of the day.

The Applicant is in need of a variance to allow two parking spaces to be located on the side of the existing dwelling as shown on the site plan submitted into evidence as Petitioners' Exhibit

1. Because of the narrowness of the lot, the Applicant is requesting a variance to allow these parking spaces to exist 2.5 feet from the side property line in lieu of the required 10 feet. It is possible for the Applicant to provide the two needed parking spaces on the property; however, additional improvements would have to be made to the rear yard to locate those parking spaces in the back. By locating the parking spaces in the rear yard, the parking variance is eliminated.

Petitioner's Argument

Daniel M. Blevins testified that he is employed by Development and Design Solutions, LLC, as a land planner and was hired by Mr. and Mrs. Webb for this Petitioner. He stated he has visited the property and created the Plat to accompany the Petition for zoning variance. He testified that the property is zoned DR 5.5 and that there is an apartment complex to the rear of the property. The homes are all semi-detached (duplex) except for one on Fairbrook Road. There are four other lots that are shaped like the subject property, and all other properties are "squared off". The subject property and four other lots have an angled rear yard. Blevins testified that he had provided for the 10 % open space required for assisted living facilities by Section 432.C.3 of the BCZR. In providing this space he excluded the area of the yard where tree roots protrude above ground. He felt elderly people could be endangered by these roots.

Dennis Wertz of Baltimore County Department of Planning, who is the Area Planner for District 1 testified in this case. He stated that this use is compatible for the area. There would be no building required in this use. He supported the variance on this issue because adding parking would have an added impact on the area, mainly the open space. He stated he personally knew of other properties being approved in the area and remembered the address of 7167 and 7165 Fairbrook Road.

Lawrence Schmidt, Counsel for the Petitioner, in closing argument argued that the property was unique due to the lot being the smallest of the semi-detached homes. Due to the constraints of the Baltimore County Zoning Regulations (BCZR) and the *Baltimore County Code* (BCC), the constraints also cause the uniqueness and practical difficulties.

Protestants' Arguments

Ms. Nicole Bohanan who owns and lives within the other half of the duplex dwelling appeared in staunch opposition to the Petitioners' request. She is opposed and protests the variance and the use of the property for an assisted living facility. She stated that there was a family that lived in the subject property prior to this use. She testified that there are roughly twenty-five (25) assisted living facilities in her neighborhood, for the mentally and psychologically challenged, to include similar brain disorders and, for the elderly. She testified that she feels this is deteriorating her neighborhood due to the saturation in one area of these facilities. She stated she would like to see a mix of more families. She also stated that she felt the area was becoming more of a new business district than a family neighborhood.

Additionally, she testified that in her opinion the property was not unique and it was like all the other properties in the neighborhood. She further testified that she felt the owners only purchased the property to make it an assisted living facility.

Decision

Petitioner is seeking variance relief from section 432.A.1.C.1 of the Baltimore County Zoning Regulations (BCZR). The Petitioners and Lessee are requesting a parking setback of 2.5 feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility.

The issue before the Board is not the use of the property as an assisted living facility, but only the Petition for Variance, requesting the parking setback.

The Board specifically finds that under Cromwell v. Ward (supra), the Petitioner does not meet the requirement of "uniqueness." In that case, the Court stated:

"Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls.

The property in question is similar in shape to at least six (6) other properties in the development (see Pet. Exh. 3); therefore it does not meet the "uniqueness" test.

In addition, it is possible to put two (2) parking spaces in the rear yard and still have the 10 % open space required by Section 432.C.3 of the BCZR. Even if the deck is excluded as open space, the area where the trees are on the lot should be considered as part of the open space. The residents of the facility could be made aware of the roots if they chose to walk in the back yard, and could be accompanied by a companion if there was some question of safety. The BCZR does not say anything about possible hazards in the open spaces.

Accordingly, the variance request must be denied.

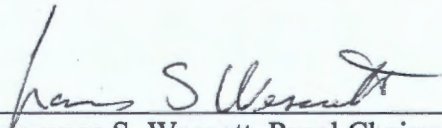
ORDER

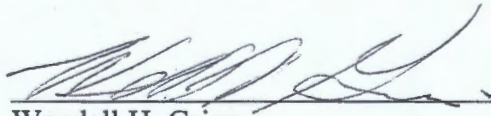
THEREFORE, IT IS, this 1st day of February, 2012, by the Board of Appeals of Baltimore County,

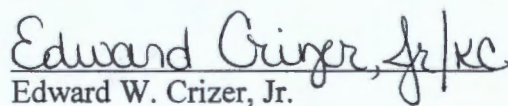
ORDERED that the Petitioners' Variance request from Section 432.A.1.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a parking setback of 2.5 feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility, be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Panel Chairman


Wendell H. Grier


Edward W. Crizer, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 1, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Suite 200
Towson, MD 21204

Nicole Bohanan
7207 Fairbrook Road
Windsor Mill, MD 21244

RE: *In the Matter of: Oliver and Felecia Webb – Legal Owner*
Leverta Page-Omar – Lessee
Case No.: 11-243-A

Dear Mr. Schmidt and Ms. Bohanan:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Oliver and Felecia Webb
Leverta Page-Omar
Daniel M. Blevins/Development & Design Solutions, LLC
Jeffrey Lynne
Office of People's Counsel
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Timothy Kotroco, Administrative Law Judge
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 19, 2011

LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA AND SCHMIDT
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Variance
Motion for Reconsideration
Case No. 2011-0243-A
Property: 7205 Fairbrook Road

Dear Mr. Schmidt:

I have received and read your Motion for Reconsideration filed for the above referenced matter. I have also read and reviewed the Inter-Office Correspondence issued by the Office of Planning dated May 6, 2011. Based on your Motion and the comment from the Office of Planning, I find no reason to re-open this matter and accordingly, your Motion for Reconsideration is hereby denied.

The underlying case failed for a number of reasons. There was no uniqueness to the property. In addition, no practical difficulty or unreasonable hardship would result if the applicant had to comply with the regulations. In fact, they have the ability to provide parking elsewhere on the property. Finally, and most troubling is the fact that a variance is being requested for a "use" that does not exist at the time of the variance request before me. That is the applicant has filed for a variance for an Assisted Living Facility that has not even been approved or considered by the County reviewing agencies.

Accordingly, I am denying your Motion for Reconsideration. You will have 30 days from the date of this denial to file an appeal to the Board of Appeals.

Sincerely,

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

c: Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills MD 21136

ORDER RECEIVED FOR FILING

Date 5-19-11

By PJ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco
Office of Administrative Hearings

DATE: May 6, 2011

FROM: Andrea Van Arsdale, Director
Office of Planning

RECEIVED

MAY 09 2011

SUBJECT: Motion for Reconsideration
ZAC 11-243 (7205 Fairbrook Road)

OFFICE OF ADMINISTRATIVE HEARINGS

The Office of Planning is providing the following comments and compatibility finding in response to the Motion for Reconsideration filed by Lawrence E. Schmidt in his letter to you dated April 26, 2011.

The Office of Planning has reviewed a revised plan dated 4/29/11 that accurately depicts the location of the existing improvements on the subject property. Also, this office has reviewed Exhibit 'A' dated 4/29/11 that shows the potential location of two parking spaces in the rear yard of the property.

The petitioner proposes to convert an existing single-family semidetached dwelling to an Assisted Living Facility I that will accommodate 4 resident clients. No exterior alterations of the existing dwelling are proposed. Two off-street parking spaces are required for a 4-bed facility. Pursuant to Section 432.A.1.C of the BCZR, parking must be located in the side or rear only and must be set back at least 10 feet from the property line. The existing driveway located on the property is long enough to provide 2 parking spaces in the side yard but the driveway is only 2.5 feet from the side property line.

This property has a small, level, attractive rear yard. The petitioner's rear yard abuts the rear yards of a single-family detached dwelling located at 7203 Fairbrook Road and the adjoining single-family semidetached dwelling located at 7207 Fairbrook Road. Neither of those dwellings has parking spaces in the rear yard. The petitioner's rear yard backs up to open space for the Tuscany Gardens Apartments.

This office does not support providing any parking in the rear yard. Constructing parking spaces in the rear yard would greatly reduce the attractiveness of the yard, greatly reduce the amount of open space, and greatly increase the amount of impervious surface coverage. The existing driveway is long enough to provide at least four off-street parking spaces (2 in the side yard plus 2 in the front yard). Also, two on-street parking spaces are available on Fairbrook Road in front of the property. Using the existing driveway for the required parking is a better alternative for

Memo: Timothy M. Kotroco
May 6, 2011
Page Two

the future residents of this facility and a compatible alternative for the adjacent neighbors at 7203 and 7207 Fairbrook Road. For this particular property, the Office of Planning doesn't have any objection to allowing a 4-bed assisted living facility at this location with using the existing driveway to provide the two required off-street parking spaces.

The petitioner's property is located in the Chadwick Manor neighborhood, a residential community of nearly 400 homes developed in the 1960s. Chadwick Manor is comprised of single-family detached and semidetached dwellings. Typically, off-street parking for these dwellings is provided in the front and side yards on single-wide driveways.

After reviewing the compatibility objectives in Section 32-4-402 of the County Code, the Director of Planning finds that the use of this property for an Assisted Living Facility I will be compatible with the adjacent residential properties and the surrounding neighborhood provided that:

- The exterior of the existing dwelling is not altered.
- The existing driveway is used to provide the required parking spaces.
- No signs that identify the property as an Assisted Living Facility will be erected on the premises.

Furthermore, the Director of Planning finds that providing two parking spaces in the rear yard of the petitioner's property would not be compatible with the adjacent properties and the surrounding neighborhood for the following reasons:

- The arrangement and location of the parking spaces would not be patterned in a similar manner to those in the Chadwick Manor community.
- The rear yard open space would be inconsistent with the open space patterns of the Chadwick Manor community, and it would not complement the rear yard open space of the adjacent properties.

AVA:DW:lsn

c: Lawrence E. Schmidt, Attorney
Arnold Jablon, Director, Department of Permits, Approvals and Inspections

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
MICHAEL G. DEHAVEN

April 26, 2011

Sent via Hand Delivery

Timothy M. Kotroco
Office of Administrative Hearings
Administrative Law Judge
for Baltimore County
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

APR 26 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Re: **Motion for Reconsideration**
Case No.: 2011-0243-A/7205 Fairbrook Road

Dear Mr. Kotroco:

Kindly be advised that I represent Oliver and Felecia Webb (Property Owners) and Luverta Page-Omar (Lessee) of the property located at 7205 Fairbrook Road in Baltimore County, Maryland. This property was the subject of an Opinion and Order issued by you in Case No.: 2011-0243-A on March 28, 2011. Therein, you denied a Petition for Variance filed by the Petitioners for relief from Baltimore County Zoning Regulations ("BCZR") Section 432.A.1.C.1. Specifically, a Variance was requested from the setback regulations related to a proposed parking area. Kindly accept this letter as a Motion for Reconsideration filed in accordance with Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County (See BCZR Appendix G).

Within your Opinion and Order you correctly note that an Assisted-Living Facility I is permitted by use permit in the DR 5.5 zone. An Assisted-Living Facility I is a facility for fewer than eight (8) residents, often located in a building previously used as a single-family residence. The subject property is zoned DR 5.5, the existing dwelling will not be altered and fewer than eight (8) residents (four (4)) are proposed. Moreover, BCZR Section 432.A.1.D provides that an Assisted-Living Facility is subject to a compatibility finding pursuant to Baltimore County Code ("BCC") Section 32-4-402.

As you know, the use permit process is instituted by the Petitioner filing a use permit application with the Zoning Office. Thereafter, the property is posted with a sign advertising

the request and providing any interested person with an opportunity to request a hearing within fifteen (15) days of the posting. If a hearing is requested, then an Administrative Law Judge would consider the use permit application and issues surrounding the same at a public hearing. If no public hearing is requested, then the Administrative Law Judge could issue a finding granting the use permit without a hearing.

The subject matter initially came to you on a Petition for Zoning Variance only. It did not come to you under the use permit process. The Petitioners have informed me that they were advised by the Office of Planning to seek zoning variance relief *first* before making application for a use permit. According to the instructions which they were given, upon securing of the zoning variance, the application for use permit could be filed. Your order reads, in part, as follows:

"There was no testimony and evidence offered at the hearing relating to compatibility of this Assisted-Living Facility with the surrounding neighborhood. Not only was there no testimony and evidence offered at the hearing, in addition there were no compatibility recommendations made by the Director of Planning on this particular Assisted Living Facility. Therefore, in my opinion, the Applicant has failed to meet all of the requirements of the BCZR as to this particular use and accordingly a use permit should not be issued at this location." (Order and Opinion, Pg. 2)
(Attached hereto)

The reason that no testimony and evidence was offered as to the use permit issue nor was any compatibility recommendation made by the Director of Planning is that the Petitioners believed that the case before you would be restricted only to the Variance Petition which had been filed. Thus, they were not prepared to offer the requisite evidence in support of the use permit.

I have spoken to Dennis Wertz, Area Planner for District 1, and confirmed that my clients have consulted with him about this request. According to Mr. Wertz, the Office of Planning supports an Assisted-Living Facility I at this location. Although the written report has not been prepared to date, I have been advised that the Office of Planning will submit a written compatibility recommendation for your consideration that will support this request. Moreover, in view of the compatibility recommendation, I would also respectfully submit that the Variance itself should be reconsidered.

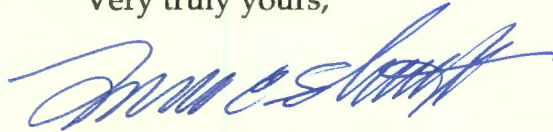
Under the circumstances, I would request that you reschedule a public hearing to consider the issues raised within this Motion for Reconsideration. These include both the use permit and Petition for Variance. I have forward a copy of this to the two individuals for the

Timothy M. Kotroco
April 26, 2011
Page 3

neighborhood who appeared at the hearing, as well as, Mr. Wertz. It is our intent to meet with the neighbors in an attempt to address their concerns. Kindly advise whether a hearing can be scheduled and I will coordinate calendars to schedule a acceptable date for all involved.

Thank you for your consideration of this matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl
Enclosure

CC: Luverta Page-Omar, 7205 Fairbrook Road, Windsor Mill, MD 21144
Oliver and Felecia Webb, 7512 Ashton Valley Way, Baltimore, MD 21228
Daniel Blevins, 3202 Acton Road, Baltimore, MD 21204
Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills, MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills, MD 21136
Dennis Wertz, Area Planner - District 1, Office of Planning

3/28/11

IN RE: PETITION FOR VARIANCE

SW/Side of Fairbrook Road, 230' NW of
the c/line of Bluffdale Road
1st Election District
1st Councilmanic District
(7205 Fairbrook Road)

Oliver and Felecia Webb
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* CASE NO. 2011-0243-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owners of the subject property, Oliver and Felecia Webb. Petitioners are requesting Variance relief from Section 432.A.1.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a parking setback of 2.5 feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Oliver Webb, property owner, and Daniel M. Blevins with Development & Design Solutions, LLC, who prepared the site plan and is assisting the Petitioners through the permitting process. Also attending in support of the request were Luvern Dennis and Liverta Omode. Appearing in opposition to the variance request were Nicole Bohanan of 7207 Fairbrook Road and Jeffrey Lynne of 11909 Tarragon Road.

Testimony and evidence offered revealed that the subject property is located on the southwest side of Fairbrook Road, just northwest of Bluffdale Road in the Chadwick Manor

ORDER RECEIVED FOR FILING

Date 3-28-11

By [Signature]

subdivision in Baltimore County. The property contains 0.16 acres, zoned D.R.5.5, and is improved with an existing one story single-family dwelling and an existing shed.

Testimony and evidence presented revealed that Mr. Oliver Webb purchased the subject property at 7205 Fairbrook Road as a result of a bank foreclosure. The property is a three bedroom duplex dwelling which the Applicant wishes to convert to an Assisted Living Facility. The Applicant is interested in housing four elderly residents within the three bedroom dwelling. In addition to the four residents there would be two full-time workers within the dwelling at all times. These workers would work 12 hour shifts and would be replaced by two new workers who would take the second shift of the 24 hour day. All told, there would be six adults within this duplex dwelling at all times of the day.

The Assisted Living Facility is permitted by use permit in the D.R. 5.5 zone. However, pursuant to Section 432.A of the Baltimore County Zoning Regulations, specifically subsection 432.A.1.D., the proposed Assisted Living Facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code. There was no testimony or evidence offered at the hearing relating to compatibility of this Assisted Living Facility with the surrounding neighborhood. Not only was there no testimony and evidence offered at the hearing, in addition there were no compatibility recommendations made by the Director of Planning on this particular Assisted Living Facility. Therefore, in my opinion, the Applicant has failed to meet all of the requirements of the B.C.Z.R. as to this particular use and accordingly a use permit should not be issued at this location. In addition, the Applicant is also in need of a variance to allow two parking spaces to be located on the side of the existing dwelling as shown on the site plan submitted into evidence as Petitioners' Exhibit 1. Because of the narrowness of the lot, the Applicant is requesting a variance to allow these parking spaces to exist 2.5 feet from the side

ORDER RECEIVED FOR FILING

Date 3-28-11

By PB

property line in lieu of the required 10 feet. Mr. Blevins, testifying on behalf of the Applicant, also submitted into evidence as Petitioners' Exhibit 3 a red lined modification of the site plan showing the two parking spaces being located in the rear yard. It is possible for the Applicant to provide the two needed parking spaces on the property; however, additional improvements would have to be made to the rear yard to locate those parking spaces in the back. By locating the parking spaces in the rear yard, the parking variance is eliminated.

As stated previously, Ms. Nicole Bohanan who lives within the other half of the duplex dwelling appeared in staunch opposition to the Petitioners' request. Ms. Bohanan is not interested in residing adjacent to an Assisted Living Facility and raised many objections concerning this use. However, as I instructed at the hearing, the use of the property as an Assisted Living Facility is a use that is permitted as of right in the D.R. zone. It does, however, require a use permit and a finding of compatibility. The Applicant has failed to receive a recommendation of compatibility from the Director of Planning and therefore the use permit should not be approved.

In addition, the Applicant requested a variance to allow parking spaces to exist 2.5 feet from the side property line. In that regard, I find that the Petitioners' request should be denied. It is obvious that the Petitioners have the ability to provide these two parking spaces in the rear yard as is depicted on Petitioners' Exhibit 3. Consequently, there is no hardship in that the Petitioners have the ability to provide these parking spaces in the rear yard. Accordingly, the variance request must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be denied and that there has been no finding of compatibility of this use with the surrounding neighborhood.

ORDER RECEIVED FOR FILING

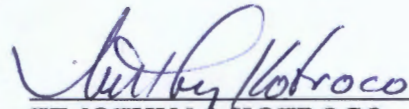
Date 3-28-11

By PB

THEREFORE, IT IS ORDERED this 28th day of March, 2011, by this Administrative Law Judge that Petitioners' Variance request from Section 432.A.1.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a parking setback of 2.5 feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners have failed to prove that this use is compatible with the surrounding neighborhood and no use permit should be issued.

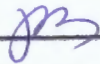
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-28-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 28, 2011

OLIVER AND FELECIA WEBB
7512 ASHTON VALLEY WAY
BALTIMORE MD 21228

Re: Petition for Variance
Case No. 2011-0243-A
Property: 7205 Fairbrook Road

Dear Mr. and Mrs. Webb:

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

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

Sincerely,

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Daniel Blevins, Development & Design Solutions LLC, 3202 Acton Road, Baltimore MD 21234
Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills MD 21136



TAX. ACCOUNT 0102852720

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7205 FAIRBROOK ROAD
which is presently zoned BR-S.S

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)

Section 432A.1.C.1 – to permit a parking setback of 2½ feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) PARKING OF TWO SPACES SHALL UTILIZE THE EXISTING CONCRETE DRIVEWAY BETWEEN THE EXISTING DWELLING AND PROPERTY LINE AS ORIGINAL INTENDED WITH IN THE COMMUNITY. PARKING WILL NOT FIT IN REAR YARD DUE TO EX. DECK, SHED, TREES AND PROP. REQUIRED OPEN SPACE.
Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

OLIVER WEBB

Name - Type or Print

Signature

FELECIA WEBB

Name - Type or Print

Signature

7512 ASHTON VALLEY WAY - APT. 200

Address

Telephone No.

BALTIMORE

City

MARYLAND

State

21228

Zip Code

Representative to be Contacted:

DEVELOPMENT & DESIGN SOLUTIONS, LLC.
ATTENTION: DANIEL M. BLEVINS

Name

3202 ACTON ROAD (410) 905-0778

Address

Telephone No.

BALTIMORE

City

MARYLAND

State

21234

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

2/15/11Case No. 2011-0243-A

ZONING DESCRIPTION FOR: 7205 FAIRBROOK ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF FAIRBROOK ROAD WHICH IS 70' WIDE AT A DISTANCE OF 230' WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET KNOWN AS BLUFFDALE ROAD WHICH IS 60' WIDE.

BEING LOT #5, BLOCK V, SECTION #5A IN THE SUBDIVISION OF CHADWICK MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #28, FOLIO #36, CONTAINING 6,775 SQUARE FEET OF LAND MORE OR LESS.

ALSO KNOWN AS 7205 FAIRBROOK ROAD AND LOCATED IN THE 1ST ELECTION DISTRICT AND 1ST COUNCILMANIC DISTRICT.

Item #0243

ZONING DESCRIPTION FOR: 7205 FAIRBROOK ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF FAIRBROOK ROAD WHICH IS 70' WIDE AT A DISTANCE OF 230' WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET KNOWN AS BLUFFDALE ROAD WHICH IS 60' WIDE.

BEING LOT #5, BLOCK V, SECTION #5A IN THE SUBDIVISION OF CHADWICK MANOR AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #28, FOLIO #36, CONTAINING 6,775 SQUARE FEET OF LAND MORE OR LESS.

ALSO KNOWN AS 7205 FAIRBROOK ROAD AND LOCATED IN THE 1ST ELECTION DISTRICT AND 1ST COUNCILMANIC DISTRICT.

Item #0243

CERTIFICATE OF POSTING

Date: 3-2-11

RE: Case Number: 2011-0243-A

Petitioner/Developer: Luventa Omar

Date of Hearing/Closing: March 17, 2011 11AM

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 7205 Fairbrook Rd

The signs(s) were posted on

3/2/11

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2011-0243-A

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

JEFFERSON BUILDING - RM 124

PLACE: 105 W. CHESAPEAKE AVE., TOWSON 21204

DATE AND TIME: THURS, MAR 17, 2011 11AM

REQUEST: TO PERMIT A PARKING SETBACK
OF 2 1/2 FEET FROM THE PROPERTY LINE
IN LIEU OF THE MINIMUM REQUIRED 10 FEET
FOR A PROPOSED ASSISTED LIVING FACILITY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 302-3391

PLEASE SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 2, 2011 Issue - Jeffersonian

Please forward billing to:

Luverta Omar
7205 Fairbrook Road
Windsor Mill, MD 21244

410-298-5932

NOTICE OF ZONING HEARING

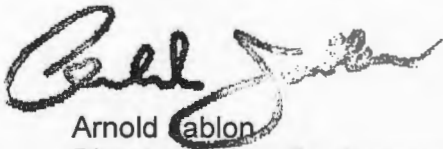
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0243-A

7205 Fairbrook Road
SW/s of Fairbrook Road, 230' NW of centerline of Bluffdale Road
1st Election District – 1st Councilmanic District
Legal Owners: Mr. & Mrs. Webb

Variance to permit a parking setback of 2 ½ feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility.

Hearing: Thursday, March 17, 2011 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Lablon
Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 18, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0243-A

7205 Fairbrook Road

SW/s of Fairbrook Road, 230' NW of centerline of Bluffdale Road

1st Election District – 1st Councilmanic District

Legal Owners: Mr. & Mrs. Webb

Variance to permit a parking setback of 2 ½ feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility.

Hearing: Thursday, March 17, 2011 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Webb, 7512 Ashton Valley Way, Apt. 200, Baltimore 21228
Daniel Blevins, Development & Design Solutions, 3202 Acton Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 2, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

*PP and
Assigned to
11-1-11*

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

September 19, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-243-A IN THE MATTER OF: Oliver and Felecia Webb- Legal Owner/Petitioner
Levertha Page-Omar - Lessee
7205 Fairbrook Road/1st Election District; 1st Councilmanic District

Re: Petition for Variance to permit a parking setback of 2 ½ ft from the property line ilo req'd 10 ft. for
a proposed Assisted Living Facility.

3/28/11 Findings of Fact and Conclusion of Law issued by Administrative Law Judge wherein the requested
variance relief was denied.

5/19/11 Motion for Reconsideration – denied.

ASSIGNED FOR: WEDNESDAY, OCTOBER 12, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of
retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in
writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15
days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner/Lessee : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Oliver and Felecia Webb
Lessee : Levertha Page

Protestants

: Nicole Bohanan
: Jeffrey Lynne

Daniel M. Blevins, Development & Design Solutions, LLC

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Timothy Kotroco, Administrative Law Judge
Nancy C. West, Assistant County Attorney

Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Michael E. Field, County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 28, 2011

NOTICE OF POSTPONEMENT AND REASSIGNMENT

CASE #: 11-243-A IN THE MATTER OF: Oliver and Felecia Webb- Legal Owner/Petitioner
Levertha Page-Omar - Lessee
7205 Fairbrook Road/1st Election District; 1st Councilmanic District

Re: Petition for Variance to permit a parking setback of 2 ½ ft from the property line into req'd 10 ft. for a proposed Assisted Living Facility.

3/28/11 Findings of Fact and Conclusion of Law issued by Administrative Law Judge wherein the requested variance relief was denied.

5/19/11 Motion for Reconsideration – denied.

This matter was scheduled for 10/12/11 and has been postponed without objection. The matter has been reassigned as follows:

RE-ASSIGNED FOR: TUESDAY, NOVEMBER 1, 2011 AT 10:00 A.M.

No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner/Lessee	: Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner	: Oliver and Felecia Webb
Lessee	: Levertha Page

Protestants	: Nicole Bohanan
	: Jeffrey Lynne

Daniel M. Blevins, Development & Design Solutions, LLC

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Timothy Kotroco, Administrative Law Judge
Nancy C. West, Assistant County Attorney

Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Michael E. Field, County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 3, 2011

NOTICE OF DELIBERATION

CASE #: 11-243-A IN THE MATTER OF: Oliver and Felecia Webb- Legal Owner/Petitioner
Leverta Page-Omar - Lessee
7205 Fairbrook Road/1st Election District; 1st Councilmanic District

Re: Petition for Variance to permit a parking setback of 2 ½ ft from the property line ilo req'd 10 ft. for a proposed Assisted Living Facility.

3/28/11 Findings of Fact and Conclusion of Law issued by Administrative Law Judge wherein the requested variance relief was denied.

5/19/11 Motion for Reconsideration – denied.

Having concluded this matter on 11/1/11 a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, NOVEMBER 29, 2011 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Legal Owner/Lessee	: Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner	: Oliver and Felecia Webb
Lessee	: Leverta Page
Protestants	: Nicole Bohanan
	: Jeffrey Lynne

Daniel M. Blevins, Development & Design Solutions, LLC

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Timothy Kotroco, Administrative Law Judge
Nancy C. West, Assistant County Attorney

Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Michael E. Field, County Attorney

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: 2011-0243-A

Petitioner: LUVERTA PAGE OMAR

Address or Location: 7205 FAIRBROOK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: LUVERTA P. OMAR

Address: 7205 FAIRBROOK ROAD

WINDSOR MILL, MARYLAND 21244

Telephone Number: (410) 298-5932

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2011-0243-A

7205 Fairbrook Road
SW/s of Fairbrook Road,
230' NW of centerline of
Bluffdale Road
1st Election District
1st Councilmanic District
Legal Owner(s): Mr. & Mrs.
Webb

Variance: to permit a parking setback of 2½ feet from the property line in lieu of the minimum required 10 feet for a proposed Assisted Living Facility.

Hearing: Thursday, March 17, 2011 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

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

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

JT 3/6/17 March 1 268271

CERTIFICATE OF PUBLICATION

3/3/ 2011

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 3/1/ 2011.

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

J. Wilkinson

LEGAL ADVERTISING

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

No. **64761**

Date: **2/15/11**

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 2/16/2011 2/15/2011 14:39:22 2
 REG #502 MAIL JEVA JEE
 >>RECEIPT # 724771 2/15/2011 OPLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6150						575.00	

5 528 ZONING VERIFICATION

064761
 Recpt Tot 475.00
 475.00 CK 4.00 CA
 Baltimore County, Maryland

Total: **875.00**

Rec From:

For: **zoning hearing - case # 2011-0843-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 9, 2011

Mr. & Mrs. Webb
7512 Ashton Valley Way
Baltimore, MD 21228

Dear Mr. & Mrs. Webb,

RE: Case Number 2011-0243 A. 7205 Fairbrook Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 15, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Daniel M. Blevins, Development & Design Solutions, 3202 Acton Road., Baltimore, MD 21234

TK 3-17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: March 10, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 7205 Fairbrook Road

Item Number: 11-243

Petitioner: Oliver Webb

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

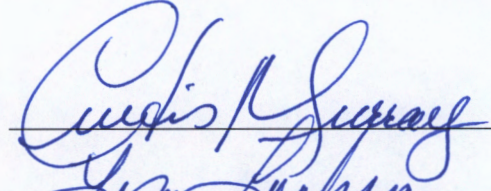
MAR 18 2011

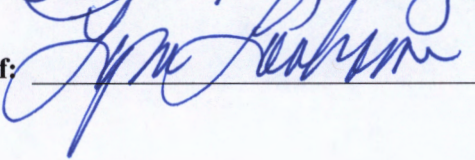
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning would be supportive of using the existing driveway to provide the required parking rather than constructing any spaces in the rear yard. The existing driveway is long enough to provide three off-street parking spaces (2 in the side yard plus 1 in the front yard). Also, two on-street parking spaces are available on Fairbrook Road in front of the property. Using the existing driveway for the required parking is a better alternative for both the future residents of this facility and the adjacent neighbors at 7203 and 7207 Fairbrook Road.

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

Prepared by: 

Division Chief: 
JM/LL: CM



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

February 22, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **February 22, 2011**

Item No.:

Administrative Variance: 2011-0236A, 2011-0239A – 0240A, 2011-0244A

Special Hearing: 2011-0237-SPH, 2011-0238-SPHA, 2011-0242-SPH

Variance: 2011-0238SPHA, 2011-0243A, 2011-0245A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 28, 2011
Item Nos. 2011- 218, 236, 237, 238,
239, 240, 242, 243, 244 and 245

DATE: February 28, 2011

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-02282011 -NO COMMENTS.doc



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: MARCH 1, 2011

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

RE: Baltimore County
Item No 2011-0243-A
7205 FAIRBROOK RD
WEBB 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. 2011-0243-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

TK
3-17

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



MAR 01 2011

ZONING COMMISSIONER

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 1, 2011

SUBJECT: DEPS Comment for Zoning Item: # 11-243-A
Address: 7205 Fairbrook Road
(Raja Property)

Zoning Advisory Committee Meeting of February 18, 2011.

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

Reviewer: JWL

RE: PETITION FOR VARIANCE
7205 Fairbrook Road; SW/side of
Fairbrook Road, 230ft. NW of
Center Line Bluffdale Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Oliver & Felecia Webb
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-0243-A

* * * * *

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

FEB 16 2011

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 18th day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Oliver Webb and Felecia Webb, 7512 Ashton Valley Way, Apt. 200, Baltimore, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 31, 2011

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case: 2011-0243-A, 7205 Fairbrook Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 16, 2011 by Lawrence Schmidt. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the word "Sincerely,".

Arnold Jablon
Director

AJ:kl

c: Arnold Jablon, Director of PAI
Administrative Hearings Office
People's Counsel
Mr. & Mrs. Webb, 7512 Ashton Valley Way, Baltimore 21228
Ms. Page-Omar, 7205 Fairbrook Road, Windsor Mill 21244
Mr. Blevins, 3202 Acton Road, Baltimore 21204
Mr. Lynne, 11909 Tarragon Road, Owings Mills 21136
Ms. Bohanan, 7207 Fairbrook Road, Windsor Mill 21244

RECEIVED

SEP 6 2011

BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Variance
7205 Fairbrook Road
SW/s Fairbrook Rd., 230' NW of the c/l of Bluffdale Rd.
1st Election District – 1st Councilmanic District
Legal Owners: Oliver & Felecia Webb

Case No.: 2011-0243-A

Petition for Variance (February 15, 2011)

Zoning Description of Property

Notice of Zoning Hearing (February 18, 2011)

Certification of Publication (The Jeffersonian – March 1, 2011)

Certificate of Posting (March 2, 2011) by J. Lawrence Pilson

Entry of Appearance by People's Counsel (February 18, 2011)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat to accompany petition for Variance
2. Photograph Layout
3. (also marked Exhibits A & B) Site plan (redlined)

Protestants' Exhibits - None

Administrative Law Judge Order (DENIED – March 28, 2011)

Request for Motion for Reconsideration – April 26, 2011 by Lawrence Schmidt

Inter-Office Correspondence dated May 6, 2011 from Andrea Van Arsdale regarding Motion

Letter Denying request for Motion – May 19, 2011 from ALJ Timothy Kotroco

Notice of Appeal received on June 16, 2011 from Lawrence Schmidt

c: People's Counsel of Baltimore County, MS #2010
Administrative Hearings Office
Arnold Jablon, Director of PAI
Oliver & Felecia Webb
Lawrence Schmidt
Daniel Blevins
Nicole Bohanan
Jeffrey Lynne
Luverta Page-Omar

date sent September 6, 2011, kl

APPEAL

Petition for Variance
7205 Fairbrook Road
SW/s Fairbrook Rd., 230' NW of the c/l of Bluffdale Rd.
1st Election District – 1st Councilmanic District
Legal Owners: Oliver & Felecia Webb

Case No.: 2011-0243-A

- ✓ Petition for Variance (February 15, 2011)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (February 18, 2011)
- ✓ Certification of Publication (The Jeffersonian – March 1, 2011)
- ✓ Certificate of Posting (March 2, 2011) by J. Lawrence Pilson
- ✓ Entry of Appearance by People's Counsel (February 18, 2011)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- ✓ Protestant(s) Sign-In Sheet ~~(None)~~
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
SEP 6 2011

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit

- ✓ 1. Plat to accompany petition for Variance
- ✓ 2. Photograph Layout
- ✓ 3. (also marked Exhibits A & B) Site plan (redlined)

Protestants' Exhibits ~~(None)~~

- ✓ Administrative Law Judge Order (DENIED – March 28, 2011)
- ✓ Request for Motion for Reconsideration – April 26, 2011 by Lawrence Schmidt
- ✓ Inter-Office Correspondence dated May 6, 2011 from Andrea Van Arsdale regarding Motion
- ✓ Letter Denying request for Motion – May 19, 2011 from ALJ Timothy Kotroco
- ✓ Notice of Appeal received on June 16, 2011 from Lawrence Schmidt

Address List

Petitioners:

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Suite 200
Towson, MD 21204

Oliver and Felecia Webb
7512 Ashton Valley Way, Apt 200
Baltimore, MD 21228

Luverta Page-Omar
7205 Fairbrook Road
Windsor Mill, MD 21244

Daniel M. Blevins
Development & Design Solutions, LLC
3202 Acton Road
Baltimore, MD 21234

Interested Persons:

Nicole Bohanan
7207 Fairbrook Road
Windsor Mill, MD 21244

Jeffrey Lynne
11909 Tarragon Road
Owings Mills, MD 21136

Interoffice:

Office of People's Counsel
Andrea Van Arsdale, Director/Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law

Arnold Jablon, Director/PAI
Timothy Kotroco, Administrative Law Judge
Nancy West, Assistant County Attorney

IN THE MATTER OF: OLIVER AND
FELECIA WEBB - *Legal Owner/Petitioner*
Leverta Page-Omar – *Lessee*

7205 Fairbrook Road

1st Election District
1st Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2011-243-A

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Dennis Wertz
Office of Planning
Jefferson Building
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

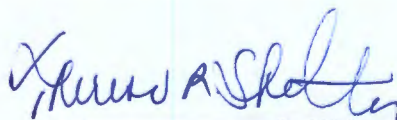
YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (X) Personally appear and produce documents or objects; **in Hearing Room #2, Suite 206, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on Tuesday, November 1, 2011 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):** *Any documents relating to the proposed assisted living facility at 7205 Fairbrook Road, Woodlawn, Maryland, 21244.*

SUBPOENA REQUESTED BY:

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, (X) Private Process Server, to issue the summons set forth herein.



Board of Appeals for Baltimore County

RECEIVED
OCT 04 2011

BALTIMORE COUNTY
BOARD OF APPEALS

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Oliver and Felicia Webb – Legal Owner 11-243-A
Leverta Page-Omar - Lessee

DATE: November 29, 2011

BOARD/PANEL: Lawrence S. Wescott, Chairman
Wendell H. Grier
Edward W. Crizer, Jr.

RECORDED BY: Theresa R. Shelton, Administrator

PURPOSE: To deliberate the following:

Petition for Variance to permit a parking setback of 2 ½ ft from the property line ilo req'd 10 ft.
for a proposed Assisted Living Facility.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

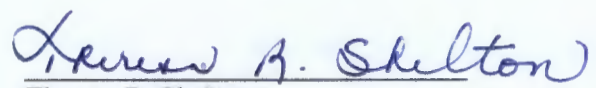
- The Board reviewed the history of this matter. This case went before the Zoning Commissioner and the Petition for Variance was denied. The Petitioner also filed a Motion for Reconsideration that was denied.
- The Board is not at issue with the use of the property as an assisted living facility, but only the Petition for Variance, even though the ALJ address the use in its decision.
- The neighborhood consists of duplex housing and the proposed assisted living facility is on one side and the protestant is on the other side. All of the properties in the duplex do not conform to the 10 ft set back..
- Photographs show the 'cookie cutter' style of the development.
- The basis for a variance is that the property is unique. Although this property is the smallest in the development, all the properties are basically the same.
- Hardship is common to entire neighborhood. Some owners use other owners driveways to get around and maneuver their vehicles. The property needs to be unique, not the owners of the property. Every property is narrow in width.
- Two parking spaces could be put in the rear of the property.

DECISION BY BOARD MEMBERS: After thorough review of the facts, testimony, and law in the matter, the subject property does not qualify for a Variance under Cromwell vs. Ward. It is not unique.

FINAL DECISION: The Board unanimously agreed to DENY the Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Theresa R. Shelton



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 28, 2011

Nicole Bohanan
7207 Fairbrook Road
Windsor Mill, MD 21244

RE: *IN THE MATTER OF:* Oliver and Felecia Webb
Legal Owner/Petitioner
Leverta Page-Omar - Lessee
Case No.: 11-243-A

Dear Ms. Bohanan:

This will acknowledge receipt of your correspondence dated September 22, 2011, in which a continuance has been requested of the October 12, 2011 hearing in the subject matter. This office notified the Appellant's Counsel of this request and the continuance is granted without opposition.

The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is scheduled through the end of October, 2011; however, the matter has been reassigned to the first available date. This matter has been re-assigned to Tuesday, November 1, 2011 @ 10 a.m. This should afford you the time to obtain Counsel, which was the basis for your postponement request.

Enclosed is the Notice of Postponement and Re-Assignment.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Enclosure: Notice of Postponement and Reassignment

c(w/Encl.): Lawrence E. Schmidt, Esquire
Oliver and Felecia Webb
Leverta Page
Jeffrey Lynne

Office of People's Counsel
Nancy C. West, Assistant County Attorney

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

June 16, 2011

Sent via Hand Delivery

Director Arnold Jablon
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

RECEIVED

JUN 16 2011

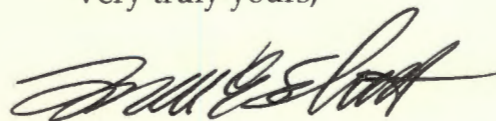
**Re: Appeal of Petition for Variance
Case No.: 2011-0243-A
Property: 7205 Fairbrook Road**

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Jablon:

Please find enclosed for filing a Notice of Appeal in the above referenced matter. Additionally, I am enclosing our check for Two Hundred Sixty Five Dollars (\$265.00) for the filing of the Notice of Appeal. Thank you for your prompt attention to this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

Enclosures

CC: Theresa R. Shelton, County Board of Appeals of Baltimore County
Timothy M. Kotroco, Administrative Law Judge for Baltimore County
Oliver and Felecia Webb, 7512 Ashton Valley Way, Baltimore, MD 21228
Luverta Page-Omar, 7205 Fairbrook Road, Windsor Mill, MD 21244
Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills, MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills, MD 21136
Daniel Blevins, 3202 Acton Road, Baltimore, MD 21234

IN RE: PETITIONS FOR VARIANCE
SW/Side of Fairbrook Road, 230' NW of
the c/line of Bluffdale Road
(7205 Fairbrook Road)

1st Election District
1st Councilmanic District

Oliver and Felecia Webb
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0243-A**

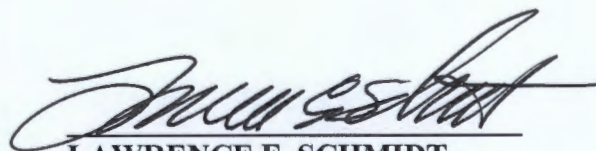
* * * * *

NOTICE OF APPEAL

Oliver and Felecia Webb (Property Owners) and Luverta Page-Omar (Lessee), collectively Petitioners, in the above-captioned case, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge of Baltimore County in the Order and Opinion dated March 28, 2011, attached hereto and incorporated herein as **Exhibit #1**, and Ruling on Motion for Reconsideration dated May 19, 2011, attached hereto and incorporated herein as **Exhibit #2**, hereby appeals the aforementioned Order and Opinion and Ruling on Motion for Consideration to the County Board of Appeals of Baltimore County.

Filed concurrently with this Notice of Appeal is Petitioners' check made payable to Baltimore County in full payment of the costs of the appeal. Petitioners were a party below and fully participated in the proceedings.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
410-821-0070
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **16th** day of June, 20011, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to:

Nicole Bohanan
7207 Fairbrook Road
Windsor Mills, MD 21244

Jeffrey Lynne
11909 Tarragon Road
Owings Mills, MD 21136

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

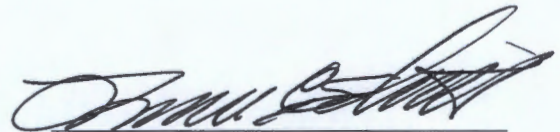

LAWRENCE E. SCHMIDT

EXHIBIT #1



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 28, 2011

OLIVER AND FELECIA WEBB
7512 ASHTON VALLEY WAY
BALTIMORE MD 21228

Re: Petition for Variance
Case No. 2011-0243-A
Property: 7205 Fairbrook Road

Dear Mr. and Mrs. Webb:

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

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

Sincerely,

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: Daniel Blevins, Development & Design Solutions LLC, 3202 Acton Road, Baltimore MD 21234
Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills MD 21136

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

EXHIBIT #2



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 19, 2011

LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA AND SCHMIDT
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Variance
Motion for Reconsideration
Case No. 2011-0243-A
Property: 7205 Fairbrook Road

Dear Mr. Schmidt:

I have received and read your Motion for Reconsideration filed for the above referenced matter. I have also read and reviewed the Inter-Office Correspondence issued by the Office of Planning dated May 6, 2011. Based on your Motion and the comment from the Office of Planning, I find no reason to re-open this matter and accordingly, your Motion for Reconsideration is hereby denied.

The underlying case failed for a number of reasons. There was no uniqueness to the property. In addition, no practical difficulty or unreasonable hardship would result if the applicant had to comply with the regulations. In fact, they have the ability to provide parking elsewhere on the property. Finally, and most troubling is the fact that a variance is being requested for a "use" that does not exist at the time of the variance request before me. That is the applicant has filed for a variance for an Assisted Living Facility that has not even been approved or considered by the County reviewing agencies.

Accordingly, I am denying your Motion for Reconsideration. You will have 30 days from the date of this denial to file an appeal to the Board of Appeals.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

c: Nicole Bohanan, 7207 Fairbrook Road, Windsor Mills MD 21244
Jeffrey Lynne, 11909 Tarragon Road, Owings Mills MD 21136

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

Go Ba
View N
New Se
GroundRent R
GroundRent R

Account Identifier:

District - 01 Account Number - 0102852720

Owner Information

Owner Name:	WEBB OLIVER WEBB FELECIA	Use:	RESIDENTIAL
Mailing Address:	APT 200 7512 ASHTON VALLEY WAY BALTIMORE MD 21228-1046	Principal Residence:	NO
		Deed Reference:	1)/29899/ 00416 2)

Location & Structure Information

Premises Address
7205 FAIRBROOK RD
0-0000

Legal Description

7205 FAIRBROOK RD
CHADWICK MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0094	0005	0239		0000	5A	V	5	1	Plat Ref:

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

0028/0036

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	1,288 SF	6,832 SF	04

Stories	Basement	Type	Exterior
1.000000	NO	END UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	58,000	58,000		
Improvements:	94,170	77,800		
Total:	152,170	135,800	135,800	135,800
Preferential Land:	0			0

Transfer Information

Seller:	DEUTSCHE BANK NATIONAL	Date:	09/21/2010	Price:	\$105,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/29899/ 00416	Deed2:	
Seller:	JIMENEZ BLADIMIR A	Date:	06/16/2010	Price:	\$175,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/29580/ 00451	Deed2:	
Seller:	MITCHELL HENRY S	Date:	04/04/1997	Price:	\$86,900
Type:	ARMS LENGTH IMPROVED	Deed1:	/12114/ 00020	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

NICOLE BOHANAN
7207 Fairbrook Road Windsor Mills, MD 21244
(410) 265-6202 ~ E-mail: NBohanan@yahoo.com

September 22, 2011

Board of Appeals of Baltimore County
Jefferson Building
Second Floor Suite 203
105 West Chesapeake Avenue
Towson Maryland 21204

Case #: 11-23-A
In the Matter of: Oliver and Felecia Webb
7205 Fairbrook Rd

I am in receipt of the October 12, 2011 Appeal hearing date and I am requesting a postponement to retain legal counsel.

Sincerely,

Nicole Bohanan

Nicole Bohanan

RECEIVED
SEP 26 2011
BALTIMORE COUNTY
BOARD OF APPEALS

From: "Wendell H Grier" <wendell.grier@comcast.net>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
Date: 11/2/2011 9:15 PM
Subject: Re: 11/17 for Public Deliberation

Looks good to me.

----- Original Message -----

From: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
To: "Wendell H Grier" <wendell.grier@comcast.net>
Sent: Wednesday, November 02, 2011 2:59 PM
Subject: Re: 11/17 for Public Deliberation

Thank you for letting me know about 11/17. Would you be available 11/29 @ 9:15?

>>> "Wendell H Grier" <wendell.grier@comcast.net> 11/2/2011 2:57 PM
>>>

A problem exists. I have to be in Circuit Court that morning.

----- Original Message -----

From: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
To: <wendell.grier@comcast.net>
Sent: Wednesday, November 02, 2011 12:21 PM
Subject: 11/17 for Public Deliberation

Wendell:

Good Morning. I need to schedule the Public Deliberation on the Webb matter.

Would you be available on 11/17 @ 9:15?

I have Larry and Ed coming in for a 10 am, so you would only need to be here for the Deliberation.

There are no memos due on this case. As soon as you let me know if you can be here, I'll get the Notice out. If this date does not work for you, then

From: Theresa Shelton
To: Grier, Wendell H
Date: 11/2/2011 2:59 PM
Subject: Re: 11/17 for Public Deliberation

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Just let me know. Talk to you later.

Thank you.

T
Semper Fi

From: Theresa Shelton
To: wendell.grier@comcast.net
Date: 11/2/2011 12:21 PM
Subject: 11/17 for Public Deliberation

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Just let me know. Talk to you later.

Thank you.

T
Semper Fi

November 1, 2011

RE: Webb hearing on 11/1/11

Larry:

Didn't get to speak with you after the hearing yesterday. I was on the telephone when you left.

I believe the hearing concluded, but are memos coming in?

~~_____~~ No Memos – schedule for Deliberation

_____ Date Memos due

Thank you.

T

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

Case # 2011-0243-A

3/17/11

Sign in Sheet

Daniel M. Blevins - Development & Design Solutions

Turner Hennis - owner ~~Shirley Webb~~

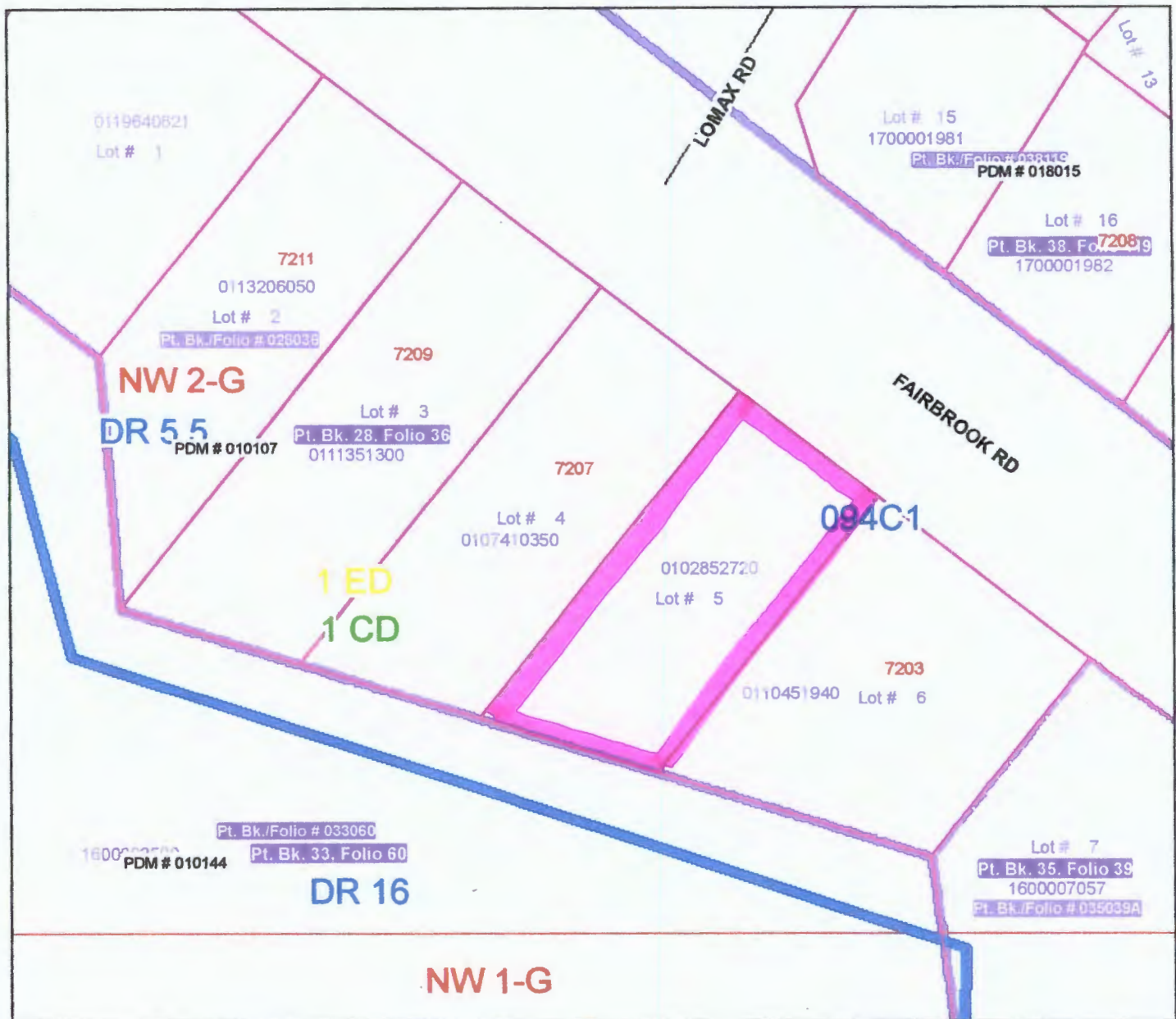
Alan Webb - ~~owner~~

Laura Onda - B-Applicant

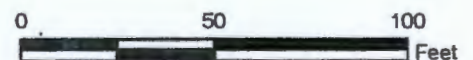


Item #0243

7205 Fairbrook Road



Publication Date: January 31, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item #0243

Case No: 11-243-A Case Name: Oliver + Felicia Webb

Exhibit List

Party: Petitioner Date: 11-1-11

Exhibit No:	Description:
✓ 1	Plat to accompany Petition
✓ 2	Daniel M. Blevins CV.
✓ 3	Chadwick Manor Plan (record plat)
✓ 4	Pictures of subject property
✓ 5	letter from 7203 Fairbrook Rd (Odson)
✓ 6	Pictures of Assit. Living property 7165 + 7167
✓ 7	Picture of Mr. Bohanan driveway
	VERIFIED BY <u>tw</u> DATE: <u>11/1/11</u>

Ref. No 2

Daniel M. Blevins
3202 Acton Road
Baltimore, Maryland 21234
(410) 905-0778 (Cell)
(410) 663-6504 (Home)

Qualifications

I have been associated with the Civil Engineering discipline for the past 25+ years of which I have experience in the design and preparation of construction documents for the public and private sectors, along with processing and permitting of the documents for Commercial, Industrial, Residential, Federal and Local Governmental projects of which includes Residential Minor Subdivisions and PUDs, renovations to Public Schools, Office and Warehouse Complexes, Banks and Retail Centers, Public Road and Utility Extensions, Federal Military Projects, Percolation Testing, Construction Management and Site Observation / Investigation.

I specialize in the review and approval process of Baltimore County with experience in Baltimore City, Anne Arundel, Carroll, Howard, Harford, Garrett, and Frederick Counties, along with the Town of Snow Hill in Worcester County. I had the opportunity to review submittals and attend Town Meetings with the Board members to grant approvals as the Township Engineer for Lykens and Jackson Townships in Pennsylvania.

I have experienced with CADD 2000, 2005 & 2006 and familiar with Land Desktop, Microsoft Outlook 2003, Microsoft Word and Excel 2003 for the development of construction documents and specifications, preparation of proposals, reports and other office related documents along with basic field survey experience necessary for site related issues and design.

Education and Professional Training Experience

Catonsville Community College of Baltimore, Maryland
Pursued a AA degree in Engineering, Grade A/B average

Arundel Institute of Technology of Baltimore, Maryland
Graduated as a Drafting/Design Technician, AIT G.P.A. 87%

Essex Community College of Baltimore, Maryland
Majored in Math and Drafting, Grade B average

Dale Carnegie Course in Baltimore, Maryland
Effective Speaking and Human Relations

Work Experience

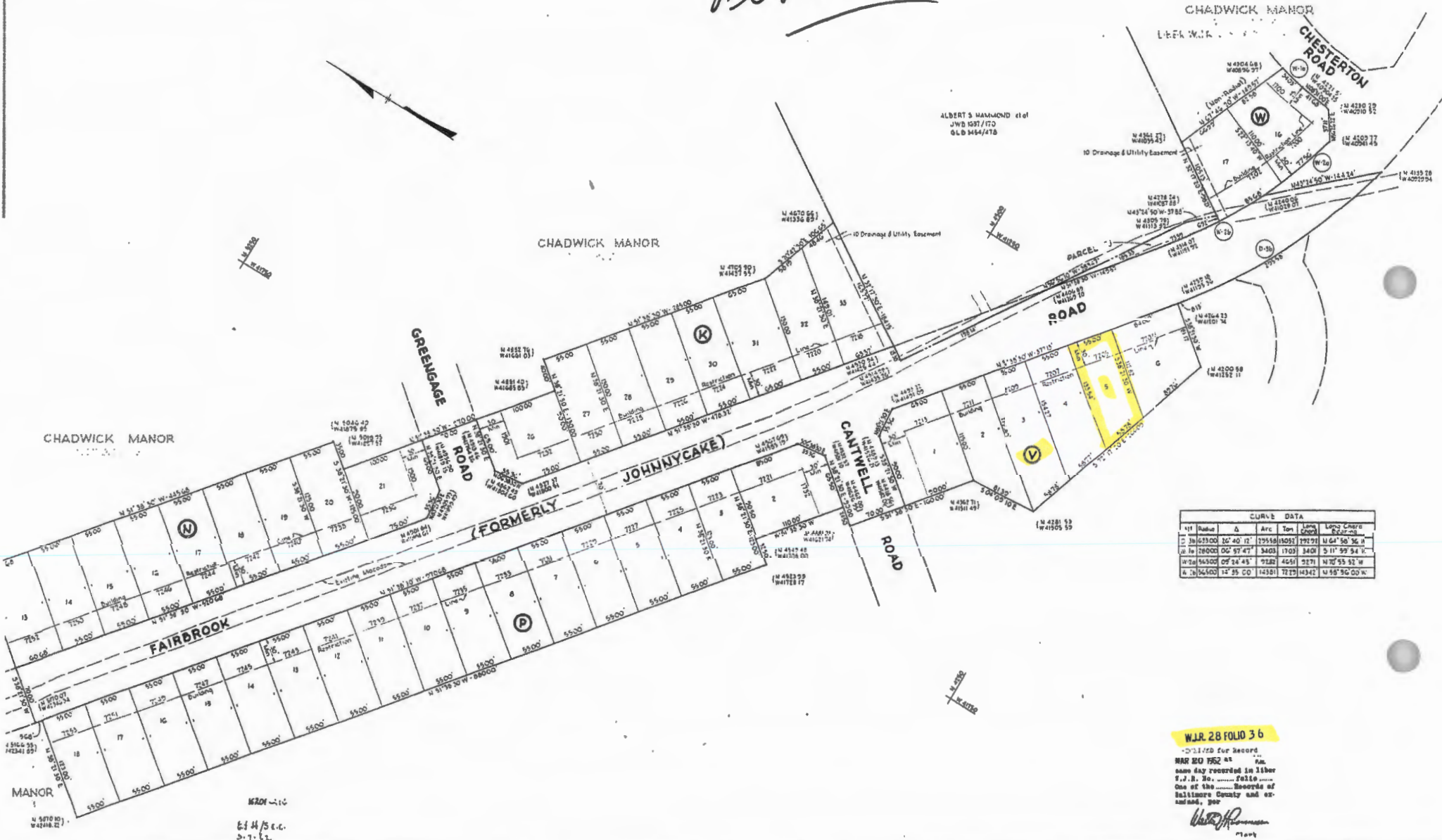
2009 to Present:

Provided Consulting and Engineering as a sub-consultant for various Clients and projects of Commercial and Residential projects for **Development & Design Solutions, LLC** in Baltimore, Maryland.

My responsibilities included Land Planning, Site Feasibility Studies and Due Diligence Studies and reports, Prepare and attend various Baltimore County meetings with the Development Review Committee (DRC), Hearing Officers Hearings, and Zoning Variances to obtain approvals. I was the Project Manager / Engineer of multiple projects relating to project scheduling and budgeting, Preparation and processing of construction documents associated with Site Layout, Grading Plans

11-1-11
Oliver + Felicia Webb
Case# 11-743-A
CBA
Pet. Ex 2

Ref No 3



APPROVED By County Health Department <i>[Signature]</i> Date <i>11/24/56</i>	Coordinates shown are extensions made from Baltimore City coordinates as established by Baltimore City Topographical Commission. Bearings refer to true north Baltimore, and are based on Baltimore County Metropolitan District control points. X-1936 and X-1938.	ENGINEERS WHITMAN REQUARD & ASSOCIATES 1304 St. Paul Street Baltimore 2, Maryland <i>[Signature]</i> ROY H. RYTER Registered Land Surveyor NO. 339	Penions Terrace, Inc et al 700 Reimann Ave., "Bureau 6, Maryland OWNER OWNER'S CERTIFICATE Certification is hereby made that the requirements of the annotated code of Maryland, chapter 1016, Act of 1945, have been complied with on this plat. <i>[Signature]</i> Vice-President	The streets or roads as shown hereon are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the lands thereof is especially reserved in the owner. Approved Baltimore County Planning Board By: <i>[Signature]</i> Date: <i>11/24/56</i> Approved Baltimore County Highway Department By: <i>[Signature]</i> Date: <i>11/24/56</i>	CHADWICK MANOR SECTION V-A BALTIMORE COUNTY, MARYLAND DATE: NOVEMBER 30, 1951 SCALE: 1"=50'
--	--	--	--	---	--

PCT. Ex 3 case# 11-243-A Wc66/H-11

ROAD



SCALE: 1"=30'



01.13.2011





01.13.2011

2



01.13.2011





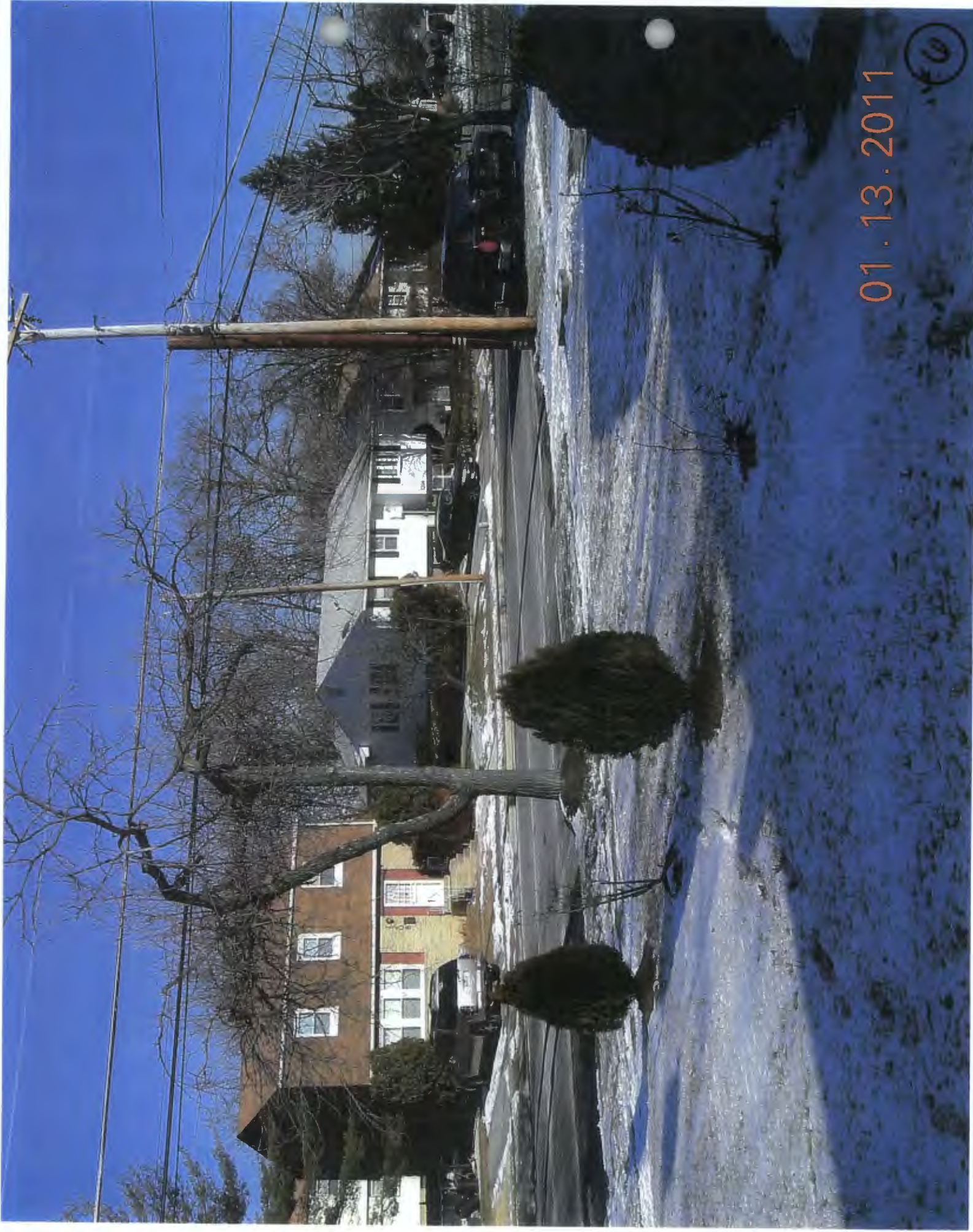
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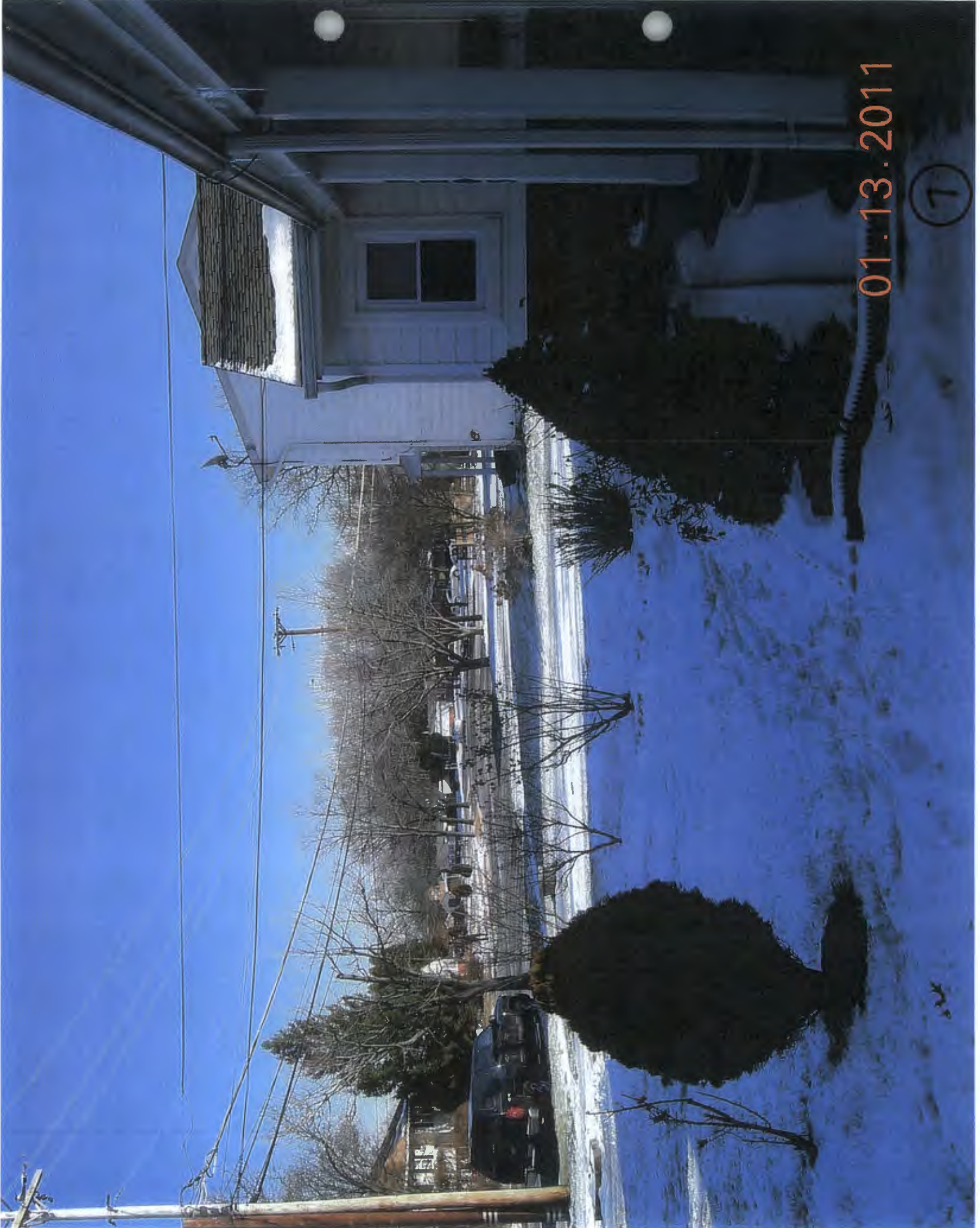
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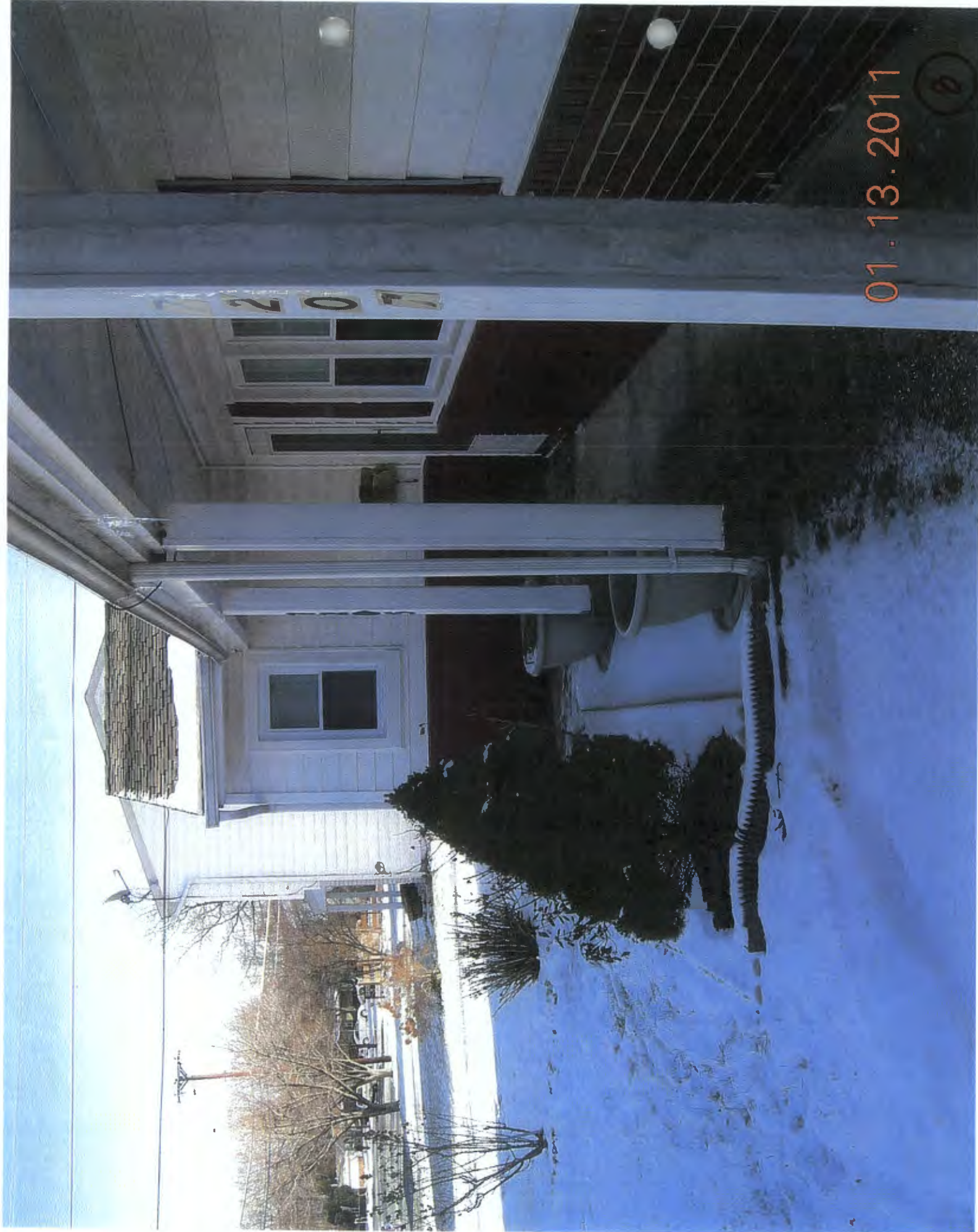
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01.13.2011

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01.13.2011





01.13.2011

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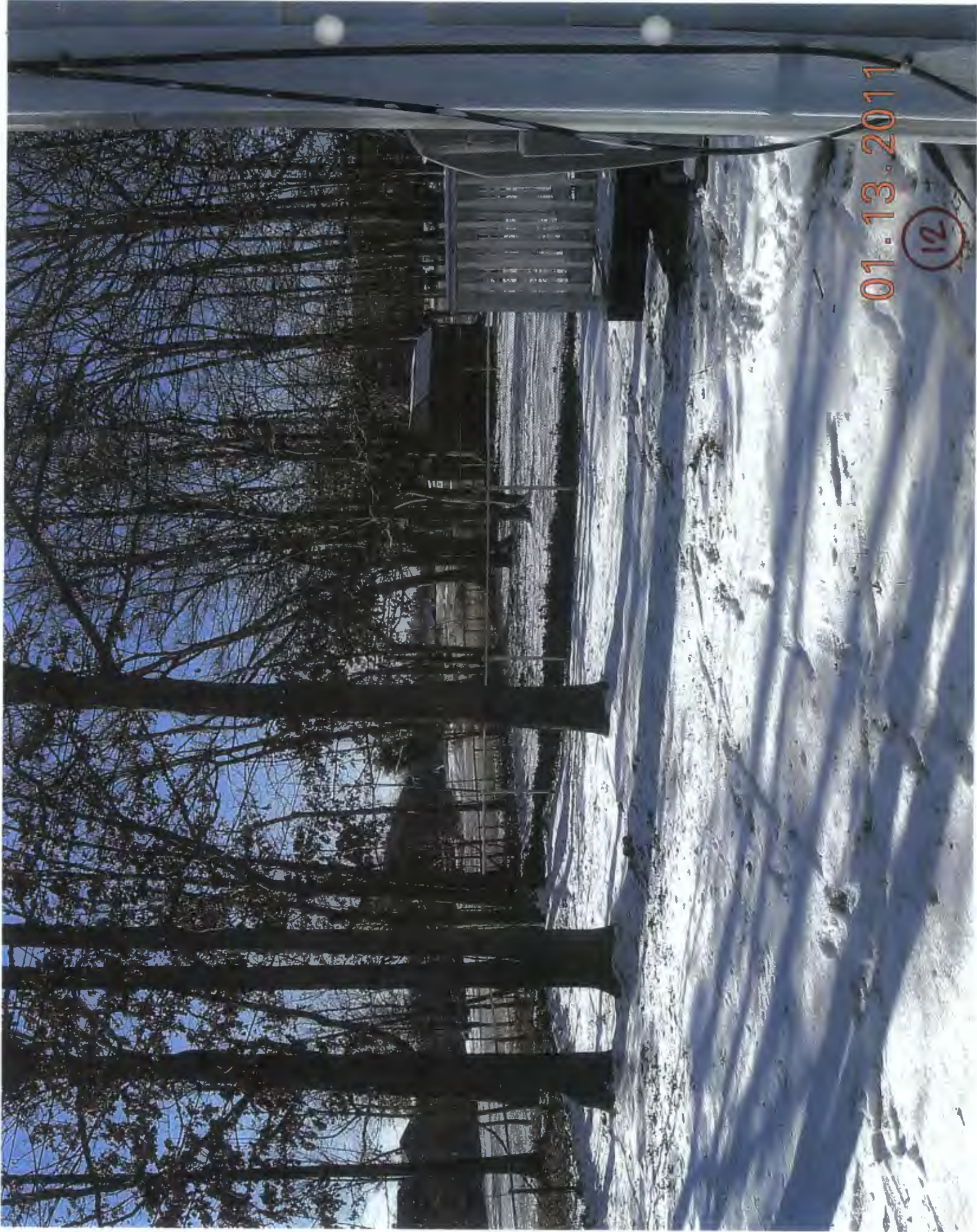
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01.13.2011

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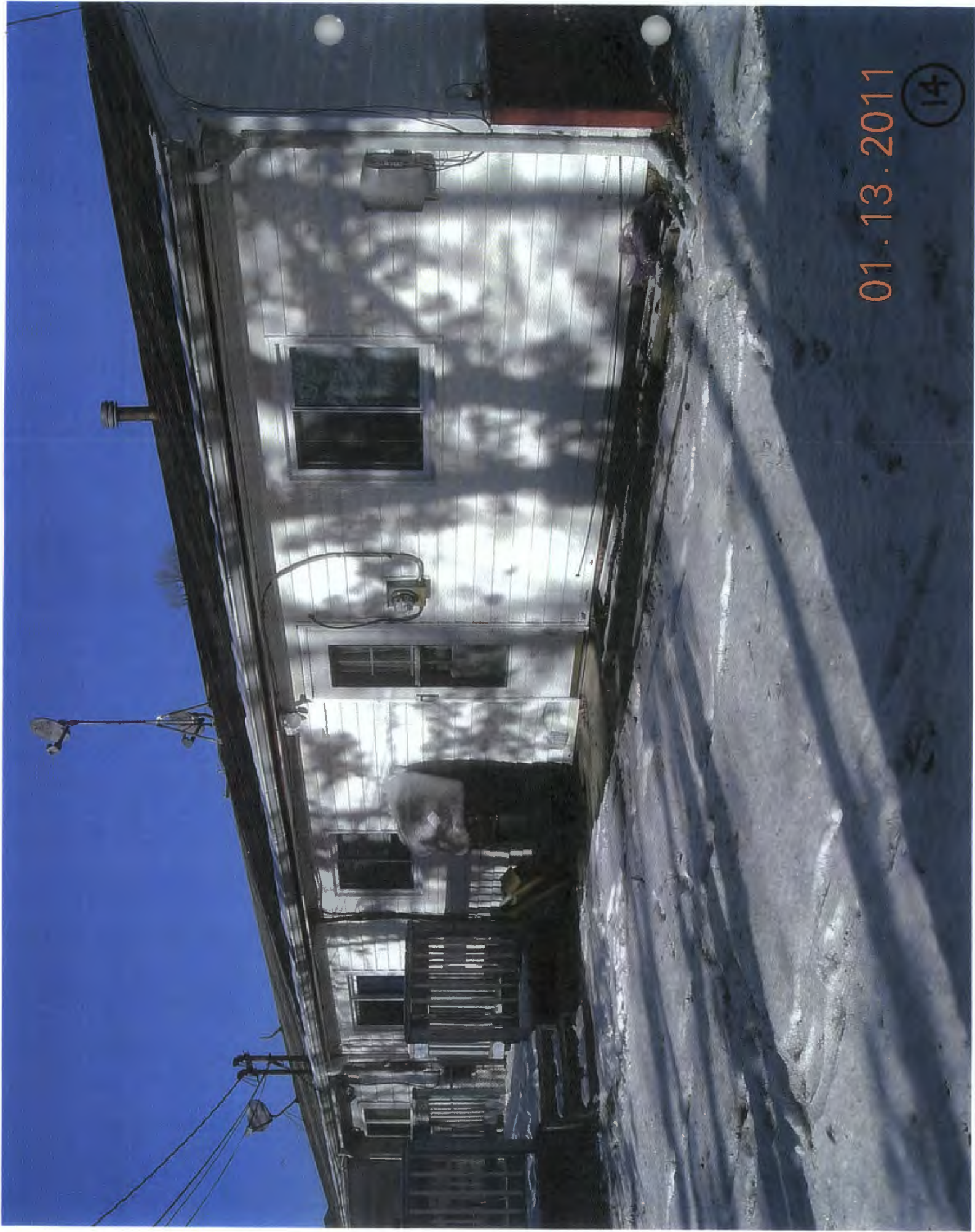
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01.13.2011

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01.13.2011

14



01.13.2011

15



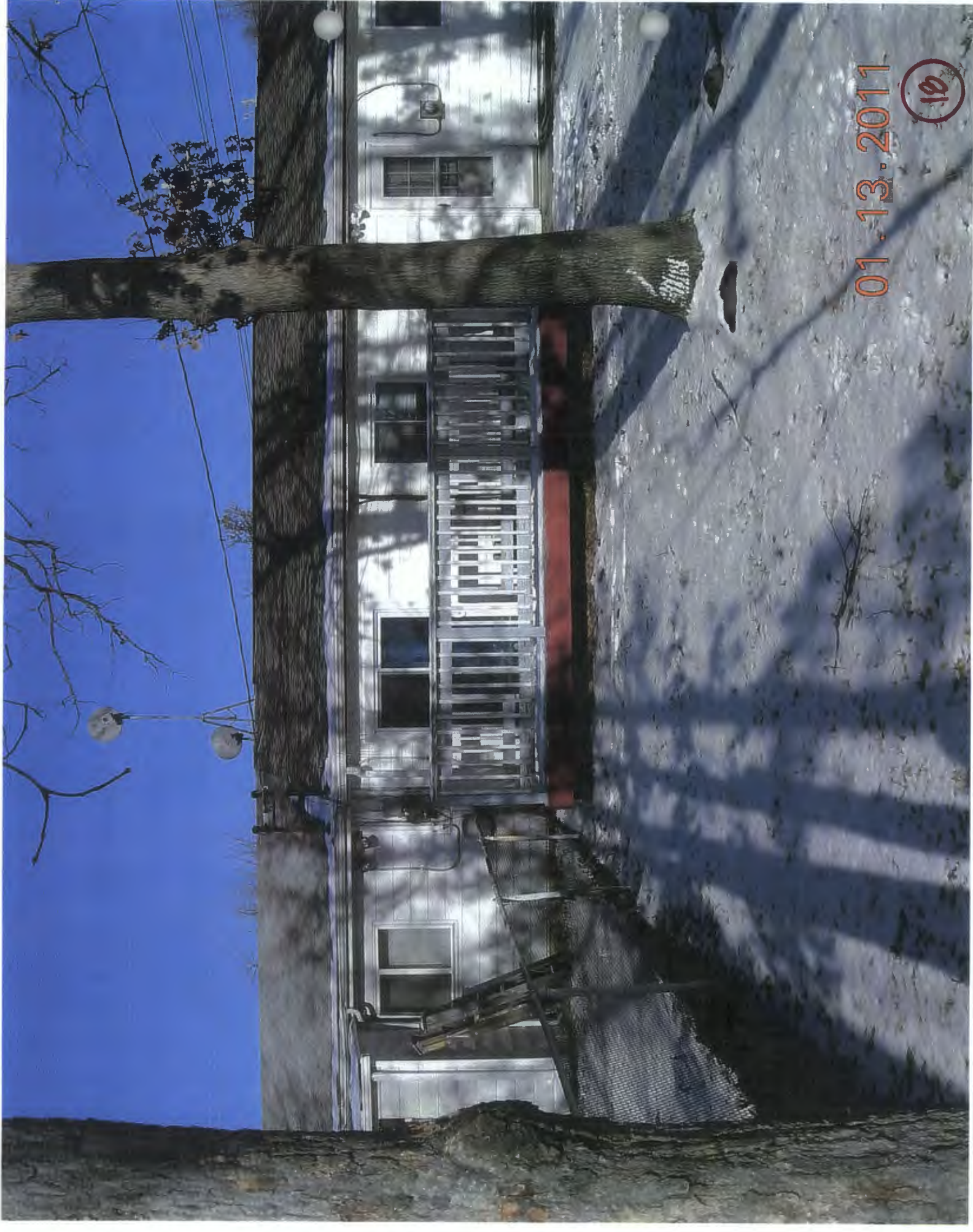
01:13:2011

16



01.13.2011

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01.13.2011

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01.13.2011

20



let No 5

March 15, 2011

Baltimore County
Department of Permits, Approvals & Inspections
Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Attention: Mr. Arnold Jablon, Director

Re: Case Number 2011-0243-A
7205 Fairbrook Road
Windsor Mill, Maryland 21031

Dear Mr. Jablon,

As the adjacent property owner of 7203 Fairbrook Road, We are aware of the above referenced property owner requesting an variance to permit a parking setback of 2 ½ feet from our property line in lieu of the minimum required 10 feet for the proposed Assisted Living Facility. We understand that the required two parking spaces will utilize the existing concrete driveway.

We understand that the required parking spaces could be provided in the rear yard area to meet the required setbacks as shown on the attached sketch. However we have no objections to the above requested variance to provide the required two parking spaces utilizing the existing concrete driveway.

Signature: _____

Hartford B Dodson

Date: _____

03-16-11

Print Name: _____

Hartford B Dodson Jr

Signature: _____

Date: _____

Print Name: _____

Address: _____

7203 Fairbrook Road

Windsor Mill, Maryland 21244

Attachments

Pct. Ex #5
C.B.A. # 11-243-A
Webb 11-1-11



04.15.2011

pet ex #6 con 11-243-A Webb 11-1-11



04.15.2011



04.15.2011



04.15.2011



04.15.2011



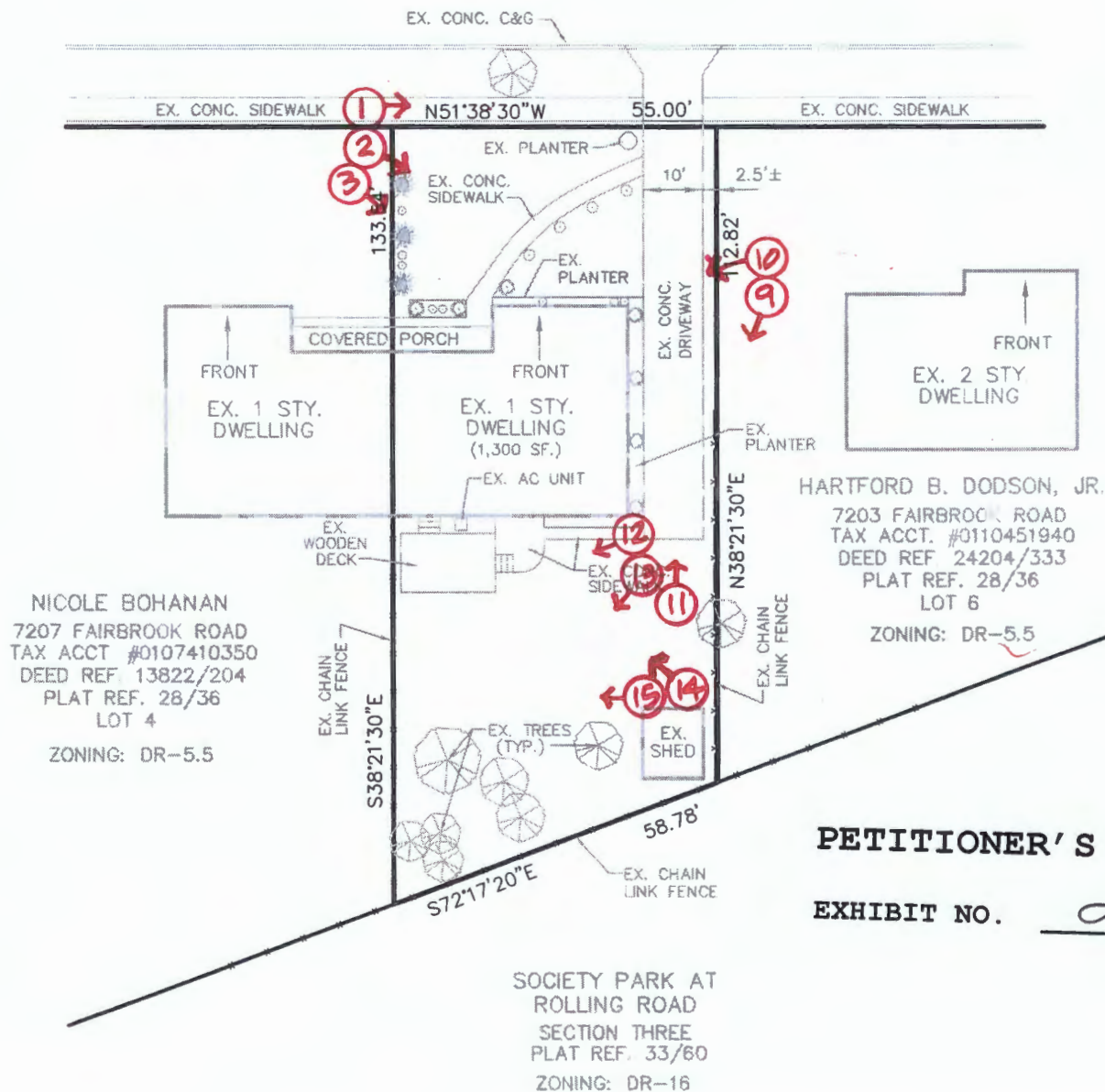






FAIRBROOK

ROAD



PETITIONER'S

EXHIBIT NO.

2

SOCIETY PARK AT
ROLLING ROAD
SECTION THREE
PLAT REF. 33/60
ZONING: DR-16

PHOTOGRAPH LAYOUT

SCALE: 1"=30'

Item #0243

FAIRBROOK ROAD

EX. CONC. C&G

EX. 70' R/W

EX. 42' PAVING

230'± TO C OF BLUFFDA

EX. CONC. C&G

EX. CONC. SIDEWALK

N51°38'30"W

55.00'

EX. CONC. SIDEWALK

25'±

133.54'

EX. PLANTER

EX. CONC. SIDEWALK

31'±

EX. PLANTER

EX. CONC. DRIVEWAY

10'

P.O.B.

2.5'±

25'±

20'±

PROP. PARKING SPACES (8.5'x18')

EX. 2 S DWELLING

FRONT

EX. 1 STY. DWELLING

28'

COVERED PORCH

17.5'

FRONT

EX. 1 STY. DWELLING (1,300 SF.)

28'

EX. AC UNIT

40'

EX. WOODEN DECK

EX. CONC. SIDEWALK

15'±

HARTFORD B. DOC

7203 FAIRBROOK

TAX ACCT. #0110

DEED REF. 2420

PLAT REF. 28

LOT 6

ZONING: DR-

NICOLE BOHANAN
7207 FAIRBROOK ROAD
TAX ACCT. #0107410350
DEED REF. 13822/204
PLAT REF. 28/36
LOT 4

ZONING: DR-5.5

EX. CHAIN LINK FENCE

S38°21'30"E

PROP. OPEN SPACE (800 SF.)

EX. TREES (TYP.)

OPEN SPACE (1,000 SF.)

EX. SHED

EX. CHAIN LINK FENCE

PETITIONER'S

EXHIBIT NO.

3

EXHIBIT 'A'

SCALE: 1"=20'

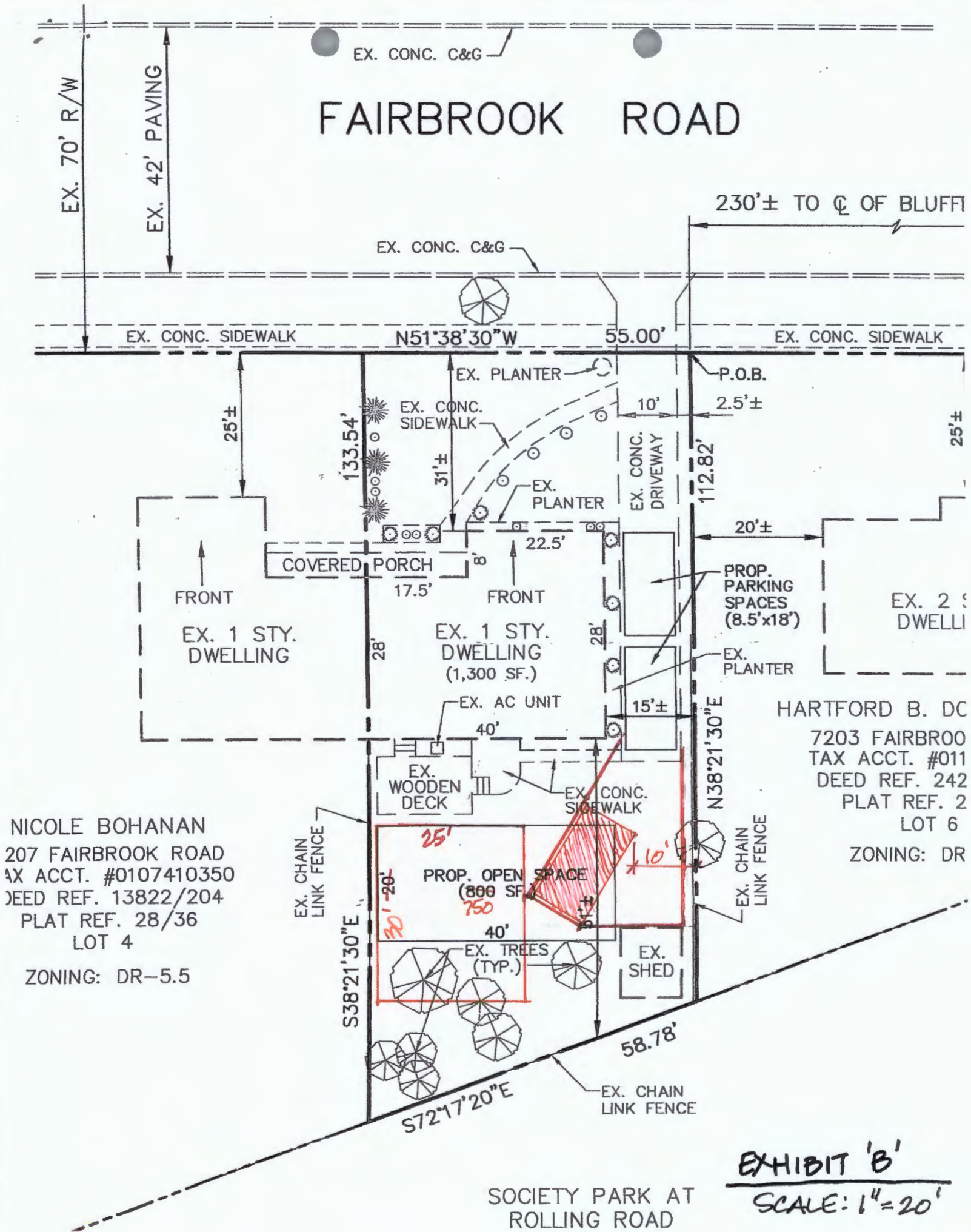
SOCIETY PARK AT
ROLLING ROAD
SECTION THREE

EX. C LINK

58

S72°17'20"E

FAIRBROOK ROAD



March 15, 2011

Baltimore County
Department of Permits, Approvals & Inspections
Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

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Signature:

Hartford B Dodson

Date:

03-16-11

Print Name:

Hartford B Dodson Sr

Signature:

Date:

Print Name:

Address:

7203 Fairbrook Road

Windsor Mill, Maryland 21244

Attachments

[illegible]

PLAN

SCALE: 1"=20'

CASE

DDS PROJECT #2011-0001.00

Ret. Ex/ CBA 11-243-A Webb 11-1-11

Petitioner $\overline{K}$