

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
AND VARIANCE**

N side Marriottsville Road, 900 feet E of
c/l of Powells Run Road
2nd Election District
4th Councilmanic District
(10712 and 10714 Marriottsville Road)

Ptach of Baltimore, c/o Associated Jewish Charities
Legal Owner
Asian American Community Association, Inc.
Contract Purchaser

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
*
* **Case No. 2011-0263-SPHA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Deborah Dopkin, Esquire on behalf of Ptach of Baltimore, c/o Associated Jewish Charities, the legal property owner. Petitioner is requesting Special Hearing relief as follows:

- To affirm, to the extent necessary, variance relief granted in Case No. 92-161A; and
- To affirm, to the extent necessary, front and side yard setback relief granted in Case No. 99-182-A; and
- To affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; and
- To affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA.

Petitioner is requesting Special Exception relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 425.5 to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities. Petitioner is also requesting Variance from B.C.Z.R. Section 1A04.3.B.2.b To permit a building setback from a lot line of 15 feet in lieu of the previously allowed 20 feet. The subject property

ORDER RECEIVED FOR FILING

Date

5-6-11

By

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and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Deborah Dopkin, Esquire, attorney for the Petitioner, Ptach of Baltimore, c/o Associated Jewish Charities, the legal owner, and Choon S. Lee and Amy S. Lee, of the Asian American Community Association, Inc., the contract purchaser. Also attending was Richard Matz with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan, Cathy Wolfson on behalf of the Greater Patapsco Community Association and Emily Wolfson.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment dated March 15, 2011, was received from the Fire Marshal's Office which indicates that the proposed building shall comply with the provisions of the Baltimore County Fire Prevention Code, County Bill NO. 48-10 dated July 19, 2010 (Adult Group Day Care Center up to 150 Adults). A comment was received from the Department of Environmental Protection and Sustainability dated March 18, 2011, which indicates that the proposal will require review by the Groundwater Management at building permit stage.

Richard Matz with Colbert Matz Rosenfelt, Inc., testified on behalf of the Petitioner and he was accepted as an expert in land use and the zoning and development regulations of Baltimore County. As a professional engineer, he has been familiar and involved in the evolution of the site for over 10 years. He prepared and sealed the red line plat to accompany the present petition.

The witness described the property, its location in an RC 5 zone, and reviewed its land use and zoning history. The site has been used for institutional and educational purposes since 1999. He described the relief being requested in the instant petition; namely, a reaffirmation of the previously granted relief as it relates to this site, a further variance of 15 feet in lieu of 20 feet for

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By [Signature]

the previously permitted lot line setback of 10714 Marriottsville Road, and a special exception to allow an adult day care center in an RC 5 zone for up to 150 adults.

He briefly described the plan for the new day care center as operating five days per week from 8:00 am to 3:00 pm and 8:00 to 12 noon on Saturday. There would be cultural activities in the evening and after school facilities for children from 4:00 pm to 7:00 pm. Day care clients would primarily be brought to the site and returned home by vans. There would be a full time caretaker on the grounds. A staff of 21 or 22 employees who would conform to and meet all COMAR and related requirements and registrations, and parking for more than 22 spaces for staff and visitors are already existing on the site. There would be initially 35 adults as day care clients. A two floor extension of 10714 Marriottsville Road, resulting in only a slight visual change, would be necessary to expand the site's facilities to accommodate the additional day care clients requested in the petition. There will be a nurse, part time doctor, and administrative staff, primarily in the original stone "mansion" building, but no commercial kitchen on the premises. Catered box lunches would be brought in daily. In sum, Mr. Matz opined that the prior use of the site as a school was more intensive than that which is proposed in the petition. He believes that, even at the 150 person level, traffic will actually be reduced. Moreover, with the nearest adjacent neighbors 130 and 140 feet and an empty field away from the site, he believes the impact on the surrounding community will be less than that which has previously been permitted and experienced.

The witness described the waste and water facilities of the site for the proposed use. There are two wells on the site and two septic pump systems to septic reserve areas. Pump tests for water measured on a residential standards basis, were carried out which far exceeded required amounts, and which Baltimore County concluded were more than adequate. It was noted that

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By [Signature]

there was land for additional septic areas available if necessary. A memorandum from Robert Powell, on behalf of Baltimore County regarding water usage estimates was submitted as Petitioner's Exhibit 8.

As to the use of the site, as an adult day care center, Mr. Matz stated that the proposed use as an adult day care center was treated like a group child care center and was thus allowed as a special exception use in the RC 5 zone. He submitted a letter from R. David Duvall, a zoning review planner dated February 3, 2011, to that advisory effect and it was entered as Petitioner's Exhibit 3. The witness therefore addressed the requirements of subsection 502.1 of the B.C.Z.R. to qualify the proposed adult day care center as a special exception use on the subject site. He stated that the requested special exception will not: A) be detrimental to the health, safety or general welfare of the locality involved; B) tend to create congestion in roads, streets or alleys therein; C) create a potential hazard from fire or panic or other danger; D) tend to overcrowd land or cause undue concentration of population; E) interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements; F) interfere with adequate light and air; G) be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; H) be inconsistent with the impermeable surface and vegetative retention provisions of the zoning regulations; I) nor be detrimental to the environmental and natural resources of the site and vicinity including forest, streams, wetlands, aquifers and floodplains in an RC 2, RC 4, RC 5, or RC 7 zone.

Turning to the variance request, Mr. Matz noted the unusual shape of the property, with the peculiar convergence of three lots, the steep topography, the existence of a pond along with forest conservation and buffer areas, as well as existing wetlands to support his opinion that the property

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By J

was clearly unique. He believed that as a result, strict compliance as to the area setbacks and limitations, absent the previous variances granted as well as that now requested in the instant case, would cause practical difficulty to the Petitioner in carrying out its permitted use; and in any event, would render conformance unnecessarily burdensome.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. As to the special exception request, I find that the adult day care center and related activities are in fact proper uses of the site and that, based upon the uncontroverted testimony of witness Matz, I am convinced that the conditions set forth in Section 502.1 have been satisfied. As to the special hearing, in order to carry out the activities permitted under the special exception request, I find it reasonable and appropriate to reaffirm the area variances as previously granted to the site, and which are included in the instant petition. As to the new variance request presented in this instant petition, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). *McLean v Soley*, 270 Md. 208 (1973).

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing, Special Exception and Variance requests should be GRANTED.

ORDER RECEIVED FOR FILING

Date 5-6-11

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By [Signature]

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County
this 6th day of May, 2011, that Petitioner's Special Hearing request as follows:

- To affirm, to the extent necessary, variance relief granted in Case No. 92-161A; and
- To affirm, to the extent necessary, front and side yard setback relief granted in Case No. 99-182-A; and
- To affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; and
- To affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA.

be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Special Exception request pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 425.5 to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance request from B.C.Z.R. Section 1A04.3.B.2.b To permit a building setback from a lot line of 15 feet in lieu of the required 20 feet be and are hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The proposed building shall comply with the provisions of the Baltimore County Fire Prevention Code, County Bill NO. 48-10 dated July 19, 2010 (Adult Group Day Care Center up to 150 Adults).
3. As regards 10714 Marriottsville Road, a water meter will be required to be installed on the incoming water supply to the building during the first stage of occupancy, and said meter shall be read and recorded on a routine basis.

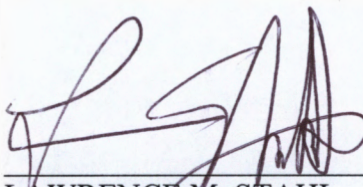
ORDER RECEIVED FOR FILING

Date 5-6-11

6

By jr

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

A handwritten signature in dark ink, appearing to read 'LMS', is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

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Date 5-6-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

May 6, 2011

DEBORAH DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MD 21204

Re: Petition for Special Hearing, Special Exception and Variance
Case No. 2011-0263-SPHXA
Property: 10712 and 10714 Marriottsville Road

Dear Ms. Dopkin:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. 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, appearing to read "L. Stahl", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Cathy Wolfson, 8434 Dogwood Road, Baltimore MD 21244
Emily Wolfson, 8506 Church Lane, Randallstown MD 21133



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10712 Marriottsville Road
which is presently zoned RC-5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

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:

Asian American Community Association, Inc.

Name - Type or Print

Signature

11301 Bishop Gates Lane

Address

Telephone No.

Laurel,

MD

20723

City

State

Zip Code

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Deborah Dopkin, P.A.

Company

409 Washington Avenue

410-821-0200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

fax 410-423-8519

Legal Owner(s):

Ptch of Baltimore

c/o Associated Jewish Charities

Name - Type or Print

Signature

Name - Type or Print

Signature

101 West Mount Royal Ave. 410-727-4828

Address

Telephone No.

Baltimore,

MD

21201

City

State

Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

Colbert Matz Rosenfelt, Inc.

Name

2835 Smith Ave., Suite G 410-653-3838

Address

Telephone No.

Baltimore,

MD

21209

City

State

Zip Code

fax 410-653-7953

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2011-0263-SPHXA

UNAVAILABLE FOR HEARING

ORDER RECEIVED FOR FILING

Reviewed By

Date

Date

Bv

PETITION FOR SPECIAL HEARING

To affirm, to the extent necessary, variance relief granted in Case No. 92-161-A;

To affirm, to the extent necessary, front and sideyard setback relief granted in Case No. 99-182-A;

To affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; ;

To affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA.

Item # 0263



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10712 Marriottsville Road
which is presently zoned RC-5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

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 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/Lessee:

Asian American Community Association, Inc.

Name - Type or Print

Signature

11301 Bishop Gates Lane

Address

Telephone No.

Laurel,

MD

20723

City

State

Zip Code

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Deborah Dopkin, P.A.

Company

409 Washington Avenue

Suite 1000

410-821-0200

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Ptach of Baltimore

c/o Associated Jewish Charities

Name - Type or Print

Signature

Name - Type or Print

Signature

101 West Mount Royal Ave., 410-727-4828

Address

Telephone No.

Baltimore,

MD

21201

City

State

Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

Colbert Matz Rosenfelt, Inc.

Name

2835 Smith Ave., Suite G 410-653-3838

Address

Telephone No.

Baltimore,

MD

21209

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No.

2011-0263-SPHXA

UNAVAILABLE FOR HEARING

Reviewed By

Date

ORDER RECEIVED FOR FILING

Date

5-6-11

By

PETITION FOR SPECIAL HEARING

To affirm, to the extent necessary, variance relief granted in Case No. 92-161-A;

To affirm, to the extent necessary, front and sideyard setback relief granted in Case No. 99-182-A;

To affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; ;

To affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA.

Item # 263



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 10712 Marriottsville Road

which is presently zoned RC-5

Deed Reference: 16758 / 307 Tax Account # 2300003589 - 2300003590 2300003591

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

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 Exception, 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:

Asian American Community Association, Inc.

Name - Type or Print

Signature

11301 Bishop Gates Lane

Address

Laurel, MD

Telephone No.

20723

City

State

Zip Code

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Deborah Dopkin, P.A.

Company

409 Washington Avenue

Suite 1000

Address

Towson, MD

410-821-0200

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Ptach of Baltimore
c/o Associated Jewish Charities

Name - Type or Print

Signature

Name - Type or Print

Signature

101 West Mount Royal Ave., 410-727-4828

Address

Telephone No.

Baltimore, MD

21201

City

State

Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
Colbert Matz Rosenfelt, Inc.

Name

2835 Smith Ave., Suite G 410-653-3838

Address

Telephone No.

Baltimore, MD

21209

City

State

Zip Code

Case No. 2011-0263-SPHXA

ORDER RECEIVED FOR FILING

Date

5-6-11

By

[Signature]

REV 07/27/2007

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

[Signature]

Date

3/4/11

PETITION FOR SPECIAL EXCEPTION

Pursuant to BCZR Section 424.5, to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities;

Item # 263



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 10712 Marriottsville Road
which is presently zoned RC-5

Deed Reference: 16758 / 307 Tax Account # 2300003589 -- 2300003591
2300003590

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)

See Attached.

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

To be presented at Hearing.

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:

Asian American Community Association, Inc.

Name - Type or Print

[Signature]

Signature

11301 Bishop Gates Lane

Address

Telephone No.

Laurel,

MD

20723

City

State

Zip Code

Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

[Signature]

Signature

Deborah Dopkin, P.A.

Company

409 Washington Avenue

410-821-0200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Ptach of Baltimore, c/o Associated

Name - Type or Print

Jewish Charities

[Signature]

Signature

Name - Type or Print

Signature

101 West Mount Royal Ave., 410-727-4828

Address

Telephone No.

Baltimore,

MD

21201

City

State

Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

Name

Colbert Matz Rosenfelt, Inc.

Address

2835 Smith Ave., Suite G 410-653-3838

Address

Telephone No.

Baltimore,

MD

21209

City

State

Zip Code

Case No. 2011-0263-SPHXA

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing

Unavailable For Hearing

REV 8/20/07

Date

5-6-11

Reviewed by

[Signature]

Date

3/4/11

By

[Signature]

Variance

Pursuant to BCZR § 1A04.3.B.2.b to permit a building setback from a lot line of 15 feet in lieu of the required 50 feet.

Item #263

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 10710, 10712, 10714 Marriottsville Road

Beginning at a point on the north side of Marriottsville Road, which is 20 feet wide, at the distance of 900 feet east of the centerline of Powells Run Road, which is of varying width. Thence the following courses and distances:

N04°38'08" W 181.80 feet;
N06°38'08" W 320.00 feet;
N22°38'08" W 248.60 feet;
N83°32'21" E 701.36 feet;
S70°11'03" E 393.43 feet;
S23°20'42" W 115.08 feet;
S88°17'08" W 350.31 feet;
S04°43'25" W 531.47 feet; thence
N86°37'52" E 481.00 feet to the point of beginning.

As recorded in Deed Liber 16758, Folio 307 and containing 491,574.6 square feet (11.285 acres) more or less. Also known as 10710, 10712, and 10714 Marriottsville Road and Lots 1, 2, and 3 of Minor Subdivision 97-116-M, 10712 Marriottsville Road, and located in the 2nd Election District and 4th 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: 11-2-2012

Item #203



KEVIN KAMENETZ
County Executive

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

April 6, 2011

Mr. Mark Smolarz Ptach of Baltimore
c/o Associated Jewish Charities
101 West Mount Royal Avenue
Baltimore, MD 21201

RE: Case Number 2011-0263SPHXA, 10712 Marriottsville Road

Dear Mr. Mark Smolarz,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 4, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Deborah Dopkin, P.A., 409 Washington Avenue, Ste. 1000, Towson, MD 21204
Asian American Com. Assoc., Inc., 11301 Bishop Gates Lane, Laurel, MD 20723
Richard Matz, P. E., 2835 Smith Avenue, Suite C, Baltimore, MD 21209

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0263-SPHXA
Petitioner: ASIAN AMERICAN COMMUNITY ASSOCIATION, INC.
Address or Location: 10712 MARRIOTTSVILLE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY LEE, ASIAN AMERICAN ASSOCIATION, INC.
Address: 11301 BISHOP GATES LANE
LAUREL, MARYLAND 20723

Telephone Number: (410) 961-6448

Revised 2/17/11 DT

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

Go Back
View Map
New Search
Ground Rent Report
Ground Rent Report

Account Identifier: District - 02 Account Number - 2300003589

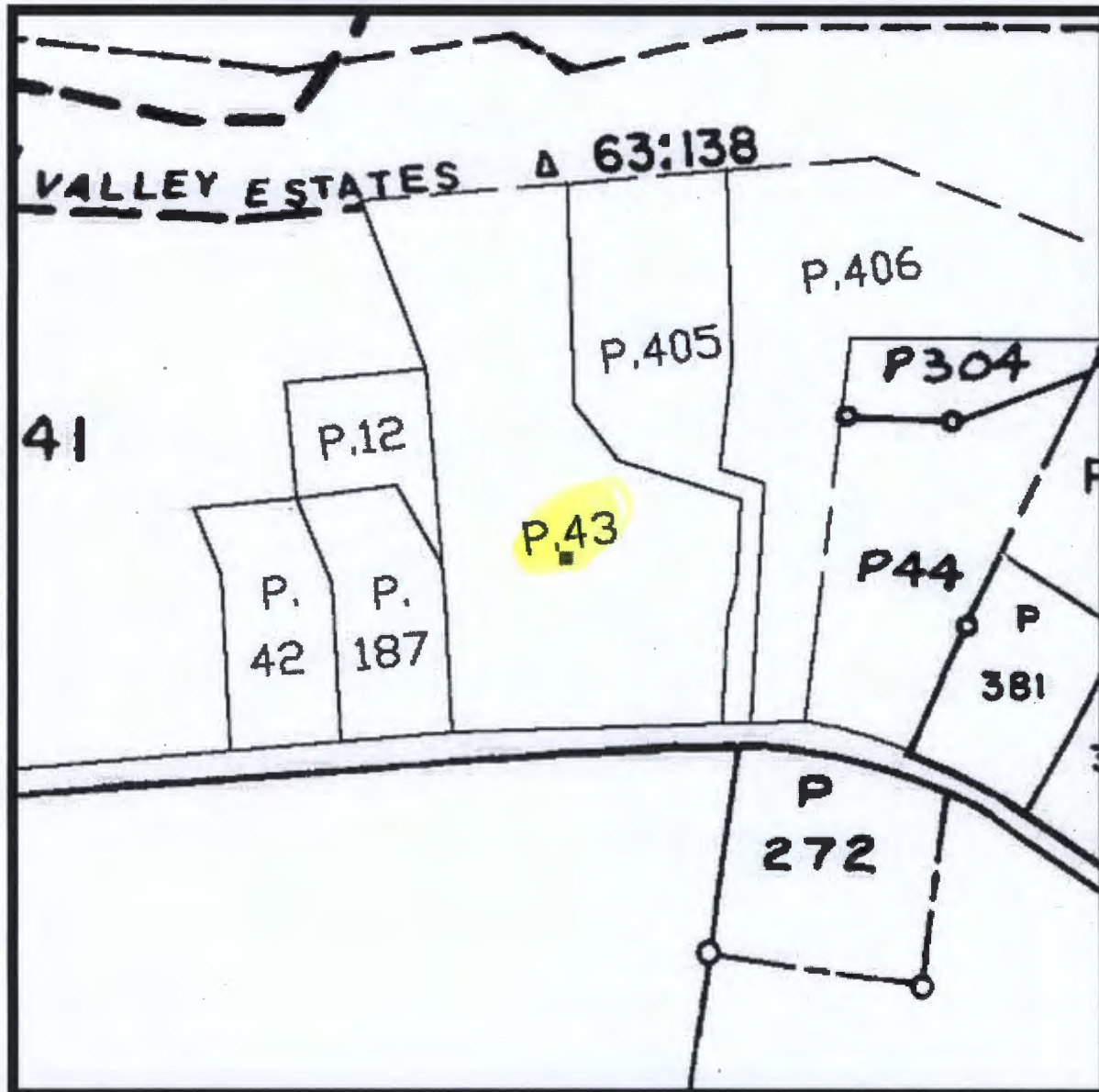
Owner Information									
Owner Name:	PTACH OF BALTIMORE INC				Use:	EXEMPT COMMERCIAL			
Mailing Address:	4445 OLD COURT RD BALTIMORE MD 21208-2736				Principal Residence:	NO			
					Deed Reference:	1) /16758/ 00307 2)			
Location & Structure Information									
Premises Address					Legal Description				
10712 MARRIOTTSVILLE RD 0-0000					5.213 AC 10712 MARRIOTTSVILL R NS 2350FT E OF HERNWOOD RD				
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0076	0002	0043		0000			1	1	Plat Ref
Special Tax Areas			Town	NONE					
			Ad Valorem						
			Tax Class						
Primary Structure Built				Enclosed Area	Property Land Area		County Use		
				3,868 SF	5.2100 AC		01		
Stories	Basement	Type	Exterior						
		OFFICE BUILDING							
Value Information									
	Base Value	Value	Phase-in Assessments						
		As Of	As Of	As Of					
		01/01/2010	07/01/2010	07/01/2011					
Land	521,000	0							
Improvements:	237,900	280,900							
Total:	758,900	280,900	749,800	280,900					
Preferential Land:	0		0						
Transfer Information									
Seller:	STINNETT DONALD W				Date:	08/28/2002		Price:	\$1,150,000
Type:	ARMS LENGTH MULTIPLE				Deed1:	/16758/ 00307		Deed2:	
Seller:	MILLER JAMES W				Date:	12/30/1998		Price:	\$340,000
Type:	ARMS LENGTH IMPROVED				Deed1:	/13410/ 00168		Deed2:	
Seller:	MILLER JAMES W/JUDITH G				Date:	06/17/1998		Price:	\$0
Type:	NON-ARMS LENGTH OTHER				Deed1:	/12946/ 00060		Deed2:	
Exemption Information									
Partial Exempt Assessments					Class	07/01/2011		07/01/2012	
County					710	280,900.00		0.00	
State					710	280,900.00		0.00	
Municipal					710			0.00	
Tax Exempt:					Special Tax Recapture:				
Exempt Class: CHURCH SCHOOLS					* NONE *				



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

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

District - 02 Account Number - 2300003589



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

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

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

4-11 1:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: March 18, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-263-SPHXA
Address 10712 Marriottsville Road
(Ptach of Baltimore, c/o Associated Jewish Charities)

Zoning Advisory Committee Meeting of March 14, 2011.

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

1. This will require review by Groundwater Mgmt at Building Permit.

Reviewer: Dan Esser; *Groundwater Management*

RECEIVED

MAR 18 2011

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 15, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **March 14, 2011**

Item No.:

Special Exception: 2011-0263-SPHXA

Comments:

The proposed building shall comply with the provisions of the Baltimore County Fire Prevention Code, County Bill No. 48-10 dated July 19, 2010. (Adult Group Day Care Center up to 150 Adults)

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 3/24/2011

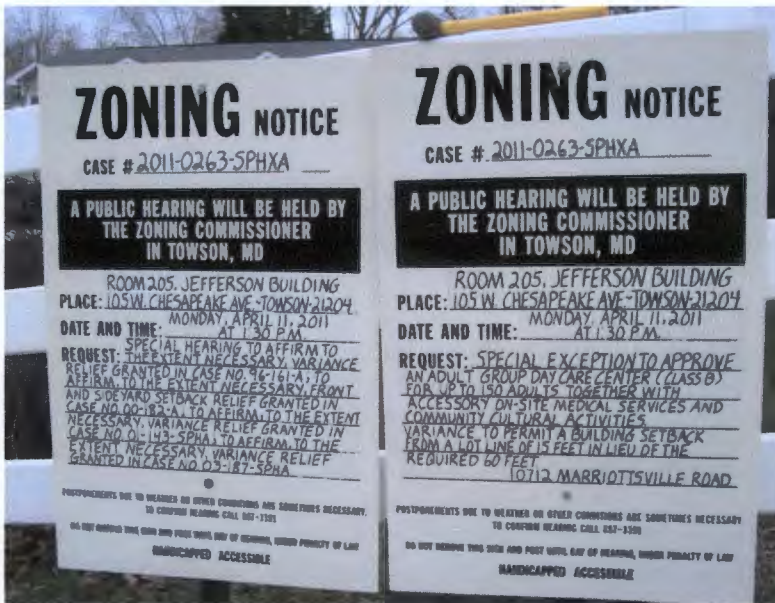
Case Number: 2011-0263-SPHXA

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~AMY LEE~
MARK SMOLARZ~RICHARD MATZ.

Date of Hearing (Closing): APRIL 11, 2011

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:
10712 MARRIOTTSTVILLE ROAD

The sign(s) were posted on: MARCH 24, 2011



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)

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

Case: # 2011-0263-SPHA

10712 Marriottsville Road
N/side of Marriottsville Road, 900 ft. east of c/line of Powells Run Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Ptach of Baltimore c/o Jewish Communities
Contract Purchaser: Asian American Community Association, Inc.

Special Hearing: to affirm to the extent necessary, variance relief granted in Case No. 96-161-A; to affirm, to the extent necessary, front and sideyard setback relief granted in Case No. 00-182-A; to affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA. **Special Exception:** to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities. **Variance:** to permit a building setback from a lot line of 15 feet in lieu of the required 60 feet.

Hearing: Monday, April 11, 2011 at 1:30 p.m. in Room 205, 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 Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, the Zoning Review Office at (410) 887-3391.

270691

CERTIFICATE OF PUBLICATION

3/24, 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 3/24, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 22, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2011
Item Nos. 2011- 259, 260, 261, 262,
263 and 266

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-03212011 -NO COMMENTS.doc



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

State Highway
Administration

Beverly K. Swain-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 15, 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 2011-0263 SPHXA
10712 MARRIOTTSVILLE RD
PACH OF BALTIMORE
SPECIAL HEARING -
SPECIAL EXCEPTION -

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. 2011-0263-SPHXA.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 24, 2011 Issue - Jeffersonian

Please forward billing to:

Amy Lee
Asian American Association, Inc.
11301 Bishop Gates Lane
Laurel, MD 20723

410-961-6448

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0263-SPHXA

10712 Marriottsville Road

N/side of Marriottsville Road, 900 ft. east of c/line of Powells Run Road

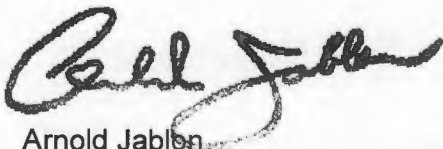
2nd Election District – 4th Councilmanic District

Legal Owners: Ptach of Baltimore c/o Jewish Communities

Contract Purchaser: Asian American Community Association, Inc.

Special Hearing to affirm to the extent necessary, variance relief granted in Case No. 96-161-A; to affirm, to the extent necessary, front and sideyard setback relief granted in Case No. 00-182-A; to affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; to affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA. Special Exception to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities. Variance to permit a building setback from a lot line of 15 feet in lieu of the required 60 feet.

Hearing: Monday, April 11, 2011 at 1:30 p.m. in Room 205, 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 ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (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

March 21, 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: 2011-0263-SPHXA

10712 Marriottsville Road

N/side of Marriottsville Road, 900 ft. east of c/line of Powells Run Road

2nd Election District – 4th Councilmanic District

Legal Owners: Ptach of Baltimore c/o Jewish Communities

Contract Purchaser: Asian American Community Association, Inc.

Special Hearing to affirm to the extent necessary, variance relief granted in Case No. 96-161-A; to affirm, to the extent necessary, front and sideyard setback relief granted in Case No. 00-182-A; to affirm, to the extent necessary, variance relief granted in Case No. 01-143-SPHA; to affirm, to the extent necessary, variance relief granted in Case No. 03-187-SPHA. Special Exception to approve an Adult Group Day Care Center (Class B) for up to 150 adults together with accessory on-site medical services and community cultural activities. Variance to permit a building setback from a lot line of 15 feet in lieu of the required 60 feet.

Hearing: Monday, April 11, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Deborah Dopkin, 409 Washington Ave., Ste. 1000, Towson 21204
Amy Lee, 11301 Bishop Gates Lane, Laurel 20723
Mark Smolarz, 101 West Mount Royal Avenue, Baltimore 21201
Richard Matz, 2835 Smith Ave., Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 26, 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.

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	*	
10712 Marriottsville Rd; N/side	*	ZONING COMMISSIONER
Marriottsville Rd, 900' E of c/l of Powells	*	
Run Road	*	FOR
2 nd Election & 4 th Councilmanic Districts	*	
Legal Owner(s): Ptach of Baltimore	*	BALTIMORE COUNTY
c/o Associated Jewish Charities	*	
Contract Purchaser: Asian American	*	2011-0263-SPHXA
Community Association, 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.

RECEIVED

MAR 11 2011

[Signature]

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

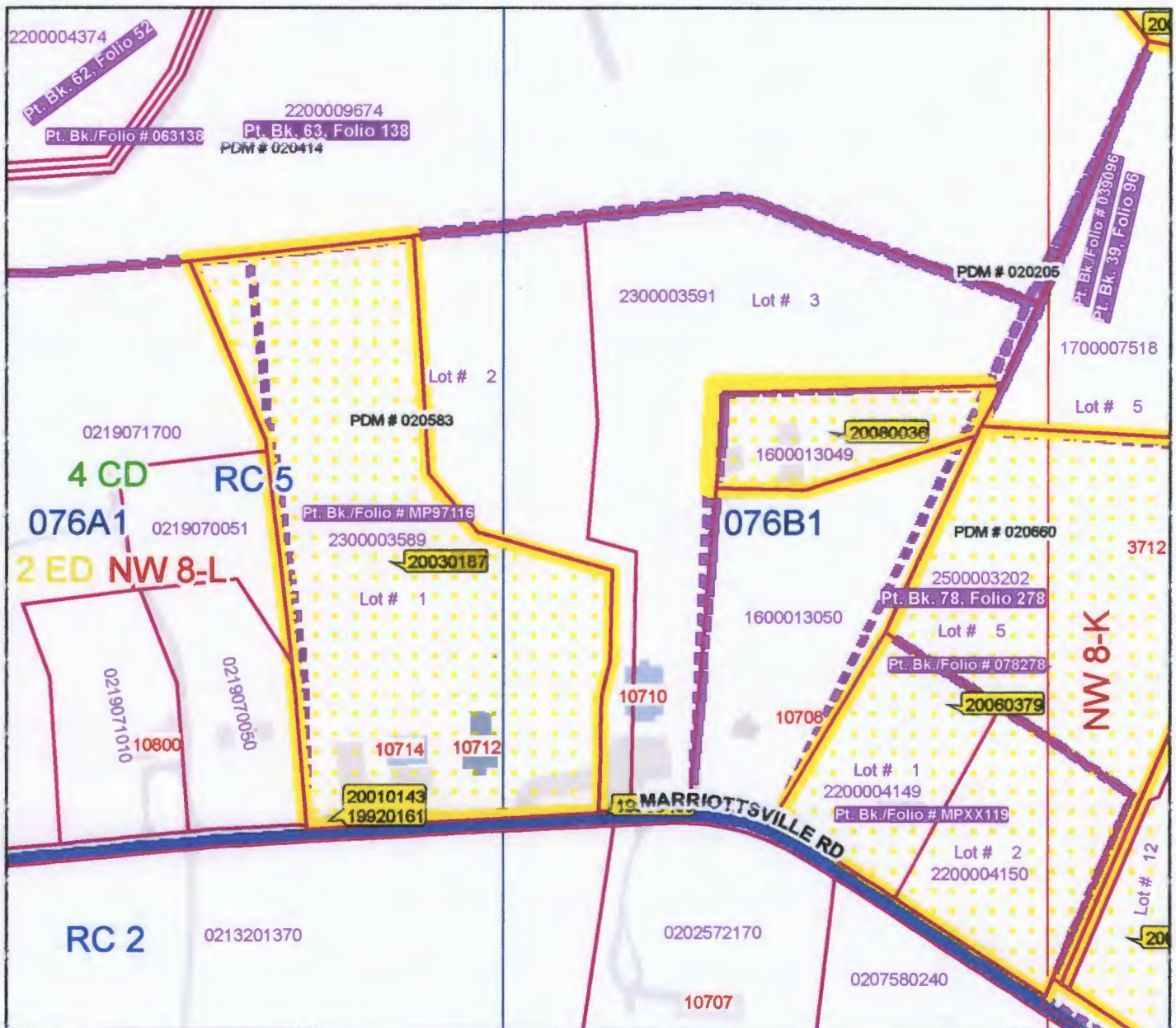
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10712 Marriottsville Road



Publication Date: February 23, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400
 Feet

1 inch = 200 feet

Item #263

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME Assoc Jew. Cmnty Fed
 CASE NUMBER 2011-263
 DATE 4-11-11

[illegible]

Case No.:

2011-0263-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Plot to accompany petition	
No. 2	Photos of site A-B	
No. 3	letter from R. Dunsell (B.G.) to Calb. Mch dated 2-3-11	
No. 4	1991 zoning documents	
No. 5	1-7-99 Variance Decision	
No. 6	11-14-2000 Spec. Hearing & Variance Decision	
No. 7	12-4-2000 Spec. Hearing & Variance Decision	
No. 8	4-8-11 memo from R. Dunsell to file.	
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER' S

EXHIBIT NO. 3

KEVIN KAMENETZ
County Executive

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

February 3, 2011

RECEIVED

FEB 07 2011

Colbert Matz Rosenfelt, Inc.

Ms. Carla Ryon
C/O Colbert, Matz, and Rosenfelt, Inc.
2835 Smith Avenue Suite G
Baltimore, MD 21209

Re: Zoning Verification
10712 Marriottsville Rd.
2nd Election District

Dear Ms. Ryon,

Your recent letter to this office regarding the above referenced property was forwarded to me for a response. Based on the provided information and a review of zoning records the following has been determined

The subject property is currently zoned Resource Conservation, Rural-Residential (RC-5) as shown on the official Baltimore County Zoning maps 076A1 and 076B1 (copies enclosed). This letter is to confirm that Adult Daycare Centers are treated like Group Child Care Centers in the RC-5 zoning designation.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. David Duvall".

R. David Duvall
Planner II
Zoning Review

RDD:men

Enc.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 19, 1991

Mr. James W. Miller
Ms. Judith G. Hatfield
10712 Marriottsville Road
Randallstown, Maryland 21133

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Marriottsville Road, 800' E of Powells Run Road
(10712 Marriottsville Road)
2nd Election District - 3rd Councilmanic District
James W. Miller and Judith G. Hatfield - Petitioners
Case No. 92-161-A

Dear Mr. Miller & Ms. Hatfield:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

PETITIONER'S

EXHIBIT NO. 4

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
 N/S Marriottsville Road, 800' E
 of Powells Run Road • ZONING COMMISSIONER
 (10712 Marriottsville Road) • OF BALTIMORE COUNTY
 2nd Election District • Case No. 92-161-A
 3rd Councilmanic District •
 James W. Miller and
 Judith G. Hatfield -
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER RECEIVED BY THE CLERK

Dec 11/24/91
 By [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1991 that the Petition for Residential Variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

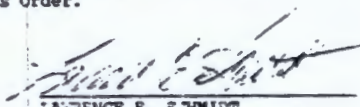
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

179

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-161-A

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, petition for a Variance from Section _____

\$400.3

400.1 To allow an accessory structure (detached garage) to be located in the side yard

in lieu of the required rear yard, AND 26' HIGH IN LIEU OF THE REQUIRED

15' IN AN R.C.S. ZONE

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

The house is a large stone structure built in 1790. The proposed garage was designed by an architect to complement the historic house. As a practical matter, the back yard drops off significantly and is occupied by a 1/4 acre spring fed pond.

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

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

James W. Miller
(Type or Print Name)

Signature

Judith C. Hatfield
(Type or Print Name)

Signature

10712 Marriottsville Road 922-5815
Address Phone

Randallstown, MD 21133
City/State/Zip Code

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

same as above

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: JRA DATE: 12-11-91

ORDER RECEIVED FOR FILING

Date

By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-161-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10712 Marriottsville Road
Randallstown, Maryland 21133
(Address)

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

The elevation and pond in rear yard do not permit erection of an accessory structure. An attached side garage would not be in harmony with the historic nature of the property.

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

[Signature]
AFFIANT (Handwritten Signature)

James W. Miller
AFFIANT (Printed Name)



[Signature]
AFFIANT (Handwritten Signature)

Judith G. Hatfield
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 19 91, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James W. Miller and Judith G. Hatfield

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/2/91
DATE

[Signature]
NOTARY PUBLIC
Dorothy M. Post, Notary
My Commission Expires: 5/1/94

October 3, 1991

Re: 10712 Marriottsville Road
Randallstown, MD 21133

92-161-A

EXPLANATION OF PRACTICAL DIFFICULTY:

Strict compliance with the requirement that a garage be located behind the house would be unreasonably difficult for the following reasons:

The backyard drops off directly behind the house by approximately 15 feet. The ground below the drop is laden with springs which feed into the pond.

The backyard to the left of the pond area is planted in apple and pear trees and is hilly. Elevation is approximately 8 feet higher than the house and goes up.

The backyard to the right of the house where the springhouse is located is wet and swampy. The closest a garage could be built on this side is approximately 100 feet from the house, not practical for carrying groceries, etc. from the car.

Strict compliance with the requirement that the garage be no higher than 15 feet would diminish the character and nature of the historic property. The house is a massive stone structure, circa 1790 with a frame addition built about 1900. The total area of the house exceeds 400 square feet. The house is very tall, with 10 foot ceilings on the first and second floors, and sits high on the lot. The foundation level of the house is six feet above the ground where the garage is proposed.

Our intention is to build a garage in harmony with the house and to enclose the area with gardens and walls into a colonial type compound. We believe that building a structure limited to 15 feet would detract from the appearance of the whole property and would diminish the value historically. We believe also that the size of the property, (11.53 acres) and the distance from the neighboring property and buildings render any impact of a relaxed height restriction insignificant.

John G. Stiefel
for W. J. Stiefel

EXHIBIT A

92-161-A

BEGINNING for the same at a point in the bed of Marriottsville Road at the end of the third line of the land described in a Deed from Otis W. Blunt to Fred Sadosky, dated April 18, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1104, folio 24 & c., said point being on the first line of the land described in the Deed from Otis W. Blunt to Joseph Schlee, dated March 18, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1274, folio 447 & c.; thence running along and in the bed of said road and reversely on a part of said first line of the secondly mentioned Deed, North 85 degrees 45 minutes West 481.85 feet to a point in line with the first line of the land described in a Deed from Joseph Schlee and wife to Anthony M. Schneider dated June 29, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1484, folio 2 & c.; thence running to and along the first line of the last mentioned Deed North 2 degrees 59 minutes East 181.8 feet to a pipe heretofore set at the end of said first line; thence running for lines of division now made and agreed upon North 00 degrees 59 minutes East 320 feet to a pipe, and North 15 degrees 01 minutes West 248.6 feet to a pipe set in the 16th line of the land described in a Deed from Joseph Schlee and wife to the Laurel Hill Country Club, Inc.; thence running and binding on a part of said 16th line and on the 17th line of the last mentioned Deed South 85 degrees 51 minutes East 701.36 feet to a pipe, and South 62 degrees 34 minutes East 393.85 feet to a pipe set in the fourth line of the whole tract conveyed in the Deed secondly mentioned above; thence running and binding on a part of said fourth line South 32 degrees 31 minutes West 115.0 feet to a pipe set in the end of the first line of the land described in the first Deed mentioned above; thence running and binding on the second and third lines of the Deed first mentioned above North 83 degrees 52 minutes West 351.0 feet to a pipe, and South 12 degrees 17 minutes West 530.0 feet to the point of beginning. Containing 11.34 acres of land, more or less.

BEING the same lot or parcel of ground which by Deed dated May 16, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8192, folio 200 was granted and conveyed by Elaine O. McDermott unto the within named Grantor.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 16, 1991

887-3353

COPY

James D. Miller and Judith G. Hatfield
10712 Marriottsville Road
Randallstown, MD 21133

Re: CASE NUMBER: 92-161-B
LOCATION: N/S Marriottsville Road, 800' E of Porcous Run Road
10712 Marriottsville Road
2nd Election District - 3rd Councilmanic

Dear Petitioner(s):

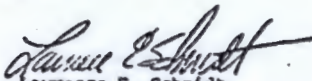
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

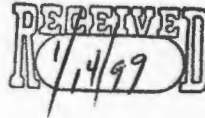
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.


Lawrence E. Schmidt
Zoning Commissioner, Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning



Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 7, 1999

Deborah Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Marriottsville Road, 1,267' E of the c/l of Powells Run Road
(10710 and 10714 Marriottsville Road
2nd Election District - 1st Councilmanic District
Kingsway Academy, Inc. - Petitioners
Case No. 99-182-A

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Donald Stinnett, President, Kingsway Academy, Inc.
17012 Marriottsville Road, Randallstown, Md. 21133

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G, Baltimore, Md. 21209

People's Counsel; Case File

PETITIONER' S

EXHIBIT NO. 5



IN RE: PETITION FOR VARIANCE
N/S Marriottsville Road, 1,267' E of
the c/l Powells Run Road
(10710 and 10714 Marriottsville Road)
2nd Election District
1st Councilmanic District

Kingsway Academy, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-182-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Kingsway Academy, Inc., by Donald Stinnett, President, through their attorney, Deborah Dopkin, Esquire. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 40 feet in lieu of the required 50 feet each. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Donald Stinnett, President of Kingsway Academy, Inc., owners of the property, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioners. Also appearing at the hearing was Diana Itter, who appeared on behalf of the Office of Planning. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 6.072 acres, more or less, zoned R.C.5 and is presently unimproved. The property is located along the north side of Marriottsville Road, between Powells Run Road and Hernwood Road in Granite. The Petitioners propose to develop the property with a one-story private school, as shown on

Petitioner's Exhibit 1, to be known as the Kingsway Academy. Testimony revealed that the Kingsway Academy is an existing private school that currently operates at a location in Carroll County. However, the Petitioners are desirous of relocating to the subject site. Mr. Stinnett testified that the Kingsway Academy is a private school for disabled children who are between 8 and 16 years of age. The maximum number of students proposed at the subject location will be 80. Mr. Stinnett, who is the President of the Academy and also oversees its operation, testified that he lives on an adjacent property, and thus will be readily available and will continue to oversee the school. However, due to the irregular shape of the property, which is heavily wooded to the rear, and the location of septic reserve areas, the requested variances are necessary in order to proceed as proposed.

As noted above, Ms. Diana Itter appeared at the hearing on behalf of the Office of Planning. Ms. Itter appeared to discuss the Zoning Plans Advisory Committee (ZAC) comments submitted by her agency, dated December 15, 1998, and the conditions for approval contained therein. Mr. Stinnett indicated that he was familiar with those comments and had an opportunity to discuss them with Ms. Itter. Mr. Stinnett had no objections to the incorporation of those conditions as restrictions to the granting of this relief, with the exception of one small change relative to additional landscaping. Specifically, Condition No. 1 of those comments was amended to allow the Petitioners the option of providing additional landscaping in lieu of adding additional building articulation to the rear building elevation, as it may be visible from Marriottsville Road. Thus, I shall approve the requested variance, subject to compliance with the conditions contained in the Office of Planning's comments.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

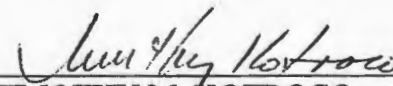
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of January, 1999 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 40 feet in lieu of the required 50 feet each, for a proposed one-story private school, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that pro-

ceeding at this time is at their 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) Compliance with all of the conditions set forth in the ZAC comments submitted by the Office of Planning, (as modified) dated December 15, 1998, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 15, 1998

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

SUBJECT: 10710 and 10714 Marriottsville Road

INFORMATION:

Item Number: 182
Petitioner: Kingsway Academy, Inc.
Property Size: 6.072 acres
Zoning: RC 5
Requested Action: Variance
Hearing Date: December 15, 1998

Kingsway Academy, a private non-profit state approved school for students with learning disabilities, proposes to construct a 1-story, 4725 square foot building on lots 2 and 3 of an approved minor subdivision 97116M. Due to the narrow nature of the front portion of the property, and in order to situate the school in a manner that is compatible with the adjacent historic dwelling, the petitioner is requesting a sideyard setback variance of 20 feet and 40 feet in lieu of the required 50 feet.

The site is situated along Marriottsville Road, designated as a scenic road in the Patapsco/Granite Area Community Plan, adopted by the Baltimore County Planning Board September 1998. The adjacent property, also owned by Donald Stinnett, contains a historic house listed on the Maryland Historic Trust inventory as BA 2292, the Doubleday House, ca.1851-1875. The proposed school plans were referred to the Baltimore County Landmarks Commission for their review; comments have been incorporated with the following recommendations.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the requested variances subject to the following:

- 1 Due to the scenic nature of Marriottsville Road, the side building elevation facing the road should be modified to include additional building articulation, i.e., additional windows and shutters, dentil molding and a dormer. The rear building elevation should

or additional landscaping
also be modified adding additional building articulation as it may be visible from Marriottsville Road. Elevation drawings should be submitted to the Office of Planning for approval prior to issuance of building permits.

2. Building materials and colors should be compatible with the Doubleday House; neutral colors such as beige or light brown.
3. A landscape plan should be submitted to the county's landscape, showing screening for the parking lot along Marriottsville Road and screening along the eastern property line for the proposed play area.
4. A sign detail should be submitted showing materials and colors of any freestanding sign.

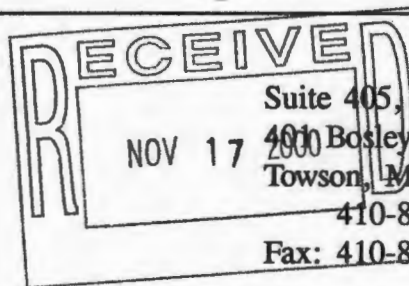
Section Chief: _____

Jeffrey W. Lutz

AFK:DI:lsn



Baltimore County
Zoning Commissioner



Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 14, 2000

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

Re: Petition for Special Hearing & Variance
Case No 01-143-SPHA
Property: 10712 Marriottsville Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The Requests for Special Hearing and Variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. Donald W. Stinnett
10712 Marriottsville Road
Randallstown, MD 21122

Richard E. Matz, P.E.
Colbert, Matz, Rosenfelt, Inc.
3333 Smith Avenue, Suite G
Baltimore, MD 21209

PETITIONER'S

Census 2000

EXHIBIT NO.

6

ity

Census 2000



IN RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

N/S Marriottsville Road, 900' E
centerline of Powells Run Road
2nd Election District
3rd Councilmanic District
(10712 Marriottsville Road)

Donald W. and Rayrai J. Stinnett
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-143-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Donald and Rayrai Stinnett. The Petitioners are requesting zoning relief for property they own at 10712 Marriottsville Road. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend variances that were previously granted in Case No. 92-161-A. The new variances requested are as follows: (1) 4 ft. in lieu of the required 50 ft. - zoning use div. Area #1; (2) 23 ft. in lieu of the required 50 ft. - zoning use div. Area #1 and (3) 23 ft. in lieu of the required 50 ft. - zoning use div. Area #2.

Appearing at the hearing on behalf of the requests were Donald Stinnett, owner of the property, Richard Matz, professional engineer who prepared the site plan of the property and Deborah Dopkin, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, Consists of 5.213 acres, more or less, zoned RC 5. The subject property is utilized by the Petitioners as the Kingsway Academy, which is a school for the learning disabled. The school itself is located in the larger building shown on Petitioners' Exhibit NO.1, the site plan of the property. In addition, Mr. Stinnett, as headmaster of the school, lives in the two-story

ORDER RECEIVED FOR FILING
Date 11/14/00
By J.R. [Signature]

dwelling also shown on the site plan. Recently, the school has begun renovating a garage on the property for the purpose of utilizing the garage as part of the school. As a result of the conversion of the garage into the school use, the variances become necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of November, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend variances that were previously granted in Case No. 92-161-A and Petitioners' request for four (4) new variances as follows: (1) 4 ft. in lieu of the required 50 ft. - zoning use div. Area #1; (2) 23 ft. in lieu of the required 50 ft. - zoning use div. Area #1 and (3) 23 ft. in lieu of the required 50 ft. -

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 8, 2000

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

SUBJECT: 10712 Marriotsville Road

INFORMATION:

Item Number: 01-143

Petitioner: Donald and Rayrai Stinnet

Zoning: RC 5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the requested variance and special hearing provided the following is condition is met:

1. Exterior alterations to the detached 2 story garage should be in accordance with the architectural drawings prepared by R.E.M. Remodeling dated September 5, 2000.

Prepared by: Mark A. Coughlin

Section Chief: Jeffrey W. Long

AFK:MAC:

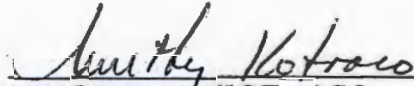
ORDER RECEIVED FOR FILING

Date 11/14/00

By J.R. Jamison

zoning use div. Area #2, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning dated November 8, 2000, wherein they recommend that any exterior alterations to the detached 2-story garage shall be in accordance with the architectural drawings prepared by R.E.M. Remodeling dated September 5, 2000.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
DATE 11/14/00
BY R. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 4, 2002

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance
Case No. 03-187-SPHA
Property: 10712 Marriottsville Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

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

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Brian Caplan, Exec. Dir.
P'TACH of Baltimore, Inc.
10712 Marriottsville Road
Randallstown, MD 21133

Richard E. Matz, P.E.
Colbert, Matz, Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

PETITIONER'S

EXHIBIT NO. 7

COI

...co.ba.md.us



*10/12/02
for
1-3-0*

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

N/S of Marriottsville Road, 900' E
centerline of Powells Run Road
2nd Election District
3rd Councilmanic District
(10712 Marriottsville Road)

P'TACH of Baltimore, Inc.
By: Brian Caplan, Executive Director
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-187-SPHA

*

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, P'TACH of Baltimore, Inc. The special hearing request is to amend a previous Zoning Order in Case No. 01-143-SPHA, specifically Condition #2 referencing architectural drawings. The variance request is to allow a building to building setback of 46 ft. in lieu of the required 100 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Brian Caplan, Executive Director of P'TACH, Richard E. Matz, the professional engineer who prepared the site plan of the property, and Deborah Dopkin, attorney at law, representing the property owner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 5.213 acres, more or less, zoned R.C.5. The subject property is improved with a number of buildings, which are currently utilized by P'TACH of Baltimore who provides educational instruction and services to learning disabled children. Mr. Caplan, speaking on behalf of P'TACH, indicated that they have occupied the subject property since August of this year. P'TACH is hopeful of expanding their operation to include the old two-story dwelling

which exists on the property as shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. In order to utilize the old two-story dwelling for offices for their school, the variance request is necessary in that the dwelling is situated approximately 46 ft. from the two-story school building, which is also shown on the site plan. In order to proceed with the use of the old dwelling in this fashion, the special hearing and variance requests are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

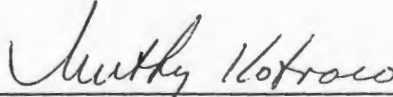
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 4th day of December, 2002, that the Petitioner's request for variance, to allow a building to building setback of 46 ft. in lieu of the required 100 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the special hearing request to amend a previous Zoning Order in Case No. 01-143-SPHA, specifically Condition #2 referencing architectural drawings, be and is hereby GRANTED.

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: April 8, 2011

TO: File

FROM: Robert Powell, Supervisor,
Soil Evaluation Section

SUBJECT: Water Usage Estimate for Proposed Adult Daycare Facility Located
10710, 10712 and 10714 Marriottsville Road, Election District 2

I have reviewed water usage information contained in two letters from the site engineer dated March 3rd and April 8, 2011. The results of the review are as noted below:

- ADULT DAY CARE FACILITY - sited on Lots 2 and 3, 10714 Marriottsville Road
 - Proposed initial usage – 60 adults x 15 gal/person/day (no food service proposed) = 900 gpd
 - Total proposed build-out of site in future – 150 adults x 15 gal/person/day = 2,250 gpd
 - Existing SDS onsite installed in 1999 and consists of a 2,000 gallon septic tank, 1,500 gallon pump chamber and three deep adsorption trenches (75' long, 2' wide, 5' deep). This system is designed to accommodate 911 gpd. Consequently, an additional 5 trenches (70' long, 2' wide, 5' deep) will need to be installed to service the total build-out of 150 adults.
 - There is sufficient sewage disposal reserve area on Lots 2 and 3 to accommodate three complete septic systems.
 - It is highly likely that the projected assessment of 15 gal/person/day will be considerably more than the actual usage. Consequently, during the first stage of occupancy, a water meter will be required to be installed on the incoming water supply to the building and the meter read on a routine basis.
 - Prior to approval of the proposed addition, a more detailed evaluation will need to be conducted to determine if the existing septic tank, pump chamber and pump may be used. Additional septic tank and pump chamber capacity will need to be installed prior to approval of the addition.
- ADMINISTRATIVE OFFICES, MEDICAL CLINIC AND CULTURAL ACTIVITY CENTER – sited on Lot 1, 10710, 10712 Marriottsville Road
 - Proposed initial usage:
 - Existing School Building (10710 Marriottsville Rd.) – 11 adults during the day and 30 children for after school activities. 11 adults

PETITIONER' S

EXHIBIT NO. 8

- Old House will be used for administrative offices and an accessory medical clinic. Total staff would be 6 personnel and a one bedroom apartment for a caretaker. $6 \text{ staff} \times 15 \text{ gal/person/day} = 90 \text{ gal}$. One bedroom apartment = 150 gpd
- Total projected flow will be 705 gal/day.

- J./ R.Powell, Comm. SDS Des., Marriottsville Rd., 10710-14, 4-8-11



10714



10714



10712



241

28

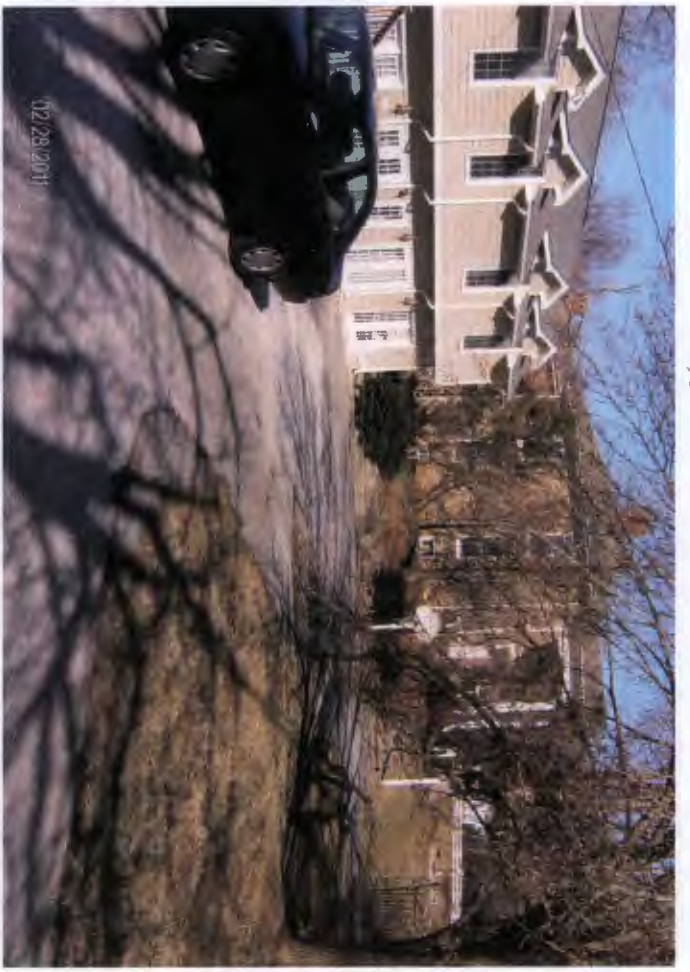
24



16



17



10710

28

28

10710



28

28

10714



2P

2N



2G

2P

10714.4



10714.4

10714 ✓



22

10710 ✓



2M

