IN RE: PETITION FOR VARIANCE S Side of Painted Post Circle, 558 feet E of the c/l of Smoke Tree Road 2nd Election District 2nd Councilmanic District **(807 Painted Post Court)** Grace Ekpenyong *Petitioner*	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2011-0266-A**

* * * * * * * * * * * * * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owner of the subject property, Grace Ekpenyong. The Petitioner is requesting Variance relief from Sections 432.A.1.C.1 and 432.A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking spaces to be located partially in the front yard and a side yard setback for parking spaces of 5 feet in lieu of the required side and rear yards and 10 feet respectively for a Class I 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 Petitioner's Exhibit 1 .

Appearing at the public hearing in support of the variance request were Grace Ekpenyong, property owner and David Billingsley, with Central Drafting & Design, Inc., who prepared the site plan and is assisting the Petitioner with the permitting process. Appearing in opposition to the Petitioner's request were many residents residing along Painted Post Court and one living on Smoke Tree Road. The names of these homeowners are all listed on the Citizen Sign-In Sheets contained in the file.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this variance request consists of 0.431 acre more or less zoned DR 5.5. The subject

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By

property is located at 807 Painted Post Court in the Scott's Hill subdivision of Baltimore County. The property is improved with an existing single family split foyer dwelling wherein the Applicant is proposing to locate an Class I Assisted Living Facility. The Petitioner proposes to utilize an existing driveway for vehicular parking associated with the Class I Assisted Living Facility. In order to utilize the existing driveway, the variance request to allow those parking spaces to be located partially in the front yard and with a side yard setback of 5 feet in lieu of the rear yard with a side yard setback of 10 feet is necessary.

Mr. Billingsley, who assisted the Applicant in filing the Petition and who prepared the site plan, testified that the parking spaces could be located in the rear yard of the subject property. However, so as to not disturb the rear area of the property which for the most part is a wooded area, the Applicant wishes to utilize the driveway that exists on the property for parking for residents and/or workers associated with this assisted living facility. Mr. Billingsley stated that Ms. Diane Itter, a representative from the Office of Planning of Baltimore County, suggested that he file for the variance to allow the parking to remain on the existing driveway in lieu of disturbing the rear yard. At her suggestion, Mr. Billingsley filed the Petition for Variance. He was willing and prepared to provide the needed parking spaces in the rear yard so as to obviate the need for the hearing before this Administrative Law Judge. However, apparently Ms. Itter from the Planning Office believed that the use would be more compatible with the surrounding neighborhood if the parking remained on the existing driveway and that no disturbance to the rear yard occur. Accordingly, Mr. Billingsley filed the instant Petition before this Court.

As stated previously, many residents appeared at the hearing in strong opposition to the Petitioner's request. These residents are vehemently opposed to another assisted living facility being located within their neighborhood. The Protestants' testimony could be summarized as

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follows. They are opposed to another commercial venture being located within their Scott's Hill community. Testimony demonstrated that there are 12 to 13 assisted living facilities already existing within their neighborhood. These neighbors are concerned that this type of venture adversely impacts the parking situation within the neighborhood, drives down property values, and impacts the surrounding neighbors on a 24 hour 7 day a week basis. The property whereupon this assisted living facility is proposed to be located is near the cul-de-sac dead end of Painted Post Court. These residents experience an unusual amount of traffic associated with these uses such as deliveries, ambulance visits, and employees coming and going to the property. One resident testified that the residents of the assisted living facility often sit outside the properties smoking cigarettes and playing loud music thereby making it difficult for the surrounding neighbors to enjoy their properties. Additionally, many residents question how this particular split foyer design of home could be utilized by individuals in need of daily living assistance. The testimony indicated that the stairways are narrow and difficult to traverse, the doorways are not accommodating to people with disabilities, the bathrooms are small, and the access to and from the properties is limited. In summary, the residents request that I deny the use of the property from becoming an assisted living facility.

I explained at the hearing that the request before me is to allow parking to occur on the side of the property 5 feet from the side property line. The request before me is not to approve the use of this property as an assisted living facility as that type of activity is permitted by a Baltimore County Use Permit. This assisted living facility is permitted by Use Permit in the DR 5.5 zone. However, pursuant to Section 432.A of the B.C.Z.R. 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

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By JP

to compatibility of this assisted living facility with the surrounding neighborhood. That particular finding is to be made by the Director of Planning with a recommendation to this Administrative Law Judge as to the Director's findings. Mr. Billingsley testified that he met with Ms. Diane Itter from the Office of Planning and discussed the issue of compatibility with her. However, as of the time of the hearing before me, there was no recommendation or finding as to compatibility by the Office of Planning. That particular finding of compatibility will have to be made after this hearing.

As to the request to allow the parking to be on the side of this dwelling only 5 feet from the side property line, that request is hereby denied. There was no practical difficulty or unreasonable hardship proven at the hearing before me. In fact, the testimony revealed that the Applicant could in fact locate these parking spaces in the rear yard of the subject property. Given this, I am compelled to deny the variance request as the Applicant has failed to meet the requisite burden of proof for the granting of a variance.

It should also be noted that, in the opinion of this Administrative Law Judge providing parking in the rear of the subject property for this assisted living facility would make this use incompatible with the surrounding neighborhood. I saw no evidence of others providing commercial parking in the rear of their properties along Painted Post Court or anywhere else in this neighborhood for that matter. However, as stated previously, the issue of compatibility is one reserved to the Office of Planning. I trust they will take into consideration the denial of this variance and the need to provide paved parking in the rear yard when considering the issue of compatibility of this use on the surrounding neighborhood.

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For the reasons previously stated, I find that the Petition for Variance should be denied.

THEREFORE, IT IS ORDERED this 25th day of April, 2011, by this Administrative Law Judge that Petitioners' request for Variance from Sections 432.A.1.C.1 and 432.A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking spaces to be located partially in the front yard and a side yard setback for parking spaces of 5 feet in lieu of the required side and rear yards and 10 feet respectively for a Class I Assisted Living Facility be and is hereby **DENIED.**

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

Timothy Kotroco

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

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Date 4-25-11

By

KEVIN KAMENETZ
County Executive

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

April 25, 2011

GRACE EKPENYONG
807 PAINTED POST COURT
PIKESVILLE MD 21208

Re: Petition for Variance
Case No. 2011-0266-A
Property: 807 Painted Post Court

Dear Ms. Ekpenyong:

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,

Timothy Kotroco

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
See Attached List

Petition for Variance

to the [Zon]ing Commissioner of Baltimore County for the prop[erty]
loc[ated at] 807 PAINTED POST COURT
[which is] presently zoned DR 5.5
[D]ed Reference: 29461 / 040 Tax Account # 0206570900

This Pe[tition is fi]led with the Department of Permits and Development Management. The undersigned, legal
owne[r(s) of the propert]y situate in Baltimore County and which is described in the description and plat attached hereto
an[d made a part here]of, 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:
(... 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 bounde[d]
regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Name - Type or Print

Signature | Telephone No.

Address | State | Zip Code

City

Attorney For Petitioner:

Name - Type or Print

Signature | Telephone No.

Company

Address | State | Zip Code

City

Legal Owner(s):

GRACE EKPENYONG
Name - Type or Print

Grace Ekpeny[ong]
Signature

Name - Type or Print

Signature

2408 SMITH AVEN[UE]
Address

BALTIMORE
City

Representative to be [Contacted]:

DAVID BILLI[NGSLEY]
CENTRAL DR[AFTING]
Name

601 CHARWO[OD]
Address

EDGEWO[OD]
City

Office Use Only

Estimated Length of Hear[ing]
Unavailable For Hearing

Reviewed by A

Case No. 2011-0266-A

ORDER RECEIVED FOR FILING

11-25-11

[...]/20/07

ZONING DESCRIPTION

807 PAINTED POST COURT

Beginning at a point on the south side of Painted Post Court (50 feet wide) distant 558 feet easterly from it's intersection with the center of Smoke Tree Road, thence being all of Lot 62, Block D as shown on Plat Four, Scotts Hill recorded among the plat records of Baltimore County, Md. In Plat Book 27 Folio 34. Containing 18,766 square feet or 0.431 acre of land, more or less.

Being known as 807 Painted Place Court. Located in the 2ND Election District, 2ND Councilmanic District of Baltimore County, Md.

2011-0266-A

RE:	PETITION FOR VARIANCE 807 Painted Post Circle; S/side of Painted Post Cir, 558' E of c/l Smoke Tree Rd 2nd Election & 2nd Councilmanic Districts	*	BEFORE THE
		*	ZONING COMMISSIONER
		*	FOR
	Legal Owner(s): Grace Ekpenyong Petitioner(s)	*	BALTIMORE COUNTY
		*	2011-0266-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
MAR 11 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 11th day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Grace Ekpenyong, 2408 Smith Avenue, Baltimore, Maryland 21209; and David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood, Maryland 21040

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 3 day of APRIL, 2010, by first parties GRACE UKO EKPENYONG-OBASI n/k/a GRACE EKPENYONG-OBASI and JOHN-KINGSLEY OBASI, husband and wife, to second party GRACE EKPENYONG-OBASI, wife, as sole owner.

WITNESSETH, That the said first parties, for the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, paid by the said second party, do hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first parties have in and to the following described parcel of land, improvements and appurtenances thereto in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 62, Block D, as shown on the plat entitled, "Plat Four, Scotts Hill", which plat is recorded among the Land Records of Baltimore County in Plat Book WJR No. 27, folio 34.

The improvements thereon being known as No. 807 Painted Post Court.

BEING in the 2nd Election District. Tax Account # 0206570900. Also described on the Maryland Department of Assessment and Taxation Real Property Database as Map 78, Grid 7, Parcel 273, Block D, Lot 62, Assessment Area 1, Plat No. 4, Plat Ref. 27/34.

BEING the same property which, by Deed dated November 16, 2006, and recorded among the land records of Baltimore County, Maryland, in Liber No. 24809, folio 636, was granted and conveyed by GRACE UKO EKPENYONG-OBASI n/k/a GRACE EKPENYONG-OBASI unto GRACE UKO EKPENYONG-OBASI and JOHN-KINGSLEY OBASI, Husband and Wife, as Tenants by the Entireties, in fee simple.

TOGETHER WITH the buildings and improvements thereupon erected, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or otherwise however, of the first parties, of, in, to, or out of said land and premises.

TO HAVE AND TO HOLD the said described lot or parcel of ground described and mentioned and thereby intended to be conveyed; together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto the proper use and benefit of the said second party, her personal representatives and assigns.

WEINSTOCK, FRIEDMAN & FRIEDMAN, P.A.
4 RESERVOIR CIRCLE
BALTIMORE, MARYLAND 21208-7301
410-559-9000

This deed is exempt from recordation tax under Maryland Code, Tax Property Article, § 12-108 (d) and is also exempt from state transfer tax under § 13-207 (a)(3), as the transfer is between spouses. This deed is also exempt from county transfer tax under § 13-403 (b), as this deed transfers property between spouses in accordance with a property settlement, which is that Grace Ekpenyong-Obasi will continue to make the entire monthly mortgage payment on the 807 Painted Post Court property in exchange for John Kingsley Obasi removing his name from the deed.

PETITIONER'S EXHIBIT NO. 3

0029461 041

First Party: ______________________________
JOHN-KINGSLEY OBASI

Signed, sealed and delivered in presence of: ______________________________ (Witness)

COUNTY OF BALTIMORE, STATE OF MARYLAND}

I hereby Certify that on this 1st day of May, 2010, the above named JOHN-KINGSLEY OBASI, personally appeared before me and made oath in due form of law to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

Harpreet Komal
Notary Public State of Maryland
Commission Expires March 3, 2013

My Commission Expires: 03/03/2013

THIS IS TO CERTIFY that the within instrument was prepared by the undersigned attorney, duly admitted to practice before the Court of Appeals in Maryland.

____
Jason Solomon

AFTER RECORDING, RETURN TO:
Grace Ekpenyong-Obasi
2408 Smith Avenue
Baltimore, Md. 21209

Please fax a copy to Jason Solomon at 410-559-9009 (reference # 630169).

WEINSTOCK, FRIEDMAN & FRIEDMAN, P.A.

4 RESERVOIR CIRCLE
BALTIMORE, MARYLAND
21208-7301

410-559-9000

0029461 043

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)
(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

IMP FD SURE $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rest BA02 Rcpt # 96464
SM BC Blk # 1829
May 12, 2010 08:38 am

1 Type(s) of Instruments — (☐ Check Box if addendum Intake Form is Attached.)
☒ Deed ☐ Mortgage ☐ Other ☐ Other
☐ Deed or Trust ☐ Lease

2 Conveyance Type Check Box — ☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	SPOUSAL
State Transfer	
County Transfer	SPOUSAL REMOVING

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$	Transfer Tax Consideration	$
Any New Mortgage	$	X ( ) % =	$
Balance of Existing Mortgage	$	Less Exemption Amount –	$
Other:	$	Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration	$
	AV=218,520.00	X ( ) per $500 =	$
Full Cash Value:	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	Agent:
Recording Charge	$	$	
Surcharge	$	$	Tax Bill: PAID
State Recordation Tax	$	$	
State Transfer Tax	$	$	C.B. Credit:
County Transfer Tax	$	$	
Other	$	$	Ag. Tax/Other: N
Other	$	$	

6 Description of Property — SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (5)
02	02-06-570900				

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 807 PAINTED POST COURT

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential ☒ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
GRACE EKPENYONG-OBASI	
JOHN-KINGSLEY OBASI	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
GRACE EKPENYONG-OBASI	

New Owner's (Grantee) Mailing Address:

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information — Instrument Submitted By or Contact Person

Name: GRACE EKPENYONG-OBASI
Firm
Address: 2408 SMITH AVENUE, BALTIMORE, MD 21209
Phone: ( )

☐ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify:
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number:		Date Received:	Deed Reference:		Assigned Property No.:	
Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND

NO COUNTY TRANSFER TAX
Per
ART 11 TITLE 8
SUBTITLE 2, 11-8-202

NO RECORDATION TAX
Per
T.P. ART 12-108
Date 05-11-10

Space Reserved for County Validation

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

PETITION PROTESTANT'S

To: Zoning Commissioner
Jefferson Building, Room 205
West Chesapeake Avenue
Towson MD 21204

EXHIBIT NO. 1

R.E.: Case #2011-0266-A

We, the undersigned, wish to urge you to deny the request from the owner of property 807 Painted Post Ct., Pikesville, MD, in the above-referenced case, to become a Class I Assisted Living Facility, also paving the front and side of the house as a staff parking lot. We already have assisted living facilities across the street from the proposed residence, and believe that the establishment of additional facilities will have a negative impact on our properties, and make this end of the street, facing both sides of the entrance of a cul-se-sac, a zone for additional adult day-car vans and buses. We accept and support the one already in place, but do not support the establishment of another one across the street from the existing one.

PRINT **NAME** & Sign	**ADDRESS**	**PHONE**
HARRY COLBUS	802 Painted Post Ct	410-484-5419
DeRond J. Ricks [signature]	805 Painted Post CT	410.484.6126
J. ZULANCH [signature]	803 PAINTED POST CT.	410-653-0513
S. Powell [signature]	801 Painted Post Ct.	443-683-6366
Helen Eisenstein Helen Eisenstein	804 Painted Post Ct.	410-484-2383
[signature] DETCINE ALEXANDER	811 Painted Post Ct	410-602-6263
Iris Blane	815 Painted post ct	410 4864631
Richard & Maureen walton	817 Painted post. CT	410-5802081
CLARENCE YOUNG Clarence Young	819 Painted Post Ct	410-580-0653
Jannette J. Witmyer Jannette J. Witmyer	814 Painted Post Ct.	410-486-0291
MARTIN H. [illegible] [signature]	812 PAINTED POST CT	410.653.9334
VERNA URSO Verna Urso	806 Painted Post. Ct.	410-660-0598 443-501-3913
Ronald Watts Ronald Watts	821 Painted Post Ct	410-484-2925

Petition Against Case # 2011-0266-A

PRINT NAME & Sign	ADDRESS	PHONE
Robert Soloman Robert Soloman	820 Painted Post Ct	410.653.1653
Beverly Allen Beverley Allen	809 Painted ct	410 4848386
Eugene Burton Eugene Burton	810 Painted Ct	410653-5664
ELIZABETH KAPPA Elizabeth Kappa	819 Smoke Tree Rd	410 4866240
DAISY SHUMPERT Daisy Shumpert	823 Painted Post Ct	410 653-7791

PETITION

To: Zoning Commissioner
Jefferson Building, Room 205
West Chesapeake Avenue
Towson MD 21204

R.E.: Case #2011-0266-A

We, the undersigned, wish to urge you to deny the request from the owner of property 807 Painted Post Ct., Pikesville, MD, in the above-referenced case, to become a Class I Assisted Living Facility, also paving the front and side of the house as a staff parking lot. We already have assisted living facilities across the street from the proposed residence, and believe that the establishment of additional facilities will have a negative impact on our properties, and make this end of the street, facing both sides of the entrance of a cul-se-sac, a zone for additional adult day-car vans and buses. We accept and support the one already in place, but do not support the establishment of another one across the street from the existing one.

NAME	ADDRESS	PHONE
Ana Phillips-Ferguson	903 Painted Post	443 986-3717
Sterling Cameron	1044 Flagtree L	410 602 1934
Vera Taylor	1044 Flagtree Ln	410-602-1934
Joel Margolis	1049 Flagtree Lane	410-484-3330
Jean Margolis	1049 Flagtree La.	410-484-3330
[illegible]	813 Smoke Tree Rd	4436771612

Petition Against Case # 2011-0266-A

NAME	ADDRESS	PHONE

Petition Against Case # 2011-0266-A

NAME	ADDRESS	PHONE

Petition Against Case # 2011-0266-A

NAME	ADDRESS	PHONE

April 11, 2011

Zoning Commissioner
Jefferson Building, Room 205
West Chesapeake Avenue
Towson MD 21204

PROTESTANT'S

EXHIBIT NO. 2

R.E.: Case #2011-0266-A

Dear Sir or Madam:

Unfortunately, I am unable to attend today's hearing due to a scheduling conflict. Being a special education consultant, there are Federal obligations and timelines to meet when securing services for disabled children. This date was scheduled several weeks ago, and the meeting cannot take place unless I am present. My hands are tied, especially as I fully intended to be there to personally plea **against** the proposed zoning of this house a few houses away from my house in the cul-de-sac known as Painted Post Court, in the subdivision known as Scotts Hill, in Pikesville, MD, to become a Class I Assisted Living Facility.

I find both the idea to create this house into an "Class I Assisted Living Facility", as well as the planned changes to the property, to be offensive, in complete disregard for our severely injured property values (on the order of 35% below assessed values three years ago), and asking too much of too many family-oriented home owners in our quiet cul-de sac, as well as this end of the street-at-large.

We already absorbed, without question or disagreement, the establishment of a "group home" for mentally challenged people (AKA Adult Assisted Living Facility), in a house across the street from the proposed new one. There are a number of such facilities in this subdivision, and they need to be dispersed, not concentrated in one location, for the benefit of the many residents, and in this cul-de-sac, where residents of 12 – 50 years make their home.

Further, the proposed parking lots the owner wants to pave in the front and side of the house, I suppose for staff, will make the house look like a clinic, certainly not maintaining the purpose and intent of this subdivision. It will be a first of its kind in this entire subdivision, and would look entirely inappropriate in the context of the surrounding homes.

We all take such great pain and expense to make our homes look nice and cared for, all the time. Such facilities do not have terrific track records for outside maintenance as they are typically the property of business people, who have no vested interest in the structure and maintenance of the house, outside of state and local permit requirements. Their motivation is typically to make as much profit as possible; they are not residents of the neighborhood and do not have any regard for the people who do live there.

I am afraid this is the case with the other group home across the street from this proposed residence and elsewhere in the subdivision. I suppose it's understandable as a capitalist, but not as a home owner. It's unattractive and grossly unfair to taxpaying citizens.

The plain, unfortunate fact is that too many of such "Assisted Living" residences for adults, concentrated in a single area, across the street from one another, situated on either side of the entrance to the cul-de-sac, will indeed very negatively impact the values of our homes, even more than the economy already has, which is quite bad enough.

Please do not allow this property to become yet another Assisted Living facility, just across the street from another one, just to make someone quite rich on the taxpayer's dime. We are all responsible citizens here, are sensitive to the needs of people needing constant, daily supervision, but seek reason and equity from the County. We accept and support the one that already exists right here. Additional reformations, across the street from one another, begin to further devalue our biggest investment, especially with paved parking lots instead of lawns. When the time comes, selling our homes will become that much more difficult.

I urge you to deny the home-owner the ability to convert her house into another Assisted Living Facility, directly across the street from another one, and at the other side of the entrance of our cul-se-sac. We are living in difficult times, and believe there are other locations that would be more suitable and less devaluing of near-by properties, perhaps a few blocks from other such facilities. We urgently need stability in this section of Painted Post Ct., not destabilizing events. I appeal to your reason and sensitivity to taxpaying home-owners in this modest, middle class, well-maintained community.

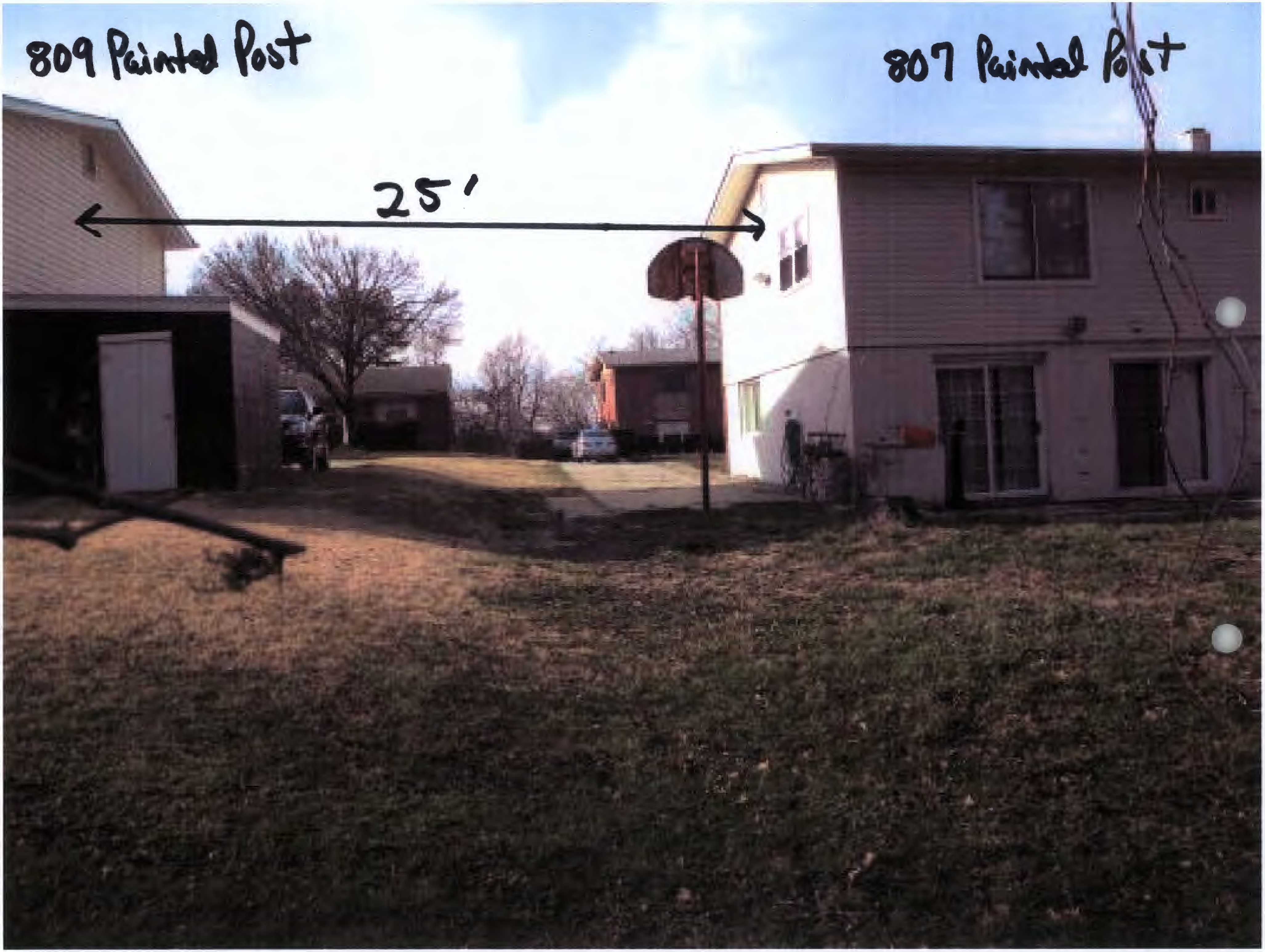
Thank you,

Robert Solomon
800 Painted Post Court
Baltimore, MD 21208


PROTESTANT'S
EXHIBIT NO. 3
805 Painted Post Court
807 Painted Post CT.
809 Painted Post

Backyard
807
Painted Post
Court

Backyard
807 Painted Post
Court


809 Painted Post
25'
807 Painted Post


805 Painted Post Court
22'
~~25'~~ R
807 Painted Post Court


[redacted]
807 Painted Post
Court
22'
805 Painted
Post CT


27'
Front yard 807 Painted Post Court

PLEASE PRINT CLEARLY

CASE NAME 807 PAINTED POST CT
CASE NUMBER 2011-0266-A
DATE 4/12/11

PETITIONER'S SIGN-IN SHEET

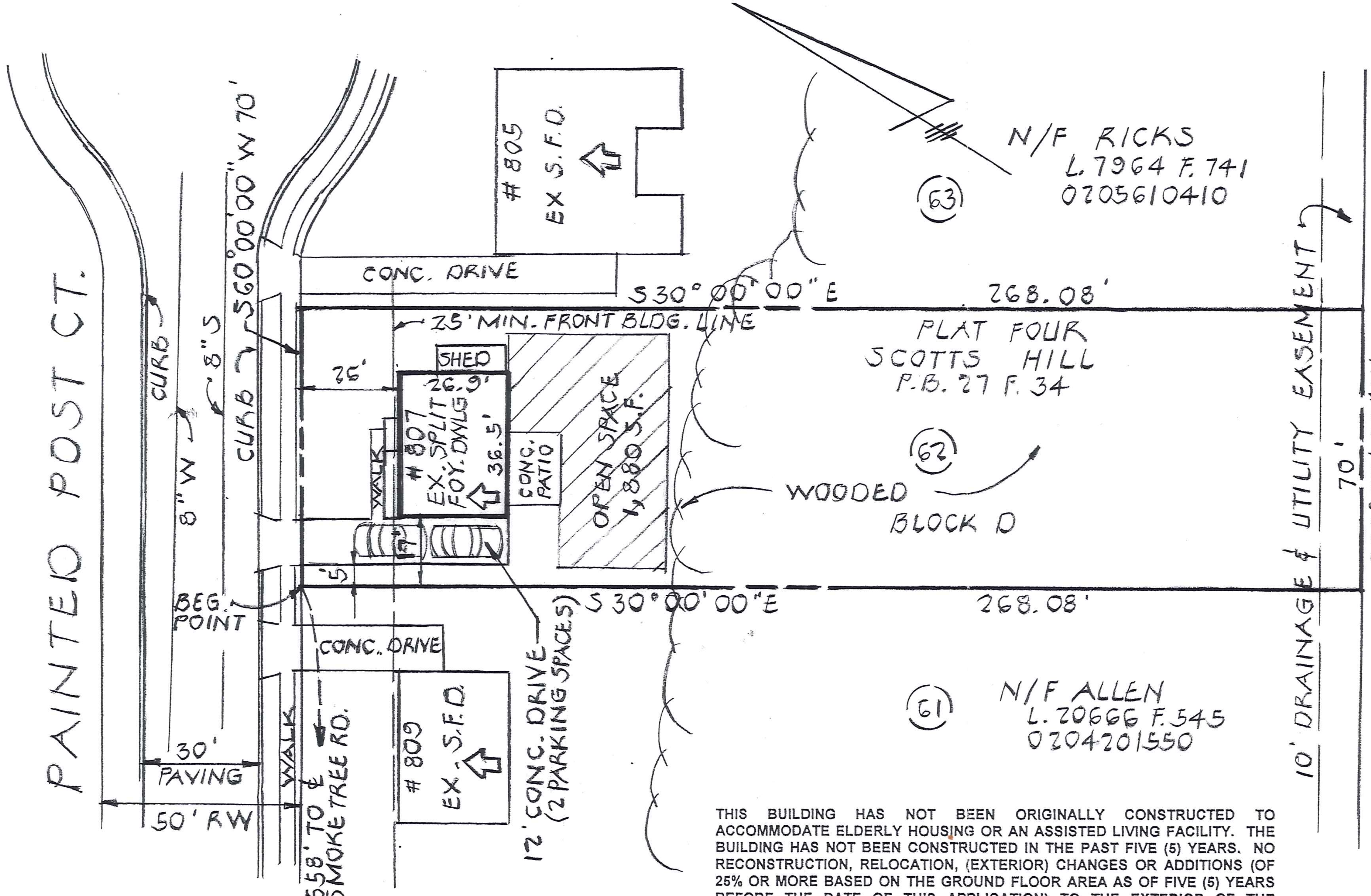
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID BILLINGSLEY	601 CHARWOOD CT	EDGEWOOD MD. 21040	dwb0309@yahoo.com
GRACE EKPENYONG	807 Painted Post Ct	Pikesville, MD 21208	gneassociates@yahoo.com

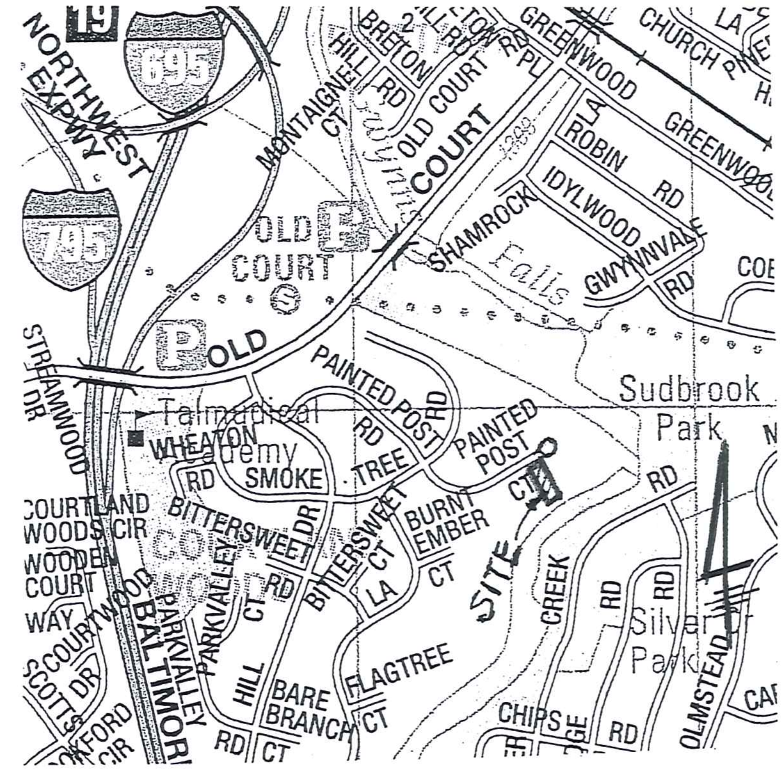
PLEASE PRINT CLEARLY

CASE NAME________________
CASE NUMBER______________
DATE_____________________

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Helen Eisenstein ✓	804 Painted Post Ct.	Balto., MD 21208	
JOAN ZULANCH ✓	803 PAINTED POST CT.	BALT. MD 21208	
Harry Colbus ✓	802 Painted Post Ct.	Balt. MD 21208	
√ DeRond Ricks	805 Painted Post CT	Balt MD 21208	DeRondJR@msn.com
√ Dedra Ricks	805 Painted Post Ct.	Pikesville MD 21208	RonnieRandDee@msn.com
√ Delcine Alexander	811 Painted Post Ct	Balto, MD 21208	DEL159@Aol.Com
√ Rozencwaig, Bernardo	813 Smoke Tree Rd.	Baltimore, MD 21208	BERNARDO@ABIS.COM
√ Verna Urso	806 Painted Post ct.	Baltimore MD 21208	vernaurso@gmail.com
~~HARRY COLBUS~~	802 Painted Post Ct	Baltimore MD 21208	hcolbus@comcast.net
√ TIMOTHY WITMYER	414 PAINTED POST CT	BALTIMORE MD 21208	twitmyer@gmail.com





VICINITY MAP
SCALE:1"=1"=1000'

NOTES

1. ZONING............DR 5.5 (MAP 078A2)
2. LOT AREA............18,766 S.F. = 0.431 ACRE +/-
3. EXISTING USE......SINGLE FAMILY DWELLING
4. PROPOSED USE.....ASSISTED LIVING FACILITY I (3 BEDS)
5. OPEN SPACE REQUIRED....10 % X 18,766 S.F. = 1,877 S.F.
   OPEN SPACE PROVIDED.......1,880 S.F.
6. PARKING REQUIRED.....3 BEDS @ 1 SP. / 3 BEDS = 1 SPACE
   PARKING PROVIDED...2 SPACES
7. NO SIGNS PROPOSED
8. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
9. SITE IS NOT LOCATED IN 100 YEAR FLOOD ZONE OR CRITICAL AREA

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST FIVE (5) YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF FIVE (5) YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING HAVE OCCURRED. NO ADDITIONS ARE PROPOSED TO EXCEED THIS LIMITS FOR FIVE (5) YEARS FROM THE DATE OF THIS APPLICATION.

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

Grace Ekpenyong 3/4/11
GRACE EKPENYONG, OWNER/APPLICANT

2011-0266-A

PLAT TO ACCOMPANY PETITION FOR VARIANCE
807 PAINTED POST COURT
LOT 62, BLOCK D, PLAT FOUR
SCOTTS HILL P.B 27 F. 34
ELECTION DISTRICT 2,C2
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MARCH 7, 2011

BUILDING AREA

LOWER LEVEL	902 S.F.
FOYER AND STAIRS	80 S.F.
UPPER LEVEL	902 S.F.
TOTAL	1884 S.F.

OWNER
GRACE EKPENYONG
2408 SMITH AVENUE
BALTIMORE, MD. 21209
DEED REF: L.29461 F.40
ACCT. NO. 0206570900

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719