

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

N/Side of Tapscott Road, 150' E of c/line of
Scotts Level Road
2nd Election District
2nd Councilmanic District
(4530 Tapscott Road)

Shirley W. and James H. Potter, Sr., *Legal Owner*
James Potter, *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

*
* **Case No. 2011-0289-SPHA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Shirley W. Potter and James H. Potter, Sr. (deceased), the legal property owners, and James Potter, the contract purchaser. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a Use Permit for an Assisted Living Facility I with a maximum of four beds. Petitioners are also requesting Variance relief from B.C.Z.R. Sections 432A.1.C.1, 432A.1.C.2, and 409.3 to permit the two required parking spaces for a proposed Assisted Living Facility I to be located in the front of the dwelling with a side yard setback of 5 feet in lieu of the required side or rear and a side yard setback of 10 feet; and to have parking space dimensions of 10' x 30' for both space in lieu of the required 8'-1/2" x 18' (8'-1/2" x 36' for both spaces). The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requested relief was Cara Potter and her brother James Potter, contract purchaser. Numerous members of the community attended and

ORDER RECEIVED FOR FILING

Date 5-11-11

By 

voiced strong opposition to the proposal including: Charles Smith, Rosalyn Burns, Michael and Belinda Smith, Thomas E. Otto, Karen A. Aiken, Duane Carr, and Melvin Aiken.

Testimony and evidence offered revealed that the subject property is located in the Old Court Estates neighborhood, is zoned DR 3.5 and is improved by a one story dwelling (rancher style) approximately 1,493 square feet in size.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 27, 2011 (and received in the Office of Administrative Hearings on May 2, 2011) indicating that office does not oppose the request for variance relief to use the existing driveway for the required parking spaces for an assisted living facility. However, the Office of Planning indicated that it could not make a finding that the proposed 4 bed assisted living facility is compatible with the neighborhood (as it is obliged to do per B.C.Z.R. § 432A) and that the conversion of this single family dwelling to a 4 bed assisted living facility may lead to overcrowding.

As such, with respect to the special hearing request for a use permit to operate an Assisted Living Facility, I am unable to grant the relief requested given that – as of today's date – the Office of Planning has not made a positive compatibility finding. I hasten to add that at the hearing testimony indicated there may be up to 15 assisted or collaborative living facilities within this neighborhood, and I would imagine that would figure prominently in any compatibility study. Should the Office of Planning subsequently issue a positive compatibility finding, Petitioners would be entitled to seek reconsideration of this Order within 30 days, pursuant to Rule 4K of the Zoning Commissioner's Rules of Practice.

Petitioners seek variance relief with respect to the off-street parking requirements, which provide that "parking...shall be located in the side or rear only." BCZR § 432.A.1.C.2. Given

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Date 5-11-11

By [Signature]

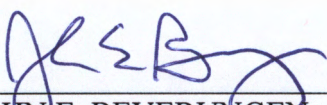
the above disposition with respect to the use permit, I find that this request for variance is moot, and can only be considered if and when Petitioners obtain the requisite permit from Baltimore County.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 10 day of May, 2011 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a Use Permit for an Assisted Living Facility I with a maximum of four beds, be and is hereby DENIED, and

IT IS FURTHER ORDERED that Petitioners' Variance request from Sections 432A.1.C.1, 432A.1.C.2, and 409.3 to permit the two required parking spaces for a proposed Assisted Living Facility I to be located in the front of the dwelling with a side yard setback of 5 feet in lieu of the required side or rear and a side yard setback of 10 feet; and to have parking space dimensions of 10' x 30' for both spaces in lieu of the required 8'-1/2" x 18' (8'-1/2" x 36' for both spaces), be and is hereby DENIED AS MOOT.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 5-11-11

3

By 



KEVIN KAMENETZ
County Executive

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

May 10, 2011

SHIRLEY W. AND JAMES H. POTTER, SR.
4530 TAPSCOTT ROAD
PIKESVILLE MD 21208

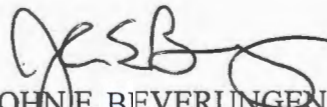
Re: Petition for Special Hearing and Variance
Case No. 2011-0289-SPHA
Property: 4530 Tapscott Road

Dear Mr. and Mrs. Potter:

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, Approvals and Inspections. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure

- c: Charles Smith, 4529 Tapscott Road, Baltimore MD 21208
Rosalyn Burns, 4512 Tapscott Road, Baltimore MD 21208
Michael and Belinda Smith, 4527 Tapscott Road, Baltimore MD 21208
Thomas E. Otto, 4523 Tapscott Road, Baltimore MD 21208
Karen A. Aiken, 4640 Hawksbury Road, Baltimore MD 21208
Duane Carr, 4531 Tapscott Road, Baltimore MD 21208
Melvin Aiken, 4502 Dresden Road, Baltimore MD 21208



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4530 Tapscott Rd
which is presently zoned DR. 3.5

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

a use permit for an
Assisted Living Facility I with a maximum of four beds

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print James Potter
Signature James Potter
Address 5 Pleasant Ridge Dr Telephone No. 443-462-2111
Dwings Mills MD 21117
City State Zip Code

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City State Zip Code

Legal Owner(s):

Name - Type or Print Shirley W. Potter
Signature Shirley W. Potter
Name - Type or Print James H. Potter Sr.
(deceased Nov. 4, 2006)
Signature _____
4530 Tapscott Rd. ³⁶⁰ 654-3054
Address Telephone No.
Pikesville MD 21208
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 3/28/11

REV 9/15/98 ORDER RECEIVED FOR FILING

Case No. 2011-0289-SPHA

Date 5-11-11

By [Signature]



TAXPAYER ID # 0223154840

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4530 Tapscott Rd.
which is presently zoned DR-3.5

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

Section 432A.1.C.1, 432A.1.C.2, and 409.3 -- to permit the two required parking spaces for a proposed Assisted Living Facility I to be located in the front of the dwelling with a side yard setback of 5 feet in lieu of the required side or rear and a side yard setback of 10 feet; and to have parking space dimensions of 10' x 15' (10' x 30' for both spaces) in lieu of the required 8 1/2' x 18' (8 1/2' x 36' for both spaces).

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 discussed 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:

James Potter
Name - Type or Print
James Potter
Signature
5 Pleasant Ridge Dr 443-462-2111
Address Telephone No.
Owings Mills MD 21117
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature
ORDER RECEIVED FOR FILING

Company Date 5-11-11

Address By [Signature] Telephone No. _____

City State Zip Code

Legal Owner(s):

Shirley W. Potter
Name - Type or Print
Shirley W. Potter
Signature
James H. Potter, Sr.
Name - Type or Print
deceased Nov. 4, 2006
Signature
4530 Tapscott Rd. 410-654-3056
Address Telephone No.
Pikesville MD 21208
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No. _____

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 3/28/11

Case No. 2011-0289-SPHA

ZONING DESCRIPTION

Zoning Description For 4530 Tapscott Road

Beginning at a point on the North side of Tapscott Road, which is 30 feet wide at the distance of 150 ft. East of the centerline of the nearest improved intersecting street Scotts Level Road, which is 60ft wide. Being lot # 4, Block 0, Section # 3B in the subdivision of Old Court Estates as recorded in Baltimore County Plat Book # 28, Folio # 56, containing 12,632 square feet. Also known as 4530 Tapscott Rd and located in the 2nd Election District, 2nd Councilmanic District.

Item # 0289

5/3 11am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



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: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-289-SPHA
Address 4530 Tapscott Road
(Potter Property)

Zoning Advisory Committee Meeting of April 4, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 27, 2011

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

RECEIVED

SUBJECT: 4530 Tapscott Road

MAY 02 2011

Item Number: 11-289

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: James Potter

Zoning: DR 3.5

Requested Action: Special Hearing and Variance

The petitioner requests a special hearing to permit a four bed assisted living facility Class I in a 1 story brick dwelling with a floor area of 1,493 square feet with 753 square feet on the 1st floor and 740 square feet in the basement.

The petitioner also requests variance to allow the existing driveway to be utilized for parking in the front yard with a side yard setback of 5 feet in lieu of the required side or rear yard with a 10-foot setback.

The Office of Planning reviewed Maryland State Assessment data for 28 dwellings on Tapscott Road in this neighborhood. The predominate house type is split level and the floor area of dwellings ranges in size from 1244 square feet to 2357 square feet. While the lot is larger than the average lot size of 10,979 square feet, the floor area of the dwelling is 362 square feet smaller than the average floor area of 1855 square feet.

The Office of Planning requested a floor plan showing the interior layout of the proposed 4 bed assisted living facility, which to date has not been provided.

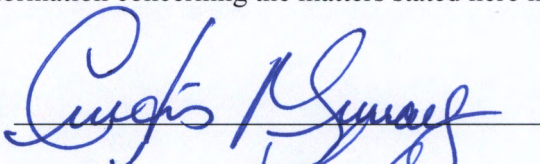
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the request to use the existing driveway for the required parking spaces for an assisted living facility.

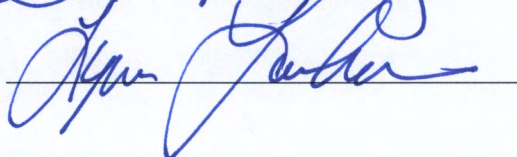
However, the Office of Planning cannot make a finding that the proposed 4 bed assisted living facility is compatible with the neighborhood. It is unclear that the conversion of this single family dwelling to a 4 bed assisted living facility would be desirable or whether it would result in an overcrowding.

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

Prepared by:



Division Chief:
JM/LL: CM



PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

May 3, 2011

Case No.: 2011-289 SPH-A

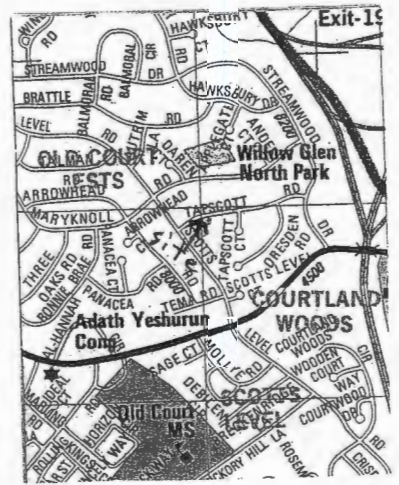
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Sitz Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Ex. 1



Zoning Use Permit Plan For A Assisted Living Facility I or II

Located at
4530 Tapscott Rd
Pikesville, MD 21208

2ND Election District

Owner: Shirley W. Potter
Add: 4530 Tapscott Rd
Pikesville MD, 21208

Plan Date: 6-1-2011

Phone: 410 654-3056

Applicant: James H. Potter
5 Pleasant Ridge Dr.
Dunings Mills MD 21117

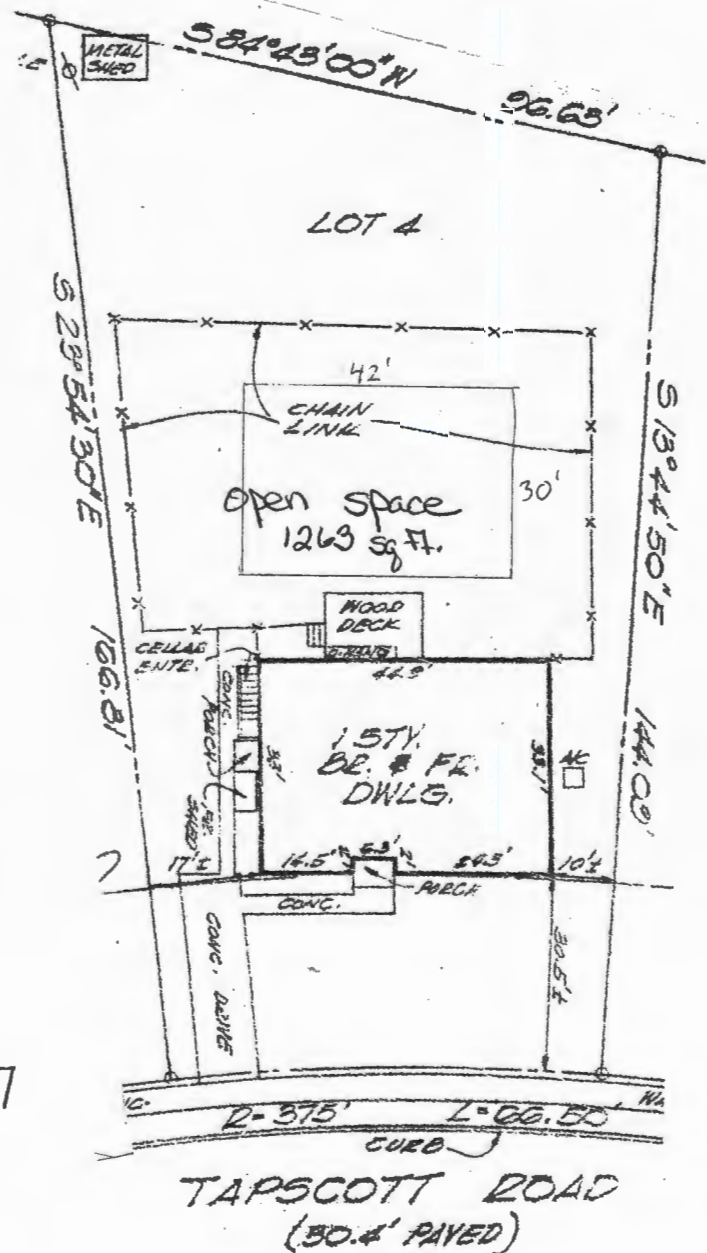
Phone: 443 462-2111

Lot Size: 12,632

Zoning Map: N.W 7-G

Zone: DR 3.5

Parking: 1 Space For each 3 beds =



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.

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

ALF Address _____

Permit No. (if required) B _____

FROM: Timothy M. Kotroco
Department of Permits & Development Management
M.S. 1105

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a building/use permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

James Potter 5 Pleasant Ridge Dr 443-462-2111
Print Name of Applicant Address Telephone Number
Lot Address 4530 Tapscott Rd Election District 2 Councilmanic District 2 Square Feet of Lot 12,632
Lot Location: N E S W/side/corner of Tapscott Rd 150 feet from N E S W corner of Scotts Level Rd
(street) (street)
Land Owner: Shirley Potter Tax Account Number 0223154840
Address: 4530 Tapscott Rd Telephone Number (410) 654-3056

CHECKLIST OF MATERIALS- (to be submitted by applicant for required *compatibility* and/or *appearance* review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	PROVIDED?		
	YES	NO	Accepted for filing by _____ Date: _____
1. This Recommendation Form (3 copies)	☒	☐	
2. Permit Application (if available)	☐	☐	
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space - 10% lot area Statement of Compliance with Checklist Note 5.A	☒	☐	
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	☒	☐	
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	☒	☐	
6. Current Zoning Classification: DR 3.5			

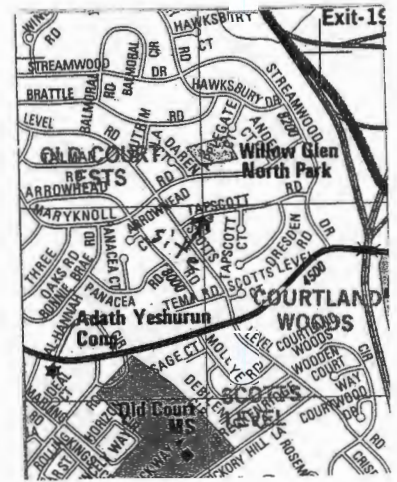
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____



Zoning Use Permit Plan For A Assisted Living Facility I or II

Located at
4530 Tapscott Rd
Pikesville, MD 21208

2ND Election District

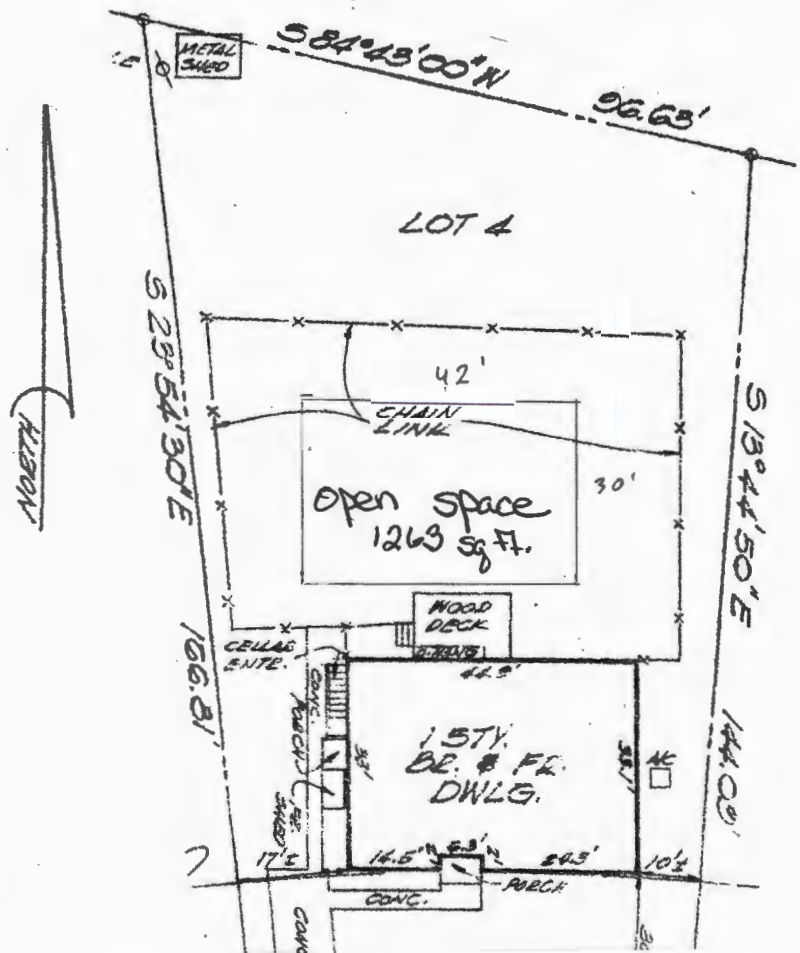
Owner: Shirley W. Potter

Add: 4530 Tapscott Rd
Pikesville MD, 21208

Plan Date: 6-1-2011

Phone: 410 654-3056

Applicant: James H. Potter



OLD COURT ESTATES IMPROVEMENT ASSOCIATION, INC.

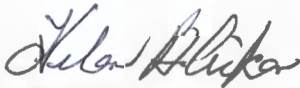
Helen B. Aiken - President
4502 Dresden Road - Pikesville, Maryland 21208
410-655-3255

Re. Special Hearing & Variance
case #2011-0289-SPHA
4530 Tapscott Road

Dear Zoning Review Board Members,

This is to inform you of an intrusion to our quiet neighborhood of Old Court Estates. We are a neighborhood of well kept single-family homes.. We want to keep it that way. Our neighborhood is filled with well kept homes and lawns. It is filled with trees, streams and wildlife. We want to keep it that way. We are a community of educated hard working adults and behaved children. We want to keep it that way. We have little commercial traffic and no crime. We want to keep it that way. We live in a quiet and peaceful neighborhood. We want to keep it that way. We are a family-oriented neighborhood and we want to keep it just that way.

Very Truly Yours,



Helen B. Aiken
President - Old Court Estates Improvement Association, Inc..

Citizens Ex. 1

OLD COURT ESTATES IMPROVEMENT ASSOCIATION, INC.

Helen B. Aiken - President

4502 Dresden Road - Pikesville, Maryland 21208

410-655-3255

We, the undersigned residents of Tapscott Road, Tapscott Court in and of Old Court Estates Improvement Association in Pikesville, Maryland are anxious to keep our neighborhood just as it is...filled with well kept family homes and well kept lawns.

Respectfully,

Peggy Lang 4524 Tapscott Rd.
Helen B. Aiken 4502 Dresden Rd
Jim Lane 4531 Tapscott Rd
Baron A. Aiken 4640 Hawksbury Rd
Thomas C. Otto 4523 TAPSCOTT RD
Rosalyn E. Burns 4512 Tapscott Rd
Theresa Smith 4529 Tapscott Rd
Alli Michel 850 Scotts Level Rd
Marian Muen 8145 "
Benj. Ketz 4532 Tapscott Rd
Belinda Spitzer 4527 Tapscott Rd
Muelc Am 4527 Tapscott Rd

OLD COURT ESTATES IMPROVEMENT ASSOCIATION, INC.

Helen B. Aiken - President
4502 Dresden Road - Pikesville, Maryland 21208
410-655-3255

Questions Regarding Special Hearing and Variance
Case #2011-0289SPHA
4530 Tapscott Road

Have permits been granted to make this an assisted living home? If so, why wasn't zoning notice posted?

If permits have not been granted to make this an assisted living home, why would they destroy the front lawn by turning it into a concrete driveway? Suppose approval is not granted. Then there will be a home for sale that has no front yard. And if it does become an assisted living home, why do they need so much extra driveway since the tenants won't be driving? Isn't the current driveway and the street parking in front of the house enough? The house currently has a nice front yard, just like the rest of the homes in our neighborhood. The front yard is however, on the small side and to turn it into a driveway would be terribly unattractive, not to mention, practically on top of the front sidewalk.

What type of assisted living home has been proposed ... juveniles, adults, seniors, physical disabilities, mental disabilities ... ? Will attendants be working there 24 hours a day, 7 days a week? Will the home owner be keeping watch over the house? Will she be available if problems occur?

This house is a rancher and is actually smaller than mostly all homes in the neighborhood. Has any inspection been made to see if the house can become a four bedroom house and still have enough room for the kitchen and dining area and a common living room? Will the attendants need a room or area as well? Are the bathrooms large enough to accommodate people with physical disabilities?

Do we really need another assisted living group home in Old Court Estates? There are several already existing. While some are well kept, others are dumpy and unkempt. We would like to keep our neighborhood looking nice. "Dumpy and unkempt" brings a variety of problems to a neighborhood.

Please address these issues and questions before granting any permits or variances.

Very Truly Yours,

Residents of Old Court Estates Improvement Association

**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/neighborhood 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: 2011-0289-5PHA
Petitioner: James Potter
Address or Location: 4530 Tapscott Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: James Potter
Address: 5 Pleasant Ridge Dr.
Owings Mills, MD 21117
Telephone Number: 443-462-2111



KEVIN KAMENETZ
County Executive

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

April 6, 2011

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: 2011-0289-SPHA

4530 Tapscott Road

N/side of Tapscott Road, 150 feet east of c/line of Scotts Level Road

2nd Election District – 2nd ~~Election District~~ *Electoral Precinct*

Legal Owners: Shirley Potter

Contract Purchaser: James Potter

Special Hearing to permit a use permit for an Assisted Living Facility I with a maximum of four beds. Variance to permit the two required parking spaces for proposed Assisted Living Facility I to be located in the front dwelling with a side yard setback of 5 feet in lieu of the required side of rear and a side yard setback of 10 feet; and to have parking space dimensions of 10 feet X 15 feet (10 feet X 30 feet both spaces) in lieu of the required 8 ½ X 18 feet (8 ½ X 36 feet for both spaces).

Hearing: Tuesday, May 3, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: James Potter, 5 Pleasant Ridge Dr., Owings Mills 21117
Shirley Potter, 4530 Tapscott Road, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 18, 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 19, 2011 Issue - Jeffersonian

Please forward billing to:
James Potter
5 Pleasant Ridge Drive
Owings Mills, MD 21117

443-462-2111

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: 2011-0289-SPHA

4530 Tapscott Road

N/side of Tapscott Road, 150 feet east of c/line of Scotts Level Road

2nd Election District – 2nd Election District

Legal Owners: Shirley Potter

Contract Purchaser: James Potter

Special Hearing to permit a use permit for an Assisted Living Facility I with a maximum of four beds. Variance to permit the two required parking spaces for proposed Assisted Living Facility I to be located in the front dwelling with a side yard setback of 5 feet in lieu of the required side of rear and a side yard setback of 10 feet; and to have parking space dimensions of 10 feet X 15 feet (10 feet X 30 feet both spaces) in lieu of the required 8 ½ X 18 feet (8 ½ X 36 feet for both spaces).

Hearing: Tuesday, May 3, 2011 at 11:00 a.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

Date April 19, 2011

Mrs. Shirley Potter
4530 Tapscott Rd.
Pikesville, MD 21208

RE: Case Number 2011-0289 SPHA, 4530 Tapscott Road

Dear Ms. Potter,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
James Potter, 5 Pleasant Ridge Drive, Owings Mills, MD 21117



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Special Hearing: 2011-0287-SPHA, 2011-0289-SPHA

Special Exception: 2011-0283-SPHX

Comments:

The above case numbers shall comply with all applicable parts of the **Baltimore County Fire Prevention Code, Council Bill 48-10** prior to occupancy or the beginning of operation

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



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, **2011-0289-SPHA**, 2011-0290A, 2011-0292A

Comments:

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 11, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

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-04112011 -NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4-6-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

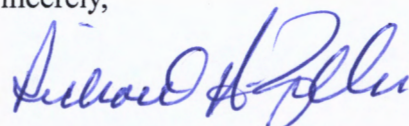
RE: Baltimore County
Item No. 2011-0289-SPHA
Variance Special Hearing
Shirley Potter
4530 Topscott Road

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. 2011-0289-SPHA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
4530 Tapscott Road; North side Tapscott Rd. * ZONING COMMISSIONER
150 ft. East of Center Line Scotts Level Road *
2nd Election & 2nd Councilmanic District * FOR
Legal Owner(s): James & Shirley Potter *
Contract Purchaser: James Potter * BALTIMORE COUNTY
Petitioner(s) * 2011-0289-SPHA

* * * * *

ENTRY OF APPEARANCE

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



Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

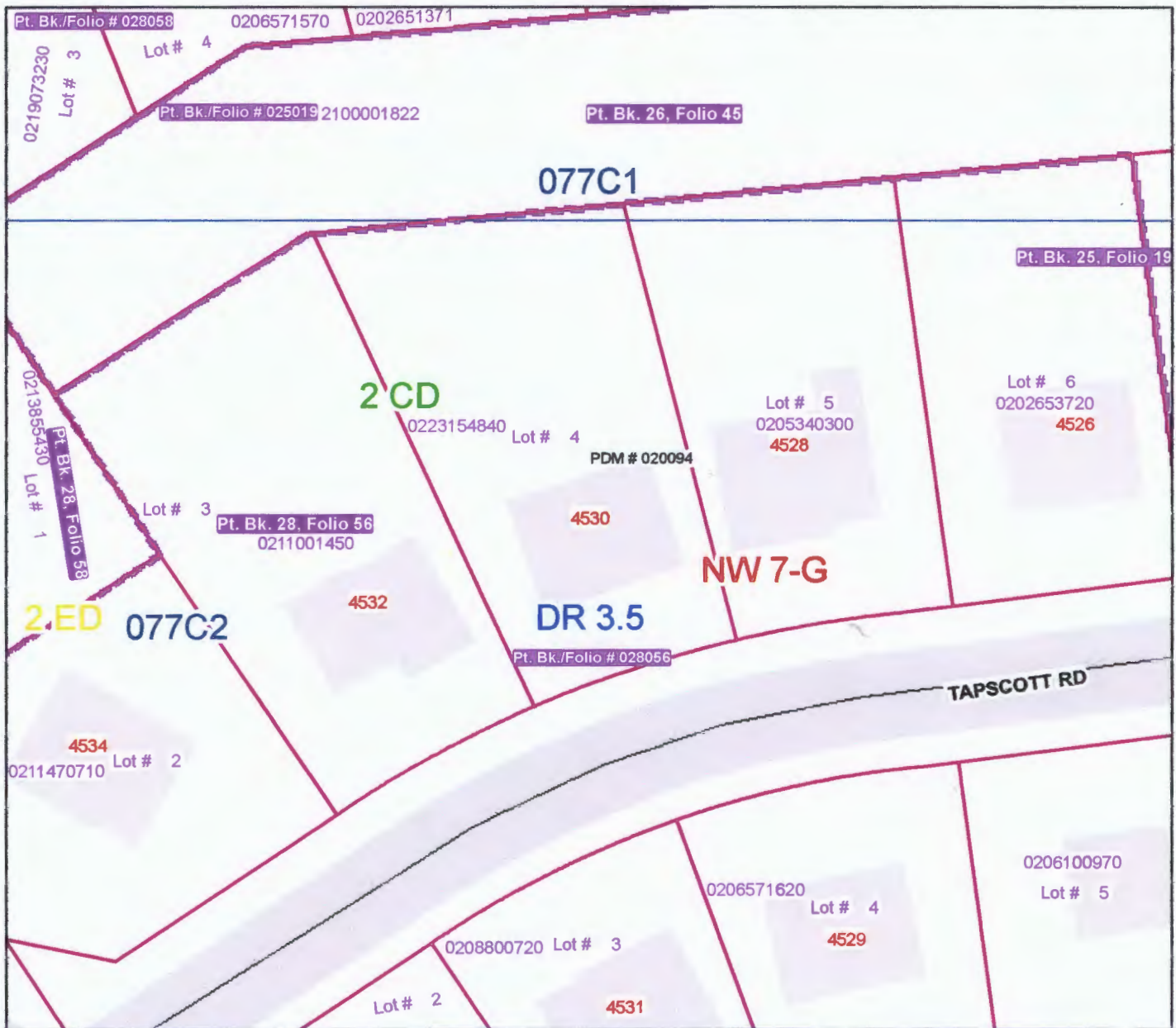
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to Shirley Potter, 4530 Tapscott Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

4530 Tapscott Road



Publication Date: March 25, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

Item #0289

OLD COURT ESTATES
SECTION III-A
OLD COURT ESTATES
SECTION III-A

OLD COURT ESTATES
SECTION II
S.L.B. 28 Folio 19

PLAT I
SECTION 3
BELLE FARM ESTATES
W.J.R. 26 FOLIO 122

PLAT OF
CHARTWELL ADDITION
W.J.R. 28 FOLIO 24

PLAT OF
SECTION II
CHARTWELL
W.J.R. 27 FOLIO 57

W.J.R. 28 FOLIO 56

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT.

Coordinates shown are extensions made from Baltimore City Coordinates as established by the Baltimore City Topographical Commission. Bearings refer to true north at Baltimore, and are based on Baltimore County Metropolitan District control points X-1310 and X-1311.

OWNER

Mason Construction Company Incorporated
Old Court Road, Pikesville Maryland

OWNER'S CERTIFICATE

Certification is hereby made that the requirements of the amended code of Maryland, chapter 1016, Act of 1945, have been complied with on this plat.

August Wilson
President

ENGINEERS

Whitman Bequardt & Associates
2 West Preston Street
Baltimore 1, Maryland

Ray H. Ricker
Ray H. Ricker
Registered Land Surveyor
No. 339

G.L.B. No. _____ Folio _____

APPROVED

Baltimore County Health Department

W. William H. P. Whitman, M.D.
Deputy State and County Health Officer
Date 5/15/62

The streets or roads as shown hereon are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is especially reserved in the owner.

Approved Baltimore County Planning Board

By: Frederick Will Date: May 7, 1962

Approved Baltimore County Highways Department

By: Peter R. Ricker Date: 5/8/62

CURVE DATA

No.	Radius	Δ	Arc	Tan	Long Chord	Long Chord Bearing
Q-5	375'	26°00'00"	101.17'	86.58'	146.71'	57°00'00"W
M-1	325'	26°00'00"	107.48'	75.03'	146.22'	170°00'00"E

Item #0289

OLD COURT ESTATES
SECTION III-B

ELECTION DISTRICT NO. 2

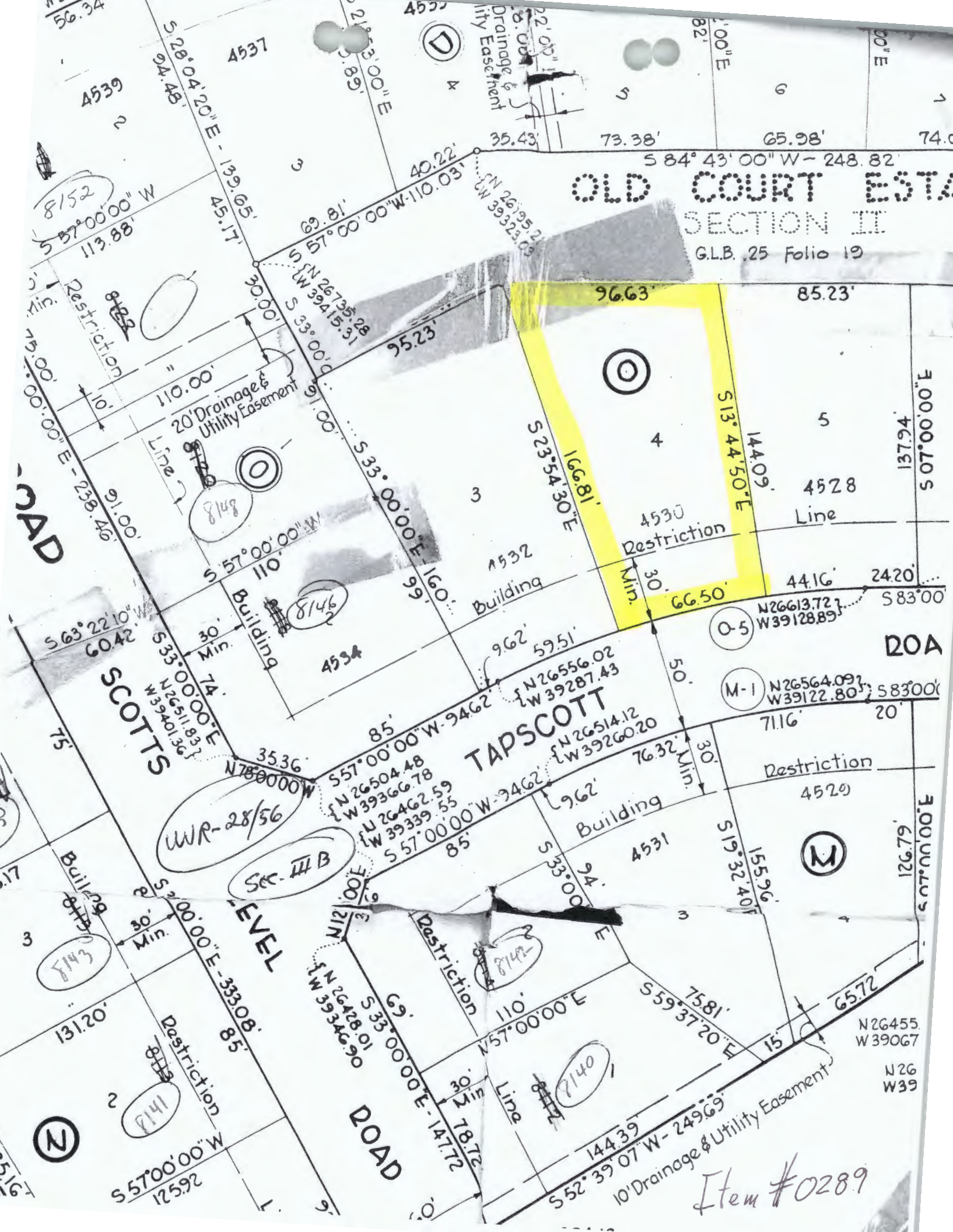
BALTIMORE COUNTY, MARYLAND

DATE: MARCH 16, 1962

SCALE: 1"=50'

OLD COURT ESTA
SECTION II

G.L.B. 25 Folio 19



Item #0289

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

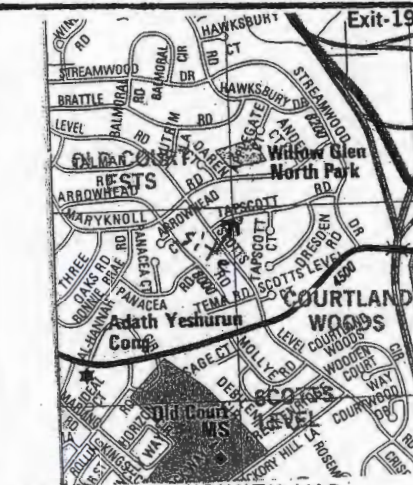
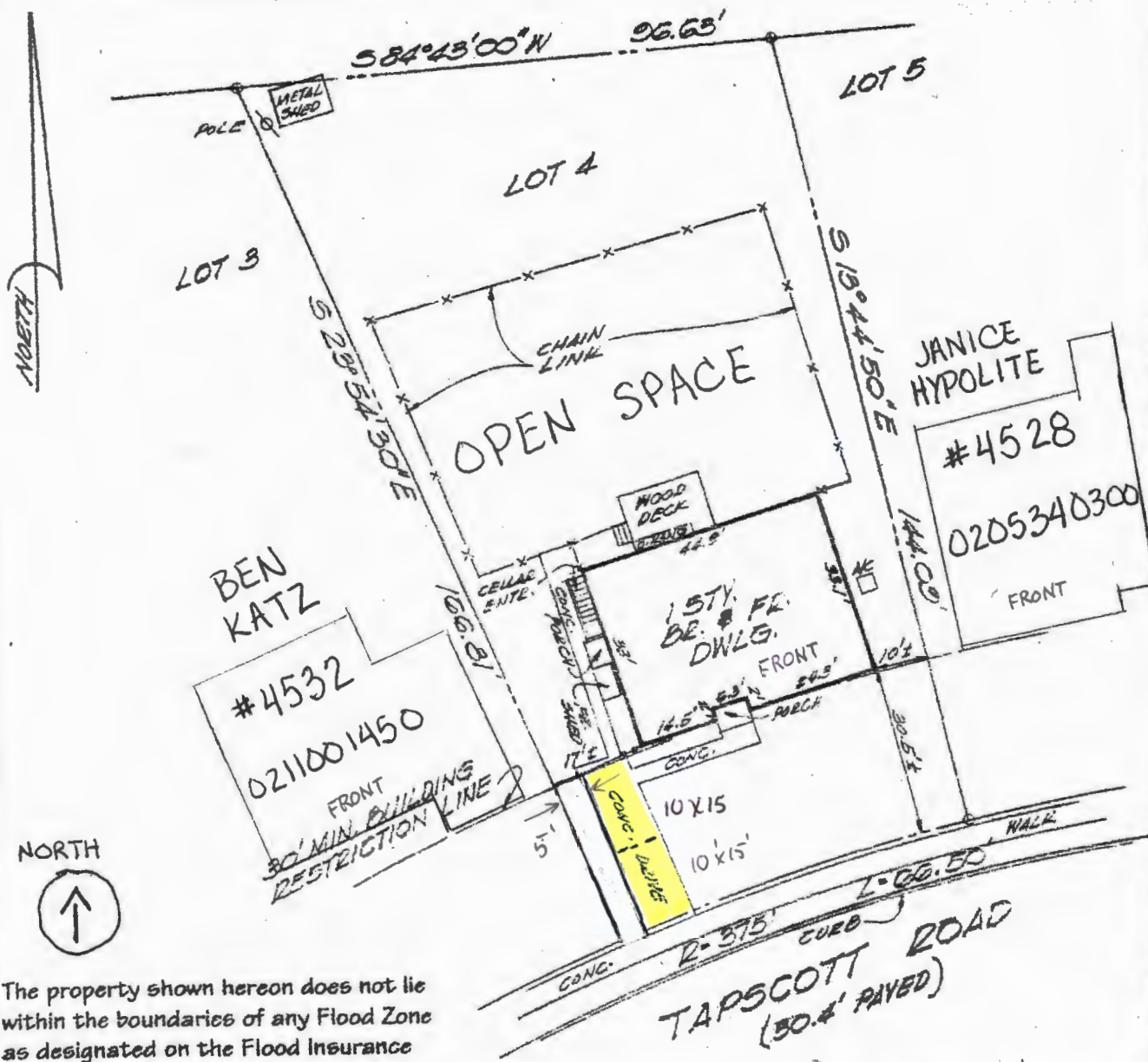
PROPERTY ADDRESS 4530 Tapscott Rd.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Old Court Estates

PLAT BOOK # 28 FOLIO # 56 LOT # 4 SECTION # 3B

OWNER Shirley W. Potter



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 077C2

ZONING DR-3.5

LOT SIZE
ACREAGE 12.632
SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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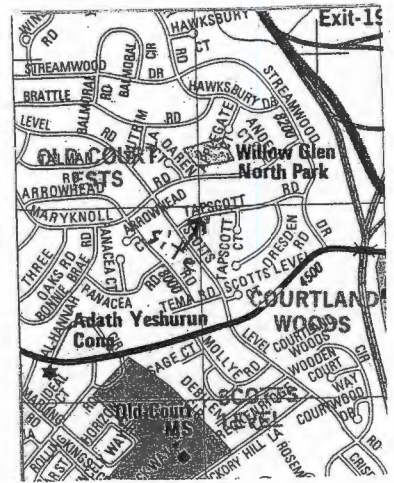
PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY RS ITEM # 7 CASE # 2011-0289-SPH A

The property shown hereon does not lie within the boundaries of any Flood Zone as designated on the Flood Insurance Rate Map community panel no. 240010 0360B dated MAR. 2, 1981

SCALE OF DRAWING = 1" = 30'



Zoning Use Permit
Plan For A Assisted Living
Facility I or II
Located at
4530 Tapscott Rd
Pikesville, MD 21208

2ND Election District

Owner: Shirley W. Potter
Add: 4530 Tapscott Rd
Pikesville MD, 21208

Plan Date: 6-1-2011

Phone: 410 654-3056

Applicant: James W. Potter
5 Pleasant Ridge Dr.
Dunings Mills MD 21117

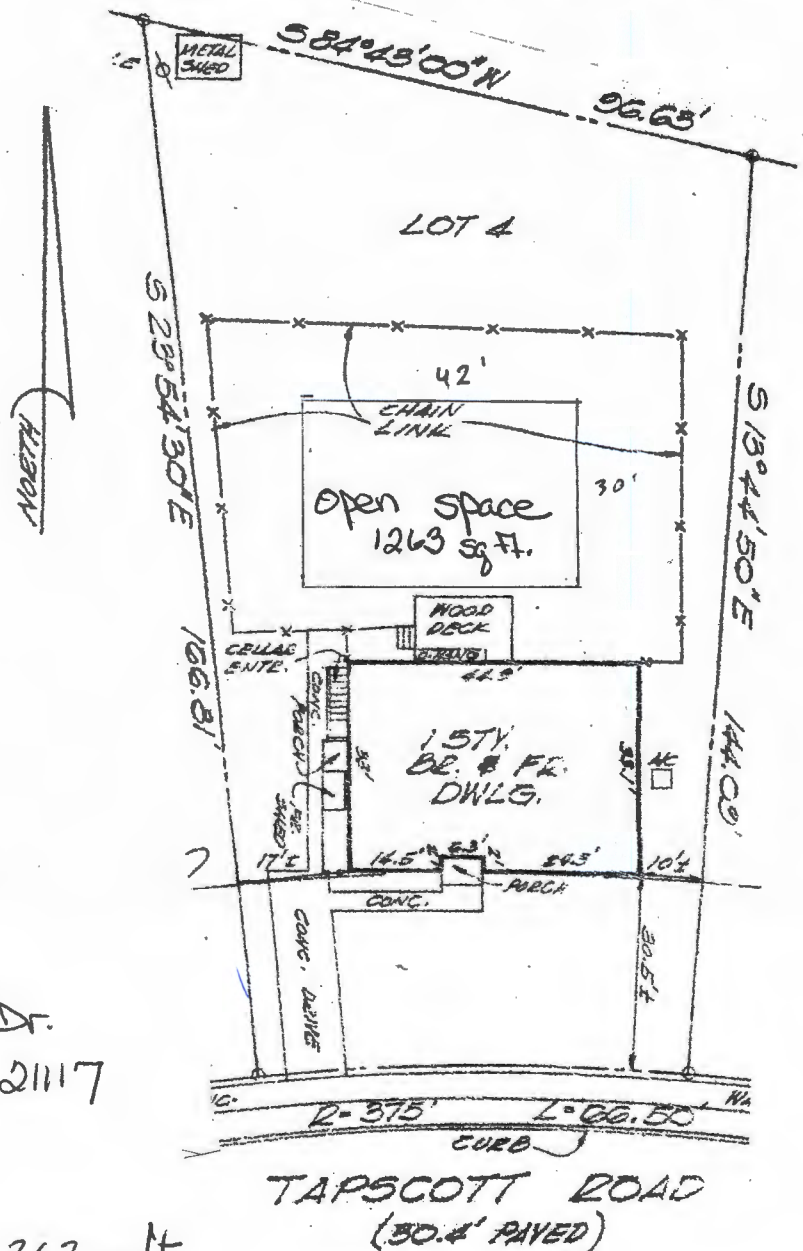
Phone: 443 462-2111

Lot Size: 12,632 10% = 1263 sq ft

Zoning Map: N.W 7-G

Zone: DR 3.5

Parking: 1 Space For each 3 beds =



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.

scale 1" = 30'

CERTIFICATE OF POSTING

Date: 4-17-11

RE: Case Number: 2011-0289-SP4 A

Petitioner/Developer: James Potter

Date of Hearing/Closing: May 3, 2011 11AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4530 Tepscott Rd

The signs(s) were posted on 4-17-11
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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: # 2011-0289-SPHA

4530 Tapscott Road

N/side of Tapscott Road, 150 feet east of c/line of Scotts Level Road

2nd Election District — 2nd Councilmanic District

Legal Owner(s): Shirley Potter

Contract Purchaser: James Potter

Special Hearing To permit a use permit for an Assisted Living Facility I with a maximum of four beds. **Variance:** to permit the two required parking spaces for proposed Assisted Living Facility I to be located in the front dwelling with a side yard setback of 5 feet in lieu of the required side of rear and a side yard setback of 10 feet; and to have parking space dimensions of 10 feet x 15 feet (10 feet x 30 feet both spaces) in lieu of the required 8½ x 18 feet (8½ x 36 feet for both spaces).

Hearing: Tuesday, May 3, 2011, 2011 at 11:00 a.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, Contact the Zoning Review Office at (410) 887-3391.

JT 04/674 April 19

272895

CERTIFICATE OF PUBLICATION

5-3
4/21/2011

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 4/19/2011.

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

S. Wilkinson

LEGAL ADVERTISING