

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 1st day of December, 2017, that Sheloea Hill located at 16 Betlou James Pl should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate an: Assisted Living Facility (4 beds) case # 2012-0305-A

Permit (or Receipt) Number

Director, Permits, Approvals and Inspections

Planner's Initials RD

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 28 day of August, 2012, that Donzella Burton located at 16 Belton James Place (470) should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: Assisted Living facility (4 beds)
(case 2012-0305-A)

Carl Jablon
Permit (or Receipt) Number

Director, Permits, Approvals and Inspections

Planner's Initials GH.

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

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

RE: Assisted Living Facility 1

ALF Address 116 Betlow James Pl
Permit No. (if required) B _____

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

A. MINIMUM APPLICANT SUPPLIED COMPATABILITY INFORMATION (As Required under A and B below):

Ms. Donzella Burton 9411 High Rock Way 443-204-5131
Print Name of Applicant Address Telephone Number Email Address

Lot Address 16 Betlow James Election District 2 Councilmanic District 4 Square Feet of Lot 7,884

Lot Location: NE S W/side/corner of Betlow James Pl 470 feet from N E S W corner of Essex Rd
(street) (street)

Land Owner(s): Sylvia Price Brooks 10 Digit Tax Account Number 2000004334

Address: PO Box 382 White Marsh 21162 Telephone Number 443-525-2158
 Email Address _____

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

B. APPLICANT MUST PROVIDE 1 THROUGH 6

Planner to confirm information acceptance by marking **x** below

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input type="checkbox"/>
3. Site Plan		
Property (3 copies) including lot size and sq ft of building, parking and open space - 10% lot area.....	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Compliance with Checklist Note 5.A	<input type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings (these <u>may be waived</u> if not 5.A from the Zoning Use Permit Checklist can be stated on the plans)	<input type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly Adjoining Buildings and Surrounding Neighborhood)	<input type="checkbox"/>	<input type="checkbox"/>
6. Current Zoning Classification: <u>DR 5.5</u>		

Accepted for filing by 8/28/12
(Date)

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: [Signature]
For the Director, Office of Planning

Date: 8/28/12
Revised 2/7/11

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning
Attention: Lynn Lanham
Jefferson Building
105 West Chesapeake Avenue, Room 101
Towson, MD 21204
Mail Stop 3402

ALF Address: 16 Betlou James Pl
Permit No. (if required) B _____

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

RE: Assisted Living Facility 1

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

A. MINIMUM APPLICANT SUPPLIER COMPATABILITY INFORMATION (As Required under A and B below):

Print Name of Applicant: Ms. Donzella Burton Address: 9411 High Rock Way Telephone Number: 443-204-5131 Email Address: _____

Lot Address: 16 Betlou James Election District: 2 Councilmanic District: 4 Square Feet of Lot: 7,884

Lot Location: NE S W/side/corner of Betlou James Pl 470 feet from NE S W/corner of Essex Rd

Land Owner(s): Sylvia Price Brooks 10 Digit Tax Account Number: 2000004334

Address: PO Box 382 White Marsh 21162 Telephone Number: 410-525-2158 Email Address: _____

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

B. APPLICANT MUST PROVIDE 1 THROUGH 6

Planner to confirm information acceptance by marking x below

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input type="checkbox"/>
3. Site Plan Property (3 copies) including lot size and sq ft of building, parking and open space - 10% lot area.....	<input type="checkbox"/>	<input type="checkbox"/>
Statement of Compliance with Checklist Note 5.A	<input type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings (these may be waived if not 5.A from the Zoning Use Permit Checklist can be stated on the plans)	<input type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly Adjoining Buildings and Surrounding Neighborhood	<input type="checkbox"/>	<input type="checkbox"/>
6. Current Zoning Classification: <u>DR 5.5</u>		Accepted for filing by <u>8/28/12</u> (Date)

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

Date: _____

IN RE: PETITION FOR VARIANCE
 N/side of Betlou James Place, 470' W
 from c/line of Essex Road
 2nd Election District
 4th Council District
 (16 Betlou James Place)

Sylvia Price, *Legal Owner*
 Donzellà Burton, *Contract Purchaser/*
Lessee
 Petitioners

* BEFORE THE
 * OFFICE OF ADMINISTRATIVE
 * HEARINGS FOR
 * BALTIMORE COUNTY
 * CASE NO. 2012-0305-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Sylvia Price; and Donzella Burton, the contract purchaser/lessee (the "Petitioners"). The Petitioners are requesting Variance relief from §§ 432A.1.C.1 and 2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow the required parking for an Assisted Living Facility I (ALF) to be located in the front yard, as it exists, in lieu of the side or rear yard, and to allow that parking to be setback 0' from the property line in lieu of the required 10'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support for this case were Petitioners Sylvia Price and Donzella Burton, and Joseph Larson with Bogart Technical Consultants, who prepared the site plan and is assisting the Petitioners through the permitting process. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 7,884 square feet and zoned DR 5.5. The property is improved with a single family dwelling, which Ms. Prices has owned since it was constructed in 1987. Petitioners propose to operate an ALF I program on the premises, and require variance relief with respect to the parking requirements imposed by B.C.Z.R. § 432A. Ms. Burton testified that the first step in the process is to obtain zoning relief, and thereafter she will need to obtain licensure from the State of Maryland and further approvals from other County agencies. Ms. Price indicated that two or three years ago an ALF began operating in the home next door to hers, at 14 Betlow James Place. As shown on the aerial photograph (Exhibit 2), the parking pad on the subject premises is situated in the same manner and location as the parking pad serving the neighboring property.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test:

The Petitioners would experience a practical difficulty if the regulations were strictly enforced, since they would be unable to use their home as an ALF, which is permitted in the DR 5.5 zone. Finally, I do not believe the zoning relief will be detrimental to the community's health, safety and welfare. The existing parking pad has been in place for 25 years, and its location will not change, nor will there be any exterior improvements or construction at the site.

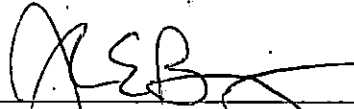
Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 26 day of July, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 432A.1.C.1 and 2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow the required parking for an Assisted Living Facility to be located in the front yard in lieu of the side or rear yard, and to allow that parking to be setback 0' from the property line in lieu of the required 10', be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioners may apply for appropriate permits and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. The variance relief granted herein is expressly contingent upon Petitioners obtaining a use permit from the Department of Permits, Approvals and Inspections, and a favorable compatibility finding from the Department of Planning.

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

GENERAL NOTES

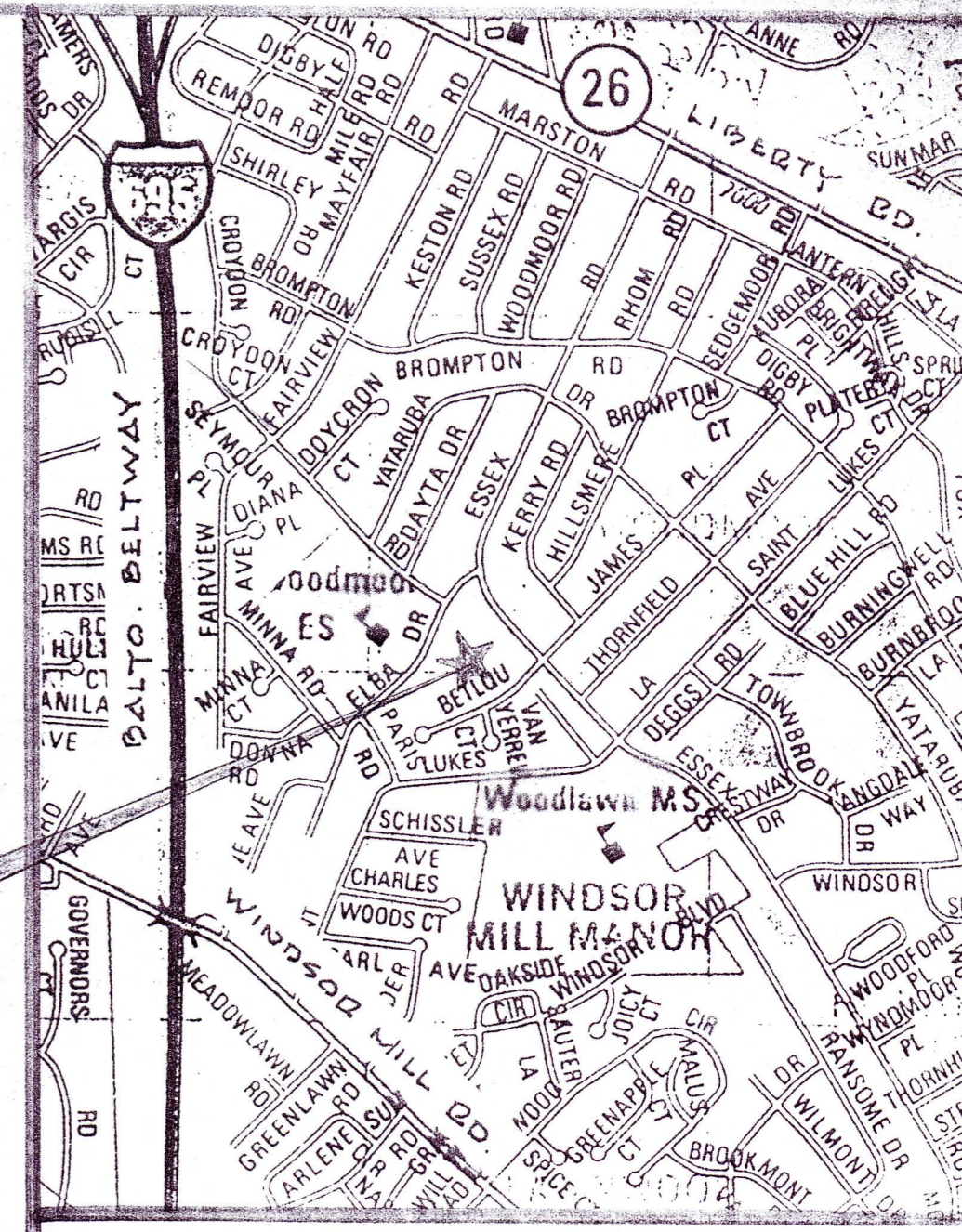
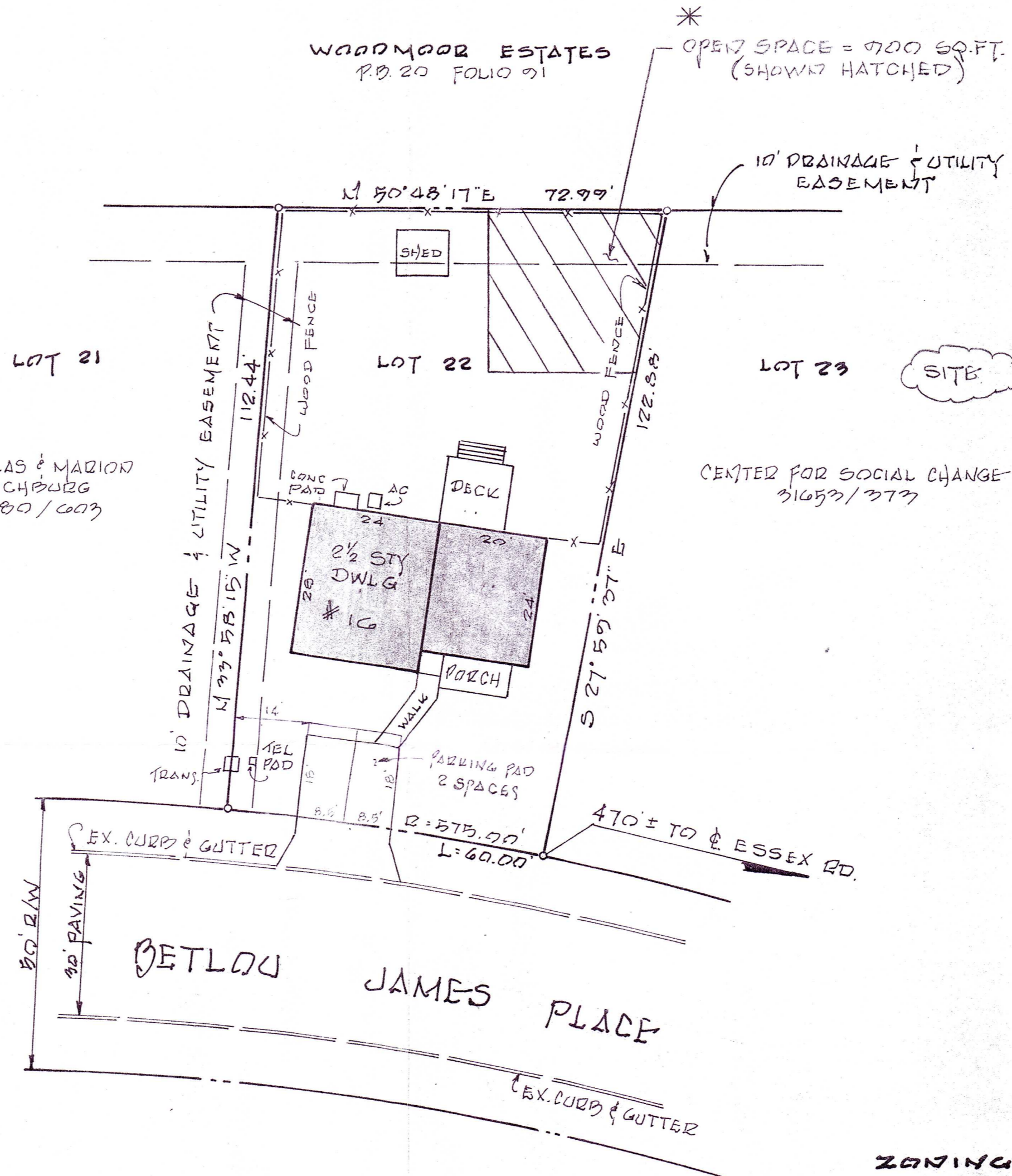
1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, OR HISTORIC BUILDINGS OR LANDMARKS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THERE ARE NO UNDERGROUND TANKS ON THE SITE.
4. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. THE SUBJECT PROPERTY HAS NO ZONING HISTORY.

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 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF 5 YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING HAVE OCCURRED. NO ADDITIONS ARE PROPOSED TO EXCEED THIS LIMIT FOR 5 YEARS FROM THE DATE OF THIS APPLICATION.

SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.

SITE SPECIFICS

AREA OF TRACT _____ 7884 SQ.FT.
 PROPOSED USE - CL I - 4 BED - ASST. LIV.
 OPEN SPACE REQ. - 7884 * 10% = 788 SQ.FT.
 * OPEN SPACE PROV. _____ 900 SQ.FT.
 PARKING REQ. = 2 SPACES (1 PER 3 BEDS)
 PARKING PROV. = 2 SPACES
 DWLG FLOOR AREA = 1ST FLR = 1152 SQ.FT.
 2ND FLR = 672 SQ.FT.
 TOTAL = 1824 SQ.FT.



GENERAL INFORMATION

AREA OF LOT	7,884 SQ.FT.
EXIST. ZONING	DR 5.7
COUNCIL DISTRICT	4 th
ELECTION DISTRICT	2 nd
ZONING MAP	088A2
DEED REFERENCE	7697-724
TAX ACCOUNT NO.	2000004334
TAX MAP-GRID-PARCEL	818/7/123
PLAT REFERENCE	54/11
EXIST. USE	RESIDENTIAL
PROPOSED USE	ASST. LIVING CL. I - 4 BEDS

ZONING NOTE

REFER TO ZONING CASE NO. 2012-0303-A
 ZONING ORDER GRANTED JULY 26, 2012 TO ALLOW PARKING TO BE LOCATED IN THE FRONT YARD WITH A 0' SETBACK FROM THE PROPERTY LINE

APPLICANT CERTIFICATION

THE UNDERSIGNED APPLICANT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AS SHOWN ON THIS PLAN.

Donzella Burton 7-31-12
 DONZELLA BURTON DATE

APPLICANT

DONZELLA BURTON
 7411 HIGH ROCK WAY
 OWINGS MILLS, MD 21117

OWNER INFORMATION

SYLVIA PRICE-BROOKS
 P.O. BOX 382
 WHITEMARSH, MD. 21162
 443.525.2138

**PLAT TO ACCOMPANY
 ZONING USE PERMIT
 CLASS I - ASSISTED LIVING FACILITY
 16 BETLOU JAMES PLACE**

2ND ELECT. DIST. BALTO. CO. MD.
 SCALE: 1" = 20' AUG. 1, 2012

BOGART TECHNICAL CONSULTANTS
 408 Allegheny Ave. Ste. 1L
 Towson, Md 21204

9900-2102