

IN RE: PETITION FOR VARIANCE

NS Kirkwood Road, 385' E of c/l
of Harwell Avenue
1st Election District
1st Council District
(1518 Kirkwood Road)

Nicole Brown
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0222-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Nicole Brown. The Petitioner is requesting Variance relief from Section 432.A.1.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 0' side yard setback for parking in lieu of the required 10' setbacks. The subject property and requested relief is more fully depicted 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 was Petitioner Nicole Brown. Appearing in opposition was Belinda and Donald Banks of 1520 Kirkwood Road. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

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

Testimony and evidence revealed that the subject property is 2,200 square feet and zoned DR 10.5. The Petitioner would like to establish a four-bed assisted living facility on the premises, and to do so requires variance relief with respect to the parking setbacks. It must be

ORDER RECEIVED FOR FILING

Date

6-4-12

By

pm

stressed that this is not a decision concerning the appropriateness of an assisted living facility at this location. This property is a row home/townhouse, and it would appear to thus have different impacts than would be the case if located in a detached single family dwelling. In a handout from the Department of Permits, Approvals and Inspections, ("Zoning Use Permit Checklist") that agency states that assisted living facilities can be operated "in townhouse units with difficulty." As such, I am confident the Department of Planning and Zoning Review Office will carefully consider whether or not establishment of an assisted living facility at this location is appropriate and compatible with the neighborhood.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the site has a two car concrete parking pad in the rear of the home, accessed by way of a 16' wide alley. This arrangement has existed for many years – the home was constructed in 1954 – and thus the variance relief in a sense merely legitimizes existing conditions; i.e., no setbacks from adjoining properties. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

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).

Petitioner has met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and

ORDER RECEIVED FOR FILING

Date 6-4-12

By [Signature]

general welfare. In fact, as concerns the parking, nothing will change on the site, and two cars will continue to park in the spaces at the rear of the home. Again, this is viewing the matter solely as a zoning variance for parking setbacks, and should in no way be construed as a finding, one way or another, on the proposed assisted living facility.

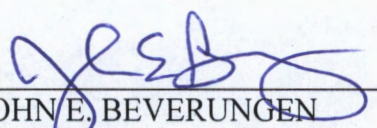
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 4 day of June, 2012, by this Administrative Law Judge, that Petitioner's Variance request from Section 432.A.1.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 0' side yard setback for parking in lieu of the required 10' setbacks, be and is hereby GRANTED.

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

1. Petitioner may not operate an assisted living facility on the subject property unless she has first obtained the requisite approvals from the State of Maryland and Baltimore County, including a compatibility finding under Section 32-4-402 of the Baltimore County Code.

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 6-4-12

By pm



KEVIN KAMENETZ
County Executive

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

June 4, 2012

NICOLE BROWN
1518 KIRKWOOD ROAD
BALTIMORE MD 21207

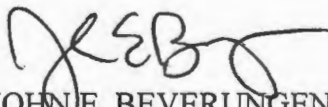
RE: Petition for Variance
Case No.: 2012-0222-A
Property: 1518 Kirkwood Road

Dear Ms. Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Belinda and Donald Banks, 1520 Kirkwood Road, Baltimore MD 21207
Joseph Larson, 408 Allegheny Avenue, Towson MD 21204



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1518 KIRKWOOD RD.

which is presently zoned DB 10.5

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) 432 A.I.C.1

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)

PLEASE REFER TO ATTACHED SHEET

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

DOES NOT APPLY

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

DOES NOT APPLY

Signature

Company

Address

Telephone No.

City

Date

State

Zip Code

By

Case No. 2012-0222-A

Legal Owner(s):

Name - Type or Print

NICOLE BROWN

Signature

Name - Type or Print

Signature

1518 KIRKWOOD RD.

443-934-5238

Address

Telephone No.

BALTIMORE

MD.

21207

City

State

Zip Code

Representative to be Contacted:

JOSEPH LARSON

Name

408 ALLEGHENY AVE

410-830-2299

Address

Telephone No.

TOWSON

MD.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 13h Date 3/16/12

ZONING VARIANCE

To allow 0' side yard setbacks for parking in lieu of the required 10' setbacks.

REASONING

Complete argument for hardship and practical difficulty to be presented at the Zoning Hearing.

BOGART TECHNICAL CONSULTANTS LLC

408 Allegheny Avenue, Terrace Level
Towson, Maryland 21204
TEL (410) 830-2299 / FAX (410) 830-2297

**LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION
1518 KIRKWOOD ROAD.**

Beginning at the same, on the North side of Kirkwood Road at a distance of 385 feet Easterly from the center line of Harwall Avenue; and running thence and binding on the North side of Kirkwood Road North 47 degrees 27' 10" East 20 feet to a point on the North side of Kirkwood Road; thence running for a line division between lots number 45 and 46 on the Plat of Edmondson Heights, Plat 6, recorded in Plat Book 20, Folio 9, North 42 degrees 32' 50" West 110 feet to a point on the South side of a 16 foot alley as shown on the Plat of Edmondson Heights, as aforementioned; thence binding along the South side of said 16 foot alley, South 47 degrees 27' 10" West, 20 feet to a point on the South side of the 16 foot alley; thence binding on the division line between Lots Number 44 and 45 as shown on the Plat of Edmondson Heights, South 42 degrees 32' 50" East 110 feet to the place of BEGINNING.

The subject property containing 0.05 acres of land, more or less, and identified as 1518 Kirkwood Road, Lot Number 45 as shown on the recorded Plat of Edmondson Heights, Plat 6, recorded in Plat Book 20, Folio 9 as recorded among the Land Records of Baltimore County.

**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: # 2012-0222-A
1518 Kirkwood Road
N/s Kirkwood Road, 385
feet E/of centerline of
Harwell Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Nicole Brown
Variance: to allow 0' side
yard setbacks for parking in
lieu of the required 10' set-
backs.
Hearing: **Wednesday,**
April 25, 2012 at 11:00
a.m. in Room 205, Jeffer-
son 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 accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

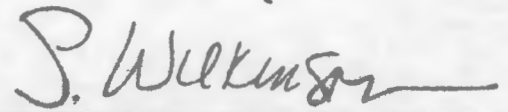
JT/4/652 Apr. 10 301449

CERTIFICATE OF PUBLICATION

4/12/ 2012

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 4/10/ 2012.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/9/2012

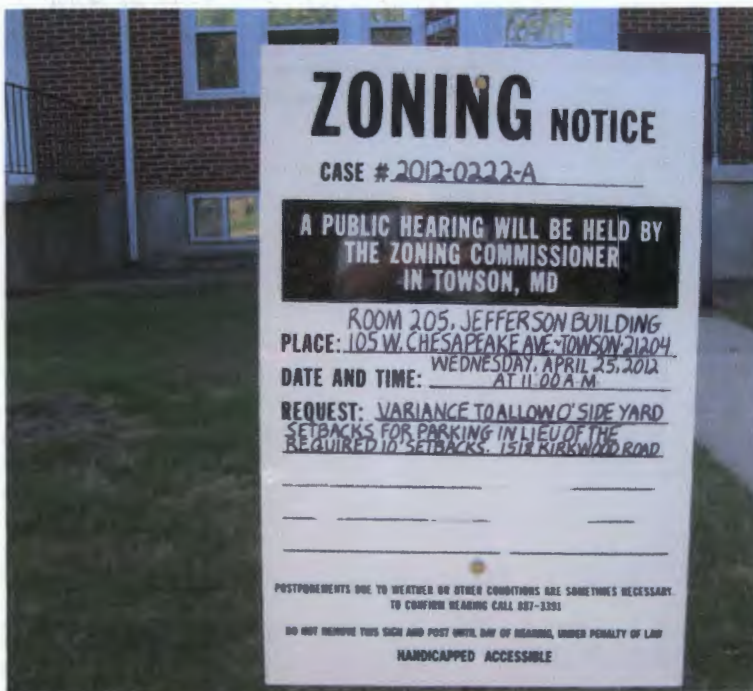
Case Number: 2012-0222-A

Petitioner / Developer: NICOLE BROWN~JOSEPH LARSON

Date of Hearing (Closing): APRIL 25, 2012

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:
1518 KIRKWOOD ROAD

The sign(s) were posted on: APRIL 6, 2012



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)

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF BUDGET AND FINANCE
 STANDEALONE CASH RECEIPT

No. 78845

Date: 2/24/12

PAID RECEIPT

BUSINESS ACTUAL TIME OF
 2/27/2012 2/24/2012 14:18:07
 W503 WALKIN REOS LRB
 RECEIPT # 577994 2/24/2012 OFL
 Dept 5 528 ZONING VERIFICATION
 RE NO. 078345
 Recpt Tot \$100.00
 \$100.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$100.00

Total: \$100.00

Rec From: JOSEPH LARSON

For: 1518 KIRKWOOD ROAD

Fee to be used
 for Variance
 Re WCR

Verification letter
 #12-104

LW

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

CASHIER'S
 VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:

Nicole Brown
1518 Kirkwood Road
Baltimore, MD 21207

443-934-5238

NOTICE OF ZONING HEARING

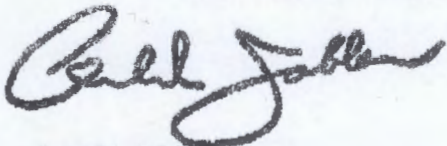
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0222-A

1518 Kirkwood Road
N/s Kirkwood Road, 385 feet E/of centerline of Harwell Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Nicole Brown

Variance to allow 0' side yard setbacks for parking in lieu of the required 10' setbacks.

Hearing: Wednesday, April 25, 2012 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

March 30, 2012

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: 2012-0222-A

1518 Kirkwood Road

N/s Kirkwood Road, 385 feet E/of centerline of Harwell Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Nicole Brown

Variance to allow 0' side yard setbacks for parking in lieu of the required 10' setbacks.

Hearing: Wednesday, April 25, 2012 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".

Arnold Jablon
Director

AJ:kl

C: Nicole Brown, 1518 Kirkwood Road, Baltimore 21207
Joseph Larson, 408 Allegheny Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 10, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMMISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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/neighbor 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: 2012-0222-A
Petitioner: NICOLE BROWN
Address or Location: 1518 KIRKWOOD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICOLE BROWN
Address: 1518 KIRKWOOD RD.
GALTO. MD. 21207
Telephone Number: 443-934-5278



KEVIN KAMENETZ
County Executive

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

April 17, 2012

Nicole Brown
1518 Kirkwood Road
Baltimore MD 21207

RE: Case Number: 2012-0222A, Address: 1518 Kirkwood Road, 21207

Dear Ms. Brown:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 16, 2012. 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:jaf

Enclosures

c: People's Counsel
Joseph Larson, 408 Allegheny Avenue, Towson MD 21204

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0222-A
Variance
Nicole Brown
1518 Kirkwood Road.

Dear Ms. Lewis:

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. 2012-0222-A.

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).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 30, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item Nos. 2012-222, 224, 225, 226, 227
And 228

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04092012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE
1518 Kirkwood Road; N/S Kirkwood Road,
385' of E c/line Harwell Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Nicole Brown
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-222-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

APR 02 2012

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 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Joseph Larson, 408 Allegheny Avenue, Towson, MD 21204, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: April 25, 2012

TO: Kristen Lewis
Office of Zoning Review

FROM: Timothy M. Kotroco
Administrative Law Judge for Baltimore County

SUBJECT: Case No. 2012-0222-A – Nicole Brown

The above-referenced case was scheduled for a hearing on Wednesday, April 25, 2012 at 11:00 AM in Room 205 of the Jefferson Building. It had been properly advertised and posted prior to the hearing. The Petitioner and Joseph Larson attended the hearing beginning 11:00 AM and ending about 11:10 AM. At approximately 11:15, the adjacent property owners, Belinda and Donald Banks, arrived for the hearing and wished to express concerns about the variance request.

In order to give Mr. and Mrs. Banks the opportunity to comment on the request, I am setting this matter in for another hearing. Debbie Wiley, Legal Administrative Secretary in the Office of Administrative Hearings, contacted Joseph Larson today to inform him that the matter would be rescheduled for a hearing in the near future.

Please notify Belinda and Donald Banks of 1520 Kirkwood Road, Baltimore MD 21207 when the matter is again set in for a hearing. Mrs. Banks' telephone number is 443-488-0116.

The case file is being returned to the Department of Permits, Approvals and Inspections to be rescheduled. According to Judge Kotroco, the Petitioner does not need to repost or re-advertise the hearing.

c: Debbie Wiley, Legal Administrative Secretary, Office of Administrative Hearings
Case File

TK 4/25
11AM, 205**Debra Wiley - ZAC Comments - Distribution Mtg. of 3/26/12**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/27/2012 9:57 AM
Subject: ZAC Comments - Distribution Mtg. of 3/26/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0222-A - 1518 Kirkwood Road

No hearing date in data base as of today

2012-0223-SPHA - 3520 Glenwood Road - CRITICAL AREA & FLOODPLAIN

No hearing date in data base as of today

2012-0224-A - 11823 Manor Road

Administrative Variance - Closing Date: 4/16/12

2012-0225-A - 7015 Sollers Point Road

No hearing date in data base as of today

2012-0226-A - 604 Kahn Drive

No hearing date in data base as of today

2012-0227-A - 5516 Maudes Way

No hearing date in data base as of today

2012-0228-A - 112 Ridge Field Road

Administrative Variance - Closing Date: 4/16/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Patricia Zook
To: Lewis, Kristen
CC: Wiley, Debra
Date: 4/25/2012 1:46 PM
Subject: Case 2012-0222-A - Wednesday, April 25
Attachments: IO-2012-0222-A opened and continued.doc

Kristen -

Please see the attached memo regarding this case.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

BALTIMORE COUNTY MARYLAND

Inter-Office Memorandum

To: Mary Ann
Not a PAI?
We'll do as Reg.
Zon. Cent.
To LW #2112
#213 uca

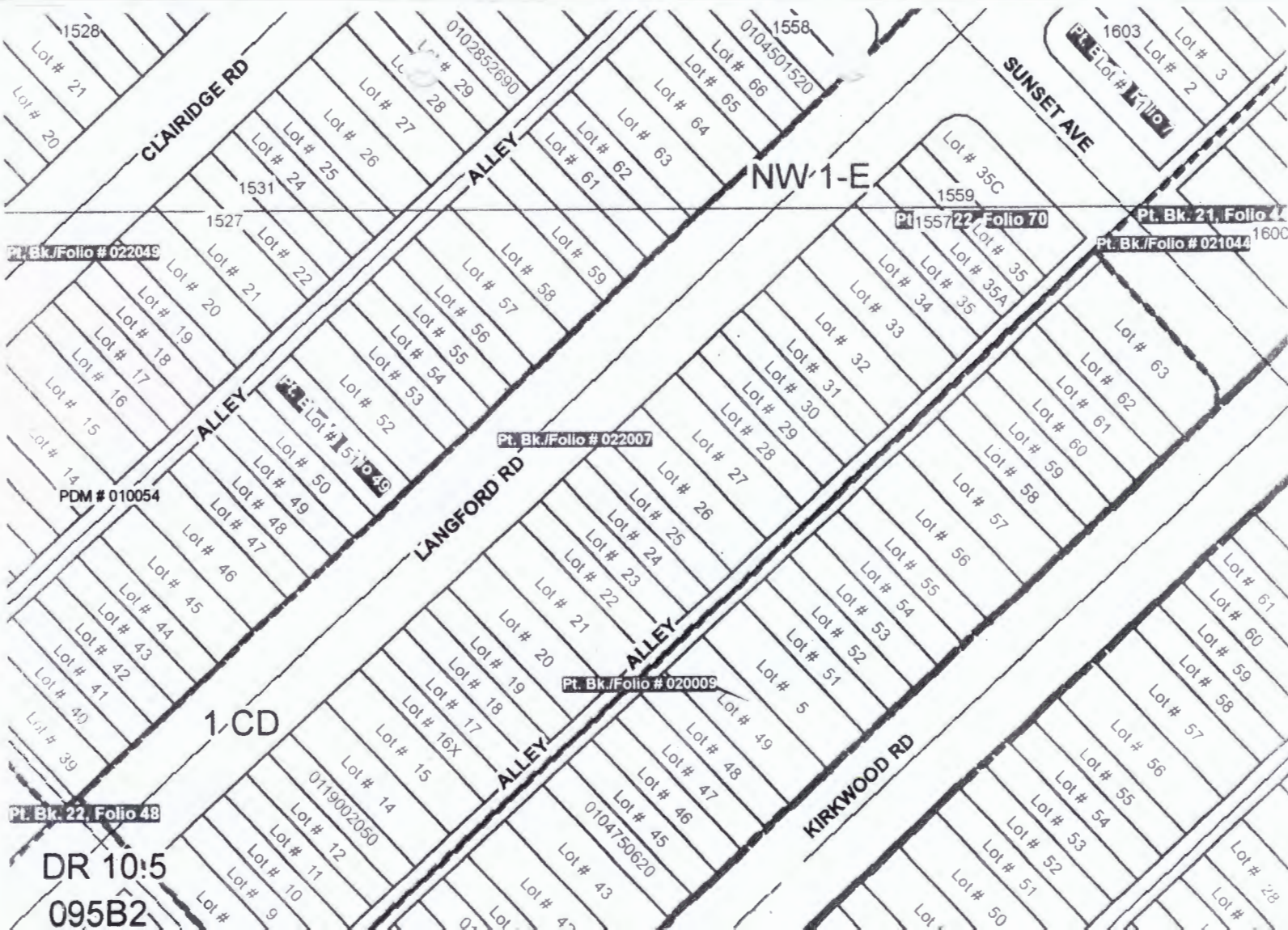
TO: Carl Richards
Zoning Office

DATE: 2/17/2012

#12-104

FROM: Mary Ann Stumptner
Permits, Approval and Inspections

SUBJECT: PIA -Brown Property
1518 Kirkwood Road



DR 10:5
095B2

MEMORANDUM

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0222-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 01 Account Number - 0113207364

Owner Information

Owner Name: BROWN NICOLE **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1518 KIRKWOOD RD
BALTIMORE MD 21207-4934 **Deed Reference:** 1) /20697/ 00399
2)

Location & Structure Information

Premises Address

1518 KIRKWOOD RD
0-0000

Legal Description

1518 KIRKWOOD RD
EDMONDSON HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	6
0095	0015	0200		0000		H	45	1	Plat Ref:	0020/ 0009

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1954	1,200 SF	2,200 SF	04

Stories 2.000000 **Basement** **Type** **Exterior**
CENTER UNIT BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	59,000	59,000		
Improvements:	101,450	81,600		
Total:	160,450	140,600	140,600	140,600
Preferential Land:	0			0

Transfer Information

Seller: GALLUZZO AUGUST V	Date: 09/16/2004	Price: \$124,900
Type: ARMS LENGTH IMPROVED	Deed1: /20697/ 00399	Deed2:
Seller: CLEAVER THOMAS H	Date: 06/29/1989	Price: \$82,900
Type: ARMS LENGTH IMPROVED	Deed1: /08214/ 00767	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

CASE NAME 2012-0222
CASE NUMBER _____
DATE _____

[illegible]

ASSISTED LIVING FACILITY - 4 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 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 = 2200 SQ. FT.
PROPOSED USE = 4 BED ASST. LIVING FAC.
PARKING REQUIRED = 1 SPACE PER 3 BEDS
4 BED = 2 SPACES
PARKING PROVIDED = 2 SPACES
GROSS FLOOR AREA = 1ST FLR = 600 SQ. FT.
2ND FLR = 600 SQ. FT.
TOTAL = 1200 SQ. FT.
PERK SPACE REQUIRED = 10% OF SITE AREA
= 220 SQ. FT.
OPEN SPACE PROVIDED = 240 SQ. FT.

GENERAL NOTES

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

OWNER AFFIDAVIT

I, UNDERSIGNED, OWNER-APPLICANT, AM RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AS SHOWN ON THIS PLAN.

Nicole Brown 2/2/12
NICOLE BROWN DATE

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

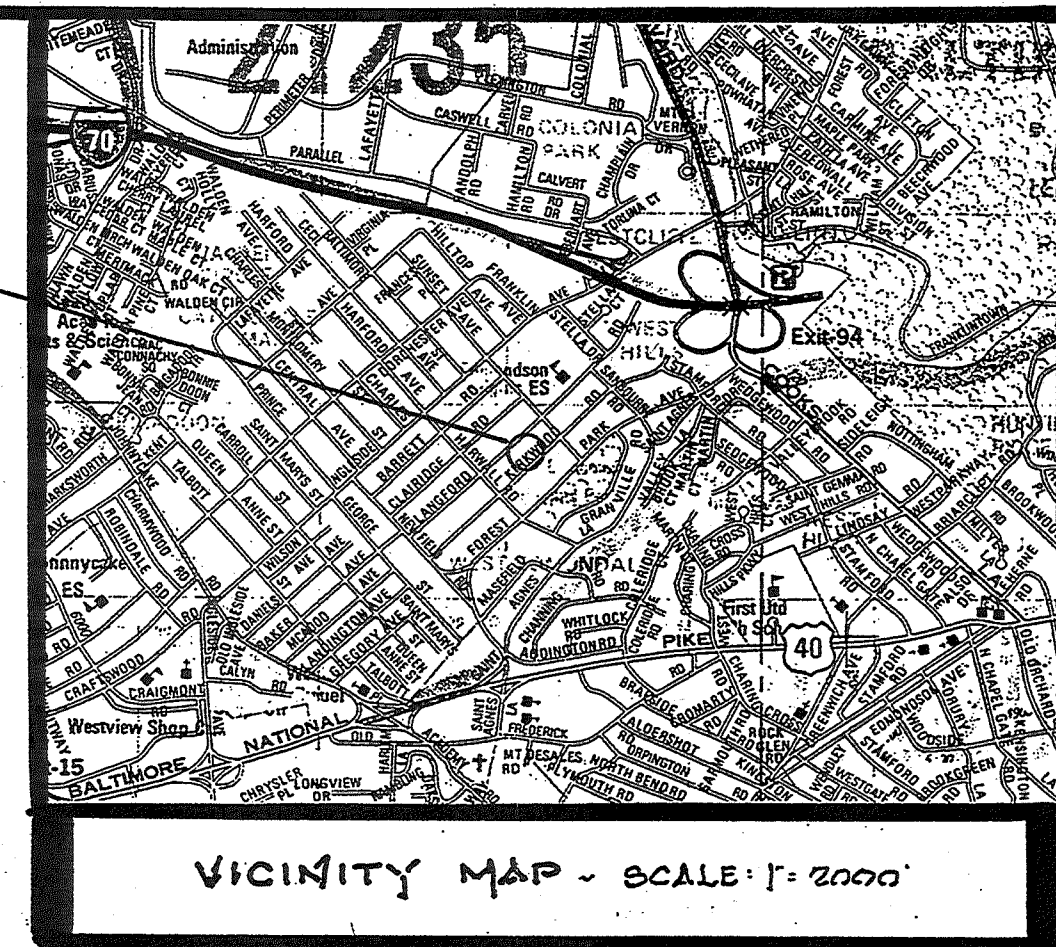
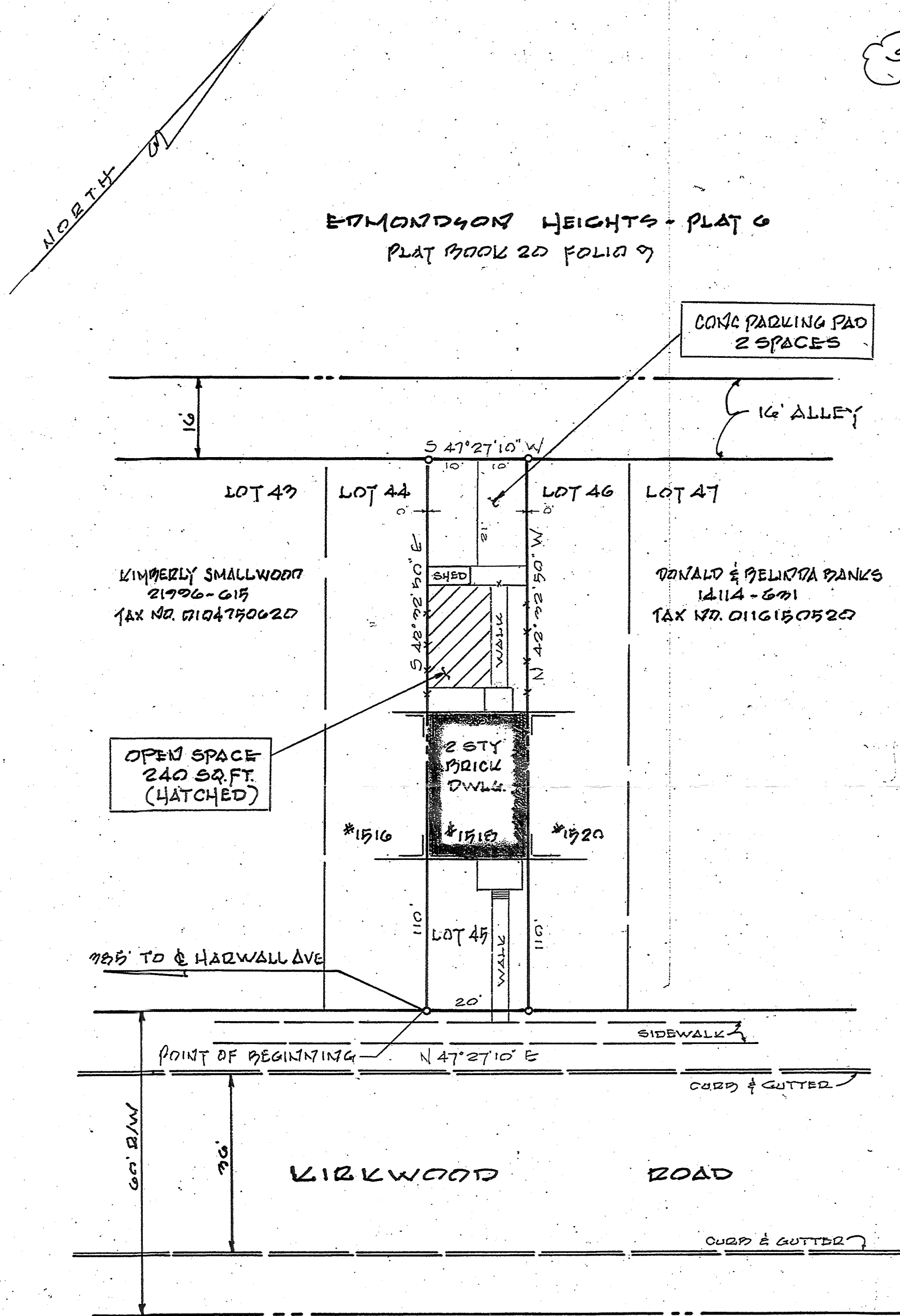
OWNER-APPLICANT
NICOLE BROWN
1518 KIRKWOOD RD
BALTIMORE, MD. 21207
443-934-5238

PETITIONER'S

EXHIBIT NO. 1

PLAT TO ACCOMPANY ZONING PETITION
ASSISTED LIVING FACILITY I
BROWN PROPERTY
1518 KIRKWOOD ROAD

1ST ELECT. DIST. BALTO. COMM.
SCALE: 1" = 20' MAR. 8, 2012



GENERAL INFORMATION

AREA OF LOT 0.05 AC. (2200[±])
EXIST. ZONING DR 10.5
COUNCIL DISTRICT 1ST
ELECTION DISTRICT 1ST
ZONING MAP 09082
DEED REFERENCE 20097/999
TAX ACCOUNT NO. 0112207964
TAX MAP-GRID-PARCEL 94-15-200
PLAT REFERENCE 20/9
EXIST. USE RESIDENTIAL
PROPOSED USE ASST. LIVING FAC. I