

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*
Donzella 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.

ORDER RECEIVED FOR FILING

Date 7-26-12

By PJ

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.

ORDER RECEIVED FOR FILING

Date 7-26-12 2
By ps

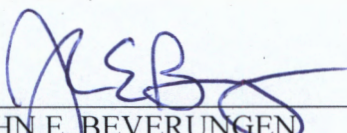
Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners' variance request should be granted.

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

ORDER RECEIVED FOR FILING

Date 7-26-12 3

By pz



KEVIN KAMENETZ
County Executive

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

July 26, 2012

SYLVIA PRICE
PO BOX 382
WHITE MARSH MD 21162

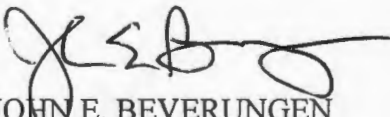
RE: Petition for Variance
Case No.: 2012-0305-A
Property: 16 Betlou James Place

Dear Ms. Price:

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: Donzella Burton, 9411 High Rock Way, Owings Mills MD 21117
Joseph Larson, Bogart Technical Consultants, 408 Allegheny Avenue, Suite LL, Towson MD 21204



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 16 BETLOU JAMES PL.
which is presently zoned DR 5.5
TAX ACCT # 2000004334

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.2 BCZR
432 A.I.C.1 BCZR

REFER TO ATTACHED SHEET

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

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 [REDACTED] DONZELLA BURTON
Signature [Signature]
Address [REDACTED] 9411 HIGH ROCK WAY Telephone No. [REDACTED]
City DWINGS MILLS State MD. Zip Code 21117

Attorney For Petitioner:

Name - Type or Print DNA
Signature [Signature]
Company [Signature]
Date 7-26-12
Address [Signature] Telephone No. [Signature]
City [Signature] State [Signature] Zip Code [Signature]

Legal Owner(s):

Name - Type or Print SYLVIA PRICE
Signature [Signature]
Name - Type or Print [Signature] - Owner of Property
Signature [Signature] ~ LESSEE
Name - Type or Print [Signature]
Signature [Signature]
Address P.O. BOX 382 Telephone No. 443-525-2158
City WHITE MARSH State MD. Zip Code 21162

Representative to be Contacted:

Name JOSEPH LARSON
Address 408 ALLEGHENY AVE Telephone No. 410-830-2299
City TOWSON State MD. Zip Code 21204

OFFICE USE ONLY

Case No. 2012-0305-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 6-1-12

VARIANCE

To allow the required parking to be located in the front yard for Assisted Living facility, as it exists, in lieu of the side or rear yard, also to include a variance to the lot line setback (front yard) of 0' in lieu of the required 10' in accordance with BCZR.

JRF

REASONING

A complete and comprehensive review of the undue hardship and practical difficulty is to be presented at the 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 VARIANCE PETITION**

**16 BETLOU JAMES PLACE
LOT 22 - ST. LUKE'S ESTATES**

Beginning for the same on the north side of Betlou James Place, 50 feet wide, and as shown on the First Amended Plat of St. Luke's Estates recorded among the land records of Baltimore County in Plat Book 54 Folio 11; said point being 470 feet more or less, westerly from the center line of Essex Road, 70 feet wide; thence continuing along the north side of Betlou James Place by a curve to the left with a radius of 575.00 feet, a curve length of 60.00 feet; thence running by a line of division between Lots 22 and 21 as shown on the aforementioned Final Plat of St. Luke's Estates, North 33 degrees 58 minutes 15 seconds West 112.44 feet; thence North 50 degrees 48 minutes 17 seconds East 72.99 feet to a point on the line of division between Lots 22 and 23 as shown on aforementioned Final Plat; thence running along the said line of division South 27 degrees 59 minutes 37 seconds East 122.88 feet to the place of Beginning.

Containing 7,884 square feet, and further identified as Lot 22 on the Final Plat of St. Luke's Estates recorded in Plat Book 54 Folio 11 and also known as 16 Betlou James Place.

April 16, 2012

M E M O R A N D U M

DATE: September 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0305-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **83481**

Date: **6-1-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/04/2012 6/01/2012 09:39:03 6

REG WSO6 WALKIN TTAY TST
 >>RECEIPT # 666194 6/01/2012 OFLN

Dept 5 528 ZONING VERIFICATION
 CR NO. 083481

Recpt Tot \$75.00
 \$75.00 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				75.00

Total: **75.00**

Rec From: **Danzella Burton**
 For: **Petition for Variance**
16 Betlow James Pl.
2012-0305-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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 - 0305 - A
Petitioner: MS. DONZELLA BURTON
Address or Location: 16 BETLOU JAMES PLACE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. DONZELLA BURTON
Address: 9411 HIGH ROCK WAY
OWINGS MILLS, MD. 21117
Telephone Number: 443-204-5131

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/01/2012

Case Number: 2012-0305-A

Petitioner / Developer: SYLVIA PRICE~DONZELLA BURTON~
JOSEPH LARSON of BOGART TECHNICAL

Date of Hearing (Closing): JULY 24, 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:
16 BETLOU JAMES PLACE

The sign(s) were posted on: JULY 1, 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)

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: # 2012-0305-A

16 Betlou James Place

N/s of Betlou James Place at the distance of 470 ft. west from the centerline of Essex Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Sylvia Price

Contract Purchaser: Donzella Burton

Variance: to allow the required parking to be located in the front yard for Assisted Living Facility, as it exists, in lieu of the side or rear yard, also to include a variance to the lot line setback (front yard) of 0 ft. in lieu of the required 10 ft. in accordance with the BCZR.

Hearing: Tuesday, July 24, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

11/7/15 July 3

304751

CERTIFICATE OF PUBLICATION

7/5/, 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 7/3/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

June 20, 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: 2012-0305-A

16 Betlou James Place

N/s of Betlou James Place at the distance of 470 ft. west from the centerline of Essex Road
2nd Election District – 4th Councilmanic District

Legal Owners: Sylvia Price

Contract Purchaser: Donzella Burton

Variance to allow the required parking to be located in the front yard for Assisted Living Facility, as it exists, in lieu of the side or rear yard, also to include a variance to the lot line setback (front yard) of 0 ft. in lieu of the required 10 ft. in accordance with the BCZR.

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Sylvia Price, P.O. Box 382, White Marsh 21162
Donzella Burton, 9411 High Rock Way, Owings Mills 21117
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 WEDNESDAY, JULY 4, 2012.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 3, 2012 Issue - Jeffersonian

Please forward billing to:
Donzella Burton
9411 High Rock Way
Owings Mills, MD 21117

443-204-5131

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: 2012-0305-A

16 Betlou James Place

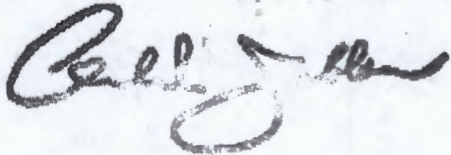
N/s of Betlou James Place at the distance of 470 ft. west from the centerline of Essex Road
2nd Election District – 4th Councilmanic District

Legal Owners: Sylvia Price

Contract Purchaser: Donzella Burton

Variance to allow the required parking to be located in the front yard for Assisted Living Facility, as it exists, in lieu of the side or rear yard, also to include a variance to the lot line setback (front yard) of 0 ft. in lieu of the required 10 ft. in accordance with the BCZR.

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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.

RE: PETITION FOR VARIANCE
16 Betlou James Place; N/S Betlou James
Place, 470' W c/line Essex Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Sylvia Price
Contract Purchaser(s): Donzella Burton
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-305-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

JUN 13 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 13th day of June, 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



KEVIN KAMENETZ
County Executive

August 22, 2012

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

Peter Max Zimmerman
People's Counsel for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

RE: **MOTION FOR RECONSIDERATION** - Petition for Variance
Case No.: 2012-0305-A
Property: 16 Betlou James Place

Dear Mr. Zimmerman:

As you know, your office sought reconsideration of the July 26, 2012 Order and Opinion in the above matter. The motion sought clarification concerning the number of Assisted Living Facility (ALF) beds permitted at this location.

I have now had the opportunity to review the Opinion and file in this case, and I believe that I intentionally did not refer to the beds/occupancy issue in the Order, and I will therefore deny the Motion.

The sole issue in the above case concerned the location and setback variance relief for parking associated with a proposed ALF. The Petitioner made clear, as noted in the Order, that she has yet to receive approval from the State of Maryland or Baltimore County for operation of an ALF. Ms. Burton testified that she first needed variance relief, and would thereafter secure the requisite licenses and permits. As you know, an ALF is permitted in a DR zone by "use permit" and compatibility finding, which is obtained from the Department of Permits, Approvals and Inspections (PAI) and Department of Planning, respectively. The Office of Administrative Hearings does not issue or approve "use permits" for the operation of ALFs, and thus the July 26, 2012 Order in the above case should in no way be construed as granting the Petitioners any permits or approvals of any sort for the operation of an ALF on these premises.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: Sylvia Price, P.O. Box 382, White Marsh, MD 21162
Donzella Burton, 9411 High Rock Way, Owings Mills MD 21117
Joseph Larson, Bogart Technical Consultants, 408 Allegheny Avenue, Suite LL, Towson MD 21204

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

ORDER RECEIVED FOR FILING

Date 8-22-12

By [Signature]



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 21, 2012

HAND DELIVERED

John Beverungen, Administrative Law Judge/Hearing Officer
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

AUG 21 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Sylvia Price, Legal Owner/ Donzella Burton, Lessee
16 Betlou James Place
Case No. : 2012-305-A

Dear Judge Beverungen,

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Order and Opinion dated July 26, 2012 in the above-referenced case. Its purpose is actually to clarify the occupancy of the proposed Class I Assisted Living Facility.

According to the site plan, the proposal is for 4 beds, so that would be the limit in accord with public notice principles. The opinion refers to the facility as Class I and does mention the site plan, but without the occupancy proposal. The Order just refers generally to an Assisted Living Facility, without the classification. Again, there is no mention that the proposed facility is limited to 4 beds.

Accordingly, we request that the Order be clarified to specify that the approval is for an Assisted Living Facility, Class I, with a limit of 4 beds, as proposed on the site plan. We are not challenging the approval of the parking front yard and setback variances.

Thank you in advance for your reconsideration of this matter.

Sincerely,

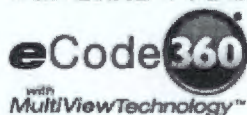
Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Sylvia Price
Joseph Larson

CASE NAME 16 Bethou James Place
CASE NUMBER 2012-0305
DATE 7-24-12

[illegible]

GENERAL CODE



Index	Baltimore County, MD	Search
New Laws	ARTICLE 4 SPECIAL REGULATIONS	Search
SECTION 432. (Reserved)	Help	Print
)		SECTION 433. (Reserved)

This electronic version is provided for informational purposes only. For the official version please contact the municipality.

[Jump to Content](#)

[SECTION 432A. Assisted-Living Facility; Housing for the Elderly](#)

[§ 432A.1. Permitted zones; conditions for use.](#)

SECTION 432A. Assisted-Living Facility; Housing for the Elderly

[Bill Nos. 19-2004 Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment. ; 32-2006]

§ 432A.1. Permitted zones; conditions for use.

A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R., B.M. and OR-2 Zones as follows:

1. An assisted-living facility I is permitted by use permit.
2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
3. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. An assisted-living facility III is permitted in the OR-2 Zone by special exception and is limited by the use, area and bulk regulations of the D.R. 10.5 Zone. A facility located in an R.O. Zone is also subject to review by the design review panel for compatibility with surrounding uses.
4. Housing for the elderly is permitted by right in R.A.E. Zones.

B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.

C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.

1. Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.
2. Parking and delivery areas shall be located in the side or rear only.
3. At least 10% of the lot shall be used to provide useable, contiguous and private open space.

D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code.

E. An assisted-living facility located in a County historic district is also subject to review by the Landmarks Preservation Commission in the same manner as other buildings located in a historic district.

Prev	Up / Top	Next
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CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>yes - 6/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>7-10</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>yes - 6/12</u>	STATE HIGHWAY ADMINISTRATION	<u>no objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>7/5/12</u>	
SIGN POSTING	Date: <u>7/1/12</u> by <u>Linda O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 02 Account Number - 2000004334

Owner Information

Owner Name: PRICE SYLVIA **Use:** RESIDENTIAL
Mailing Address: PO BOX 382 **Principal Residence:** NO
WHITE MARSH MD 21162-0382 **Deed Reference:** 1) /07837/ 00724
2)

Location & Structure Information

Premises Address **Legal Description**
16 BETLOU JAMES PL .181 AC
BALTIMORE 21207-0000
ST LUKES ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0088	0007	0123		0000			22	1	Plat Ref: 0054/0011

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1987	1,800 SF	7,884 SF	04

Stories	Basement	Type	Exterior
2.000000	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	76,880	76,800		
Improvements:	177,360	109,200		
Total:	254,240	186,000	186,000	186,000
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ST LUKES JOINT V ENTURE	04/15/1988	\$81,195
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/07837/ 00724	
Seller:	Date:	Price:
Type:	Deed1:	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

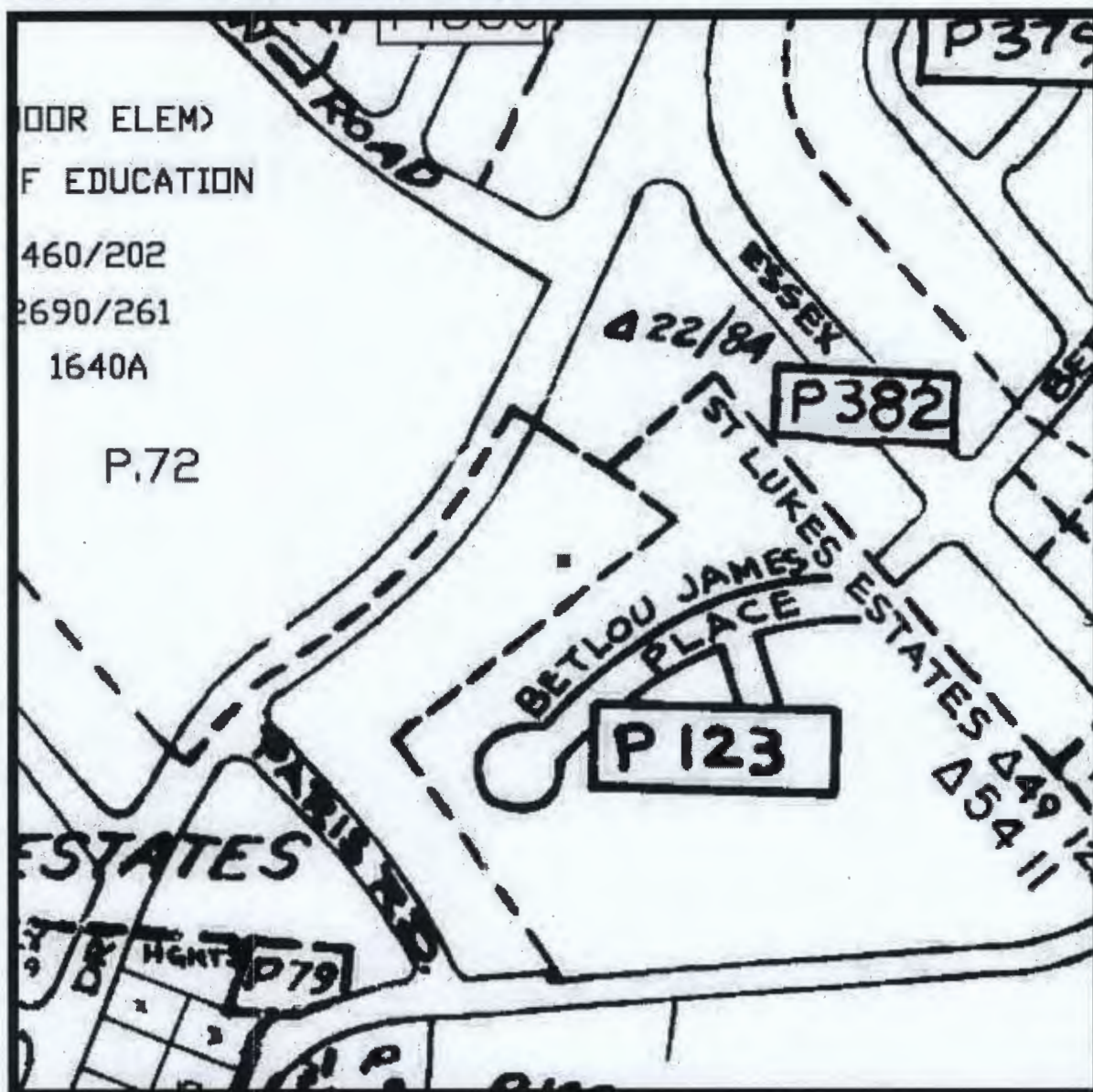
Homestead Application Status: No Application



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

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

District - 02 Account Number - 2000004334



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

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

Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: July 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0305-A
Address 16 Betlou James Place
(Price Property)

Zoning Advisory Committee Meeting of June 4, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 11 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - ZAC Comments - Distribution Meeting of June 4th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/11/2012 1:52 PM
Subject: ZAC Comments - Distribution Meeting of June 4th

Good Afternoon,

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.

2012-0301-SPHA- 411 Lorraine Avenue
No hearing date per data base as of 6/11/12

2012-0302-A - 4017 Klausmier Road
Administrative Variance - Closing Date: 6/25/12

2012-0303-SPHA - 950 York Road
No hearing date in data base as of 6/11/12

2012-0304-A - 4020 Old Court Road
No hearing date in data base as of 6/11/12

2012-0305-A - 16 Betlou James Place
No hearing date in data base as of 6/11/12

2012-0306-SPHA - 6732 Fox Meadow Place
Administrative Variance - Closing Date: 5/7/12

2012-0307-SPH - 8044 Bradshaw Road
No hearing date in data base as of 6/11/12

2012-0308-A - 7801 Doe Ridge Drive
Administrative Variance - Closing Date: 7/2/12

2012-0309-A - 7208 Bridgewood Drive
Administrative Variance - Closing Date: 7/2/12

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



KEVIN KAMENETZ
County Executive

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

July 17, 2012

Sylvia Price
P O Box 382
White Marsh MD 21162

RE: Case Number: 2012-0305 A, Address: 16 Betlou James Place

Dear Ms. Price:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 1, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Joseph Larson, 408 Allegheny Avenue Towson, MD 21204
Donzella Burton, 9411 High Rock Way, Owings Mills, MD 21117

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



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

Date: 6-12-12

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

RE: Baltimore County
Item No 2012-0305-A
Variance
Sylvia Price
16 Betton Jones Place

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. 2012-0305-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: June 14, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2012
Item Nos. 2012-0301, 0302, 0303, 0305, 0306, 0307, 0308, and 0309

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-06182012-NO COMMENTS.doc

Case No.:

2012-305-A

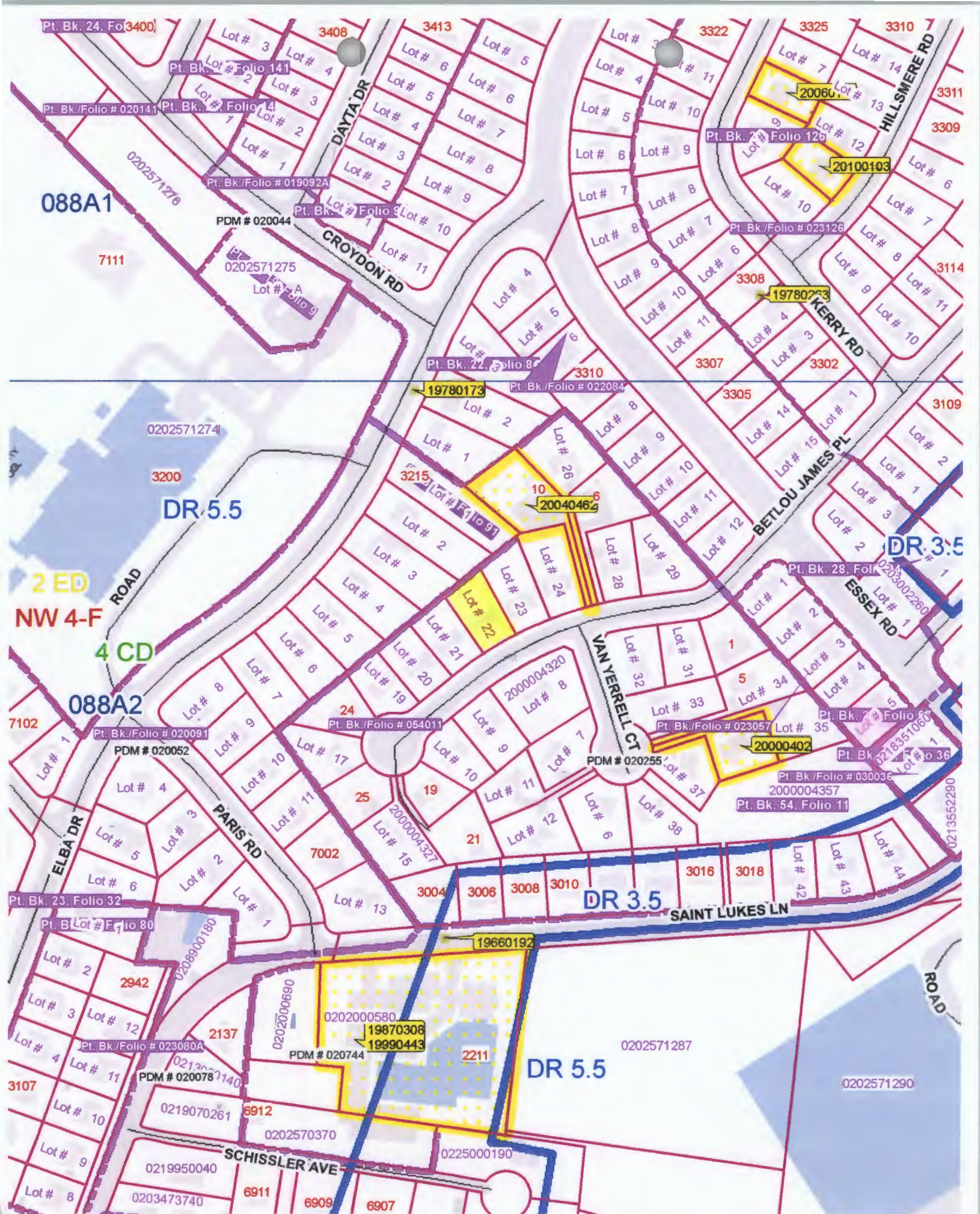
9-24-12 aw
7/26/12
PJO

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photo	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





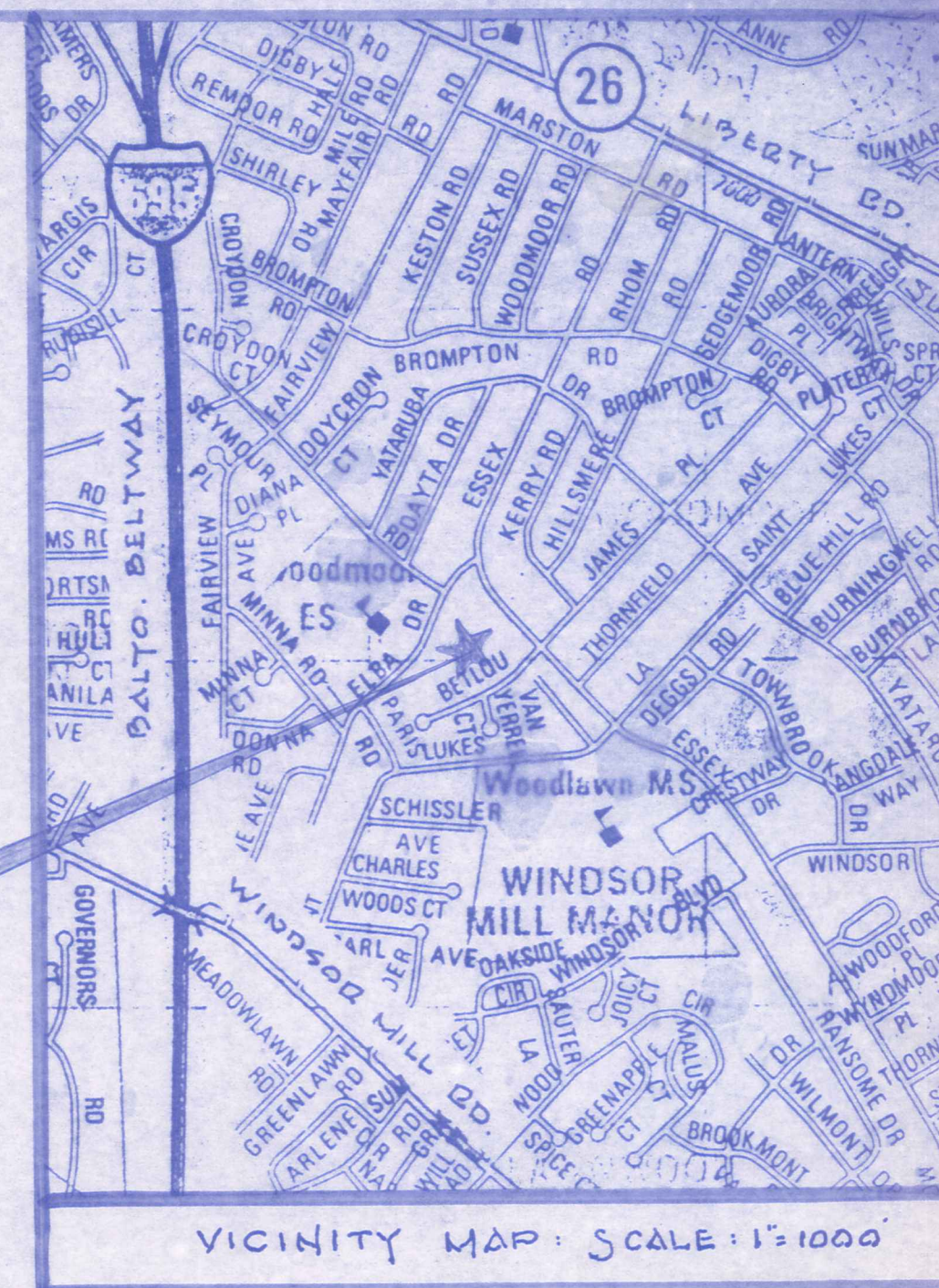
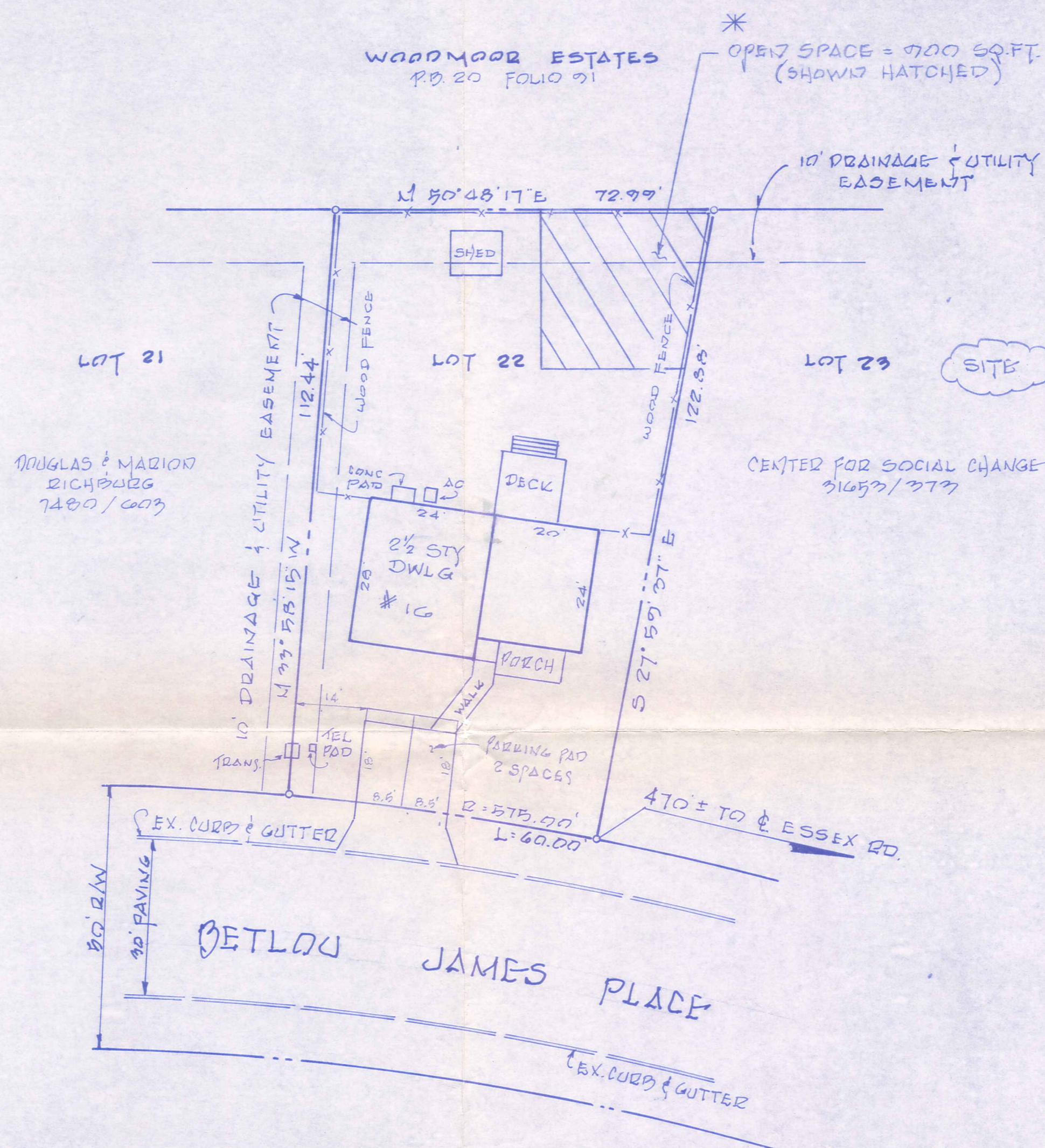
2

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.

AREA OF TRACT _____ 7884 SQ.FT.
PROPOSED USE — CL I - 4 BED + 4557 LIV.
OPEN SPACE REQ. — $7884 \times 10\%$ = 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 FLD = 1152 SQ.FT.
2nd FLD = 672 SQ.FT.
TOTAL = 1824 SQ.FT.



AREA OF LOT _____ 7,884 SQ. FT.
EXIST. ZONING _____ DR 5.5
COUNCIL DISTRICT _____ 4th
ELECTION DISTRICT _____ 2nd
ZONING MAP _____ 088A2
DEED REFERENCE _____ 7897-724
TAX ACCOUNT NO. _____ 2000004334
TAX MAP-GRID-PARCEL _____ 810 / 7 / 123
PLAT REFERENCE _____ 54 / 11
EXIST. USE _____ RESIDENTIAL
PROPOSED USE _____ ASST. LIVING
CL. 1 - 4 BEDS

2012-0305-A

PLAT TO ACCOMPANY
ZONING VARIANCE PETITION

16 BETLOW JAMES PLACE

2nd ELECT. DIST.
SCALE: 1" = 200'

BALTO.CO.MD.
APRIL 17, 2012
REV. MAY 25, 2012

BOGART TECHNICAL CONSULTANTS

408 Allegheny Ave. Ste. LL
Towson, Md. 21204

OWNER INFORMATION

SYLVIA PRICE-BROOKS
P.O. BOX 382
WHITEMARSH, MD. 21162
443. 525-2158

EX. #

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, OR HISTORIC BUILDINGS OR LANDMARKS ON THE SUBJECT SITE.
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SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.

SITE SPECIFICS

AREA OF TRACT _____ 7884 SQ.FT.

PROPOSED USE — CL I - 4 BED - ASSIST. LIV.

OPEN SPACE REQ. — $7884 \times 10\% = 788$ SQ.FT.

* OPEN SPACE PROV. _____ 900 SQ.FT.

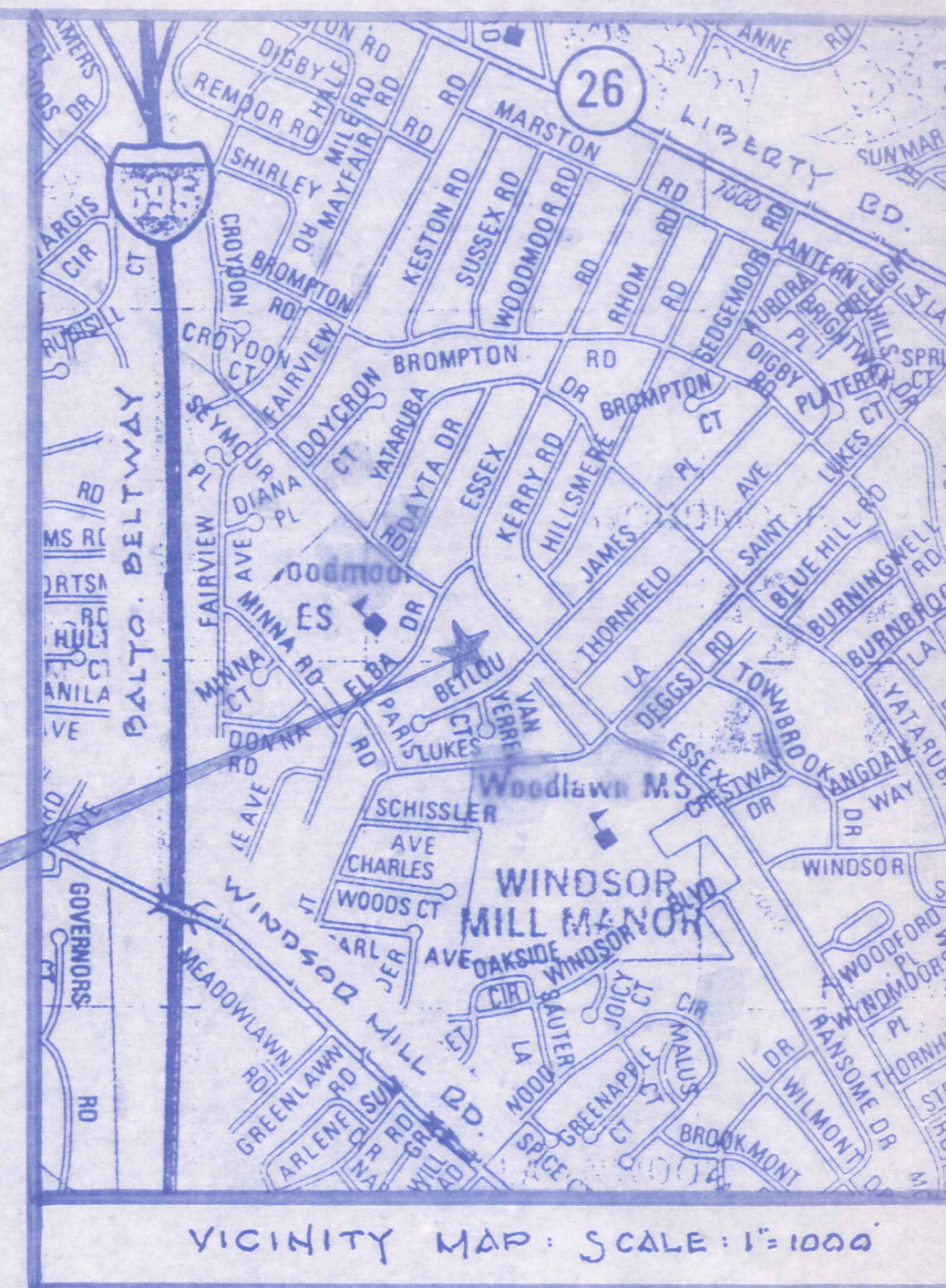
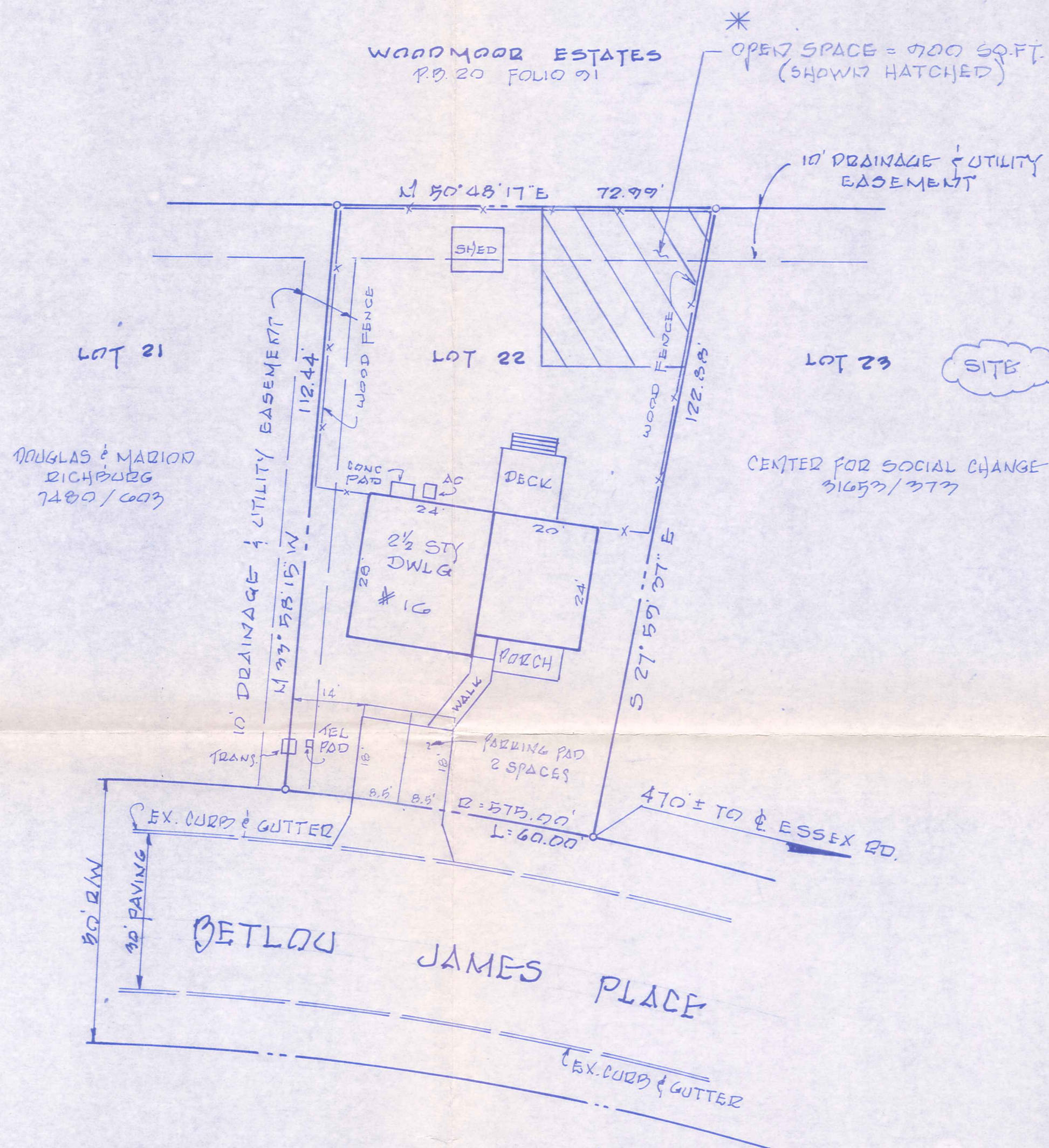
PARKING REQ. = 2 SPACES (1 PER 3 BEDS)

PARKING PROV. = 2 SPACES

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2ND FLR = 672 SQ.FT.

TOTAL = 1824 SQ.FT.



GENERAL INFORMATION

AREA OF LOT	7884 SQ.FT.
EXIST. ZONING	OR 5.5
COUNCIL DISTRICT	4 th
ELECTION DISTRICT	2 nd
ZONING MAP	088A2
DEED REFERENCE	7897-724
TAX ACCOUNT NO.	2000004334
TAX MAP-GRID-PARCEL	810/7/123
PLAT REFERENCE	54/11
EXIST. USE	RESIDENTIAL
PROPOSED USE	ASSIST. LIVING CL. I - 4 BEDS

2012-0305-A

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

OWNER INFORMATION

SYLVIA PRICE-BROOKS
P.O. BOX 382
WHITEMARSH, MD. 21162
443.525.2158

PLAT TO ACCOMPANY
ZONING VARIANCE PETITION

10 BETLOU JAMES PLACE

2ND ELECT. DIST.
SCALE: 1" = 20'

BALTO. CO. MD.
APRIL 19, 2012
REV. MAY 29, 2012

GENERAL NOTES

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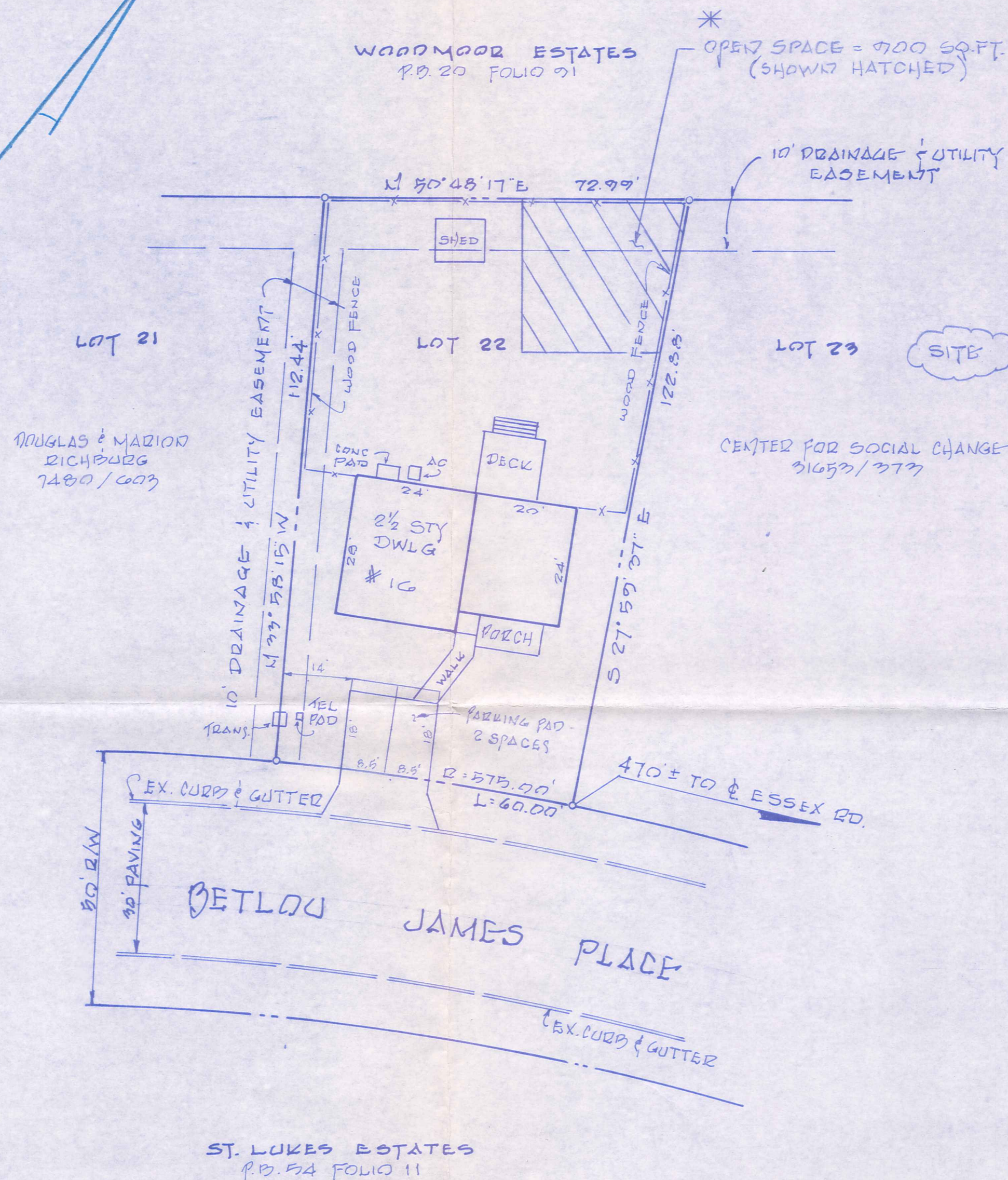
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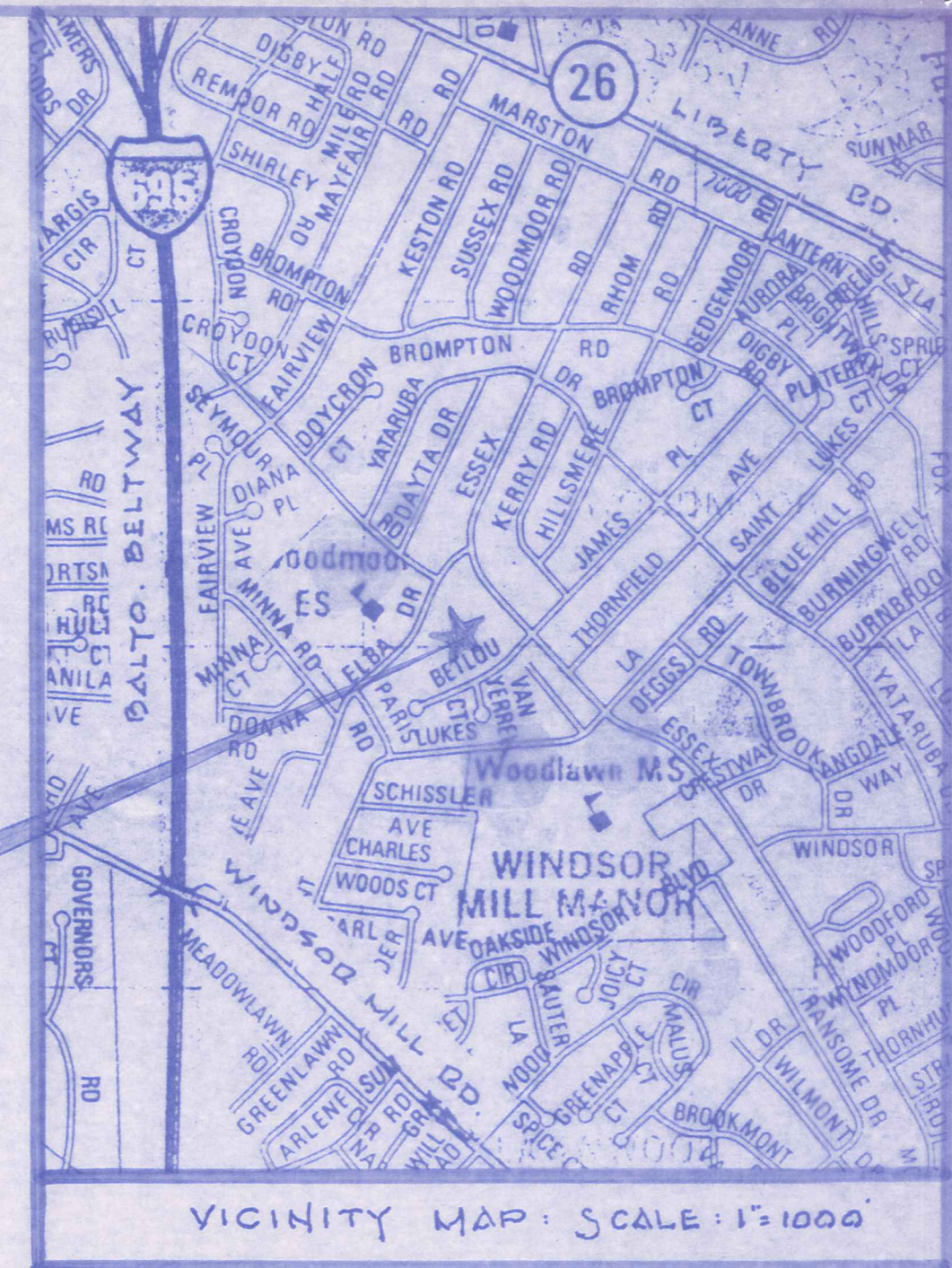
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TAX MAP-GRID-PARCEL	80/7/127
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EXIST. USE	RESIDENTIAL
PROPOSED USE	ASSIST. LIVING CL. I - 4 BEDS

PLAT TO ACCOMPANY
 ZONING VARIANCE PETITION

16 BETLOU JAMES PLACE

2ND ELECT. DIST.
 SCALE: 1"=20'

BALTO.CO.MD.
 APRIL 17, 2012
 REV. MAY 29, 2012