



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 3, 2013

Joyce Hartley
6602 Ridgeborne Drive
Rosedale, Maryland 21237

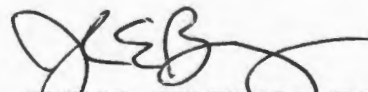
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0191-SPHA
Property: 6602 Ridgeborne Drive

Dear Mrs. Hartley:

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:slh
Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(6602 Ridgeborne Drive) *

14th Election District *

6th Councilmanic District *

Joyce Hartley *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0191-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Joyce Hartley, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow an ALF 1 on a property that does not meet the minimum requirements of BCZR section 432. The variance petition seeks relief from B.C.Z.R. § 432.C.2, to allow 0 parking spaces on the property in lieu of the minimum required 2 spaces. 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 requests was Joyce Hartley, legal owner. 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 included in the file. The Department of Planning (DOP) recommended denial, stating that the proposal was at odds with the spirit and intent of B.C.Z.R. §432A.

The subject property is 2,222 square feet in size and is zoned DR 16. The property is improved with a townhouse with approximately 2,000 square feet of living space. The home has

ORDER RECEIVED FOR FILING

Date 4-3-13

By sln

3 bedrooms upstairs, and a large, finished walk out basement. The Petitioner would like to establish an Assisted Living Facility (ALF I) at the property, but needs zoning relief (and State of Maryland licensure) to do so.

Under the B.C.Z.R., an ALF I is permitted by use permit. B.C.Z.R. §432A.1.A.1. The petition for Special Hearing filed in this case did not specifically request such a permit, but sought "to allow an ALF I on a property that does not meet the minimum requirements of B.C.Z.R. 432," which I will construe as a request under B.C.Z.R. § 432A. An ALF I refers to a facility that "accommodates fewer than eight resident clients." B.C.Z.R. § 101.1. Here, the subject property is modest in size, and I do not believe the structure is capable of accommodating more than two residents. As noted in a previous Order, the zoning office believes that ALF's can be operated in "townhouse units with difficulty." See case no.: 2012-222-A. To reduce the potential for adverse impacts upon the community the subject property shall be restricted to no more than two (2) ALF beds.

The only substantive ZAC comment was from Department of Planning (DOP), which initially noted that a townhouse is not intended to accommodate an ALF. While I am inclined to agree with that sentiment, the County Council did not restrict ALF's to single family dwellings, as is the case (for example) with boarding houses. B.C.Z.R. § 408B.1. The other shortcoming identified by the DOP pertains to the parking requirements, but I believe that concern is ameliorated by the restricted number of ALF residents permitted.

Based upon the testimony and evidence presented, I will also grant the request for variance relief, although different from that requested in the petition. 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.

ORDER RECEIVED FOR FILING

2

Date

4-3-13

By

DLN

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

The Petitioner has met this test. The property is unique for zoning purposes, and the Petitioner would experience a practical difficulty if the regulations were strictly enforced. 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 general welfare. The ALF, as noted above, shall be restricted to only two (2) beds and, as such, only one (1) parking space is required per B.C.Z.R. § 409.6.A.1 which requires "at least 1 usable off street parking space. . . for each 3 beds."

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 3rd day of April 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing to allow an ALF I (with a maximum of two (2) resident clients) on a property that does not meet the minimum requirements of BCZR section 432A, filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's Variance request from B.C.Z.R. §§409.6 and 432A to allow 0 parking spaces on the property in lieu of the minimum required 1 space, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 4-3-13

By DLN

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to issuance of a use permit for the ALF I, the Petitioner must obtain all requisite approvals and licenses from the State of Maryland, and must also obtain a compatibility finding from the DOP per Baltimore County Code (BCC) §32-4-402.

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/sln

ORDER RECEIVED FOR FILING

Date 4-3-13

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6602 Ridgeborne Drive which is presently zoned DR-16

Deed References: 12388 / 00554 10 Digit Tax Account # 2300 000 127

Property Owner(s) Printed Name(s) Joyce Hartley

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve TO ALLOW AN ALFZ ON A PROPERTY THAT DOES NOT MEET THE MINIMUM REQUIREMENTS OF BCZR SECTION 433

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) BCZR 432.C.2 TO ALLOW 0 PARKING SPACES ON THE PROPERTY IN LIEU OF THE MINIMUM REQUIRED 2 SPACES

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0191-SPMA Filing Date 2/15/13

Do Not Schedule Dates: Reviewer JS

ADMINISTRATIVE ZONING PETITION

For the Department Approvals and Inspections for Bureau of Zoning Review

From; Joyce Hartley 6602 Ridgeborne Dr., Rosedale Md. 21237

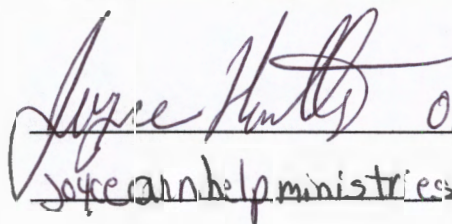
Requesting for Zoning Residential Lot variances would give substantial relief. Petitioner states That the property is structures being used is unique, unusual and different from the surrounding Properties that is causing difficulty and unreasonable hardship.

Petitioner: Joyce Hartley lives in the Deerborne Community have two parks infront of my home And the third one is for visitors. Also, there are emergency parking. I'm requesting the authority to Grant variances in area for parking to render supportive services. The property prevent the use of Parking area that causes unnecessary burdensome.

Phone: 410-780-5852

Thank You!

Sincerely!

 01-17-13
joycecanhelpministries@gmail.com

THE ZONING HEARING PROPERTY DESCRIPTION:

PART A

ZONING PROPERTY DESCRIPTION FOR (6602 RIDGEBORNE DR.)

Beginning at a point on the West side of Ridgeborne Dr. which is 62' wide at the distance of 650'(+/-)
South of the centerline of the nearest improved intersecting street Shakerwood Rd. which is 50' wide.

PART B

OPTION 2

Being Lot# 123, Section#2B in the subdivision of Deerborne as recorded in Baltimore County Plat Book
#69,Folio#108, Containing 2222 sq ft. Located in the 14th Election District and 6th Council District.

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/neighboring 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: 2013-0191-SPHA

Petitioner: JOYCE HARTLEY

Address or Location: 6602 RIDGEBORNE DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joyce Hartley

Address: 6602 Ridgeborne Dr.

Telephone Number: 410 780-5852

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

No. **94119**

Date: **2/15/13**

PAID RECEIPT

RECEIVED ACTUAL TIME REF
2/15/2013 2/15/2013 11:32:50 5

REF: 0071 WALKIN PROJ LRB
RECEIPT # 640151 2/15/2013 OFLN
5 528 ZOWING VERIFICATION
OR REF: 004119

Recpt Tot \$150.00
\$150.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000	01	6150					\$ 150.00

Total: **\$ 150.00**

Rec From: **JOYCE HARTLEY**

For:

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

Date: 3-10-13

RE: Case Number: 2013-0191-SPH-A

Petitioner/Developer: Joyce Hartley

Date of Hearing/Closing: April 1, 2013

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 6602 Redgobara Dr

ZONING NOTICE

CASE # 2013-0191-SPH-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

JEFFERSON BLDG, ROOM 205
PLACE: 105 N. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY APRIL 1, 2013 2:30PM

REQUEST: SPECIAL HEARING TO ALLOW
AN ALF ON A PROPERTY THAT DOES NOT
MEET THE MINIMUM REQUIREMENTS OF BOZR
SECTION 432. VARIANCE TO ALLOW 0 PARKING
SPACES ON THE PROPERTY IN LIEU OF THE
MINIMUM REQUIRED 2 SPACES

OTHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
CALL 887-1351

10-13

(Month, Day, Year)

J. Lawrence Pilson

(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

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 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: #2013-0191-SPHA

6602 Ridgeborne Drive
W/s Ridgeborne Drive, 650 ft. S/of centerline of
intersection with Shakerwood Road
14th Election District - 6th Councilmanic District
Legal Owner(s): Joyce Hartley

Special Hearing to allow an ALF 1 on a property that does not meeting the minimum requirements of BCZR Section 432. **Variance** to allow 0 parking spaces on the property in lieu of the minimum required 2 spaces.

Hearing: Monday, April 1, 2013 at 2:30 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.
JT 03/679 March 12 909820



501 N. Calvert Street, Baltimore, MD 21278

March 14, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 12, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

March 5, 2013

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: 2013-0191-SPHA

6602 Ridgeborne Drive

W/s Ridgeborne Drive, 650 ft. S/of centerline of intersection with Shakerwood Road

14th Election District – 6th Councilmanic District

Legal Owners: Joyce Hartley

Special Hearing to allow an ALF 1 on a property that does not meet the minimum requirements of BCZR Section 432. Variance to allow 0 parking spaces on the property in lieu of the minimum required 2 spaces.

Hearing: Monday, April 1, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Joyce Hartley, 6602 Ridgeborne Drive, Rosedale 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 12, 2013.**
- (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, March 12, 2013 Issue - Jeffersonian

Please forward billing to:
Joyce Hartley
6602 Ridgeborne Drive
Rosedale, MD 21237

410-780-5852

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: 2013-0191-SPHA

6602 Ridgeborne Drive
W/s Ridgeborne Drive, 650 ft. S/of centerline of intersection with Shakerwood Road
14th Election District – 6th Councilmanic District
Legal Owners: Joyce Hartley

Special Hearing to allow an ALF 1 on a property that does not meet the minimum requirements of BCZR Section 432. Variance to allow 0 parking spaces on the property in lieu of the minimum required 2 spaces.

Hearing: Monday, April 1, 2013 at 2:30 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 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.

M E M O R A N D U M

DATE: May 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0191-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 3, 2013. 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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
6602 Ridgeborne Drive; W/S of Ridgeborne	*	OF ADMINSTRATIVE
Drive, 650' S c/line of Shakerwood Road		
14 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Joyce Hartley		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-191-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.

RECEIVED

FEB 25 2013

.....

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 25th day of February, 2013, a copy of the foregoing Entry of Appearance was mailed to Joyce Hartley, 6602 Ridgebourne Drive, Rosedale, MD 21237, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0191-SPHA

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

2/25/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

3/8/13

PLANNING
(if not received, date e-mail sent _____)

C

2/24/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/12/13

SIGN POSTING

Date:

3/10/13

by

P. Nelson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

3/12/13
TO WCL
8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 8, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6602 Ridgeborne Drive

INFORMATION:

Item Number: 13-191

Petitioner: Joyce Hartley

Zoning: DR 16

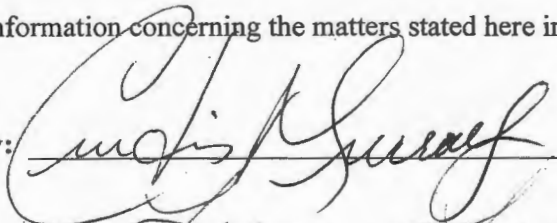
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

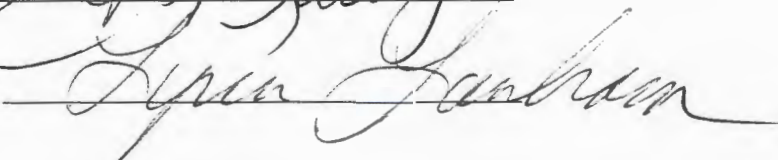
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning recommends denial of the petitioner's Special Hearing and Variance requests. The subject lot does not fully meet the minimum requirements and conditions set forth in Section 432.A.1.C of the Baltimore County Zoning Regulations. The subject property is improved with a townhouse type dwelling, and is not intended to accommodate an Assisted Living Facility. There appears to be no evidence of a hardship or practical difficulty that is not self imposed. Staff observed that residents have taken "ownership" of parking spaces through the use of cones, etc. although parking is not assigned. Approval of this request would undermine the spirit and intent of Section 432.A.1 of the Baltimore County Zoning Regulations.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 25, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2013
Item Nos. 2013-0186,0187,0190 and 0191.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 8, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6602 Ridgeborne Drive

INFORMATION:

Item Number: 13-191

Petitioner: Joyce Hartley

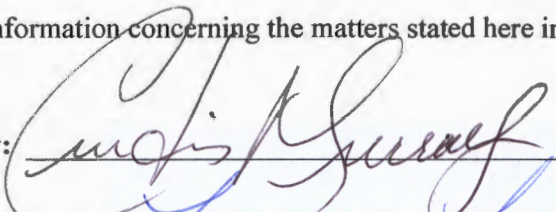
Zoning: DR 16

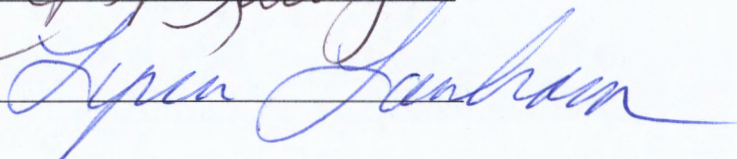
Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning recommends denial of the petitioner's Special Hearing and Variance requests. The subject lot does not fully meet the minimum requirements and conditions set forth in Section 432.A.1.C of the Baltimore County Zoning Regulations. The subject property is improved with a townhouse type dwelling, and is not intended to accommodate an Assisted Living Facility. There appears to be no evidence of a hardship or practical difficulty that is not self imposed. Staff observed that residents have taken "ownership" of parking spaces through the use of cones, etc. although parking is not assigned. Approval of this request would undermine the spirit and intent of Section 432.A.1 of the Baltimore County Zoning Regulations.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

RECEIVED

MAR 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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 6602 Ridgeborne Dr.
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:

Joyce Hartley 6602 Ridgeborne 410-780-5852
Print Name of Applicant Address Telephone Number
Lot Address 6602 Ridgeborne Dr. Election District 14 Councilmanic District 6 Square Feet of Lot 2,222
Lot Location: N E SW side/corner of Ridgeborne Dr. 62 feet from N E SW corner of Shakerwood Rd.
(street) (street)
Land Owner: Joyce HARTLEY Tax Account Number _____
Address: 6602 Ridgeborne Dr. Telephone Number (410) 780-5852

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	
1. This Recommendation Form (3 copies)	☒	☐	Accepted for filing by <u>JS</u>
2. Permit Application (If available)	☐	☒	Date: <u>2/15/13</u>
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: _____			

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: _____

1 Jose. A. Gonzalez Reside

At 6607 Ridgeborne Dr. Balt. Md. 21237 In Deerborne. of

Rossville Bld. Each Townhouse has two Parks for use of home and Visitor park,

Which we respect in the Community.

Thank You

Sign Mue

Date 1-16-13

To Whom It May Concern:

I Corliss Walker

Reside

at 6601 Ridgebrook Dr

in Deerborne, off Rossville Bld. Each Townhouse

has two Parks for use of home and Visitor Park, ^{which} we respect in the Community.

Thank You

Sign

Corliss Walker

Date

1/15/13

To Whom It May Concern:

I, TERESA & JULIUS ^{Reside}
at 6604 RIDGEBORNE DR in Deerborne, off Rossville Bld. Each Townhouse
has two Parks for use of home and Visitor Park, ^{which} with we respect In the Community.

Thank You

Sign 

Date

01/15/13

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2-21-13

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

RE: Baltimore County
Item No 2013-0191-SPHA
Special Hearing Variance
Joyce Hartley
6602 Ridgeborne Drive

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. 2013-0191-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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

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



KEVIN KAMENETZ
County Executive

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

March 27, 2013

Joyce Hartley
6602 Ridgeborne Drive
Rosedale MD 21237

RE: Case Number: 2013-0191 SPHA, Address: 6602 Ridgeborne Drive

Dear Ms. Hartley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 15, 2013. 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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

CASE NAME Ridgeborne
CASE NUMBER 2013-0191 SP4A
DATE 4-1-2013

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 14 Account Number - 2300000127

Owner Information

Owner Name:	HARTLEY JOYCE	Use:	RESIDENTIAL
Mailing Address:	6602 RIDGEBORNE DR BALTIMORE MD 21237-3871	Principal Residence:	YES
		Deed Reference:	1) /12388/ 00554 2)

Location & Structure Information

Premises Address	Legal Description
6602 RIDGEBORNE DR 0-0000	.051 AC 6602 RIDGEBORNE DR WS DEERBORNE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0001	1384		0000	2B		123	3	
									Plat Ref: 0069/ 0108

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1997	1,320 SF	2,222 SF	04

Stories	Basement	Type	Exterior
2.000000		CENTER UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	64,500	64,500		
Improvements:	151,700	96,000		
Total:	216,200	160,500	160,500	160,500
Preferential Land:	0			0

Transfer Information

Seller:	DEERBORNE TOWN ONE LLC	Date:	09/17/1997	Price:	\$123,290
Type:	ARMS LENGTH IMPROVED	Deed1:	/12388/ 00554	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
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**

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District - 14 Account Number - 2300000127



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.

Case No.: 2013-0191-SPHA

Exhibit Sheet

Petitioner/Developer

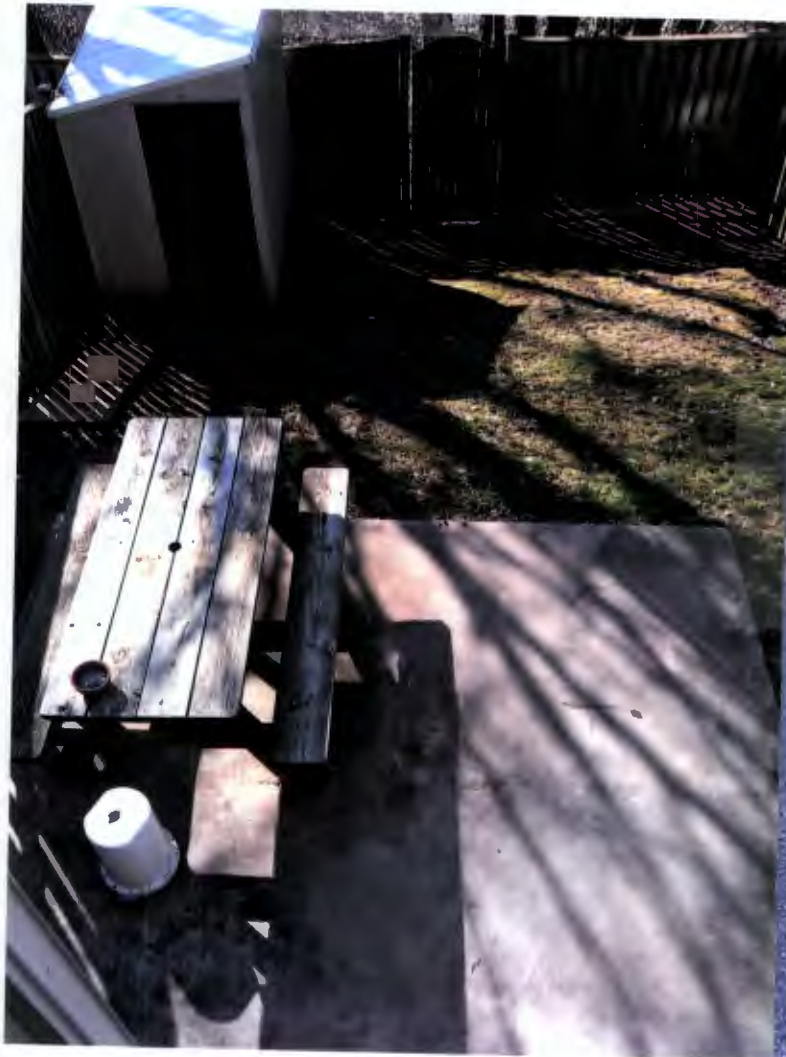
Protestant

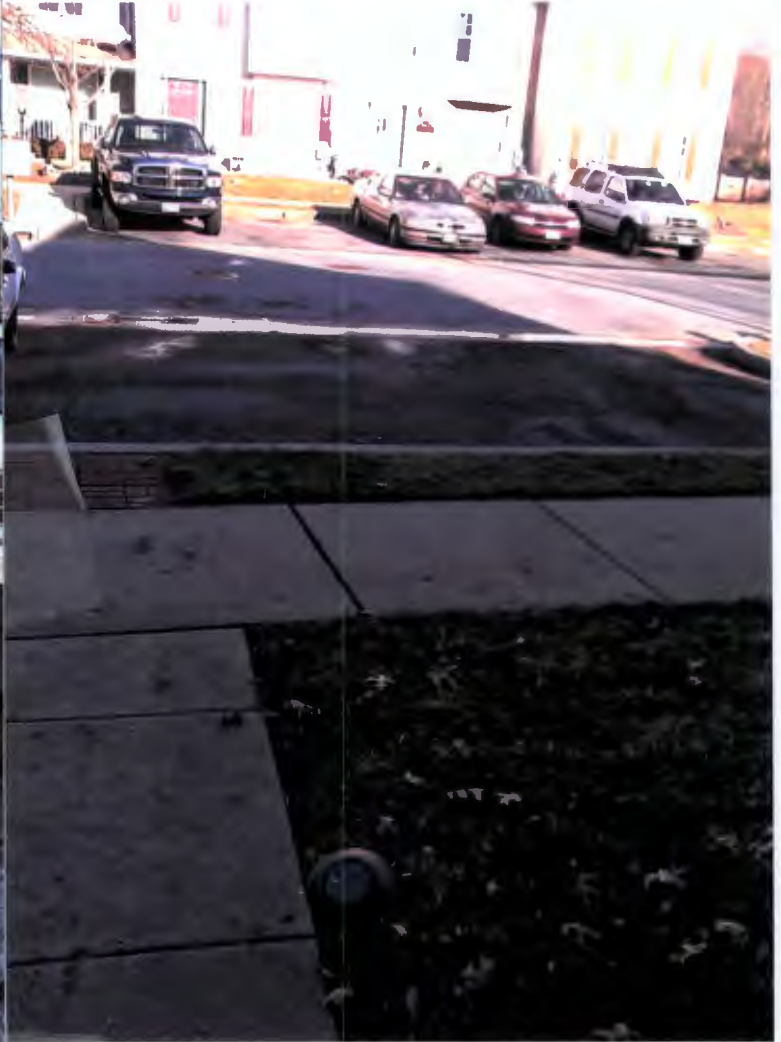
10-5-13

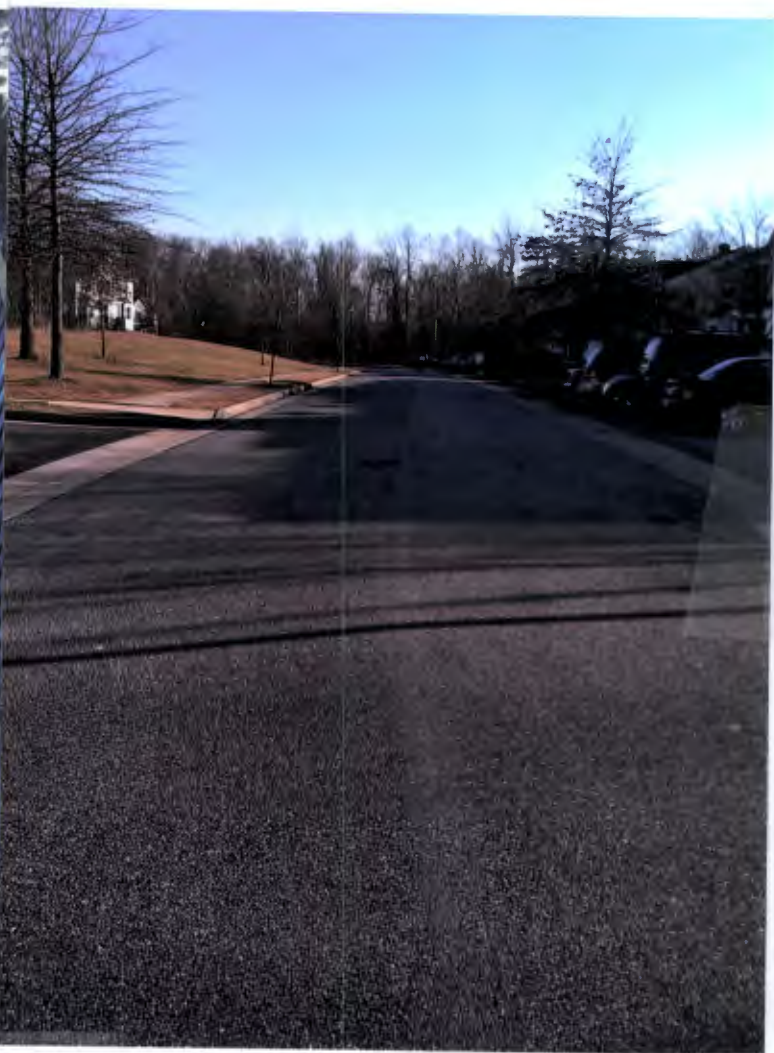
ALN
4-3-13

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		









Pt. Bk. 0000067, Folio 0104
2200023476

Pt. Bk./Folio # 067104

Lot # 117

Lot # 118

2300000122

6612

Lot # 119

2300000123

Lot # 120 6608

2300000124

Lot # 121

2300000125

6606

Lot # 122

2300000126

6604

Lot # 123

2300000127

6602

*
SITE

DEERBORNE SECTION 2B (PDM File/Project # 14-111)

Pt. Bk./Folio # 069108

PDM # 140111

14 ED
NE 5-F
DR 16
089C1
6 CD

Flood Zone AE

X UNSHADED (OLD C)

Lot # 124

Pt. Bk. 0000069, Folio 0108
2300000128

6600

X SHADED (OLD B)

090A1

Lot # 125

2300000129

6574

Lot # 126

2300000130

6572

Lot # 127

2300000131

6570

Lot # 128

2300000132

6568

Lot # 129

2300000133

6566

Lot # 130

2300000134

6564

Lot # 131 2300000135

RIDGEBORNE DR

Lot # 163

2300000166

Lot # 60
2300000115

Lot # 61
2300000116

6605

2300000118

6607

Lot # 64

2300000119

Lot # 65

2300000120

6611

Lot # 66 2300000121

6613

Pt. Bk. 0000044, Folio 0001
1800013352

Pt. Bk./Folio # 070119

Flood Zone AE, FLOODWAY

Pt. Bk. 0000033, Folio 0077

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)

ADDRESS 6602 Ridgeborne OWNER(S) NAME(S) Joyce Hartley

SUBDIVISION NAME Deerborne LOT # 123 BLOCK # SECTION # 2B

PLAT BOOK # 69 FOLIO # 108 10 DIGIT TAX # 23 00000127 DEED REF. # 12388100554

USE PERMIT PLAN FOR A ASSISTED LIVING FACILITY 1

6602 RIDGEBORNE DR
ROSEDALE, MD 21237
ELECTION DISTRICT NO.14

OWNER: JOYCE HARTLEY

ADD. 6602 RIDGEBORNE DR. ROSEDALE MD 21237
DATE 02-14-12
PHONE 410-780-5852

LOT SIZE 2222
ZONING MAP 090A1
ZONE DR DB16

PARKING: 2 PARKING SPACES AND ONE VISITORS SPACE

EXISTING FLOOR AREAS SQ. FT.
1ST FLOOR 660 SQ. FT.
2ND FLOOR 720 SQ. FT.
LOWER LEVEL FLOOR 700 SQ. FT.
TOTAL 2080 SQ. FT.
STORAGE AND EQUIPMENT 100 SQ. FT.

OPEN SPACE: 600 ☒

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

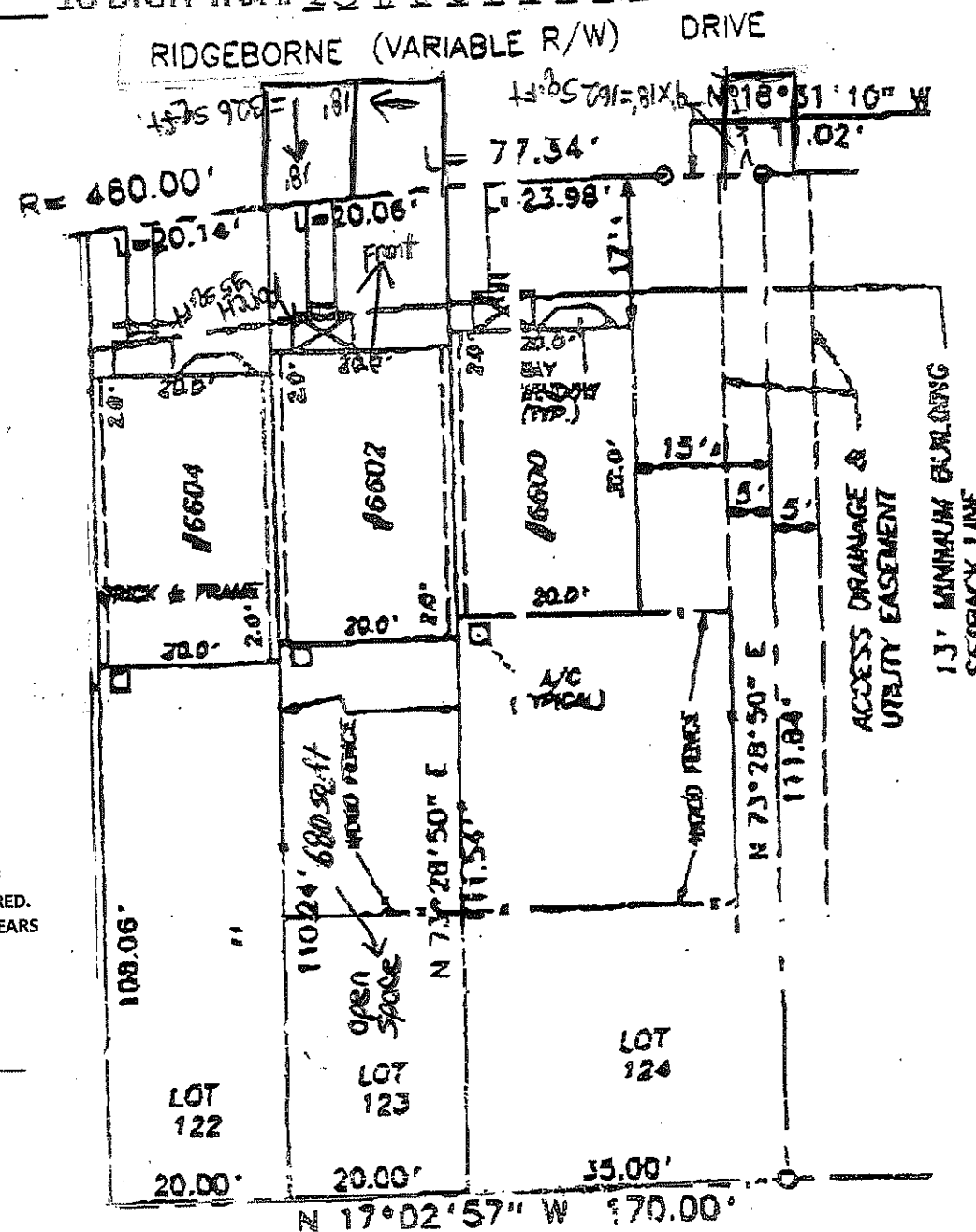
SIGNATURE Joyce Hartley

DATE 02-14-13

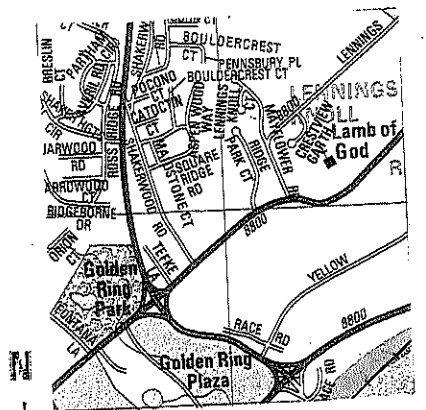
PRINTED NAME Joyce Hartley



PLAN DRAWN BY C.W. STEPHENS DATE 08-14-12 SCALE: 1 INCH = 20 FEET



SITE VICINITY MAP



MAP IS NOT TO SCALE
ZONING MAP: 090A1

SITE ZONED DB-16

ELECTION DISTRICT 14th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE OR SQUARE FEET 2222

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS: PUBLIC ☒ PRIVATE ☐

SEWER IS: PUBLIC ☒ PRIVATE ☐

PRIOR HEARING? NONE

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
