

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 18TH day of AUGUST, 2014, that AMELIA SAYDEE located at 9100 MEADOW HEIGHTS ROAD should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: ASSISTED LIVING FACILITY I FOR FIVE (5) BEDS PER ZONING ORDER 2014-0254-SBHA.

116239
Permit (or Receipt) Number

Carl Julian
Director, Permits, Approvals and Inspections

Planner's Initials AT

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

No. 116239
 Date: 8/18/14

PAID RECEIPT

BUSINESS ACTUAL TIME INVT
 07/2/2014 8/18/2014 09:48:17 1
 RE: W01 WALKIN LBS LIP
 RECEIPT # 00000 8/18/2014 0000
 5 500 ZONING VERIFICATION
 NO. 116239
 Rept tot 100.00
 100.00 CK 8.00 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--

Total: \$100--

Rec From: AMELIA SAYDEE
 For: 9100 MEADOW HEIGHTS ROAD
ALF-I (5 BEDS -
ZONING ORDER
2014-0254 - SPHA)

**CASHIER'S
 VALIDATION**

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



KEVIN KAMENETZ
County Executive

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

August 4, 2014

Amelia Saydee
9100 Meadow Heights Road
Randallstown, Maryland 21133

RE: Petitions for Special Hearing and Variance
Property: 9100 Meadow Heights Road
Case No. 2014-0254-SPHA

Dear Ms. Saydee:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Sharon Hart, 9102 Meadow Heights Road, Randallstown, MD 21133

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(9100 Meadow Heights Road) *
2nd Election District *
4th Council District *
Amelia Saydee *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0254-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a proposed five (5) beds Assisted Living Facility (ALF) in lieu of the maximum allowed of four (4) beds on a lot with less than 12,000 sq. ft. property area in a DR 5.5 zone. The Variance petition seeks relief from B.C.Z.R. §432.A.1.C.2 to permit the parking and delivery areas in the front yard in lieu of the required side or rear yard location.

The subject property and requested relief is more fully depicted on the revised 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 Amelia Saydee. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition. In fact, Petitioner’s neighbor at 9102 Meadow Heights Road submitted a letter (Exhibit 3) indicating she did not object to the proposal.

Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) dated June 27, 2014, which also did not object to the requests.

The subject property is approximately 0.25 acres and is zoned DR 5.5 and DR 3.5. The Petitioner has an extensive background in geriatric nursing, and has been licensed as an R.N. since 2004. At present, she is the unit manager for Manor Care Nursing Home in Catonsville. Petitioner proposes to operate a five (5) bed assisted living facility in the single family dwelling, and she will reside on site in the basement. Petitioner stated that she will also employ two or three other assistants (with the necessary credentials) to take care of the elderly patients/residents.

The Petition for Special Hearing seeks one additional bed (i.e., 5 instead of 4) for the proposed ALF. As noted by the DOP, Petitioner's lot and home are larger than those in the immediate area, and the grant of relief would in no way negatively impact the community. This is a modest request, and it will be granted in the Order which follows.

Based upon the testimony and evidence presented, I will also grant the petition for variance. To obtain variance relief a petitioner must show:

- (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).

The Petitioner has met this test. The property is located at the intersection of two roadways, and the dwelling is positioned at an angle on the lot. As such, the property is unique.

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioner would be unable to operate the proposed ALF. 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. This is demonstrated by the absence of Baltimore County and community opposition.

THEREFORE, IT IS ORDERED this 4th day of August, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to approve a proposed five (5) bed Assisted Living Facility (ALF) in lieu of the maximum allowed four (4) beds on a lot with less than 12,000 sq. ft. property area in a DR 5.5 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §432.A.1.C.2 to permit the parking and delivery areas for the ALF in the front yard in lieu of the required side or rear yard location, be and is hereby GRANTED.

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 permits, Petitioner must obtain all necessary Baltimore County and State of Maryland inspections, approvals and licensure.
3. Petitioner must reside at the subject property for so long as it is operated as an ALF.

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

JEB/sln



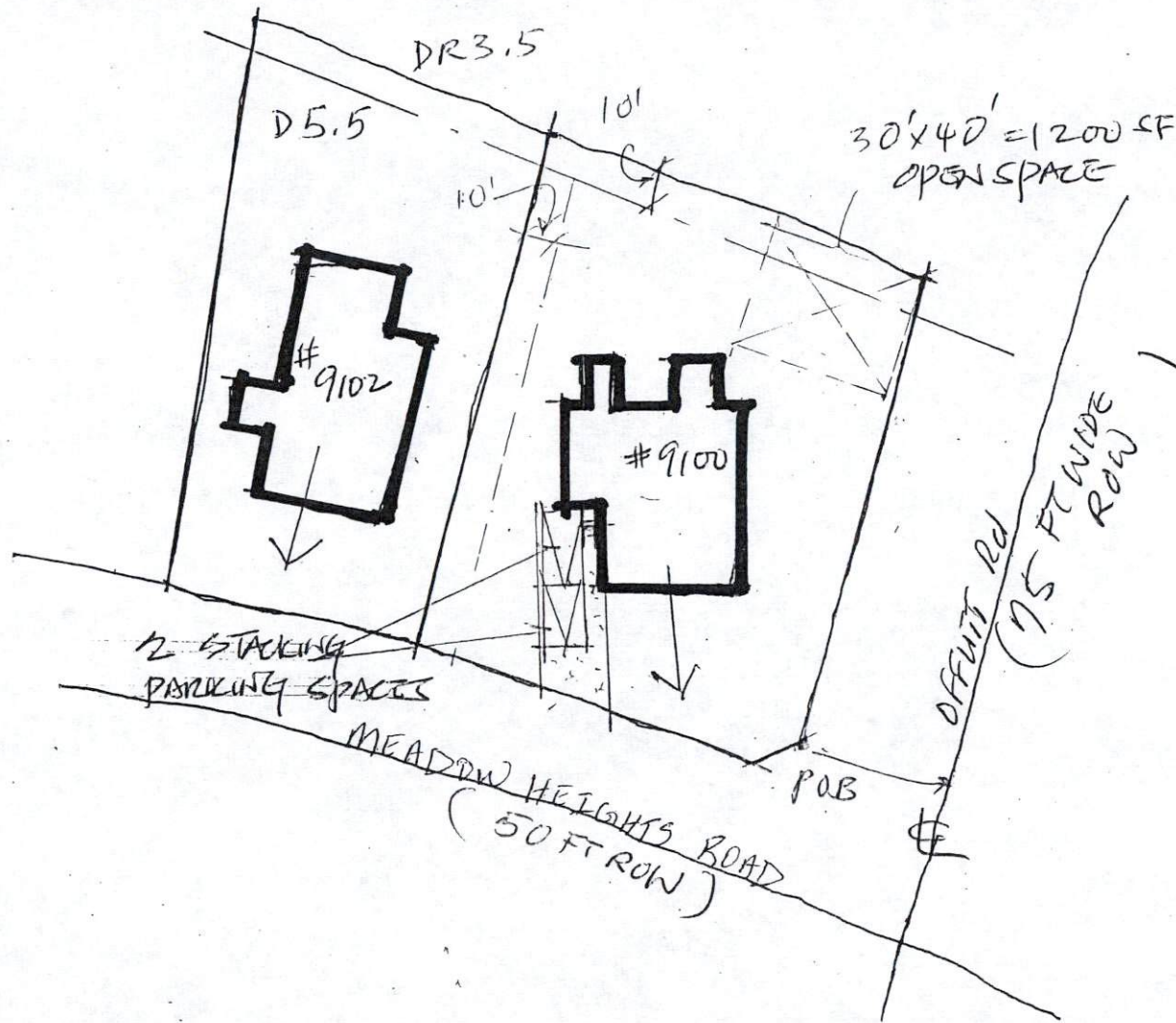
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

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

ADDRESS 9100 Meadow Heights Rd OWNER(S) NAME(S) Amelia Saydee

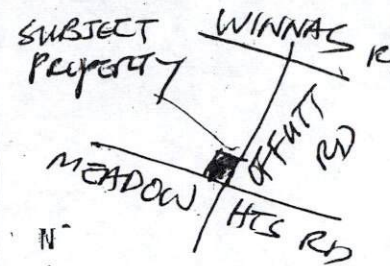
SUBDIVISION NAME Randall Ridge LOT # 56 BLOCK # 9 SECTION # 7

PLAT BOOK # 32 FOLIO # 34 10 DIGIT TAX # 0216550500 DEED REF. # 34933102394



PLAN DRAWN BY Amelia saydee DATE 5/25/14 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 077A1
 SITE ZONED DR 5.535
 ELECTION DISTRICT 2nd
 COUNCIL DISTRICT 4th
 LOT AREA ACREAGE 0.25
 OR SQUARE FEET 10,730
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH
 WATER IS:
 PUBLIC PRIVATE
 SEWER IS:
 PUBLIC PRIVATE
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:

N/A

2014-0254-SPHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 27, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9100 Meadow Heights Road

INFORMATION:

Item Number: 14-254

Petitioner: Amelia Saydee

Zoning: DR 5.5, DR 3.5

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking a Special Hearing permit a 5 bed assisted living facility in lieu of the maximum allowed of 4 beds in less than 12,000 sq. ft. property area in a DR 5.5 zone. The petitioner is also seeking to permit parking and delivery areas in the front yard lieu of the required side or rear yard.

The Department of Planning does not object to the petitioner's request to allow one more additional bed than the required amount for an assisted living facility for its size. The house is significantly bigger than its surrounding houses and can accommodate an extra bed for assisted living. This request will have a minimal impact for adjacent neighbors and will not negatively impact the community.

The Department of Planning also does not object to the petitioner's variance to allow parking and deliveries in the front yard. The property does not have an access to its rear yard and the side yard spaces are either too close to a neighboring property or would have to access a highly trafficked section of Offutt Road.

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

Division Chief:
AVA/LL

