

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning
Attention: ALF REVIEWER
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204
M.S. 3402

ALF Address 4111 Hupa PL
Permit No. (if required) B _____

9/1/15

FROM: Arnold E. Jablon, Director
Department of Permits, Approvals and Inspections
M.S. 1105

RE: Assisted Living Facility I or II

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

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

A. Anita Wilkens 4111 Hupa PL 443-204-1139 anita.wilkens@verizon.net
Print Name of Applicant Address Telephone Number Email Address
Lot Address 4111 Hupa PL, Randallstown Election District 2nd Councilmanic District 4th Square Feet of Lot 2,761
Lot Location: N E S W side/corner of Winands RD 160 feet from N E S W corner of Hupa PL
(street) (street)
Land Owner: Anita Wilkens 10 Digit Tax Account Number 1800009782
Address: 4111 Hupa PL, Randallstown, MD 21133 (443) 204-1139 anita.wilkens@verizon.net
Telephone Number Email Address

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

B.

Planner to confirm information acceptance
by marking **X** below:

APPLICANT MUST PROVIDE 1 through 6

- | | YES | NO |
|---|-------------------------------------|--------------------------|
| 1. This Recommendation Form (3 copies) | ☒ | ☐ |
| 2. Permit Application (If availabl | ☐ | ☐ |
| 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 <u>may be waived</u> 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: | | |

Accepted for filing by JASON , 8/6/15
Date

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☒ Approval, ☐ Disapproval, ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

AUG 10 2015

DEPARTMENT OF PLANNING

Date: 8/26/15

Revised 2/17/11

Signed by: [Signature]
for the Director, Office of Planning

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by marking X below:

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	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	_____
2. Permit Application (If available)	_____	_____
3. Site Plan: Property (3 copies): including lot size and square feet of buildings, parking and open space – 10% lot area	<u>✓</u>	_____
Statement of Compliance with Checklist Note 5.A	_____	_____
4. Building Elevation Drawings (these <u>may be waived</u> if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans)	<u>✓</u>	_____
5. Photographs (please label all photos clearly) Adjoining Buildings, the Proposed Building, and Surrounding Neighborhood	<u>✓</u>	_____
6. Current Zoning Classification:	_____	_____

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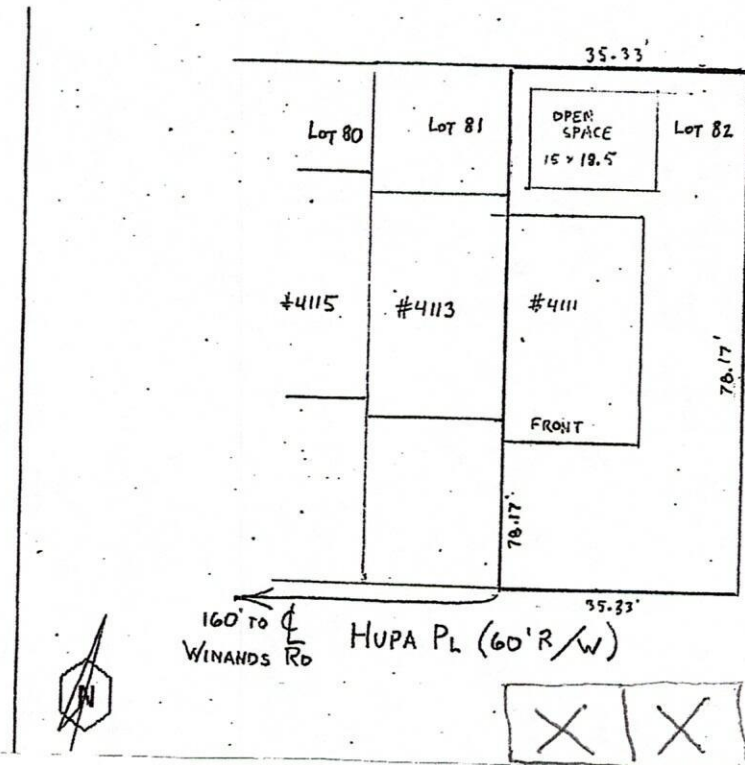
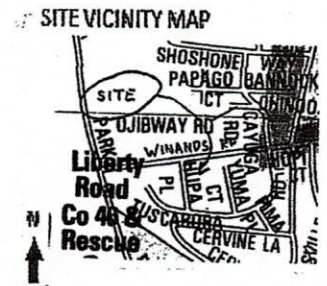
Signed by: _____
for the Director, Office of Planning

Date: _____

PLAN FOR A ASSISTED LIVING FACILITY I OR II

PARKING: 1 space for each 3 beds=2 parking spaces required
Parking being variance through 2015-0284-A
EXISTING FLOOR AREAS SQ. FT.
1ST FLOOR = 570 SQ. FT.
2ND FLOOR = 589 SQ. FT.
TOTAL = 1159 SQ. FT.
BASEMENT = 551 SQ. FT.

OPEN SPACE: .10 x LOT AREA (277.5 SQ. FT.) = 27.75 SQ. FT.



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.

THE UNDERSIGNED (STAT IF OWNERS OR APPLICANTS) ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN.

DATE _____

PRINTED NAME

ENGINEERS SCALE
1" = 20 FEET



KEVIN KAMENETZ
County Executive

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

August 4, 2015

Anita M. Wilkens
4111 Hupa PL.
Randallstown, Maryland 21133

RE: Petition for Variance
Case No. 2015-0284-A
Property: 4111 Hupa Pl.

Dear Mrs. Wilkens:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR VARIANCE
(4111 Hupa Pl.)
2nd Election District
4th Council District
Anita M. Wilkens
Legal Owner
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2015-0284-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §432A.1.C.1 & 2 as follows: (1) to permit an Assisted Living Facility I (ALF) with zero assigned parking spaces in lieu of the required one (1) space; and (2) to allow parking for the ALF among the common spaces provided for the neighborhood in lieu of the required parking on the property in the side or rear yards. A site plan was marked as Petitioner's Exhibit 1.

Owner Anita M. Wilkens and her neighbor Diane Smothers appeared in support of the petition. There were no Protestants in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request. The DPR noted that since the ALF would be a change in use, a landscape plan would be required.

The subject property is approximately 2,761 square feet and is zoned DR 5.5. The site is improved with an end-of-group townhome, which Petitioner purchased in 2005. Ms. Wilkens has been a registered nurse for over 15 years and has a wealth of experience in caring for the geriatric

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Date 8/4/15

By Sen

population. She would like to operate a three (3) bed ALF in her home, but requires variance relief to do so.

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. The property is of irregular dimensions and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given she would be unable to operate an ALF on the property. 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 support of Petitioner's neighbors, seven (7) of whom submitted letters describing her passion for and dedication to taking care of elderly patients. Ex. No. 2. In addition, as noted by Petitioner, none of the elderly residents at the ALF will drive, and it seems unlikely that the proposed use would have a detrimental impact upon parking in the community. Indeed, members of the community stated in their letters of support that the community has more than adequate parking. Ex. No. 2.

THEREFORE, IT IS ORDERED, this 4th day of August, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §432A.1.C.1 & 2 as follows: (1) to permit an Assisted Living Facility I (ALF) with zero assigned parking spaces in lieu of the required one (1) space; and (2) to allow parking for the ALF among the common spaces provided for the neighborhood in lieu of the required parking on the property in the side or rear yards, be and is hereby GRANTED.

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Date 8/4/15
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The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscaping at the site as determined in the sole discretion of the Baltimore County landscape architect.

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

ORDER RECEIVED FOR FILING

Date 8/4/15
By sln