## INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

TO:	Director, Office of Planning Attention: ALF REVIEWER	ALF Address 4111 Hopa PL	
	County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204	Permit No. (if required) B	
•	M.S. 3402	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 offic	te is requesting recommendations and comments from the Office of Planning and	prior to this office's approval of a building/use permit.	
MINIMU	IM APPLICANT SUPPLIED COMPATABILITY INFORMATION (As Requ	uired under A and B below):	
A.	Print Name of Applicant W. IKENS 411 HUPQPL Address	Telephone Number Email Address Yoshoo	
	Lot Address 4111 Hupo PC Randalistown Election District	Councilmanic District Square Feet of Lot 3716	
Lot Loca	ation: NES W/side/corner of Wincods RD (street)		
		Digit Tax Account Number 1 8 0 0 0 0 9 7 8 2	
Address	HIII HUPA PL, RANSASSTOWN, Md. 21133 (4)	13) 204-1139 (anita do lkeos@ Voloro)	
CHECKL	Tele IST OF MATERIALS (to be submitted by applicant for required compatibility an	ephone Number Email Adddress	
		, and office and an including	
В.		Planner to confirm information acceptance	
APPLIC	CANT MUST PROVIDE 1 through 6	by marking X below:	
1. This R	Recommendation Form (3 copies)	YES NO	
2. Permit	t Application (If availabl		
3. Site PI Propert	lan: ly (3 copies): including lot size and square feet of buildings, parking and open space – 10% lot a	ırea <u>/</u>	
Statem	nent of Compliance with Checklist Note 5.A		
4. Buildir Zoning	ng Elevation Drawings (these <u>may be waived</u> if note 5.A. from the g Use Permit Checklist can be stated on the plans)		
Adjoin	graphs (please label all photos clearly) ing Buildings, the Proposed Building,		
6. Current	Zoning Classification:	Accepted for filing by JASON , 8615	
-	TO BE FILLED IN BY THE OFFICE OF PL	ANNING ONLYI	
RECOMMI	ENDATIONS / COMMENTS:		
U		ons of the application to conform THE WED Towing recommendations:	
		AUG 1 0 2015	
Signed by:	if Net	DEPARTMENT OF PLANNING Date: 8 24 15	
,	for the prector, office of Planning		

Revised 2/17/11

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	Towson, MD 21204 M.S. 3402		9/11	
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RE:	Assisted Living Facility I or II			
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MINIMU	M APPLICANT SUPPLIED COMPATABILIT	Y INFORMATION (As Required	under A and B below):	
Α.	Print Name of Applicant	411 Hupa PL	Telephone Number Email Address	willens@
	Lot Address 4111 Hupa R. Randali	SICON Election District 2nd Co	uncilmanic District 4th Square Feet of L	ot 27101
Lot Loca	tion: NES W/side/corner of Winconds	(street) . IWD fee	t from NESW corner of HUPA	reet)
	uner: Anita wilkens		ax Account Number 1 8000	16.51
Address	HIII HUPA PL, RANSONISTON	on , md .21133 (443) 2	104-1139 vanitario: Iken	sa Vanzo, Cem
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В.			Planner to confirm information a by marking X below:	cceptance
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2. Permit	Application (If availabl			345
3. Site PI Propert	an:  (3 copies): including lot size and square feet of buildings,	parking and open space – 10% lot area		
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	graphs (please label all photos clearly)		V	
and St	rrounding Neighborhood			· older
6. Current	Zoning Classification:	<del></del>	Accepted for filing by 1504	Date
	TO BE FILLED	O IN BY THE OFFICE OF PLANNIN	G ONLY!	
RECOMM	ENDATIONS / COMMENTS:	*		
U	Approval Disapproval Approval	I conditioned on required modifications of th	e application to conformவட்டுக்கிoving recor	nmendations:
	1.11.		AUG 1 0 2015	
			DEPARTMENT OF PLANNING	1 -
Signed by:	for the Director, Office of Planning	<del></del>	Date: 8 24	15
			Re	vised 2/17/11

### INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

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	Attention: ALF REVIEWER County Courts Building, Room 406	Permit No. (if required) B
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	Towson, MD 21204	
-	M.S. 3402	
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	Department of Permits, Approvals and Inspections	
	M.S. 1105	
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This office	e is requesting recommendations and comments from the Office	e of Planning and prior to this office's approval of a building/use permit.
MINIMI	IM APPLICANT SUPPLIED COMPATABILITY INFORMA	ATION (As Paguired under A and P below).
MINAMA	IN APPLICANT SUPPLIED COMPATABILITY INFORM	ATION (AS Required under A and B below):
A.	Anita 10:1Kens Hill 6	41100 Pl 443-201-439 ant willow
	Print Name of Applicant Ad	AUDAPL 443-204-1139 anitorial Mens @ ddress Telephone Number Email Address Yah
	0 - 0	
	Lot Address 4111 Hupa K. Randalisiown	Election District 2nd Councilmanic District The Square Feet of Lot 416
LotLoc		. 160 feet from N E S W corner of Hupa PL
LUI LUC	(street)	(street)
I and O	vner: Anita wilkens	10 Digit Tax Account Number 1 8 0 0 0 5 9 7 8 2
Address	: HIII HUPA TL RANDALISTOLON, MA	21133 (443) 204-1139 (anitarlo: Kens@ Yahao,
		Telephone Number Email Adddress d compatibility and/or appearance review by the Office of Planning
OFFICE	io i or was Established by applicant for required	reompatibility and/or appearance review by the Office of Planning
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		by marking X below:
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o. Carrein	Zoning Classification:	Accepted for filing by Date
	TO BE FILLED IN BY TH	IE OFFICE OF PLANNING ONLY!
	10 22 7.222 11 27 111	2 OFFICE OF FEMALING CHEFT.
RECOMM	ENDATIONS / COMMENTS:	
. Ш	Approval Disapproval Approval conditioned or	n required modifications of the application to conform with the following recommendations:
-		
*		
Signed by:		Date:

#### **ZONING USE PERMIT**

### PLAN FOR A ASSISTED LIVING FACILITY OR II

4111 HUPA PLACE RANDALLSTOWN, MD 21133 2<sup>ND</sup> ELECTION DISTRICT OWNER: ANITA WILKENS

ADD: 4111 HUPA PL. RANDALLSTOWN, MD 21133

DATE: 6/12/2015 PHONE: 443-204-1139 APPLICANT: ANITA WILKENS

LOT SIZE: 2,761SQ.FT. ZONING MAP: 066C3

ZONE DR: 5.5

PARKING: 1 space for each 3 beds=2 parking spaces required Parking being variance through 2015-0284-A

EXISTING FLOOR AREAS SQ. FT.

1<sup>ST</sup> FLOOR = 570 SQ. FT. 2<sup>ND</sup> 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.

LOT 80 LOT 81 OPEN SPACE IS > 19.5

#4113 #4111

FRONT

160' TO ( HUPA PL (60' R W)

SITE VICINITY MAP

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.

SIGNATURE	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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure IN RE: PETITION FOR VARIANCE (4111 Hupa Pl.)

2<sup>nd</sup> Election District 4<sup>th</sup> 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

Date SUM

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.

Date 8 4 15

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.

JOHN E. BEVERUNGEN

Administrative Law Judge for

Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date\_

RV