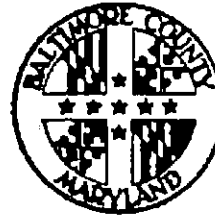


USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 19 day of April, 2016, that Pamela Jones located at 125 Numery Lane should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate an ALF I with a variance to permit a single parking in rear 2016-0104-A

Permit (or Receipt) Number

Director, Permits Approvals and Inspections

Planner's Initials G.H.

M E M O R A N D U M

DATE: February 1, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0104-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 29, 2016. 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

IN RE: PETITION FOR VARIANCE

(125 Nunnery Lane)

1st Election District

1st Council District

Kelvin & Pamela Jones

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2016-0104-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 Kelvin & Pamela Jones, owners of the subject property ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §432A.1.C.1 to permit a parking space for a proposed assisted living facility to be as close as 5 ft. from a property line in lieu of the required 10 ft. A site plan was marked as Petitioners' Exhibit 1.

Owner Pamela Jones appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed the relief, but also provided suggested conditions for inclusion in any final Order granting relief.

The subject property is approximately 2,090 square feet and is zoned DR 16. The property is improved with a 3 bedroom townhouse, which Petitioners have owned since 1997. Ms. Jones is a registered nurse and she described her wealth of experience in geriatrics and caring for the elderly. She would like to care for elderly residents in her home, which would under the B.C.Z.R. constitute an Assisted Living Facility (ALF).

ORDER RECEIVED FOR FILING

Date

12/30/15

By

Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to care for elderly individuals in their home. 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 lack of community opposition. In fact, Petitioners submitted letters of support from both of their adjoining neighbors. (Exhibit 2).

THEREFORE, IT IS ORDERED, this 30th day of December, 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 to permit a parking space for a proposed assisted living facility to be as close as 5 ft. from a property line in lieu of the required 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must prior to the issuance of permits comply with each of the four (4) requirements set forth in the DOP ZAC comment, a copy of which is

ORDER RECEIVED FOR FILING
Date 12/30/15
By Sen

attached hereto.

3. Petitioners must obtain from Baltimore County a "use permit" for the ALF, and must obtain all other required licenses, permits and inspections from the State of Maryland and Baltimore County.
4. No signs shall be permitted on the premises in conjunction with the proposed ALF.

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 12/30/15
By sln



KEVIN KAMENETZ
County Executive

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

December 30, 2015

Kelvin & Pamela Jones
125 Nunnery Lane
Baltimore, Maryland 21228

RE: Petition for Variance
Case No. 2016-0104-A.
Property: 125 Nunnery Lane

Dear Mr. & Mrs. Jones:

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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/4</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>11/5</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>11/24</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>11/2</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12/8/15</u>	
SIGN POSTING	Date: <u>12/6/15</u> by <u>Pilson</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 0113553000			
Owner Information					
Owner Name:	JONES KELVIN L JONES PAMELA		Use:	RESIDENTIAL	
Mailing Address:	125 NUNNERY LN BALTIMORE MD 21228-2029		Principal Residence:	YES	
			Deed Reference:	/26149/ 00495	
Location & Structure Information					
Premises Address:		125 NUNNERY LN 0-0000		Legal Description: 125 NUNNERY LN ES 323FT N OF MERRILL RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0101	0003	1135		0000	
Assessment Year:			Plat No: Plat Ref:		
2016					
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1946	1,178 SF	285 SF	2,090 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2		CENTER UNIT	BRICK	1 full/ 1 half	
Value Information					
Base Value		Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	54,700	54,700			
Improvements	86,600	86,600			
Total:	141,300	141,300	141,300		
Preferential Land:	.0				
Transfer Information					
Seller: JONES PAMELA		Date: 09/11/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26149/ 00495		Deed2:	
Seller: JONES KELVIN L		Date: 07/23/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25947/ 00715		Deed2:	
Seller: JONES KELVIN L		Date: 12/17/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /21144/ 00091		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
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: Approved 02/07/2012					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

[illegible]

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



KEVIN KAMENETZ
County Executive

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

November 12, 2015

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: 2016-0104-A

125 Nunnery Lane

E/s Nunnery Lane, 350 ft. north of centerline Merrill Road

1st Election District – 1st Councilmanic District

Legal Owners: Kelvin & Pamela Jones

Variance to permit a parking space for a proposed assisted living facility to be as close as 5 feet from a property line in lieu of the required 10 ft.

Hearing: Monday, December 28, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Jones, 125 Nunnery Lane, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 8, 2015.**
- (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.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3795864

Sold To:

PAMELA JONES - CU00507474
125 Nunnery Ln
Catonsville, MD 21228-2029

Bill To:

PAMELA JONES - CU00507474
125 Nunnery Ln
Catonsville, MD 21228-2029

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Dec 08, 2015

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: # 2016-0104-A	
125 Nunnery Lane E/s Nunnery Lane, 350 ft. north of centerline Marrill Road 1st Election District - 1st Councilmanic District Legal Owner(s) Kelvin & Pamela Jones	
Variance: to permit a parking space for a proposed assisted living facility to be as close as 5 feet from a property line in lieu of the required 10 ft.	
Hearing: Monday, December 28, 2015 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.	
JT 12/681 Dec. 8	3795864

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 8, 2015 Issue - Jeffersonian

Please forward billing to:
Pamela Jones
125 Nunnery Lane
Catonsville, MD 21228

443-845-3917

NOTICE OF ZONING HEARING

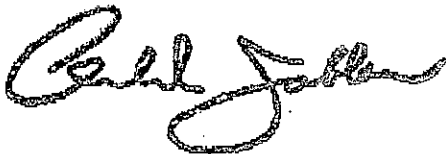
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0104-A

125 Nunnery Lane
E/s Nunnery Lane, 350 ft. north of centerline Merrill Road
1st Election District – 1st Councilmanic District
Legal Owners: Kelvin & Pamela Jones

Variance to permit a parking space for a proposed assisted living facility to be as close as 5 feet from a property line in lieu of the required 10 ft.

Hearing: Monday, December 28, 2015 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 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.

CERTIFICATE OF POSTING

Date: 12/6/15

RE: Case Number: 2016-0104-A

Petitioner/Developer: Pamela Jones

Date of Hearing/Closing: 12-28-15 1:30 PM

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 125 Nunnery La

The signs(s) were posted on 12-6-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

CASE # 2016-0104-A

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

PLACE: JEFFERSON BLDG, TOWSON 21204
105 W. CHEESAPEAKE AVE, ROOM 205

DATE AND TIME: MON. DEC. 28, 2015 1:30PM

REQUEST: VARIANCE TO PERMIT A PARKING SPACE
FOR A PROPOSED ASSISTED LIVING FACILITY TO BE AS
CLOSE AS 5 FEET FROM A PROPERTY LINE IN LIEU OF
THE REQUIRED 10 FEET

NECESSARY

RE: PETITION FOR VARIANCE
125 Nunnery Lane; E/S Nunnery Lane,
350' N of c/line of Merrill Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Kelvin & Pamela Jones
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-104-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.

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

RECEIVED

NOV 02 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2015, a copy of the foregoing Entry of Appearance was mailed to Kelvin & Pamela Jones, 125 Nunnery Lane, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 125 Nunnery Lane which is presently zoned DR16
 Deed References: 26149/495 10 Digit Tax Account # 0113553000
 Property Owner(s) Printed Name(s) Kelvin L. Jones Pamela C. Jones

(SELECT THE HEARING(S) BY MARKING ☒ 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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a **Variance** from Section(s) 432A.1.C.1 - to permit a parking space for a proposed assisted living facility to be as close as 5 feet from a property line in lieu of the required 10 feet

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)

"TO Be Presented at hearing"

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):

Kelvin L. Jones, Pamela C. Jones

Name #1 - Type or Print

Name #2 - Type or Print

Kelvin L. Jones Pamela C. Jones

Signature #1

Signature #2

125 Nunnery Lane Catonsville MD

Mailing Address

City

State

21228, 443-845-3917, PJNurse@aol.com

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 2016-0104-A Filing Date 10/26/15

Do Not Schedule Dates: _____

Reviewer BZ

ZONING PROPERTY DESCRIPTION OF 125 NUNNERY LANE

Beginning at point on the east side of Nunnery Lane, which has a 50-foot right of way, at the distance of 350 feet (+/-) north of the centerline of the nearest improved intersecting street Merrill Road, which has a 60-foot right of way. Thence the following courses and distances: (1st Point of Call – "POC") Northwesterly 19 feet, (2nd POC) Northeasterly 110 feet, (3rd POC) Southeasterly 19 feet, (4th POC) Southwesterly 110 feet, back to the point of beginning as recorded in Deed Liber #26149, Folio #495, containing 2090 square feet. Located in the 1st Election District and 1st Councilmanic District.

Item #0104

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: 2016-0104-A

Petitioner: Pamela C. Jones

Address or Location: 125 Nunnery Lane Catonsville, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: Pamela C. Jones

Address: 125 Nunnery Lane
Catonsville, MD 21228

Telephone Number: 443-845-3917

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

No. 127340

Date: 10/26/15

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
10/26/2015 10/26/2015 11:45:25 5

REG NS85 WALKIN ROOM LRD
X RECEIPT # 825043 10/26/2015 CFLN

Dept 5 503 TOWING VERIFICATION

LN NO. 127340

Receipt Tot \$75.00

\$75.00 CX 4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				575.00

Total: \$75.00

Rec From:

For: 25412 Hearing - case # 203-0104-A

DISTRIBUTION

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

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

December 23, 2015

Kevin L & Pamela C Jones
125 Nunnery Lane
Catonsville MD 21228

RE: Case Number: 2016-0104 A, Address: 125 Nunnery Lane

Dear Mr. & Ms. Jones:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 26, 2015. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

12-28

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: November 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-104

RECEIVED

NOV 30 2015

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 125 Nunnery Lane
Petitioner: Kevin L. Jones, Pamela C. Jones
Zoning: DR 16
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a parking space for a proposed Assisted Living Facility to be as close as 5 feet from a property line in lieu of the require 10 feet.

The Department recommends denial of the petitioned zoning relief.

Pursuant to BCZR Section 432A.1.D the Department recommends that the use of the property as an assisted living facility (ALF) with ancillary parking does not successfully meet the compatibility objectives found in BCC Section 32-4-402(d). The existing on site non-conforming dwelling has no dedicated off-street parking and increasing the intensity of use of the property through the introduction of the non-residential ALF use would cause an adverse impact upon the immediate neighborhood by exacerbating any parking issues. By current standards a single pad accessed from the existing alley cannot accommodate the parking needs of the combined residential and ALF use. Situations wherein multiple visitors or medical personnel are on site would impact the functionality of the neighborhood street pattern. It is further recommended that the proposed parking location does not permit landscaping in a way that complements the neighborhood.

Be advised, in the event the variance is granted thereby enabling the ALF use, the Department would require the following site improvements before approving any use permit:

1. Repair all front yard concrete steps that are not in good condition.
2. Repair the corner of the front yard concrete porch that is in poor condition.
3. Remove the concrete pavers located in the rear yard and pave the proposed parking space with a durable and dustless surface as required by BCZR Section 409.8.A.2.
4. Replace the concrete walkway located in the rear yard.

ORDER RECEIVED FOR FILING

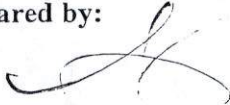
Date 12/30/15

By Den

Date: November 24, 2015
Subject: ZAC #16-104
Page 2

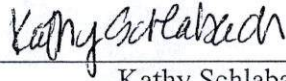
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Kevin L. Jones, Pamela C. Jones, Petitioners
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

12/30/15

By

Sen

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 11/2/15

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

RE: Baltimore County
Item No. 2016-0104-A
Variance
Kelvin L. & Pamela C. Jones
125 Nunberry Lane

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. 2016-0104-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

12-28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

DATE: November 24, 2015

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-104

RECEIVED

NOV 30 2015

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address:

Petitioner:

Zoning:

Requested Action:

125 Nunnery Lane
Kevin L. Jones, Pamela C. Jones
DR 16
Variance

The Department of Planning has reviewed the petition for a variance to permit a parking space for a proposed Assisted Living Facility to be as close as 5 feet from a property line in lieu of the require 10 feet.

The Department recommends denial of the petitioned zoning relief.

Pursuant to BCZR Section 432A.1.D the Department recommends that the use of the property as an assisted living facility (ALF) with ancillary parking does not successfully meet the compatibility objectives found in BCC Section 32-4-402(d). The existing on site non-conforming dwelling has no dedicated off-street parking and increasing the intensity of use of the property through the introduction of the non-residential ALF use would cause an adverse impact upon the immediate neighborhood by exacerbating any parking issues. By current standards a single pad accessed from the existing alley cannot accommodate the parking needs of the combined residential and ALF use. Situations wherein multiple visitors or medical personnel are on site would impact the functionality of the neighborhood street pattern. It is further recommended that the proposed parking location does not permit landscaping in a way that complements the neighborhood.

Be advised, in the event the variance is granted thereby enabling the ALF use, the Department would require the following site improvements before approving any use permit:

1. Repair all front yard concrete steps that are not in good condition.
2. Repair the corner of the front yard concrete porch that is in poor condition.
3. Remove the concrete pavers located in the rear yard and pave the proposed parking space with a durable and dustless surface as required by BCZR Section 409.8.A.2.
4. Replace the concrete walkway located in the rear yard.

12/28

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

NOV 06 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 5, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0104-A
Address 125 Nunnery Lane
(Jones Property)

Zoning Advisory Committee Meeting of November 2, 2015.

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

Reviewer: Steve Ford

Date: 11-05-2015

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 4, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For November 2, 2015
Item No. 2016-0103, 0104, 0105 and 0108

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

DAK
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC11022015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-104



INFORMATION:

Property Address: 125 Nunnery Lane
Petitioner: Kevin L. Jones, Pamela C. Jones
Zoning: DR 16
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a parking space for a proposed Assisted Living Facility to be as close as 5 feet from a property line in lieu of the require 10 feet.

The Department recommends denial of the petitioned zoning relief.

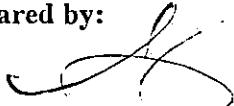
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3. Remove the concrete pavers located in the rear yard and pave the proposed parking space with a durable and dustless surface as required by BCZR Section 409.8.A.2.
4. Replace the concrete walkway located in the rear yard.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

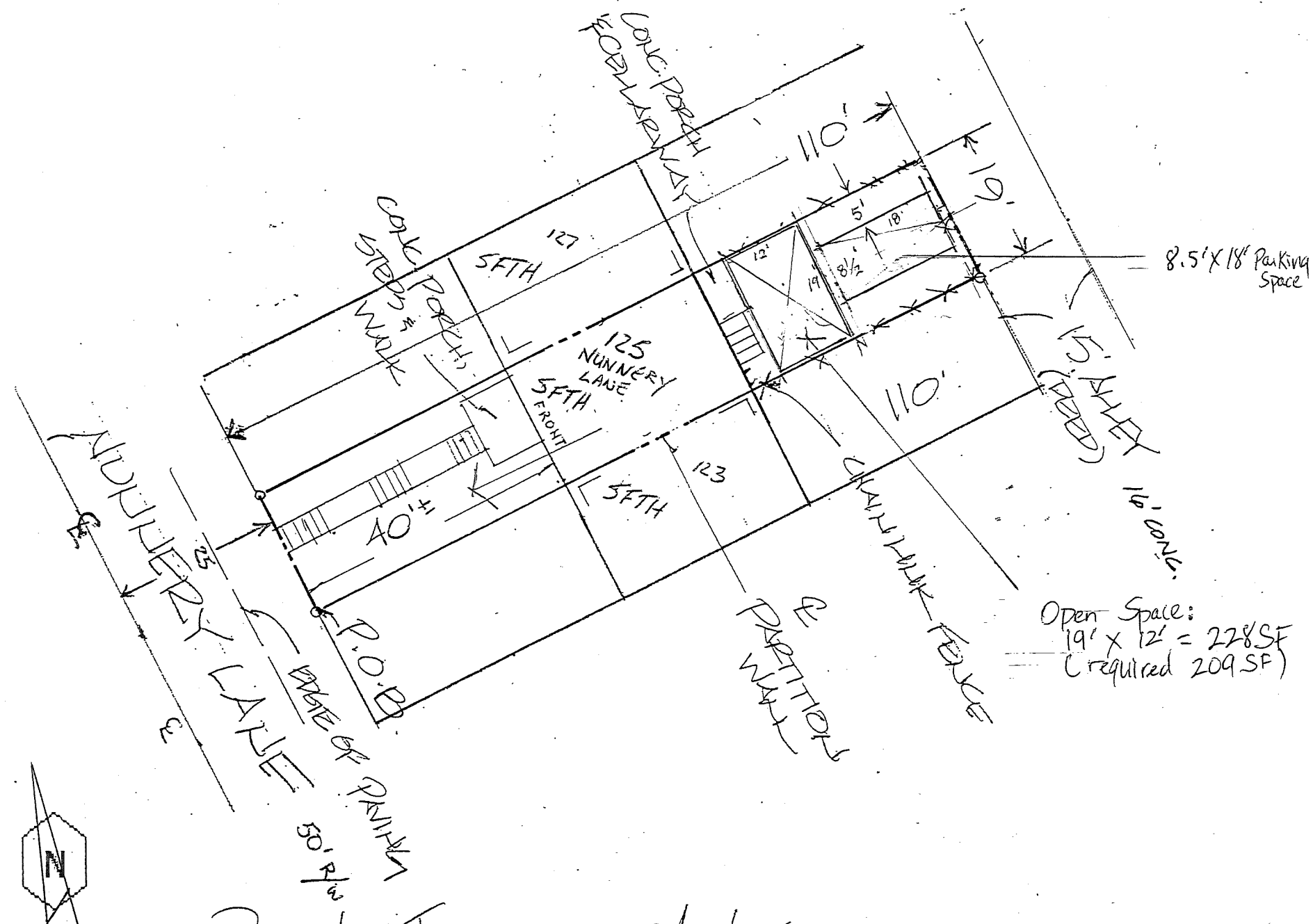


Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Kevin L. Jones, Pamela C. Jones, Petitioners
Office of the Administrative Hearings
People's Counsel for Baltimore County

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 125 Nunnery lane Catonsville, MD OWNER(S) NAME(S) Kelvin L. & Pamela C Jones
 SUBDIVISION NAME N/A LOT # 21228 BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0113533000 DEED REF. # 26149/004.25



PLAN DRAWN BY

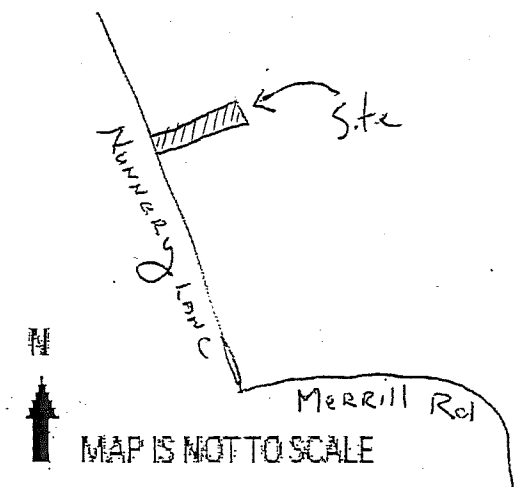
Pamela C. Jones

DATE _____

6/18/15

SCALE: 1 INCH = 20 FEET

SECRET



ZONING MAP# 101B1

SITE ZONED DR 10.5

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE

OR SQUARE FEET 2090

HISTORIC NO.

INCEA NO

IN FLOOD PLAN 2

LETTERS TO THE EDITOR

WATER IS:

PUBLIC ~~X~~ PRIVATE

SEWER IS.

~~PUBLIC~~ ~~PRIVATE~~

PRIOR HEARING ☒ NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: