

M E M O R A N D U M

DATE: June 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0209-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on June 24, 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 SPECIAL HEARING *

(9307 Lyons Mill Road) *

2nd Election District *

4th Council District *

Stillway Associates Partnership, *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0209-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Stillway Associates Partnership, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a use permit for an Assisted Living Facility III and to amend the site plan in Case 86-77-SPHA.

Thomas Hoff and Robert Gaines appeared in support of the petition. Douglas Burgess, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR), and the Department of Planning (DOP). Conditions will be included in the final Order to address each of these agency comments.

The subject property is 5.47 acres and zoned DR 16. The site is improved with a commercial child care facility which has operated for many years at this location. Petitioner proposes to raze the existing building and in its place construct an Assisted Living Facility III (AFL).

ORDER RECEIVED FOR FILING

Date 5/25/16

By SLN

Under the B.C.Z.R., an ALF III is permitted by "use permit" in the DR 16 zone. B.C.Z.R. §432A. While the Regulations do not address the issue, the court of special appeals has likened a "use permit," at least generically, to a special exception. Hoffmeister v. Frank Realty Co., 35 Md. App. 691 (1977). In that regard, Mr. Hoff (a landscape architect accepted as an expert) testified the ALF use would not have a detrimental impact upon the community, and I concur. This is a large site with mature trees and landscaping that provide screening from adjoining properties. No evidence was presented which would undermine this determination, and thus the permit will be granted.

The DOP's ZAC comment requested Petitioner show the 10% open space on the plan, as required by B.C.Z.R. §432A. Petitioner has done so as shown on Exhibit 3, which is an open space plan reflecting that Petitioner will provide a large open space area enveloping the facility.

THEREFORE, IT IS ORDERED this 25th day of **May, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve a use permit for an Assisted Living Facility III and to amend the site plan in Case 86-77-SPHA in accordance with the site plan submitted herein as Exhibit 1, be and is hereby GRANTED.

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 its 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. The Petitioner shall have five (5) years in which to "utilize" the use permit for the ALF III.

ORDER RECEIVED FOR FILING

Date 5/25/16
By sln

3. The prior special exception for a child care facility (granted in Case No. 81-129-X) shall be deemed abandoned, but only upon Petitioner's receipt of a non-appealable building permit for construction of the ALF.
4. Petitioner must comply with the ZAC comment of the DEPS, a copy of which is attached hereto.
5. Petitioner must provide a dumpster for the facility in compliance with the siting and screening requirements set forth in the Landscape Manual.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 5/25/16
By slh



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 9307 LYONS MILL RD which is presently zoned DR-16
 Deed References: 6316/166 10 Digit Tax Account # 1900002852
 Property Owner(s) Printed Name(s) STILLWAY ASSOCIATES PARTNERSHIP

(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. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
 A USE PERMIT FOR AN ASSISTED LIVING FACILITY III ~~AND ABANDONMENT OF PREVIOUSLY APPROVED SPECIAL EXCEPTION~~ *NOT SEE ATTACHMENT. BDN*
2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☐ **a Variance** from Section(s)

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:

N/A

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

TO BE DETERMINED BEFORE HEARING

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

STILLWAY ASSOCIATES PARTNERSHIP
 R.H. BRUNNORTH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9307 LYONS MILL RD, OWINGS MILLS, MD

Mailing Address City State

21117 / Telephone # / Email Address

Representative to be contacted:

THOMAS J. HOFF

Name - Type or Print

Signature

512 VIRGINIA AVE., TOWSON, MD

Mailing Address City State

21286 / 410-296-3669 / tom@thomasjhoff.com
 Zip Code Telephone # Email Address

CASE NUMBER 2016-0209-SPH Filing Date 3, 9, 16

Do Not Schedule Dates:

Reviewer *BDN*

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

March 8, 2016

ATTACHMENT TO PETITION FOR SPECIAL HEARING
9307 LYONS MILL RD

A Use Permit for an Assisted Living Facility III and upon Petitioner using the zoning relief requested heretofore by issuance and utilization of a non-appealable building permit consistent therewith, the existing zoning relief related to the site, to wit, the Special Exception on the site for a child care facility, will be deemed abandoned and to amend the site plan in Case 86-77-SPHA.

Item #0209

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

March 8, 2016

Description of 9307 Lyons Mill Road to Accompany Petition for a Special Exception, 2nd Election District, 4th Councilmanic District

BEGINNING FOR THE SAME at a point on the south side of Lyons Mill Road (70' R/W), 181 feet more or less east of the centerline of Wynfield Drive.

Thence binding on the south side of Lyons Mill Road,

- 1) North 86 degrees 45 minutes 24 seconds East 385.92 feet, thence leaving the south side of Lyons Mill Road,
- 2) South 07 degrees 30 minutes 02 seconds East 607.07 feet, thence,
- 3) South 87 degrees 13 minutes 58 seconds West 333.50 feet, thence,
- 4) North 14 degrees 42 minutes 40 seconds West 405.39 feet, thence,
- 5) North 07 degrees 56 minutes 53 seconds West 206.03 feet, to the place of beginning.

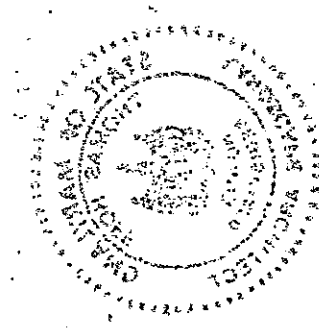
Containing 5.20 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



Item # 0209





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 4148897

Sold To:

Thomas Hoff - CU00535040
512 Virginia Ave
Towson, MD 21286-5361

Bill To:

Thomas Hoff - CU00535040
512 Virginia Ave
Towson, MD 21286-5361

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

May 03, 2016

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2016-0209-S
9307 Lyons Mill Road
S/s Lyons Mill Road, 181 ft. E/of centerline of Wynfield Drive
2nd Election District - 4th Councilmanic District
Legal Owner(s) Stillway Associates Partnership

SPECIAL HEARING: to determine whether or not the Administrative Law Judge should approve a Use Permit for an Assisted Living Facility III and upon Petitioner using the zoning relief requested heretofore by issuance and utilization of a non-appealable building permit consistent therewith, the existing zoning relief related to the site, to wit, the Special Exception on the site for a child care facility, will be deemed abandoned and to amend the site plan in Case 86-77-SPHA.

Hearing: Monday, May 23, 2016 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 5/621 May 3 4148897

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0209-SPH

PETITIONER/DEVELOPER

THOMAS HOFF

DATE OF HEARING/CLOSING:

5/23/16

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT

9307 LYONS MILL ROAD

THIS SIGN(S) WERE POSTED ON
(MONTH, DAY, YEAR)

May 3, 2016

SINCERELY,

Martin Ogle 5/3/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2016-0209-SPH

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

PLACE: ROOM 205, JEFFERSON BUILDING 105
WESTCHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: MONDAY MAY 23, 2016 AT 1:30 P.M.

REQUEST:

SPECIAL HEARING TO DETERMINE WHETHER OR NOT THE
ADMINISTRATIVE LAW JUDGE SHOULD APPROVE A USE PERMIT FOR
AN ASSISTED LIVING FACILITY III AND UPON PETITIONER USING
THE ZONING RELIEF REQUESTED HERETOFORE BY ISSUANCE AND
WITHDRAWAL OF A NON-APPEALABLE BUILDING PERMIT CONSISTENT
THEREWITH, THE EXISTING ZONING RELIEF RELATED TO THE SITE,
TO WIT, THE SPECIAL EXCEPTION ON THE SITE FOR A CHILD
CARE FACILITY, WILL BE DEEMED ABANDONED AND TO AMEND
THE SITE PLAN IN CASE - 86-77-SPHA.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-5941

DO NOT REMOVE THIS SIGN AND POST ONE DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

made gl 5/3/16



KEVIN KAMENETZ
County Executive

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

April 5, 2016

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: 2016-0209-SPH

9307 Lyons Mill Road

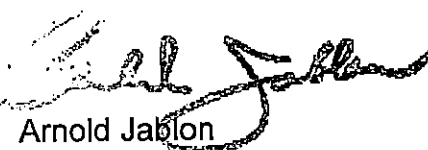
S/s Lyons Mill Road, 181 ft. E/of centerline of Wynfield Drive

2nd Election District – 4th Councilmanic District

Legal Owners: Stillway Associates Partnership

Special Hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an Assisted Living Facility III and upon Petitioner using the zoning relief requested heretofore by issuance and utilization of a non-appealable building permit consistent therewith, the existing zoning relief related to the site, to wit, the Special Exception on the site for a child care facility, will be deemed abandoned and to amend the site plan in Case 86-77-SPHA.

Hearing: Monday, May 23, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: R.H. Brunnworth, 9307 Lyons Mill Road, Owings Mills 21117
Thomas Hoff, 512 Virginia Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 3, 2016**
- (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, May 3, 2016 Issue - Jeffersonian

Please forward billing to:
Thomas Hoff
512 Virginia Avenue
Towson, MD 21286

410-296-3669

NOTICE OF ZONING HEARING

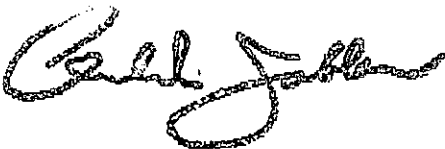
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0209-S

9307 Lyons Mill Road
S/s Lyons Mill Road, 181 ft. E/of centerline of Wynfield Drive
2nd Election District – 4th Councilmanic District
Legal Owners: Stillway Associates Partnership,

Special Hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an Assisted Living Facility III and upon Petitioner using the zoning relief requested heretofore by issuance and utilization of a non-appealable building permit consistent therewith, the existing zoning relief related to the site, to wit, the Special Exception on the site for a child care facility, will be deemed abandoned and to amend the site plan in Case 86-77-SPHA.

Hearing: Monday, May 23, 2016 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
9307 Lyons Mill Road; S/S Lyons Mill Road, * OF ADMINISTRATIVE
181' E of c/line Wynfield Drive * HEARINGS FOR
2nd Election & 4th Councilmanic Districts *
Legal Owner: Stillway Associates Partnership,*
R.H. Brunnworth
Petitioner(s) * BALTIMORE COUNTY
* 2016-209-SPH

* * * * *

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

MAR 24 2016

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 24th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Thomas J. Hoff, 512 Virginia Avenue, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0209-SPH
Property Address: 9307 Lyons Mill Rd
Property Description: S/S Lyons Mill Rd, 181' E of
centerline Wynfield Dr
Legal Owners (Petitioners): Stillway Associates Partnership
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas Hoff
Company/Firm (if applicable): _____
Address: 512 Virginia Ave

Telephone Number: 410 296 3669

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

No. **134702**

Date: **3/9/16**

PAID RECEIPT

BUSINESS ACTUAL TIME OFD
 3/09/2016 3/09/2016 10:12:29 2

RE 0502 WALKIN JENA JEE
 RECEIPT # 959716 3/09/2016 OFLN
 5 529 ZONING VERIFICATION
 134702

Receipt Tot \$500.00
 \$500.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				1500

Total: **5500**

Rec From: **Slipway ss. Pmt.**
 For: **Zoning hearing - case # 2016-0209-SPH**

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*

May 18, 2016

Stillway Associates Partnership
R. H. Brunnworth
9307 Lyons Mill Road
Owings Mills MD 21117

RE: Case Number: 2016-0209 SPH, Address: 9307 Lyons Mill Road

Dear Mr. Brunnworth:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 9, 2016. 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 stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Thomas J Hoff, 512 Virginia Avenue, Towson MD 21286

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



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

Date: 3/21/16

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

RE: Baltimore County
Item No. 2016-0209-SPH
Special Hearing
Stillway Associates Partnership, R.H. Brunnworth
9307 Lyons Mill Road,

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. 2016-0209-SPH.

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 black ink, appearing to read "Richard A. Zeller".

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

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 19, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-209

INFORMATION:

Property Address: 9307 Lyons Mill Road
Petitioner: Stillway Associates Partnership
Zoning: DR 16
Requested Action: Special Hearing

RECEIVED

MAY 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an Assisted Living Facility III.

A site visit was conducted on April 18, 2016.

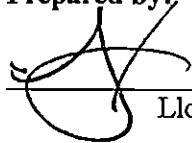
Pursuant to the requirements of BCZR § 432A.1.D and BCC § 32-4-402(c)(2) the Director of Planning recommends to the Hearing Officer that the proposed development meets the compatibility objectives contained in BCC Section 32-4-402(d) as applicable.

The Department has no objection to the Administrative Law Judge granting the petitioned zoning relief conditioned upon the following:

- Identify the required 10% useable, contiguous and private open space on the plan.
- Provide a dumpster location on the plan. The dumpster must meet at minimum the Condition H siting guidelines and "Class A" screening requirements found in the Baltimore County Landscape Manual.
- The Department understands that signage will be subject to BCZR § 450.4.6, IDENTIFICATION. Any freestanding sign is limited to 6 feet in height.
- Any required Landscape and Lighting Plan submitted to Baltimore County for approval should specify directional type lighting for the parking lot to avoid light spillage onto the surrounding residential properties.

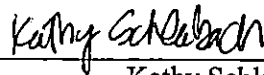
For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Amy Mantay

Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections

Thomas J. Hoff

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

MAR 28 2016



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: March 28, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0209-SPH
Address 9307 Lyons Mill Road
(Stillway Associates Property)

Zoning Advisory Committee Meeting of March 28, 2016.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The proposed intensification of commercial use of this property will have to comply with the full extent of applicable Baltimore County laws.

Reviewer: Glenn Shaffer Date: March 28, 2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2016
Item No. 2016-0209

DATE: March 28, 2016

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We have no objection to granting the request. The petitioner is advised that the layout may change during the development plan approval process.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0209- 03282016.doc

5/23

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 28 2016



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: March 28, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0209-SPH
Address 9307 Lyons Mill Road
(Stillway Associates Property)

Zoning Advisory Committee Meeting of March 28, 2016.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The proposed intensification of commercial use of this property will have to comply with the full extent of applicable Baltimore County laws.

Reviewer: Glenn Shaffer

Date: March 28, 2016

ORDER RECEIVED FOR FILING

Date 5/25/16

By Sen

Baltimore County Government
Department of Permits, Approvals and Inspections



111 West Chesapeake Ave.
Towson, Md. 21204

410-887-3321
410-887-2877 (fax)

January 19, 2018

Dogwood Towns LLC
Dogwood Manager LLC
Osprey Property Company LLC
Brian Lopez
175 Admiral Cochrane Dr., Ste. 201
Annapolis, MD. 21401

Re: Helfrich Section Sect. 2 (Alt. A)
Agreement No. 17060 UA0
Drawing Nos. 2016-0125 to 0136

Dear Sir:

We have been advised by the Department of Public Works (DPW) Construction Contracts Administration that the public works improvements associated with the subject agreement have been completed. Your engineer must now make updates to the original drawings on record at the county to reflect the as-built conditions.

Please be advised that updating these drawings is part of your responsibility. DPW will not consider the work shown on the drawings covered by your agreement to be accepted until the as-builts are completed. Also, until DPW issues a letter of acceptance to you, you cannot begin the one-year maintenance period.

For information regarding how to update the drawings please contact Robin Hurley in DPW at 410-887-3751.

Additionally, I am advising you to check with your engineering consultant (see attached memos) to determine if you must dedicate any Right of Way to Baltimore County.

Please see the attached memos regarding the conveyance of Right of Way's to Baltimore County.

If you must dedicate Right of Way to Baltimore County, you should initiate that process immediately. Please note that Right's of Way, if required, must be deeded to Baltimore County prior to project closeout.

Sincerely,


Jan M. Cook
Development Manager

attachment
JMC:bp

C: DS Thaler & Associates, LLC
file

93-2814

Stillway Associates Partnership
9307 Lyons Mill Road

EXHIBIT LIST

Special Hearing

Den
5-25-16

Use Permit for Assisted Living Facility III (ALF III)

Exhibit

Number

Site Plan	1
Resume – Thomas Hoff	2
Open Space Plan	3
Compatibility Statement	4
Aerial Maps	5A 5B
ZAC Comments	6
Resume – Bob Gaines	7
Facility Needs Brochure	8

RESUME

THOMAS J. HOFF

THOMAS J. HOFF

512 Virginia Avenue
Towson, Maryland 21286
410-296-3668 Fax 410-825-3887
tom@thomasjhoff.com

EDUCATION:

Bachelor of Science Landscape Architecture
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 2011 to Present.
THOMAS J. HOFF
Towson, Maryland
As of January 1, 2011 I have been operating as a sole practitioner.

January 1992 to December 2010.
THOMAS J. HOFF, INC.
Towson, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland
Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

EXHIBIT

2

Thomas J. Hoff
Resume (cont.)

July 1983 to December 1986.

HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981)

Maryland - No. 493

AWARDS:

American Society of Landscape Architects – Certificate of Merit for Excellence in the Study of Landscape Architecture, 1975-76

The Baltimore County Soil Conservation District, Consultant Firm of the Year, 2002

Zoning Hearings:

21213 York Road, Baltimore County – Special Exception, Case No. 2016-0112-X, 2016.

2629 Pot Spring Road, Baltimore County – Variance, Case No. 2014-0137-A, 2014.

404-406 East Pennsylvania Avenue, Baltimore County – Special Hearing, Case No. 2013-0141-SPH, 2013.

1414 Walnut Avenue, Baltimore County – Variances, Case No. 2013-0015-XA, 2013.

8710 Liberty Road, Baltimore County – Special Exception and Variances, Case No. 2012-0258-XA, 2012.

1402 East Joppa Road, Baltimore County – Variances, Case No. 2011-0366-ASA, 2011.

2 Old Lyme Road, Baltimore County – Variances, Case No. 2011-0251-A, 2011.

2710 Holly Beach Road, Baltimore County – Variances, Case No. 2009-340-A, 2009.

9712 Monroe Street, Baltimore County – Special Hearing, Case No. 08-0560-SPH, 2008.

4406 Piney Grove Road, Baltimore County – Special Hearing, Case No. 08-249-SPH, 2008.

11219 Greenspring Avenue, Baltimore County – Special Exception and Variances, Case No. 08-221-XA, 2008.

3668 Galloway Road, Baltimore County – Variances and Special Hearing, Case No. 08-184-SPHA, 2007.

18 Aigburth Road, Baltimore County – Variances, Case No. 08-055-A, 2007.

3675 Offutt Road, Baltimore County – Variance, Case No. 07-530-A, 2007.

2901 Rolling Road, Baltimore County – Variance, Case No. 07-380-A, 2007.

1641 Cold Bottom Road, Baltimore County – Variance, Case No. 07-242-A, 2007.

1601 Odenso Lane, Baltimore County – Variance, Case No. 07-143-A, 2006.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-660-SPH, 2006.

Zoning Hearings:

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 06-649-SPHA, 2006. Sign Variances and amend previously approved plan.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-289-SPH, 2006.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2006.

409 Allegheny Avenue, Baltimore County – Special Exception, Case No. 06-041-X, 2005.

6003 Kenwood Avenue, Baltimore County – Special Hearing and Variances, Case No. 05-667-SPHA, 2005.

4505 Piney Grove Road, Baltimore County – Special Exception and Variances, Case No. 05-359-XA, 2005.

1104 Harwall Road, Baltimore County – Special Exception and Variances, Case No. 05-242-XA, 2005.

9101 Liberty Road, Auto Collision Technologies, Baltimore County – Special Exception and Variances, Case No. 04-422-XA, 2004.

11420 York Road, Baltimore County – Variances, Case No. 04-302-A, 2004.

4 Marlyn Avenue, Care Management, Inc., Baltimore County – Variances, Case No. 03-537-XA, 2003.

212 Cockeys Mill Road, Miller Tree & Landscape, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 03-466-SPHXA, 2003.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 03-406-SPHA, 2003. Commercial parking in a residential zone and RTA Buffer Variance.

15509 Manor Road, Bozman Property, Baltimore County – Variances, Case No. 03-235-SPHA, 2003.

4106 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-217-A, 2002.

4104 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-216-A, 2002.

Zoning Hearings:

Tom's Sports Tavern, 9307 Liberty Road, Baltimore County – Setback Variances, Case No. 02-377-SPHA, 2002.

Sunoco Service Station, 6401 Golden Ring Road, Baltimore County – Sign Variances, Case No. 02-371-A, 2002.

Sunoco Service Station, 8000 Loch Raven Blvd., Baltimore County – Sign Variances, Case No. 02-370-A, 2002.

Radio Shack, 1206 Reisterstown Road, Baltimore County – Sign Variances, Case No. 02-211-A, 2002.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

10233 Liberty Road, Baltimore County – Special Exception, Case No. 00-561-X, 2000.

114 Dundalk Avenue, Baltimore County - Special Exception and Variances, Case No. 00-07-XA, 2000.

103 Riverton Road, Baltimore County – Special Hearing, Special Exception and Variances, Case No. 00-370-SPHXA, 2000.

Sunoco Service Station, 143 Back River Neck Road, Baltimore County – Sign Variances, Case No. 00-348-A, 2000.

405 East Joppa Road/510-514 & 518 Fairmount Avenue, Baltimore County – Special Hearing to amend the Special Exception and Variances, Case No. 00-305-SPHA, 2000.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

St. Charles @ Old Court Apartments, Baltimore County – Variance to allow detached garages, Case No. 00-076-A, 1999.

Northwest BMW/Honda, 9700 Reisterstown Road, Baltimore County – Variance, Case No. 00-009-A, 1999.

Zoning Hearings:

Sunoco Service Station, 100 West Timonium Road, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 99-408-SPHXA, 1999.

1623 Bellona Avenue, Baltimore County – Special Exception for a physician's office within a primary residence, Case No. 99-283-SPX, 1999.

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No. 94-464-A, 1994.

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Zoning Hearings:

Amoco Oil, Route 40, Harford County - Setback Variance

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County - Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

Board of Appeals:

Lintz Property, 14345 Jarrettsville Pike, Baltimore County – Zoning Reclassification, Case No. R-09-270, 2009.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2007.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

Bundy Property, Baltimore County – Petition for Reclassification, Case No. R-99-184, 1999.

Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Hearing Officer's Hearings:

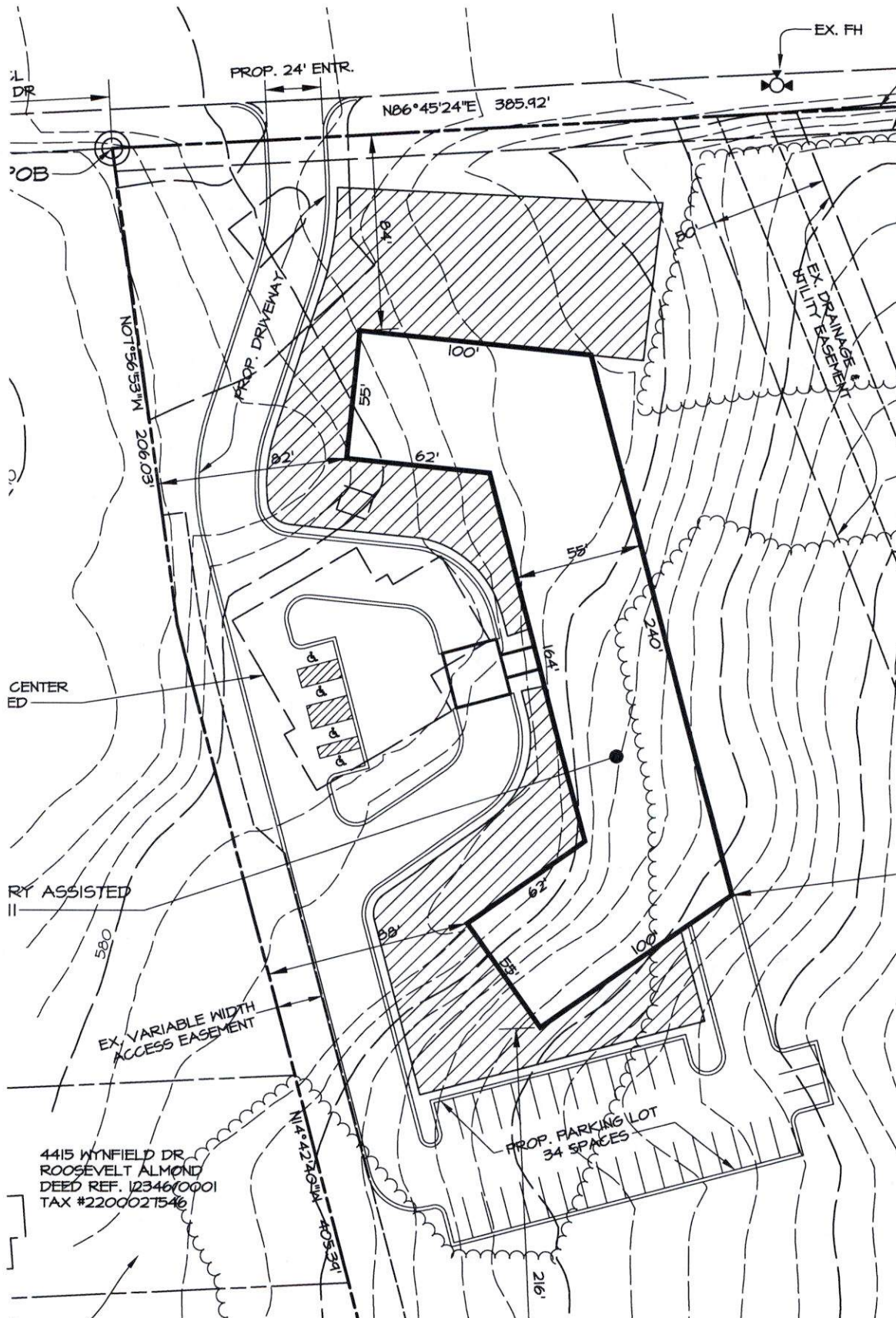
Estates at Windy Hill, Single family detached lots, RC-5 zone, 2010.

Chapeldale Woods, Single family detached lots, RC-5 zone, 2001.

Merrymans Manor, Single family detached lots, RC-4 zone, 2000.

Carrington Ridge, Single family detached lots, DR-2 zone, 2000.

Road



3

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

May 9, 2016

COMPATIBILITY STATEMENT
9307 LYONS MILL RD
ZONING CASE #2016-0209-SPH

- 1) The arrangement and orientation of the proposed building is similar to the apartment building adjacent to the property on the east.
- 2) The placement of the building and parking lot has no adverse impact on the neighborhood. The building is setback over 80' from the street and adjacent properties. The parking lot is located to the rear of the building. It is setback from the adjacent residential properties to the west and south. It will be screened by existing forest areas and screening will be supplemented with additional landscaping.
- 3) The proposed driveway will be in approximately the same location as the existing driveway. There are existing sidewalks along the street frontage.
- 4) Most of the existing open space and forest areas are to remain. A large portion of the site will be put into a Forest Conservation and Forest Buffer Easement.
- 5) There are no distinctive buildings on site.
- 6) The proposed landscape design will complement the neighborhood's landscape patterns. The property will require a landscape plan for new plantings that meet the Baltimore County landscape manual. Most of the existing forest areas are to remain in place.
- 7) There are no exterior signs proposed at this time. Any signage will be in compliance with the Baltimore County Zoning Code. There are no proposed accessory structures. Site lighting will be designed to reflect the light away from the adjacent residential properties.
- 8) The size of the proposed building is in proportion to the existing apartment buildings to the east. The area of the site to be developed with the building and parking area is only about a third of the total site area. The remainder of the site will remain wooded or in open space areas.



(2) Is subject to approval by the County Council. The procedure for notice of the exchange and for Council approval shall be in accordance with the provisions of § 3-9-104(c) of the Code.

(1988 Code, § 26-220) (Bill No. 48-99, § 1, 7-12-1999; Bill No. 79-01, § 2, 7-1-2004; Bill No. 121-05, § 1, 1-7-2006)

SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS

§ 32-4-401. COMPLIANCE.

(a) *Intent.* The general design standards and requirements set forth in this subtitle are intended to provide criteria for the preparation and review of proposed development.

(b) *Compliance with standards required.* Subject to the provisions of §§ 32-4-105 and 32-4-107 of this title, all development shall:

- (1) Meet the standards and requirements contained in this subtitle;
- (2) Conform to the policy and intent of this title.

(c) *Additional standards and requirements.* Additional standards and requirements that are not inconsistent with this subtitle may be adopted in accordance with the provisions of § 32-4-404 of this title.

(d) *Development in the Chesapeake Bay Critical Area.* Proposed development in the critical area shall also comply with the standards and requirements specified in the Code. (1988 Code, § 26-261) (Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-402. COMPATIBILITY.

(a) *"Neighborhood" defined.* In this section, "neighborhood" means the existing buildings and land uses adjacent to and extending from the proposed development to:

- (1) A definable boundary such as a primary collector street or arterial street;
- (2) An area with a significant change in character or land use; or
- (3) A major natural feature.

(b) *Exception.* This section does not apply to a research park.

(c) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for:

- (1) A cluster subdivision;
- (2) A development in the RCC, R-O, OR-1, OR-2, O-3, SE, OT zones, the CR districts, or, except as provided for a development described in § 32-4-402.1, a Planned Unit Development; or
- (3) Alternative site design dwellings as provided in the comprehensive manual of development policies.

(d) *Compatibility objectives.* Subject to subsection (c) of this section, development of property shall be designed to achieve the following compatibility objectives in accordance with the guidelines in the comprehensive manual of development policies:

Baltimore County Code

- (1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood;
- (2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood;
- (3) The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood;
- (4) The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems;
- (5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design;
- (6) The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities;
- (7) The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood; and
- (8) The scale, proportions, massing, and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

(e) *Compatibility with standards in S-E zones; exterior materials.*

(1) In an S-E zone, in addition to other compatibility standards, a developer shall make buildings compatible with the streetscape and the landscape by methods that reduce the large-scale visual impact of the buildings.

(2) (i) The predominant exterior material on a building may not require periodic refinishing or maintenance such as painted wood, painted metal siding, pre-finished metal siding, or painted masonry.

(ii) An exterior wall of a building may not be made from any unfinished material including raw wood, unfinished concrete block, or concrete surfaces.

(iii) Acceptable predominant exterior materials on a building include brick, glass, architectural concrete surfaces, decorative masonry units, or stucco.

(1988 Code, § 26-282) (Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 46, 1992, § 3; Bill No. 186-94, § 10, 1-14-1995; Bill No. 112-99, § 3, 1-10-2000; Bill No. 79-01, § 2, 7-1-2004; Bill No. 38-12, § 1, 6-6-2012)

Editor's note:

Section 2 of Bill No. 38-12 provides that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on June 6, 2012 and shall apply to any Planned Unit Development for which a hearing before the Administrative Law judge commences after the effective date of this Act.

§ 32-4-402.1. PLANNED UNIT DEVELOPMENT – COMPATIBILITY.

(a) *Recommendations by Director of Planning.* The Director of Planning shall make compatibility recommendations to the Hearing Officer for a Planned Unit Development, which, in whole or in part, is:

- (1) Located in a Baltimore County Commercial Revitalization District;



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 5/17/2016

EXHIBIT

5A

tabbles



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 5/17/2016

EXHIBIT

SB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 19, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-209

INFORMATION:

Property Address: 9307 Lyons Mill Road
Petitioner: Stillway Associates Partnership
Zoning: DR 16
Requested Action: Special Hearing

RECEIVED

MAY 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an Assisted Living Facility III.

A site visit was conducted on April 18, 2016.

Pursuant to the requirements of BCZR § 432A.1.D and BCC § 32-4-402(c)(2) the Director of Planning recommends to the Hearing Officer that the proposed development meets the compatibility objectives contained in BCC Section 32-4-402(d) as applicable.

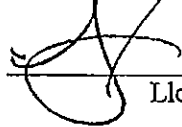
The Department has no objection to the Administrative Law Judge granting the petitioned zoning relief conditioned upon the following:

- Identify the required 10% useable, contiguous and private open space on the plan.
- Provide a dumpster location on the plan. The dumpster must meet at minimum the Condition H siting guidelines and "Class A" screening requirements found in the Baltimore County Landscape Manual.
- The Department understands that signage will be subject to BCZR § 450.4.6, IDENTIFICATION. Any freestanding sign is limited to 6 feet in height.
- Any required Landscape and Lighting Plan submitted to Baltimore County for approval should specify directional type lighting for the parking lot to avoid light spillage onto the surrounding residential properties.



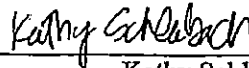
For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Amy Mantay

Jeanette M. S. Tansey, R.L.A., Permits, Approvals and Inspections

Thomas J. Hoff

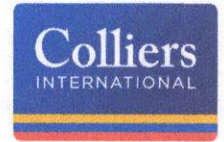
Office of the Administrative Hearings

People's Counsel for Baltimore County



Bob Gaines

SENIOR VICE PRESIDENT
National Seniors Housing Group



bob.gaines@colliers.com

EDUCATION OR QUALIFICATIONS

University of Baltimore

AFFILIATIONS AND MEMBERSHIPS

Assisted Living Federation
of America

National Investment Center
for Seniors Housing and
Care Industry

Mid-Atlantic LifeSpan

Member, Seniors Housing
Practice Group

Candidate, CCIM designation

Associate Broker in
Maryland and Pennsylvania

CONTACT DETAILS

MOB +1 410 371 3006
MAIN +1 215 925 4600
FAX +1 215 925 1040

Colliers International
Ten Penn Center
1801 Market Street
Suite 550
Philadelphia, PA 19103
+1 215 925 4600

AREA OF EXPERTISE

As a senior care community advisor, Bob Gaines specializes in the Senior Housing Market which offers acquisition and disposition services, asset management, and advisory to assisted independent living communities and skilled nursing facilities in the Greater Mid-Atlantic and New England regions.

PROFESSIONAL ACCOMPLISHMENTS

Bob brings over 35 years of experience in real estate sales, and more than 10 years in management, development, marketing, analysis and sales for the eldercare industry. In his career, he has leased and sold more than \$500 million in real estate assets.

Since 2000, Gaines has focused on the fast expanding Senior Care industry providing consultation to buyers and sellers of assisted living, skilled nursing facilities, Independent living communities and seniors' housing. The Seniors' Housing industry is at the beginning of a projected 35 year expansion that will require services for a significant volume of an older population equaling approximately 37+% of the total population of the U.S.

Gaines draws upon his expertise in the sale of senior living communities, sale and leaseback transactions, development and lease transactions, joint venture and equity access to successfully complete each transaction. Gaines' areas of influence in this industry are in sales, equity creation, market and demographic analysis, land development, concept creation and operational management oversight.

REPRESENTATIVE CLIENTS

Union Realty Partners
Capital Health Group
SW Bloyd Properties
Assisted Living Management
The Time Group
Emeritus
Brightview

REPRESENTATIVE TRANSACTIONS

- Attleboro (CCRC) Langhorne, PA
Refinancing - \$20M
- Annapolitan Sale - \$12M
- Lighthouse Senior Living at Hopkins Creek (ALF) Middle River, MD, Sale - \$6M
- Quail Run Assisted Living
Acquisition, development & construction
\$6M
- Quail Run Assisted Living
Lease to operator - \$12M
- Bent Pine Assisted Living
Sale and JV \$12 million
- Brunswick Assisted Living Longstown, PA
Refinancing - \$4M
- Candle Light Cove Assisted Living
Sale - \$3.4M
- Paradise Assisted Living, Sale - \$3.2M
- Abbey Manor Assisted Living
Sale - \$2.4M
- Lighthouse Senior Living at Ellicott City
Sale - \$2M
- Phoenix Recovery Behavior Health
Sale - \$2M
- Locust Lodge Assisted Living
Sale - \$950,000
- Shepards Glen Assisted Living
Sale - \$900,000

Accelerating success.

EXHIBIT

7

SENIOR HOUSING

By Robert Gaines, Colliers International | Philadelphia

The path to investing in a seniors housing community

The development of a seniors housing community for Independent Living and Assisted Living with Memory Care is in great demand across the country. Today, nationally,



Robert Gaines

there are 54 million people over the age of 65; eventually, half will require specialized assistance with daily living activities to serious medical management for chronic end

of life illnesses.

Alzheimer's or dementia diseases will affect 33% of those seniors needing specialized assistance and will require further supervision¹. Currently, less than 4 million beds in independent living, assisted living and skilled nursing are available to support these persons, according to the Alzheimer's Association¹. This industry is expected to continue to grow significantly over the next 35 years², thereby creating a demand that cannot be met.

There are four main methods to invest in the senior

housing industry. The investment or return is dependent upon the risk.

1. Investing in a public company that specifically operates within the senior housing industry. This involves the lowest amount of risk.

2. Investing in a Real Estate Investment Trust (REIT) that invests its capital in the senior housing industry.

3. Investing in a private equity group that owns several senior housing facilities.

4. Investing in a specific facility as a land owner or with the operator, or both. This method involves the highest

amount of risk.

When developing a seniors housing community, it is critical to research the particular location of the proposed facility to determine if the market can afford, and support, another successful facility.

Once a location has been determined, the following process should be implemented.

1) Determine the primary marketing area for the community based on the density of population of those who are financially qualified.

2) Market to the adult children because they are involved in the decision making process.

3) The number of financially qualified adult children should be twice the number of financially qualified prospective residents.

4) Perform a definitive analysis of the proposed facility's competition to determine the number and type of beds/units that should be built for a successful operation.

5) Solicit a financially credible and operationally successful health care operator to manage the facility. Having an effective health care operator is as important to the success of the facility as is having the legal right to build the facility.

6) Obtain the required permits for a special exception to build a seniors housing community. These may vary depending on the county. Requirements to obtain a permit include:

- > A rough development plan
- > A conceptual plan of the exterior and interior of the facility

- > Public community meetings explaining the need for such a community and how it will affect the neighborhood

- > A public hearing before a representative of the county government who will approve the use and grant the special exception

7) Maintain a current conceptual plan. Health care operators will have plans of buildings that they favor. Therefore, conceptual drawings that are produced to get the county's approval will not be wasted because the approval establishes a right and a general footprint for building purposes.

8) Determine various financial structures of development in which the health care operator can participate.

- > Purchase the land and develop the property

- > Joint venture the development and building with the land owner and lease the building from the joint venture.

- > Request the land owner construct the building and lease the building from the land owner.

- > Joint venture the development and the building and the health care operation.

9) Use professionals in the senior housing industry who know the health care operators and the future needs.

10) Determine the return on continued on page 20C

MID ATLANTIC Real Estate Journal

Save the Date!

Philadelphia Healthcare
Medical Properties
conference

June 16, 2016

Hilton Philadelphia City Avenue | 8am-12pm
4200 City Avenue, Philadelphia, PA

sets, or (7) the borrower makes

Barley Snyder. ■

The path to investing in a seniors. . .

continued from page 13C
investment based on capitalization rates

> Capitalization rates range from 6% to 11% depending on the size of the facility

> Independent living - rates from 6% to 8%

> Assisted living - rates from 6.5% to 9%

> Skilled nursing - rates from 8.5% to 11%

11) Analyze the site to determine the value health care operators will pay for raw land. General values will be between \$5,000 per proposed bed to \$30,000 per bed depending on the site amenities and location.

12) The size of facilities will

vary depending on whether the proposed community contains Independent Living, Assisted Living and Skilled Nursing or a combination of these lifestyles.

Investing in, or developing, a seniors housing community offers a number of rewarding opportunities in an industry that will continue to grow at a significant rate for many years.

1 Alzheimer's Association - www.alz.org

2 National Investment Center for Senior Housing & Care (NIC) - www.nic.org

Robert Gaines is SVP of the Senior Housing Group at Colliers | Philadelphia. ■

Investment Opportunity
Future Assisted Living Site

Lyons Mill

9307 LYONS MILL ROAD
OWINGS MILLS, MARYLAND 21117



PRESENTED BY:

Robert S. Gaines
Senior Vice President
DIRECT +1 215 925 4600
EMAIL bob.gaines@colliers.com

Colliers
INTERNATIONAL

TABLE OF CONTENTS

> INVESTMENT SUMMARY

- Investment Highlights
- Property Aerial
- Area & Regional Maps

> PROPERTY INFORMATION

- Site Plans
- Unit Plans

> MARKET OVERVIEW

- National Perspective
- Regional Perspective

> AREA OVERVIEW

- Local Perspective
- Demographics
- Competitive Analysis
- Rent Study

> INVESTMENT TEAM

- Roles & Responsibilities
- Experience



Lyons Mill
Investment Opportunity

> Investment Summary

COLLIERS INTERNATIONAL

Investment Summary

DEMOGRAPHIC HIGHLIGHTS	
BALTIMORE COUNTY	
Total Population:	805,029
Ages 55-65:	101,113
Ages 65+:	117,476
Average Household Income:	\$81,995
Average Networth 55-64:	\$924,394
Average Networth 64-74:	\$804,776
TOTAL POPULATION (5-Mile Radius)	
2017:	162,527
FIVE-MILE RADIUS (Population 50+)	
2017:	57,087
FIVE-MILE RADIUS (Median Household Income)	
2017:	\$75,475
TOP 5 OPERATORS	
Senior Living Corporation	
Life Care Services	
HCR ManorCare	
Emeritus Senior Living	
Peregrine Health Services	
KEY FACTS	
> Land size: 5.1 acres > Zoning: DR 16 (16 residential units per acre) > Ideal for a 100-bed senior living facility > Area: Owings Mills is a designated growth area; high end town homes and condos are in the area and have sold well. > Utilities: Water and sewer are available to the site	

Colliers International is pleased to present 9307 Lyons Mill Road a fully entitled 5.1 acre parcel located in Owings Mills, Maryland. Owings Mills is situated in the western portion of Baltimore County and the site benefits from excellent access to I-795 the Baltimore Beltway (I-695) and I-95. With a DR-16 zoning and the possibility for 100 senior housing beds, 9307 Lyons Mill Road is a premier site for Seniors Housing due the strong demographics of Baltimore County and the Owings Mills area. According to Baltimore County Economic Development 14.4% of the County's population is over the age of 65 with an average household income of \$117,476. Additionally, Baltimore County is home to five major hospitals and the Owings Mills faith based community has approximately 18,000 parishioners.

INVESTMENT HIGHLIGHTS

Strong Demographics for Adult Children : The trade area is highly attractive to adult children as 9,884 residents are between the ages of 45 and 64. Financially qualified adult children in the trade area are expected to grow to 15,764 by 2017. Owings Mills is a regional corporate employment destination due its access to transit and a vibrant mix of retail, residential and entertainment options. With average household income of \$81,995 and average net worth of adult children of \$924,394, the demographics of this area are ideal for Seniors Housing Development.

Excellent Demand Drivers: Besides the large number of adult children and financially qualified prospective residents, the trade area has access to a variety of health care options. There are six nursing homes and five major hospitals within the trade area.

Transportation Network: Access to mass transit and highway infrastructure makes this site highly desirable for adult children and seniors alike. Minutes from I-95 the Baltimore Beltway (I-695) and with direct access to the Northwest Expressway (I-795), 9307 Lyons Mill Road is convenient to the 8.9 million residents of the Baltimore-Washington area.

Aerial View



9307 Lyons Mill Road is well located in the Owings Mills submarket with excellent access to I-795, I-695 and I-95. This location has access to a population of 8.9 million residents in the Baltimore-Washington Metro area. The surrounding neighborhood is predominately single family homes valued between \$250,000 and \$350,000. Access to the property is 100 feet from the intersection of Owings Mills Boulevard and Lyons Mill Road providing for excellent visibility.

› **SITE SIZE**

5.1 Acres

› **NUMBER OF BEDS**

100 Beds

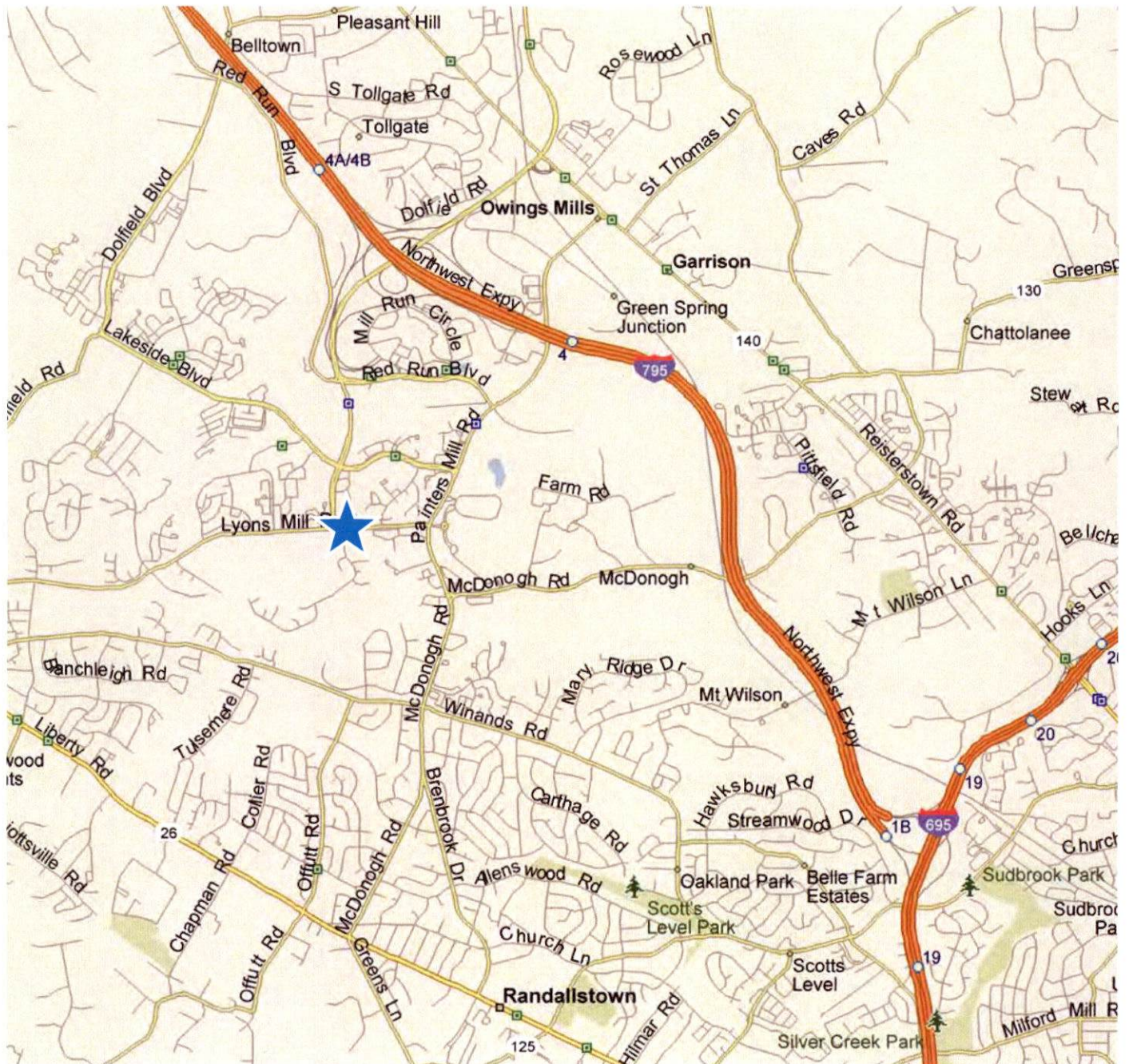
› **ZONING**

DR 16

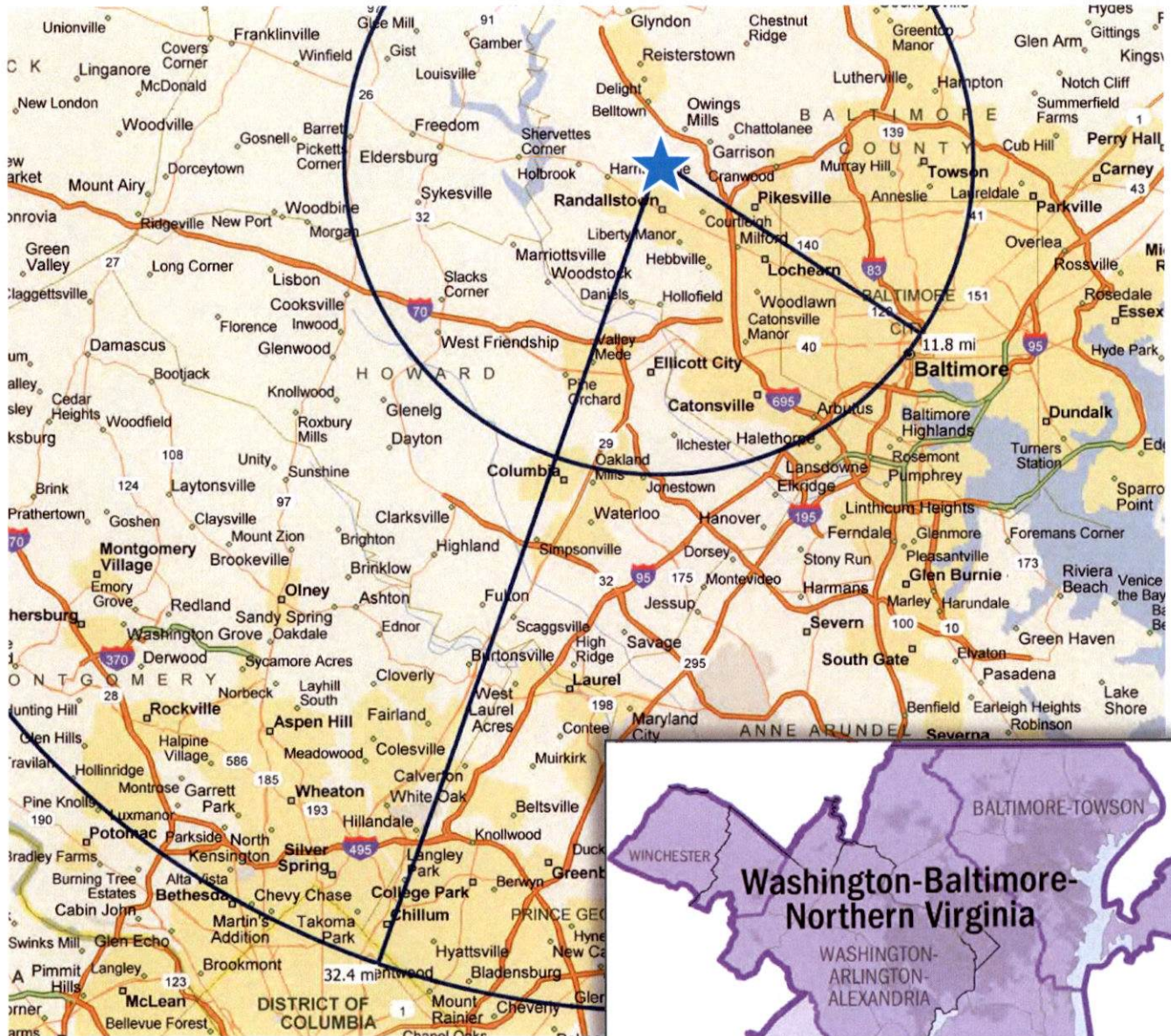
› **WATER/SEWER**

Public water and sewer services

Area Map



Regional Map



DRIVING DISTANCE TO MAJOR HIGHWAYS

I-695:	5 miles
I-95:	15.6 miles
Rt. 29:	14.6 miles
I-495:	38 miles

Lyons Mill
Investment Opportunity

> Property Information

COLLIERS INTERNATIONAL

Site Master Plan - Concept Design



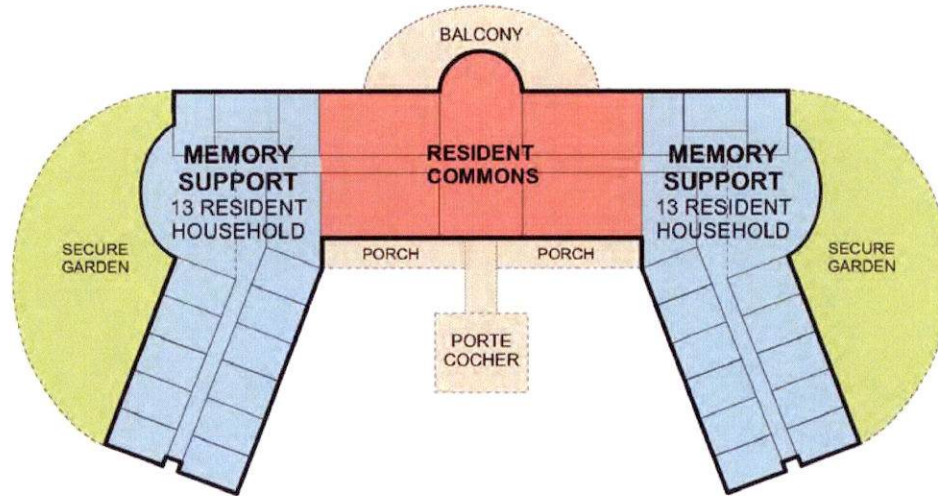
SITE PLAN

Brown Craig Turner (BCT) Architects specialize in all forms of living environments for Older Adults from Assisted Living, Memory Support, Nursing, Rehab, and CCRC to Mixed Use Intergenerational Living.

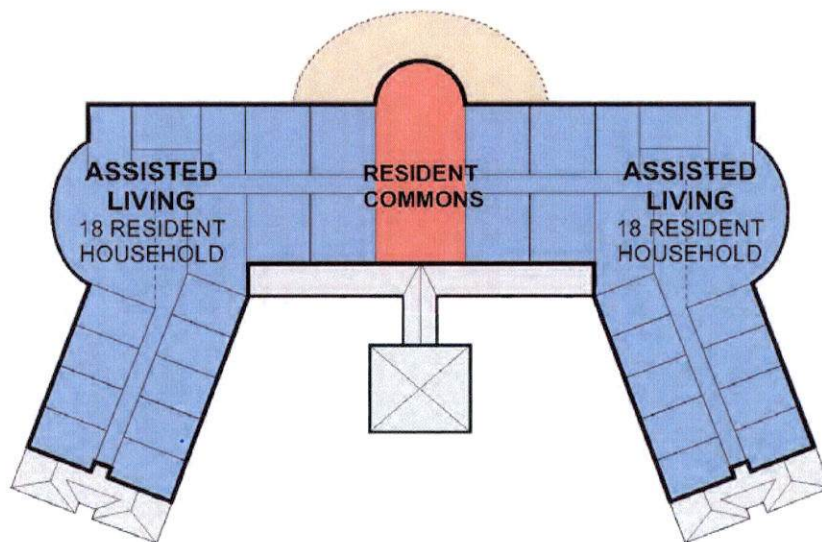
BROWN CRAIG TURNER
one charles center
100 n charles street | 18th floor
baltimore, maryland 21201
+ 410.837.2727



Unit Plans - Concept Design



FIRST FLOOR PLAN

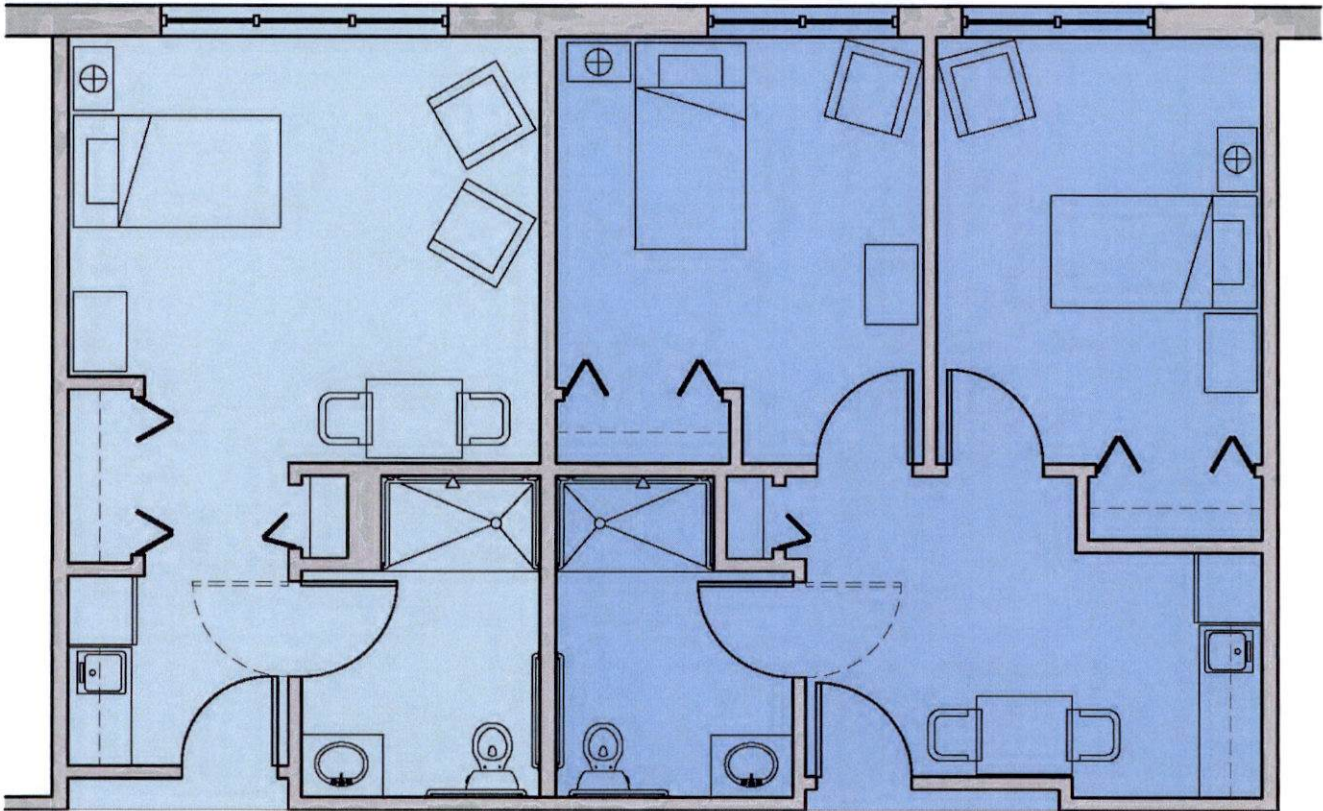


SECOND AND THIRD FLOOR PLAN

BROWN CRAIG TURNER
one charles center
100 n charles street | 18th floor
baltimore, maryland 21201
† 410.837.2727



Unit Plans - Concept Design



350 sf
single resident studio

525 sf
companion resident suite

BROWN CRAIG TURNER
one charles center
100 n charles street | 18th floor
baltimore, maryland 21201
+ 410.837.2727



Lyons Mill
Investment Opportunity

> Market Overview

COLLIERS INTERNATIONAL

National Senior Living Perspective

Information provided by: U.S. Census Bureau

Report: THE NEXT FOUR DECADES; The Older Population in the United States: 2010 to 2050

May 2010

INTRODUCTION

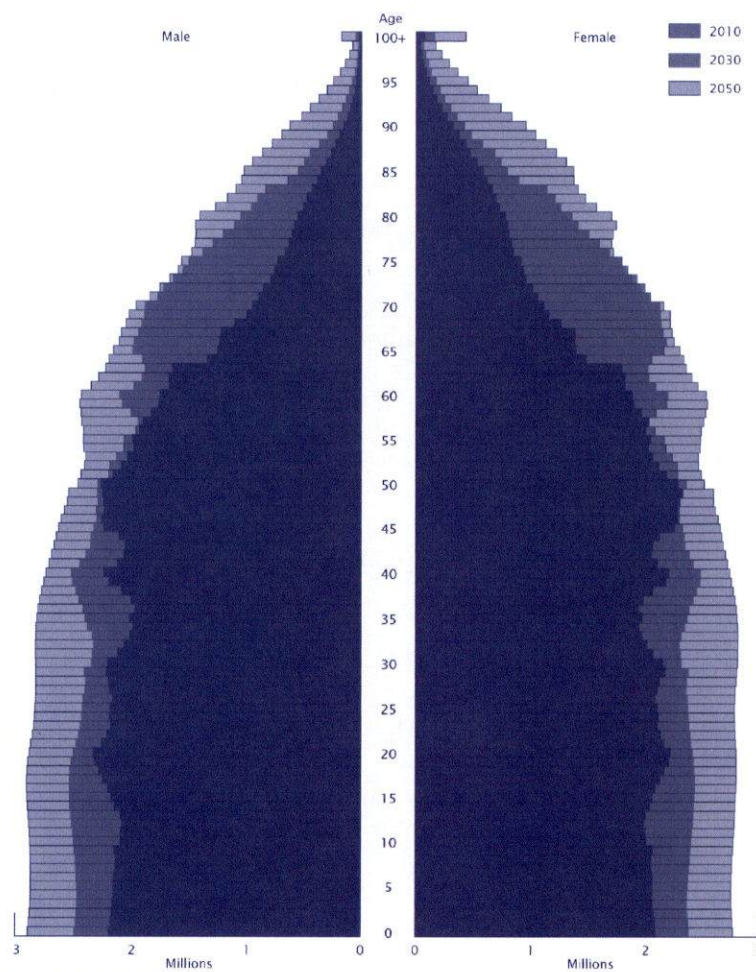
The purpose of this report is to present information on how the age structure of the overall population and the composition of the older population in terms of age, sex, race, and Hispanic origin are expected to change over the next four decades.¹ Between 2010 and 2050, the United States is projected to experience rapid growth in its older population.² In 2050, the number of Americans aged 65 and older is projected to be 88.5 million, more than double its projected population of 40.2 million in 2010. The baby boomers are largely responsible for this increase in the older population, as they will begin crossing into this category in 2011.³ The aging of the population will have wide-ranging implications for the country.

As the United States ages over the next several decades, its older population will become more racially and ethnically diverse. Projecting the size and structure, in terms of age, sex, race, and Hispanic origin, of the older population is important to public and private interests, both socially and economically. The projected growth of the older population in the United States will present challenges to policy makers and programs, such as Social Security and Medicare. It will also affect families, businesses, and health care providers.

CHANGING AGE STRUCTURE

The age structure of the overall population is projected to change greatly over the next four decades (Figure 1). Much of this change is driven by the aging baby boomers and trends in immigration. Figure 1 illustrates the importance of the baby boom generation in shaping the overall population. In 2010, the baby boom generation will be 46 to 64 years old.⁴ The echo of the baby boom is also evident in the 2010 population pyramid for the age groups near 20.⁵ By 2030, all of the baby boomers will have moved into the ranks of the older population.

Figure 1.
**Age and Sex Structure of the Population
for the United States: 2010, 2030, and 2050**



Source: U.S. Census Bureau, 2008.

¹ In this report, the "older population" refers to those aged 65 and older. ² This report discusses data for the United States, including the 50 states and the District of Columbia; it does not include data for Puerto Rico. ³ The baby boomer generation consists of people born between 1946 and 1964. ⁴ The data shown in Figure 1 represent a July 1 population, and because the baby boom began roughly in July 1946, the start of the baby boom is seen for age 63 rather than age 64, as would be suggested by the difference in the years 1946–2010 (Hogan, Perez, and Bell, 2008, Who (Really) Are the First Baby Boomers?, In JSM Proceedings, Social Statistics Section, Alexandria, VA: American Statistical Association, pp. 1009–1016). ⁵ The echo of the baby boomers refers to the children born to baby boomers. ⁶ In this report, the term "oldest old" refers to those aged 85 and older.

National Senior Living Perspective

Information provided by: U.S. Census Bureau

Report: THE NEXT FOUR DECADES; The Older Population in the United States: 2010 to 2050

May 2010

This will result in a shift in the age structure, from 13% of the population aged 65 and older in 2010 to 19% in 2030. In 2010, 60% of the U.S. population will be aged 20–64. By 2030, as the baby boomers age, the proportion in these working ages will drop to 55%.

Immigration is expected to play an important role in how the age structure of the United States changes over the next four decades. The aging of the baby boom increases the proportion in the older age groups, but projected immigration into the working age groups tends to mitigate the impact. In other words, the country's aging is slowed somewhat by immigration of younger people.

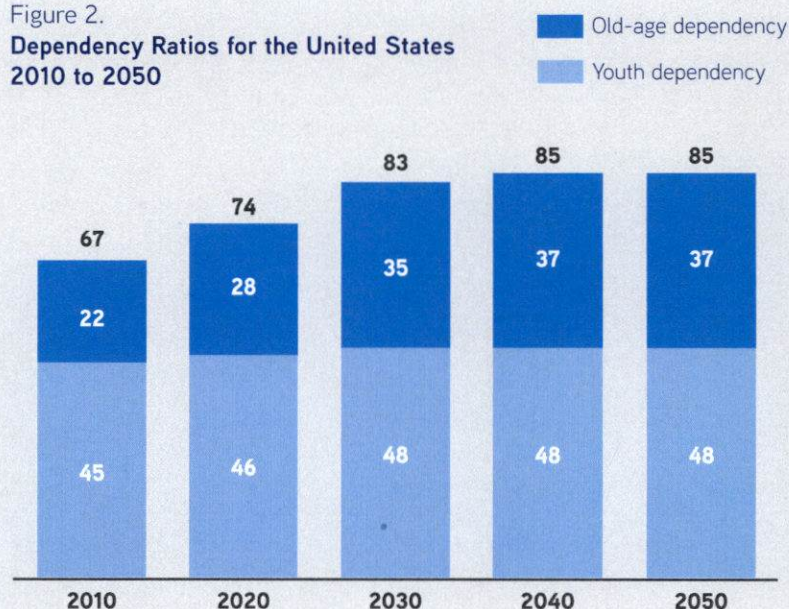
In 2050, every age group is projected to be larger than it was in 2010. This is not the case between 2010 and 2030 or between 2030 and 2050. For instance, the number of men aged 50–56 and the number of women aged 46–56 in 2030 are projected to be smaller than those in the same age groups in 2010 (Figure 1). This is because large cohorts of baby boomers will be in these age groups in 2010 and by 2030, younger and smaller cohorts will have replaced them. Similarly, the number of women aged 72–75 is projected to be smaller in 2050 than it was in 2030 as the smaller than average birth cohort born in the late 1970s moves into these age groups.

The number of people in the oldest-old age group is projected to grow from 5.8 million in 2010 to 8.7 million in 2030.⁶ In 2050, this group is projected to reach 19 million. Even as they approach the oldest old, the baby boomers will continue to have an impact on the age structure of the U.S. population. In 2050, those aged 85 and over are projected to account for 4.3% of the U.S. population, up from 2.3% in 2030.

Another way to examine the changing age structure of the population is to look at dependency ratios. Dependency ratios are an indicator of the potential burden on those in the working-age population. The total dependency ratio is projected to increase from 67 to 85 between 2010 and 2050, the result of a large increase in the old-age dependency ratio (Figure 2). The old-age dependency ratio sees a rapid increase between 2010 and 2030, from 22 to 35, as all of the baby boomers move into the 65 years and over category. After 2030, the old-age dependency ratio continues to increase slightly to 37 by 2050. The youth dependency ratio increases minimally between 2010 and 2030, from 45 to 48, and remains stable until 2050.

Figure 2.

Dependency Ratios for the United States 2010 to 2050



Note: Total dependency = ((Population under age 20 + Population aged 65 years and over) / (Population aged 20 to 64 years)) * 100.

Old-age dependency = (Population aged 65 years and over / Population aged 20 to 64 years) * 100.

Youth dependency = (Population under age 20 / Population aged 20 to 64 years) * 100.

Source: U.S. Census Bureau

Regional Senior Living Perspective

Senior Housing Industry in the Greater Mid-Atlantic

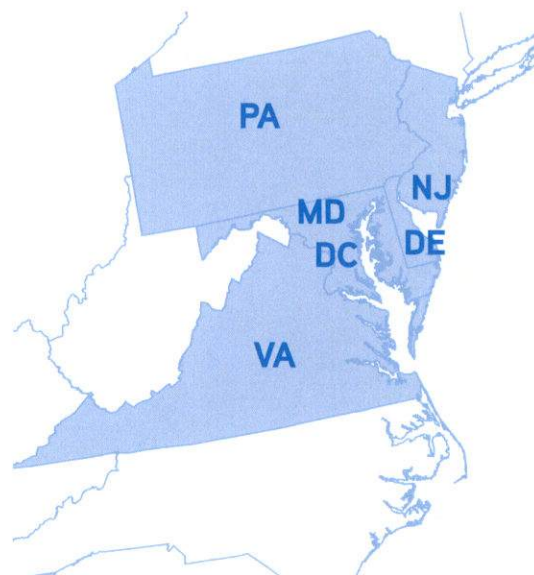
The Greater Mid-Atlantic region consists of the states of Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania and Virginia, estimated to have a gross population of 38,075,686 persons of all ages in 2015. This number represents 11% of the estimated gross population of the United States.

The senior age population for the greater Mid-Atlantic is divided into two categories:

- 1) the **Prospective Resident** who is aged 75 years plus and
- 2) the **Adult Child** who is 46 to 64 years of age.

The importance of the Adult Child is evident in every decision, location and financial, that is made for the Perspective Resident.

Below is a table that illustrates the projected senior population each state in the Greater Mid-Atlantic divided into Adult Children and Perspective Residents.



STATE	DELAWARE	D.C.	MARYLAND	NEW JERSEY	PENNSYLVANIA	VIRGINIA	TOTAL
POPULATION 2015	927,400	506,323	6,208,395	9,255,769	12,710,938	8,466,771	38,075,686
ADULT CHILDREN	227,541	107,783	1,601,287	2,528,093	3,486,797	2,206,551	10,158,052
PERSPECTIVE RESIDENTS	148,682	61,714	837,124	1,385,167	2,148,982	1,193,453	5,775,122

*population estimates courtesy of the U.S. Census Bureau

The total population of seniors in the Greater Mid-Atlantic region is 15,933,174, which represents 41% of the total population of this region. The percentage of seniors to the estimated gross population of the U.S. is similar.

The market for senior's housing is expected to last to 2050.

Lyons Mill
Investment Opportunity

> Area Overview

COLLIERS INTERNATIONAL

Local Senior Living Perspective

Senior Housing Industry



- › 5.1 acres suitable for 100 senior housing units
- › Strong Demographic for adult children:
 - 9,884 financially qualified adult children*
 - 2017 projection: 15,764 financially qualified adult children*
- › Strong Demographic for prospective residents:
 - 5,362 financially qualified prospective residents*
 - 2017 projection: 7,939 prospective residents*
- › Excellent ratios of adult children to prospective residents
- › Average household income: \$81,995
- › Superior demand drivers: trade area contains five major hospitals and six nursing homes
- › Excellent transportation network
- › Excellent location for a Memory Care Facility

Competitive Set & Nearby Seniors Facilities

Competitive Properties - Assisted Living Communities

NAME	AGE	ADDRESS	PROPERTY TYPE/ CAMPUS TYPE	UNITS	OPERATOR
Arden Courts	15	8909 Reisterstown Road Pikesville, MD 21208	Majority AL Combined	AL Units: 102 MC Units: 52	HCR ManorCare
Emeritus at Pikesville	14	1840 Reisterstown Road Pikesville, MD 21208	Majority AL Combined	AL Units: 86 MC Units: 24	Emeritus Senior Living
Sunrise of Pikesville	17	3800 Old Court Road Pikesville, MD 21208	Majority AL Combined	AL Units: 50 MC Units: 29	Sunrise Senior Living
Woodholme Gardens	2	1700 Woodholme Gardens Pikesville, MD 21208	Majority AL Combined	AL Units: 30 MC Units: 58	Peregrine Health Services

Independent Living and Nursing Care Facilities

NAME	AGE	ADDRESS	PROPERTY TYPE/ CAMPUS TYPE	UNITS	OPERATOR
Atrium Village	12	4730 Atrium Court Owings Mills, MD 21117	Majority IL Combined	IL Units: 188 AL Units: 58 MC Units: 22	Senior Lifestyle Corporation
Chapel Hill Nursing Center	14	4511 Robosson Road Randallstown, MD 21133	Majority NC Freestanding	NC Beds: 63	FG Management
Courtland Gardens	77	7920 Scotts Level Road Baltimore, MD 21208	Majority NC Freestanding	NC Beds: 151	Lifebridge Health
Envoy of Pikesville	43	7 Sudbrook Lane Pikesville, MD 21208	Majority NC Freestanding	NC Beds: 140	Consulate Health Care
FutureCare-OldCourt	39	5412 Old Court Road Randallstown, MD 21133	Majority NC Freestanding	NC Beds: 135	Futurecare Health & Management Corporation
North Oaks Life Care Community	23	725 Mt. Wilson Lane Baltimore, MD 21208	Majority IL CCRC	IL Units: 182 AL Units: 12 NC Beds: 38	Life Care Services, LLC
Randallstown Center	46	9109 Liberty Road Randallstown, MD 21133	Majority NC Freestanding	NC Beds: 172	Genesis HealthCare

Competitive Properties Map

Assisted Living Facilities



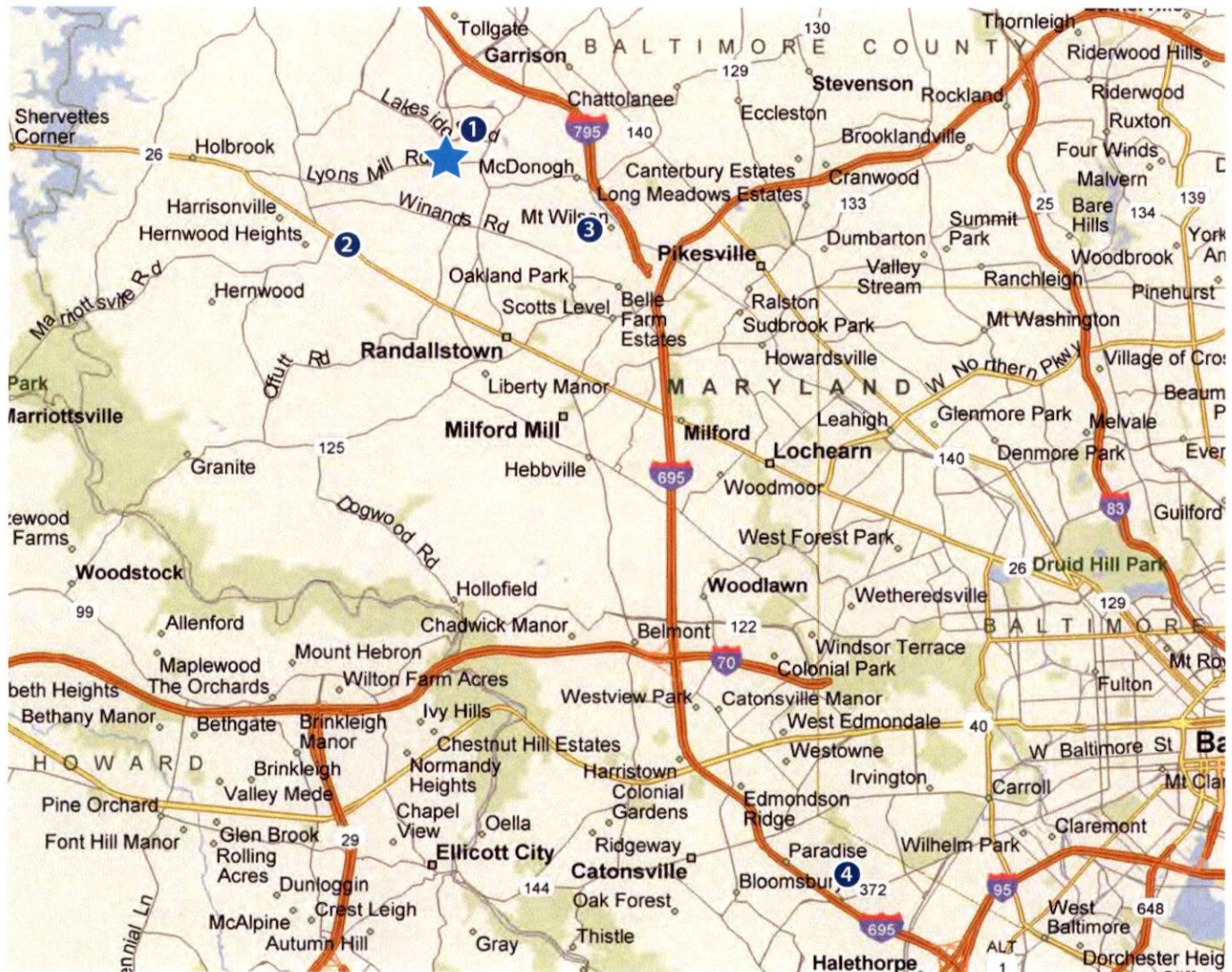
	FACILITY	BEDS	PRICE		FACILITY	BEDS	PRICE
1	Worthington Assisted Living at Reisterstown 64 Main Street, Reisterstown, MD 21136	15	\$2,100 - \$2,900	7	Woodholme Gardens Assisted Living & Memory Care 1700 Woodholme Avenue, Pikesville, MD 21208	88	\$2,350 - \$5,600
2	Wellington Oaks Manor 624 Main Street, Reisterstown, MD 21136	15	\$2,400 - \$5,000	8	Rolling Manor I & II 8200 Daren Court, Pikesville, MD 21208	11	\$1,550 - \$3,250
3	Autumn Ridge at North Oaks 725 Mt Wilson Lane, Pikesville, MD 21208	13	\$4,441 - \$4,441	9	Assisted Living Management - Sudbrook Park 600 Sudbrook Road, Pikesville, MD 21208	14	\$2,500 - \$4,500
4	Springhouse Assisted Living 8911 Reisterstown Road, Pikesville, MD 21208	91	\$3,400 - \$4,600	10	Tudor Heights 7218 Park Heights Avenue, Pikesville, MD 21208	64	\$3,650 - \$6,000
5	Emeritus of Pikesville 1840 Reisterstown Road, Pikesville, MD 21208	114	\$2,670 - \$4,350	11	Assisted Living Management - LifeSpring 2200 Pleasant Villa Avenue, Catonsville, MD 21228	15	\$2,700 - \$4,600
6	Assisted Living Management - Woodholme Springs 101 Woodholme Avenue, Pikesville, MD 21208	14	\$2,800 - \$4,400	12	Arden Courts Alzheimer's Assisted Living 4301 Knowles Ave, Kensington, MD 20895	59	\$6,000 - \$8,000

Adult Daycare Facilities



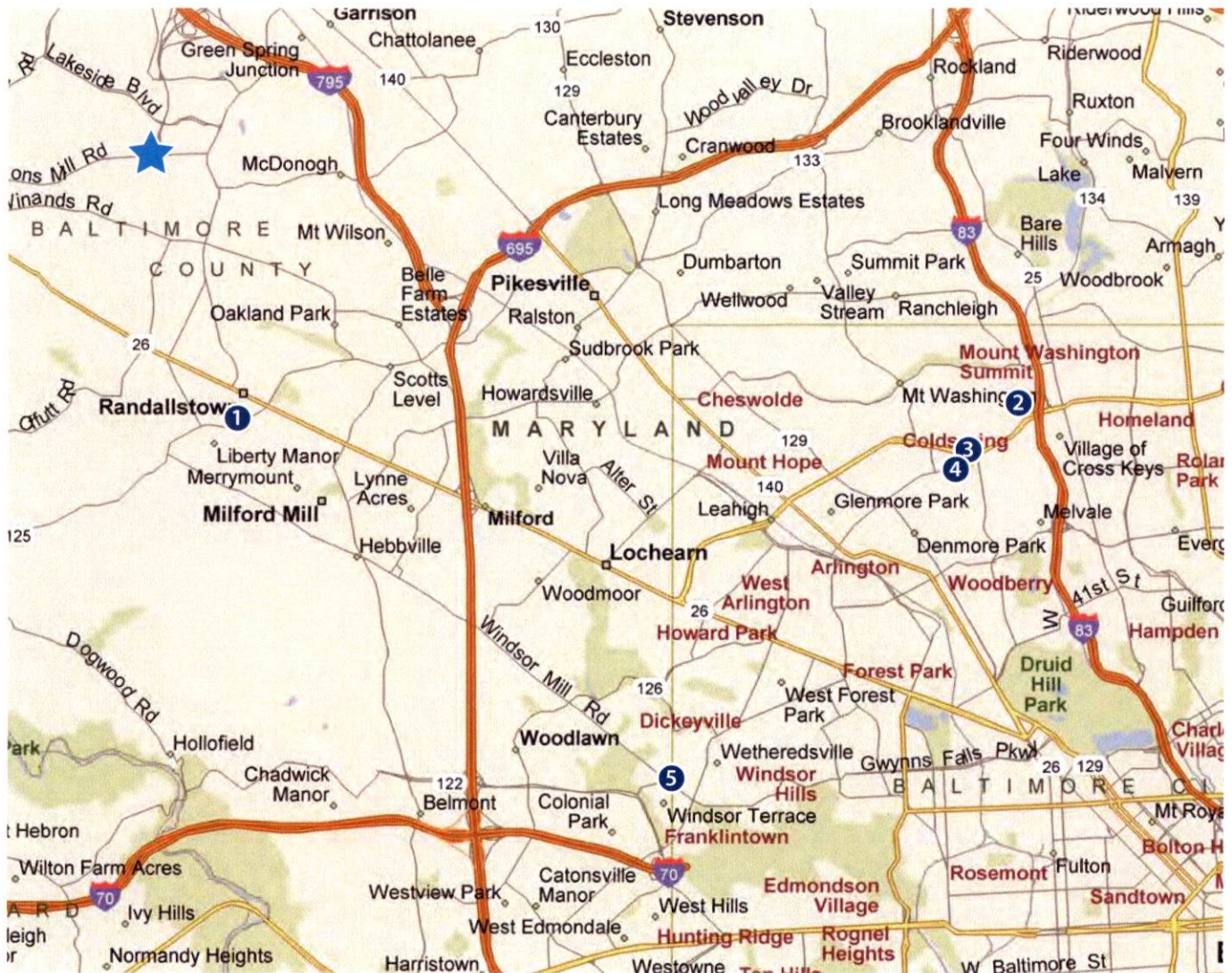
1	Rainbow Adult Day Health 11403 Cronhill Drive, Owings Mills, MD 21117	5	Pikesville Adult Daycare Center 133 Slade Avenue, Pikesville, MD 21208
2	A Better Day Adult Med Daycare 3 Easter Court, Owings Mills, MD 21117	6	Circle of Friends Adult Day 4001 Seven Mile Lane, Pikesville, MD 21208
3	Integra Health Management 10055 Red Run Boulevard, Owings Mills, MD 21117	7	Friends and Family Adult Day Services 3112 Lord Baltimore Drive, Baltimore, MD 21244
4	Active Day Randallstown 9637 Liberty Road, Randallstown, MD 21133		

CCRC & Independent Living



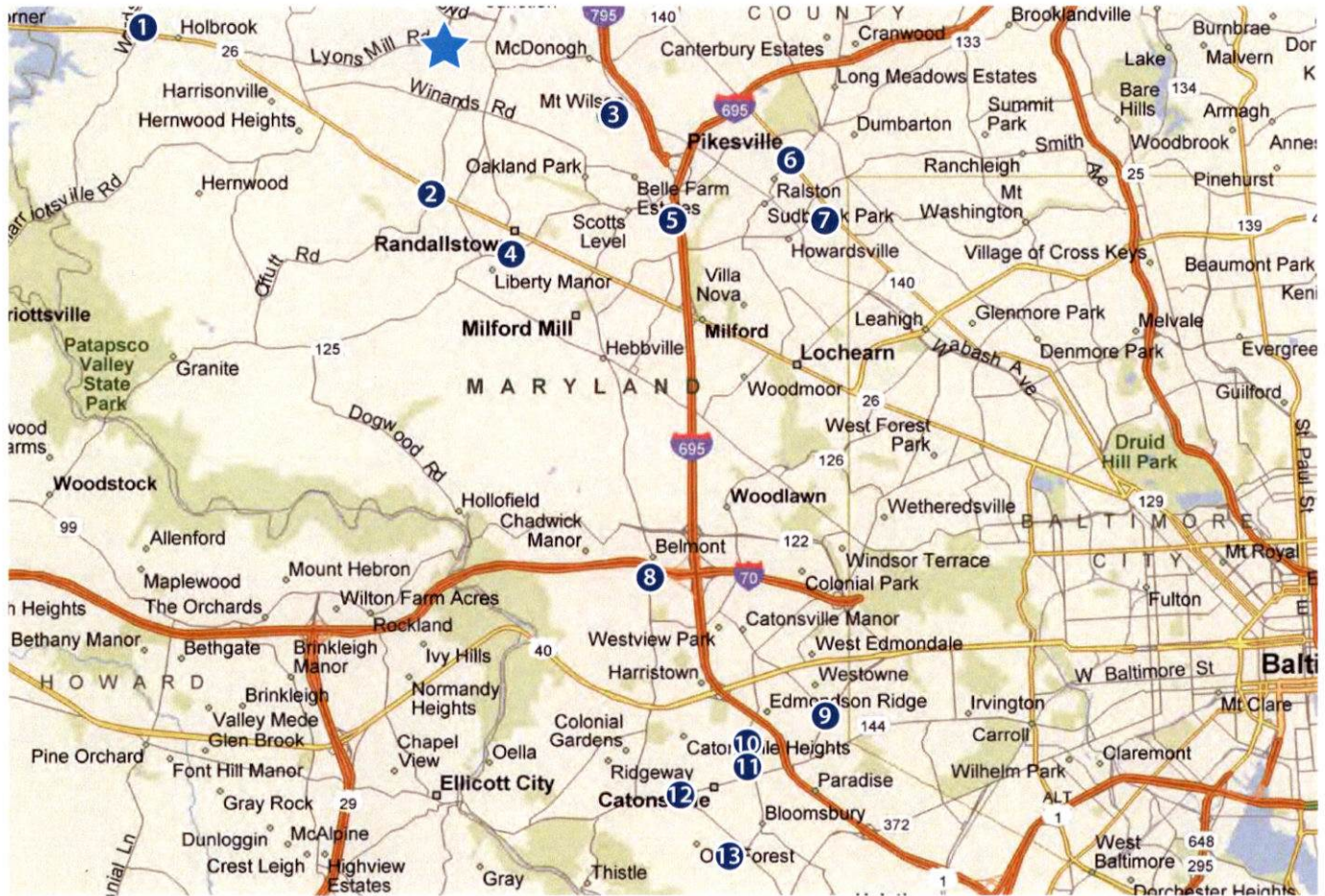
	FACILITY	# BEDS		FACILITY	# BEDS
1	Atrium Village - A Senior Lifestyle Community 4730 Atrium Court, Owings Mills, MD 21117	182	3	North Oaks Senior Living Community 725 Mt. Wilson Lane, Pikesville, MD 21208	1600
2	Greens at Liberty Road 9707 Liberty Road, Randallstown, MD 21133	188	4	Charlestown 715 Maiden Choice Lane, Catonsville, MD 21228	105

Hospitals



1	Northwest Hospital Center 5401 Old Court Road, Randallstown, MD 21133	4	Levindale Hebrew Geriatric Center 2434 West Belvedere Avenue, Baltimore, MD 21215
2	Mt. Washington Pediatric Hospital 1708 West Rogers Avenue, Baltimore, MD 21209	5	Kernan Orthopaedics & Rehab 2200 Kernan Drive, Baltimore, MD 21207
3	Sinai Hospital of Baltimore 2401 West Belvedere Avenue, Baltimore, MD 21215		

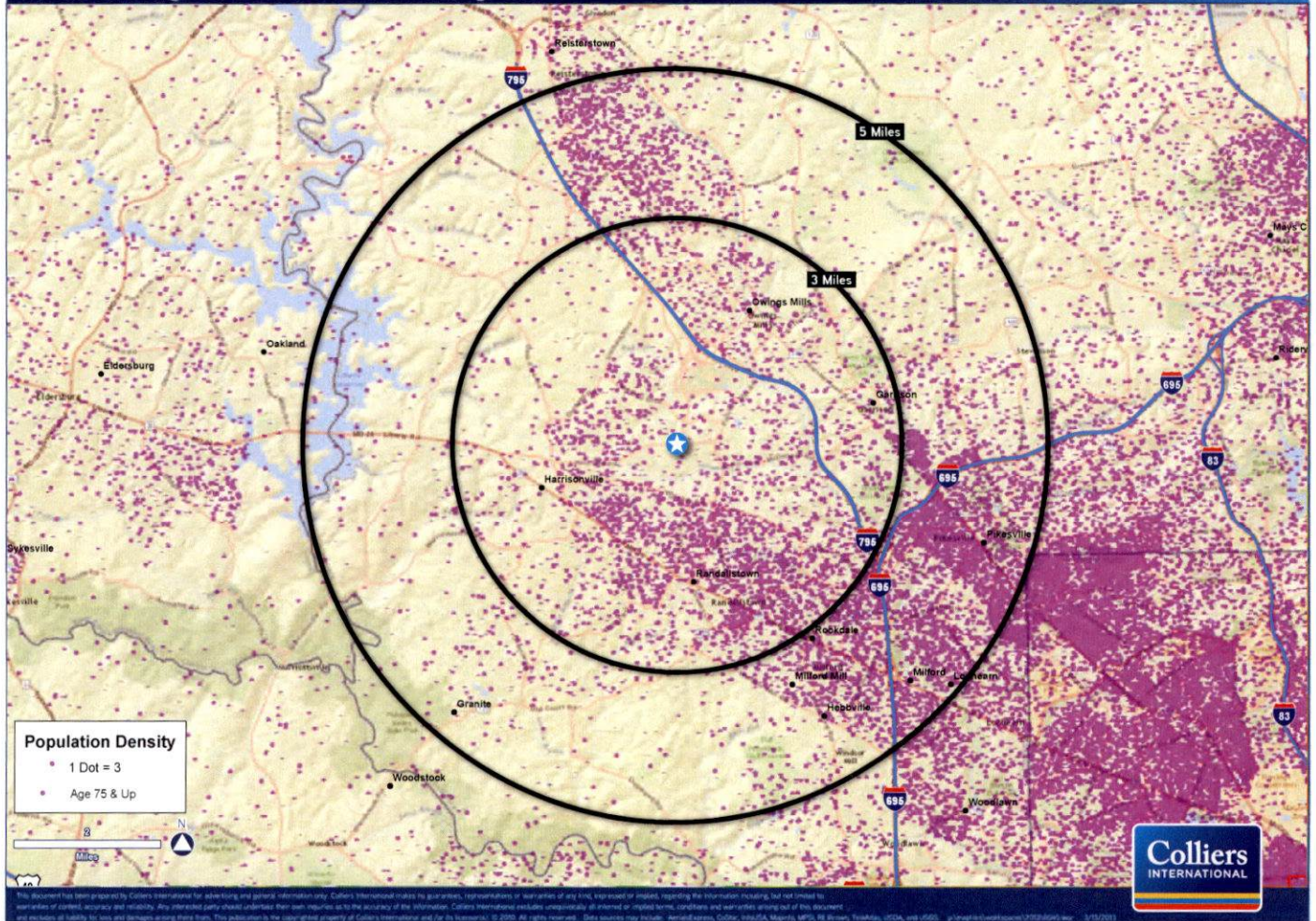
Nursing Homes



	FACILITY	# BEDS		FACILITY	# BEDS
1	Mid-Atlantic of Chapel Hill Nursing & Rehab 4511 Robosson Road, Randallstown, MD 21133	63	8	HCR/ManorCare - Woodbridge Valley 1525 N. Rolling Road, Catonsville, MD 21228	120
2	Randallstown Center - Genesis HealthCare 9109 Liberty Road, Randallstown, MD 21133	172	9	Ridgeway Manor Nursing Home 5743 Edmondson Avenue, Catonsville, MD 21228	61
3	Autumn Ridge at North Oaks 725 Mt Wilson Lane, Pikesville, MD 21208	13	10	Forest Haven Nursing Center 701 Edmondson Avenue, Catonsville, MD 21228	167
4	FutureCare - Old Court 5412 Old Court Road, Randallstown, MD 21133	144	11	Catonsville Commons - Genesis HealthCare 16 Fusting Avenue, Catonsville, MD 21228	144
5	Courtland Gardens Nursing and Rehab Center 7920 Scott Level Road, Pikesville, MD 21208	151	12	Summit Park Health & Rehabilitation Center 1502 Frederick Road, Catonsville, MD 21228	143
6	Envoy of Pikesville 7 Sudbrook Lane, Pikesville, MD 21208	140	13	St. Joseph's Nursing Home 1222 Tugwell Drive, Catonsville, MD 21228	44
7	Milford Manor Nursing & Rehabilitation Center 4204 Old Milford Mill Road	119			

Prospective Residents

9307 Lyons Mills Rd, Owings Mills, MD
Households: Age Of Householder 75+, Making \$35,000 +



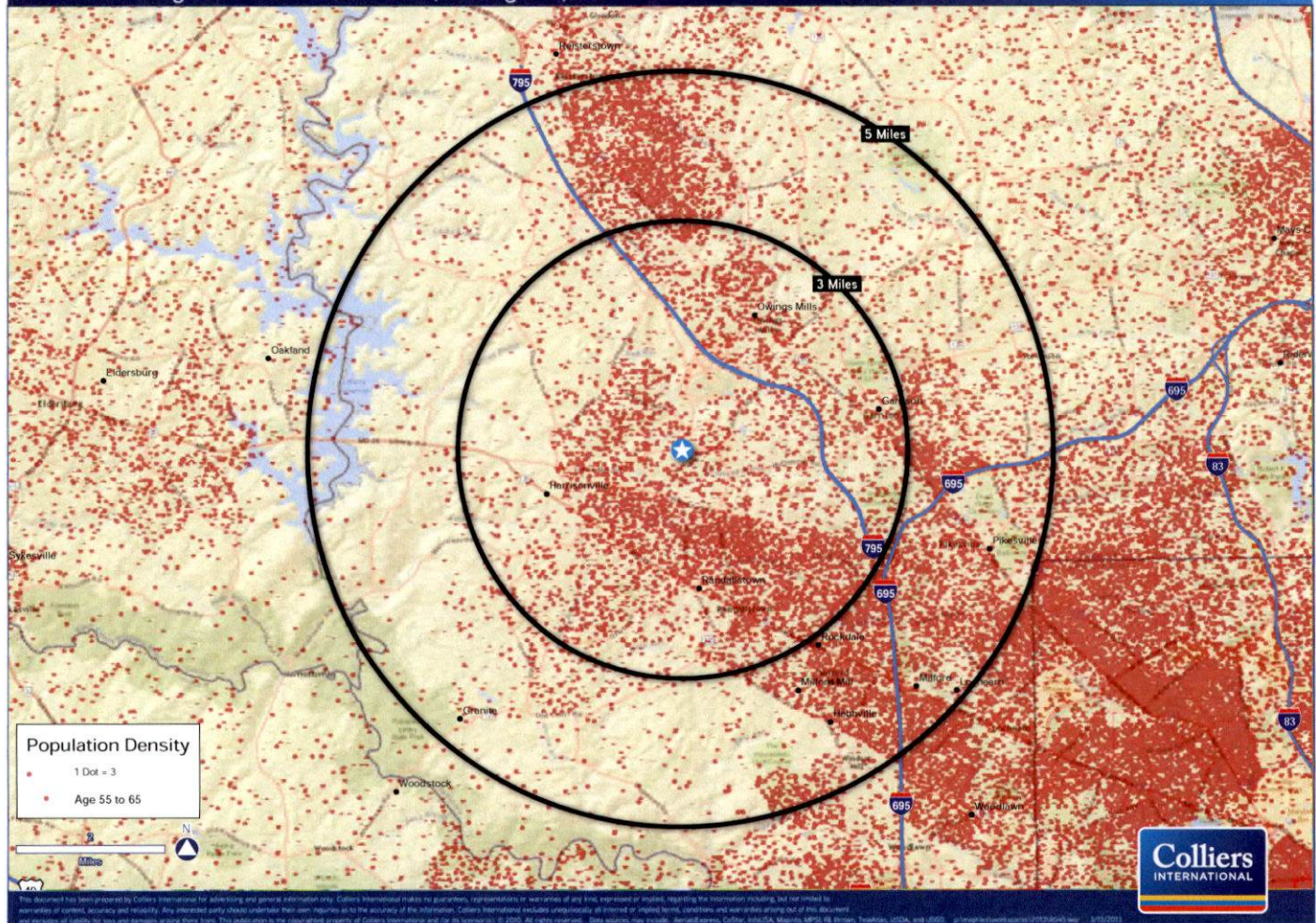
These two maps illustrate the number and location of the prospective residents and the adult children within the Lyons Mill market area.

The industry standard for a successful eldercare community in the relationship between adult children to prospective resident is 1.8 to 1.

	2012	2017 Projection
Prospective Residents (financially qualified persons over the age of 75; annual income \$35,000+)	5,362	7,939
Adult Children (financially qualified persons between 45-64; annual income \$75,000+)	9,884	15,764
Ratio adult children to prospective resident	1.8	1.9

Adult Children

9307 Lyons Mills Rd, Owings Mills, MD
Households: Age Of Householder 45-64, Making \$75,000 +



The importance of adult children in the decision making process of which assisted living facility the resident will choose cannot be underestimated. The adult child, generally, will be in charge of the management of the residents' medical and financial conditions.

Lyons Mill
Investment Opportunity

> Investment Team

COLLIERS INTERNATIONAL

The process of evolution or differentiation, linguistically as well as biologically, is easy to understand. The genus initially was a simple and undifferentiated life form (or zoning phenomenon). Over the years, however, certain specific instances of the more general phenomenon were recognized as having some unique identifying characteristics,

Page 700

some unique problems, and some unique guidelines of their own. As these ascertainable instances of the more general phenomenon were singled out for separate handling, they came to be identified as distinct species within the broader genus. This was particularly true of that instance of 'Special Exceptions' which came to be known as the 'Use Permit' for off-street parking in a residential zone.

[373 A.2d 278] Zoning regulations were first adopted by the County Commissioners of Baltimore County on January 2, 1945, pursuant to a special enabling act, adopted by the Maryland Legislature in the Acts of 1941, Ch. 247. The County Commissioners were authorized to appoint a Zoning Commissioner and a Board of Zoning Appeals to hear and determine issues raised pursuant to the regulations. Among his other powers, the Zoning Commissioner was empowered to make Special Exceptions and to issue Special Permits within appropriate guidelines. The Code of Public Local Laws of Baltimore County (1948), Title 23, § 367 established § XIII of the Zoning Regulations, entitled 'Powers Relative to Special Exceptions and Special Permits.'

That § XIII of the Zoning Regulations and Restrictions for Baltimore County (Doing Ed., 1948), indicated the still-loose interchangeability of the terms 'special exception' and 'special permit,' on the one hand, but also began the process of differentiation between them, on the other hand. Although the term 'special exception' is contained in the title, the text of the section nowhere employs it but uses only the term 'special permit.' Indeed, § XIII's preamble provides that '. . . such uses may be permitted only upon a special permit granted by the zoning commissioner, subject to appeal . . .' it appears that the Special Permit authorized the Special Use, the total effect of which could be described as a Special Exception. In terms of the beginning of differentiation, subsection A treats generally the special permits that shall be required for a list of designated uses in a residential zone. It does not include off-street parking. It is rather in a separate section, subsection C, that off-street parking receives its separate treatment: 'In any residential

Page 701

zone a special permit shall be required for use of land for automobile parking, subject to the following regulations.'

The process of differentiation went further in 1955 when the Baltimore County Commissioners excised from the old § XIII the provisions dealing with off-street parking in a residential zone and housed them in § 409.4 of the Baltimore County Zoning Regulations. Several other conditional uses or 'Special Exceptions,' which also had taken on distinct

Although frustratingly the vocabulary varies from county to county and although the ultimate arbiter of intended meaning is the local legislative user of the contested words, the Court of Appeals in *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183, 187-188, 262 A.2d 499, recognized generally that 'conditional use' and 'special exception' are synonymous terms. In a 1954 decision arising out of Baltimore County, *Oursler v. Board of Zoning Appeals of Baltimore County*, 204 Md. 397, 104 A.2d 568, the Court of Appeals did use the terms 'permit' and 'exception' interchangeably. Although, to be sure, dealing with zoning regulations and, therefore, with vocabulary emanating from Prince George's County rather than from Baltimore County, the Court of Appeals in *Cadem v. Nanna*, 243 Md. 536, 543, 221 A.2d 703, 707, defined the phrase 'Special Exception' in terms of the broad and general phenomenon herein being discussed:

'The words 'special exception' are well known in zoning law. They refer to a grant by the zoning administrative body pursuant to the existing provisions of the zoning law and subject to certain guides and standards, of a special use permitted under the provisions of the existing zoning law.'

See also *Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 287, 96 A.2d 261. *Cadem v. Nanna* cited as authority the

Page 699

New Jersey decision of *Tullo v. Township of Millburn*, 54 N.J.Super. 483, 149 A.2d 620, 624-625, which explained:

'The term ('special exception') might well be said to be a misnomer. 'Special uses' or 'special use permits' would be more accurate. The theory is that certain uses, considered by the local legislative body to be essential or desirable for the welfare of the community and its citizenry or substantial segments of it, are entirely appropriate and not essentially incompatible with the basic uses in any zone . . . , but not at every or any location therein or without restrictions or conditions being imposed If the board finds compliance with the standard or requisites set forth in the ordinance, the right to the exception exists, subject to such specific safeguarding conditions as the agency may impose'

Thus, the broad phenomenon does have, here as elsewhere, many labels. Whether the label employed on a particular occasion happens to be 'special permit,' 'conditional use,' 'special use,' 'use permit,' or 'special exception,' the type of relief described is the same. This broad phenomenon is what we shall refer to as the genus. Generally speaking, the name 'Special Exceptions' refers to this genus.

What remains to be seen is how the name 'Special Exceptions' came to take on a more limited and specific meaning in the zoning experience of Baltimore County. As we shall see, however, that additional and narrower meaning was not in lieu of, but rather in addition to, the broader and more general meaning, which continued to enjoy a separate vitality of its own.

permitted uses, generally compatible with the zone but not at every or any location therein or without certain restrictions or conditions being imposed. This determination of compatibility and this imposing of conditions is vested in an appropriate administrative authority. In describing this broad phenomenon, the vocabulary has been far from uniform but the law has recognized that the same principle is afoot even when the labels may vary.

82 Am.Jur.2d, Zoning and Planning, XIII. C. 'Special Permits or Exceptions,' § 281 'Generally; terminology,'

Page 697

speaks of both the general phenomenon and its fluctuating vocabulary at 827-828:

'... A 'special permit' or 'special exception' designates a species of administrative permission which allows a property owner to put his property to a use which the regulations expressly permit under conditions specified in the zoning regulations themselves. Some zoning laws or ordinances use the term 'conditional use permit,' 'special exception permit,' or 'special use permit' to refer to this type of administrative permission. In one jurisdiction, the term 'waiver use approval' has been used. But regardless of which of the foregoing terms is used, the nature of the administrative permission and of the use permitted is, viewed broadly and substantively, the same, since each involves a use which is permitted rather than proscribed by the zoning regulations. In the words of the Supreme Court of Connecticut, 'the terms 'special exception' and 'special permit' hold the same legal impact and can be used interchangeably.'

The function of a special permit is to bring some flexibility to the rigid restrictions of a zoning ordinance while at the same time controlling troublesome or somewhat incompatible uses by establishing, in advance, standards which admit the use only under certain conditions or circumstances.'

3 Anderson, American Law of Zoning, § 15.01, speaks to the same effect, at 84:

'The 'special exception,' the 'special permit,' and the use permitted subject to administrative approval, are qualitatively the same. Each involves a use which is permitted rather than proscribed by the zoning regulations. Each is allowed only upon approval of a board of adjustment or other administrative body. . . . And in each case, the

Page 698

board is guided and its power limited by hearing requirements and standards.'

2 Rathkopf, The Law of Zoning and Planning, Ch. 54, § 1, n. 1, uses both the terms [373 A.2d 277] 'special exception use' and 'special exception permit' but claims that both are misnomers. He suggests that a more accurate description would be 'conditional use permit' because '... no 'exception' is made to the provisions of the ordinance in permitting such use; the permit granted is for a use specifically provided for in the ordinance in the case in which conditions, legislatively prescribed, are also found.'

'Authority of zoning commissioner to provide for special exceptions and variances.

Subject to the appropriate principles, standards, rules, conditions and safeguards as set forth in the zoning regulations, the zoning commissioner may . . . make special exceptions to the zoning regulations in harmony with their general purpose and intent . . .'

The appellants argue strenuously that 'No mention was made of any other authority being vested in the Zoning Commissioner . . . ' and 'More important is the fact that the term and authority to issue a 'special permit' was deleted altogether.' It is their position that in the repealing and reenacting of the grant of authority to the Zoning Commissioner that occurred in 1960, the Zoning Commissioner was stripped of all power to issue Special Use Permits.

The problem is clear-cut. The grant of authority, by its terms, authorizes 'Special Exceptions' but not 'Use Permits.' Thus, if a 'Use Permit' is a variety of 'Special Exception' within the contemplation of § 22-23, then the authority to issue such a 'Use Permit' has been delegated to the Zoning Commissioner and the present decision will be affirmed. If, on the other hand, a 'Use Permit' does not fit under the umbrella of 'Special Exception,' the authority to issue such 'Use Permit' has not been delegated to the Zoning Commissioner and the decision must be reversed. The appellee urges that a 'Use Permit' is a 'Special Exception'; the appellants urge that it is not.

We conclude that the question is not so simple and clearcut. A 'Use Permit' both [373 A.2d 276] is and is not a 'Special

Page 696

Exception,' depending upon which meaning of 'Special Exception' the legislative authors of the phrase had in mind upon the particular occasion when they used it. A 'Use Permit' is within the generic meaning of 'Special Exception'; it may not be within the specific meaning of 'Special Exception.' The question, therefore, becomes that of whether the Baltimore County Council, when it delegated to the Zoning Commissioner the power to make 'Special Exceptions,' intended to use the phrase in its broad and generic sense or in its narrower and more specific sense.

Having stated the issue, we seek the path to its resolution through the legislative and linguistic tangle of the Baltimore County zoning experience. We begin with a broad principle of zoning law not parochial to Baltimore County but universal to the zoning cosmos. Within each zone created, there are primary and designated uses available as a matter of right with no permission needing to be sought from any zoning authority. There are other uses proscribed by law and, therefore, beyond the pale, absent a zoning reclassification. Between the two poles is a borderland wherein certain uses are not prohibited by law but neither are they absolutely permitted as a matter of unconditioned right. Generally speaking, they are privileges which must be sought from and authorized by some administrative agency (a zoning commissioner, a zoning board, etc.), which possesses the authority to condition the grant of permission, influenced by a number of relevant social considerations. The uses of the property in issue are

Pursuant to the Baltimore County Zoning Regulations (1975 Ed.) (BCZR), Overlea Hall was zoned Business Local (BL) in a Commercial Community Core (CCC) District. Catering is a use permitted in such a zone. The land on which the parking lot was to be built, however, was zoned Residential. ¹ Off-street parking is not a use permitted as of right in a residential zone, but is a permitted use if a Special Use Permit is applied for and issued pursuant to § 409.4 of the BCZR.

Over the protestations of the appellants, who are residents of the affected area, the Baltimore County Zoning Commissioner on June 4, 1974, granted Frank a Special Use Permit for off-street parking in a residential zone. ² Appellants, joined by the Baltimore County Deputy People's Counsel, ³ appealed to the County Board of Appeals, [373 A.2d 275] who, on

Page 694

July 29, 1975, upheld the grant. ⁴ The County Board of Appeals found that the requirements of § 409.4 and of § 502.1 ⁵ of the BCZR had been satisfied and held that the Zoning Commissioner had the power to issue Special Use Permits. From that ruling, an appeal was taken to the Baltimore County Circuit Court. In that court, Judge John Grason Turnbull upheld the decision of the County Board of Appeals. That decision of Judge Turnbull has now been appealed to us. ⁶

The appellants do not contend that the action of the County Board of Appeals was 'arbitrary and capricious' or lacked factual support. The sufficiency of the evidence on the merits of whether Frank had satisfied the pertinent requirements was not seriously disputed. The key issue presented by the appellants is that of whether the Zoning Commissioner and the County Board of Appeals possessed the delegated authority to grant such Use Permits at all. In question is the general authority and not the merits of this individual exercise of authority.

Before addressing its merits, we will state the argument as posed by the appellants. They contend that a 'Special Permit' (or Use Permit) and a 'Special Exception' are distinct legal phenomena. In this regard, they find arguable support in the words of the Court of Appeals, in *Marek v. Board of Appeals*, 218 Md. 351, 357, 146 A.2d 875, to the effect that a request for an off-street parking permit 'is not a request for a Special Exception.' They further contend that prior to 1960, the Baltimore County Commissioners and their successors, the Baltimore County Council, explicitly delegated to the Zoning Commissioner of Baltimore County the power to issue both 'Special Permits' and 'Special Exceptions.' The final premise in the argument is that a major change was made in this grant of authority by Bill

Page 695

No. 80, enacted by the County Council in 1960. That bill explicitly repealed § 34-11 of the Baltimore County Code (1958 Ed.) which had delegated certain powers (including the power to issue Special Permits) to the Zoning Commissioner, and replaced it with § 22-23 which provided in pertinent part:

"Species" Use Permit is part of "Genus" Special Exception

Page 691

35 Md.App. 691
373 A.2d 273
John HOFMEISTER et al.,
v.
The FRANK REALTY COMPANY.
No. 152.
Court of Special Appeals of Maryland.
May 11, 1977.

[373 A.2d 274]

Page 692

William F. C. Marlow, Jr., Towson, with whom was F. Vernon Boozer, Towson, on the brief, for appellants.

E. Stephen Derby, Baltimore, with whom were Piper & Marbury, Baltimore, and Nolan, Plumbhoff & Williams, Towson, on the brief, for appellee.

Argued before GILBERT, C. J., and MOYLAN and LOWE, JJ.

MOYLAN, Judge.

If the imprecise use of language plagues the law generally, it falls upon the head of the zoning law with peculiar vengeance. The root problem giving rise to the present appeal was the failure of the lawmaking authorities of Baltimore County to distinguish cleanly between the Genus 'Special exceptions' and the Species 'Special Exceptions.' The phrase was used in one critical context, at least, with a broad, generic meaning; the same phrase was used on other occasions with a more limited and specific meaning; the lawmaking authority never pinpointed which meaning it had in mind on a particular occasion nor did it even seem aware of the potential semantic problem lurking within its linguistic imprecision.

Although the problem before us for resolution is exclusively one of law, the factual background must be set. The appellee, Frank Realty Company (Frank), owns Overlea

Page 693

Hall, which is a catering establishment in Baltimore County. It is located on Belair Road, a major thoroughfare in a business district. Overlea Hall does not have its own parking lot, but it is situated next to a Union Trust Bank, which does. The customers of Overlea Hall park either on the bank lot or on the surrounding streets. In 1970, 1972 and 1973, Frank acquired three properties, adjacent to and in the rear of Overlea Hall, forming one integrated tract and having frontage on two side streets. On the tract, Frank desired to build a parking lot for 84 vehicles.

Provides compact development;

(4)

Provides sustainable design;

(5)

Encourages new investment or reinvestment opportunities;

(6)

Fosters development or redevelopment of well-located but under-utilized or obsolete properties;

(7)

Provides economic benefits;

(8)

Demonstrates that its buildings, parking structures, landscaping, open space patterns, signage and other architectural treatments are spatially and visually integrated within the development and incorporate appropriate elements of urban design;

(9)

Connects proposed streets with the existing neighborhood road network, if practicable, and locates proposed sidewalks to support the functional patterns of the neighborhood;

(10)

Integrates locally significant features of the site such as distinctive buildings or vistas into the site design; and

(11)

Supports a uniform architectural theme in its exterior signs, site lighting and accessory structures.

32-4-402.1. - PLANNED UNIT DEVELOPMENT - COMPATIBILITY.

(a)

Recommendations by Director of Planning. The Director of Planning shall make compatibility recommendations to the Hearing Officer for a Planned Unit Development, which, in whole or in part, is:

(1)

Located in a Baltimore County Commercial Revitalization District;

(2)

Identified within a Transect Overlay of T-6 in the Master Plan (Map 5);

(3)

A Brownfields site as defined in § 5-301 of the Economic Development Article of the Annotated Code of Maryland;

(4)

An approved transit oriented development opportunity site; or

(5)

Identified within a Transect Overlay of T-5 in the Master Plan (Map 5), located in an area identified in the Master Plan as a Community Enhancement Area (Map 6), and adjacent to an interstate highway.

(b)

Compatibility objectives. The development of a Planned Unit Development listed in subsection (a) shall be designed to substantially comply with the following compatibility objectives so that the development:

(1)

Is in a location that is significant due to its visibility, accessibility or siting;

(2)

Has or will provide adequate public infrastructure;

(3)

apply. If a use is permitted by special exception by Bill No. 149-1992, the Zoning Commissioner or Board of Appeals may, on its own motion, amend the previously granted special exception only in the least restrictive manner possible.

[Bill Nos. 149-1992; 179-1995]

- C. Nothing contained herein shall limit the authority of the Department of Permits, Approvals and Inspections to require a site plan, either new or revised, to ensure compliance with the applicable requirements or the Baltimore County Zoning Regulations.

[Bill Nos. 149-1992; 122-2010]

§ 502.10 Amendment of prior special exceptions for trailer parks.

[Bill Nos. 33-2000; 122-2010]

Notwithstanding any provisions of these regulations to the contrary, the conditions set forth in Section 414.5 apply to trailer parks existing on the effective date of this paragraph, and a hearing is not required to amend any provisions of a prior special exception order that conflict with Section 414.5. The Department of Permits, Approvals and Inspections retains the authority to require a site plan, either new or revised, to ensure compliance with the applicable requirements of the Baltimore County Zoning Regulations.

historical districts on the National Register of Historic Places, namely, Oella, My Lady's Manor, Western Run, Worthington Valley, Greenspring Valley, Corbett and Long Green Valley, unless the Zoning Commissioner or the Board of Appeals, upon appeal, finds that the proposed use will not be detrimental to or materially detract from the documented values of any such district due to the height of the proposed tower and its placement and visibility relative to such district.

B. Towers within scenic viewshed.

1. A Special exception may not be granted for a wireless telecommunications tower located in an RC-2, RC-3, RC-4, RC-5, RC-6 or RC-7 Zone within a scenic viewshed unless the Zoning Commissioner finds that the proposed tower will not interfere with or be detrimental to the scenic viewshed elements.
2. The Zoning Commissioner shall determine interference or detriment based upon substantial evidence, comparing the scenic viewshed elements to the proposed tower location, in order to determine whether the proposed tower blocks any scenic viewshed elements or is not visually in harmony with any scenic viewshed elements when the elements and the tower can be seen simultaneously.
3. The Zoning Commissioner may also consider whether public funds have been spent acquiring easements or entering into other agreements to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower and whether other public or private agreements exist to minimize development or protect aesthetics in areas immediately adjacent to the proposed tower.
 - a. Except as provided in this paragraph, the presence of the easements and agreements may be probative of the possible interference of the proposed tower with scenic viewshed elements.
 - b. The absence of the easements and agreements may not be probative of the possible interference of the proposed tower with scenic viewshed elements.

[1] *Editor's Note: Section 5 of Bill No. 30-1998 provided that "...this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any person who has had a hearing on a proposed tower before the Zoning Commissioner before the effective date of this Act" (March 30, 1998), and Section 6 of Bill No. 30-1998 provided that "... the provisions of this Act shall be interpreted consistent with the Telecommunications Act of 1996."*

§ 502.8 Special exception for certain Class B office buildings.

[Bill No. 151-1988]

Bill No. 151-1988 does not affect the validity of any order granting a special exception for a Class B office building pursuant to Section 203.3.B^[1] prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of these regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3.

[1] *Editor's Note: Based on the renumbering of Section 203 by Bill No. 186-1994, see now Section 204.3.B.*

§ 502.9 Validity of special exceptions previously granted.

[Bill Nos. 149-1992; 179-1995]

- A. Neither Bill No. 149-1992 nor Bill No. 179-1995 affects the validity of any order granting a special exception for a marina or boatyard which occurred prior to the effective date of the bill. Any such special exception may be used in accordance with the applicable provisions of the Baltimore County Zoning Regulations in effect at the time of the grant of such special exception and in accordance with the terms thereof, provided that construction is started prior to the expiration date of the special exception as required by Section 502.3.
- B. Notwithstanding any provisions of these regulations to the contrary, and in addition to the provisions contained in Subsection A above, the uses, conditions and requirements as set forth in Bill No. 149-1992 may be utilized at the discretion of the owner of the property on which the marina or boatyard is located, and no hearing shall thereby be required to amend the prior special exception where the proposed change is permitted as a matter of right by Bill No. 149-1992. If such use should conflict with the terms or conditions of the prior special exception, the permitted use shall

In addition to consideration of the requirements imposed generally on the issuance of special exceptions by Section 502.1 of these regulations, the following special requirements, regulations and limitations shall apply to and be effective with regard to special exceptions which may be issued under these regulations, viz:

A. Duration limited; extensions.

[Bill Nos. 124-1993; 22-2009]

1. Any special exception or renewal thereof granted for a community care center under the authority of these regulations shall be for the limited duration of five years and shall thereafter be of no further force and effect, unless, no later than three months prior to the expiration of such special exception, the center files a written request with the Department of Permits, Approvals and Inspections for a continuation of the special exception use.
[Bill No. 122-2010]
2. The Department shall inspect the community care center premises to ensure that the continued operation of the center will comply with the terms of the original order and any extension thereof.
3. After inspection, the Department may approve the extension of the special exception use with any new or amended conditions and publish notice of the extension, or direct that the center file a petition for special hearing with the Zoning Commissioner.

B. Any special exception or renewal thereof which was granted for a boardinghouse or rooming house prior to the effective date of Bill No. 124-1993 and pursuant to the law in effect at that time shall, after the effective date of Bill No. 124-1993, be of no further force and effect, unless permitted pursuant to the procedure delineated in Section 408B of these regulations.

[Bill Nos. 44-1982; 124-1993^[2]]

[2] *Editor's Note: This bill also repealed former Subsection C, Applications for renewal.*

[1] *Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.*

§ 502.5A Special exception for certain offices and office buildings.

[Bill Nos. 167-1980;^[1] 124-1993]

Bill No. 167-1980 does not affect the validity of any order granting a special exception for an office or office building pursuant to Section 1B02.1. Any such special exception may be used in accordance with both the applicable provisions of these regulations and the zoning classification of the property in effect at the time of the grant of such special exception, provided that construction is started prior to the expiration date of such special exception, and provided the zoning classification at the time construction is started is either D.R.16, R-O, O-1 or O-2.

[1] *Editor's Note: Bill Nos. 142-1979 and 167-1980 both added a new Section 502.5 to these Zoning Regulations. Each involved different material and they are included in the order in which they became effective.*

§ 502.6 Uses within residential transition areas.

[Bill No. 124-1981]

In addition to the other requirements of this section, the Zoning Commissioner and the Board of Appeals, upon appeal, when considering a special exception for a use in a residential transition area, shall conform with the requirements of Section 1B01.1.B.1, where applicable.

§ 502.7 Wireless telecommunications towers.

[Bill Nos. 117-1984; 64-1986; 30-1998;^[1] 121-2001]

- A. A special exception may not be granted for any wireless telecommunications tower over 200 feet in height which is within 1 1/2 miles of an existing district on the Baltimore County Final Historic Landmarks list or any of the following

agreement and the cost of recording thereof shall be borne by the party requesting such special exception. When so recorded, said agreement shall govern the exercise of the special exception as granted, as to such property, by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer.

[1] *Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."*

§ 502.3 Time limit for utilization of special exception; extensions.

[Bill Nos. 42-1962; 85-1967; 68-1968; 172-1993]

A special exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any special exception, shall fix within the foregoing limits the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a special exception. After a final order granting a special exception, the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the special exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A special exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a special exception in effect on or after January 1, 1957, cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date 18 months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the special exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the Public Works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public Works to the last party of record within, at the last address furnished, shall be the commencement date for the running of the eighteen-month extension period in which there must be utilization of the special exception.

§ 502.4 Special exception for certain elevator apartment buildings and office buildings.

[Bill No. 100-1970]

The building size, shape and location, the accessory uses and the number of dwelling units authorized under any special exception for an elevator apartment building or office building granted pursuant to the Zoning Regulations in effect before [effective date of bill] shall not be affected by the enactment of Bill No. [number], [year of passage].^[1]

[1] *Editor's Note: Thus in Bill No. 100-1970, which is presumably the bill referred to. Regarding the effective date of the provisions of Bill No. 100-1970, the bill states (Section 20) that "any amendments herein . . . shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect 45 days after its enactment." The bill was enacted on August 5, 1970, and the 45th day thereafter was September 19, 1970.*

§ 502.5 Limitations on certain community care centers, boardinghouses and rooming houses.

[Bill No. 142-1979^[1]]

SECTION 502: Special Exceptions

[BCZR 1955]

(See Section 270, Schedule of Special Exceptions.)

NOTE: Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junkyards, are inherently so objectionable as to make extra regulations and controls advisable even in the M.H. Zone, to which they are restricted. Others, like a cemetery, do not fit into any of the zone categories, that is, residential, business and industrial, and therefore must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety or general welfare of the public, the uses listed as special exceptions are permitted only if granted by the Zoning Commissioner, and subject to an appeal to the County Board of Appeals.

In granting any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall be governed by the following principles and conditions.

§ 502.1 Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
[Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
[Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
[Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.
[Bill No. 74-2000]

§ 502.2 Protection of surrounding properties; agreement governing special exception.

In granting any special exception, the Zoning Commissioner or the Board of Appeals, upon appeal, shall impose such conditions, restrictions or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties. The owners, lessees or tenants of the property for which a special exception is granted, if required by the Zoning Commissioner, or Board of Appeals, upon appeal, shall enter into an agreement in writing with said Zoning Commissioner and/or the County Commissioners of Baltimore County,^[1] stipulating the conditions, restrictions or regulations governing such special exception, the same to be recorded among the land records of Baltimore County. The cost of such

§ 500.3

Refusal to grant reclassification.

In the event that the Zoning Commissioner shall refuse to grant a reclassification and upon appeal to the County Board of Appeals, the said Board shall order such reclassification, the Zoning Commissioner shall then forthwith submit said reclassification to the County Commissioners of Baltimore County,^[1] and upon their written approval thereof the said reclassification shall become effective and binding and shall constitute an amendment to the boundaries of the zoning districts.^[2]

- [1] *Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state." However, under the provisions of Section 604 of the Charter, those persons aggrieved by a decision of the Board of Appeals may now appeal such decision to the Circuit Court of Baltimore County. See Appendix E of this volume.*
- [2] *Editor's Note: This section has been superseded by Section 2-356 of the Baltimore County Code, 1988 Edition, [now Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003], as revised, which vests original jurisdiction for reclassifications with the Board of Appeals (Bill No. 85-1978, effective 12-8-1978, and Bill No. 46-1979, effective 3-28-1979). See also Section 602(e) of the Baltimore County Charter, as well as Sections 32-3-401 and 32-3-517 of the Baltimore County Code, 2003, as found in Appendix D of this volume.*

§ 500.4 Issuance of use permits.

[Resolution, November 21, 1956]

In cases in which no building permit is required, any person desiring to use any land for any purpose other than that for which said land is being used at the time of adoption of this Order and Resolution^[1] shall make application to the Zoning Commissioner for a use permit, upon such form as the Zoning Commissioner may prescribe. If such use is permissible the Zoning Commissioner may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes the particular use applied for.

- [1] *Editor's Note: The date of adoption and the effective date of BCZR 1955 was 3-30-1955.*

§ 500.5 Petitions for special exceptions.

In cases of petitions for special exceptions under Section 502 of these regulations, the Zoning Commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petitions for reclassification. After such a hearing he shall pass his order granting or refusing such special exception.^[1]

- [1] *Editor's Note: See also Sections 32-3-301 through 32-3-304 of the Baltimore County Code, 2003, as found in Appendix D of this volume.*

§ 500.6 Authority to conduct hearings.

In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

§ 500.7 Petitions for public hearing; notice.

[Bill No. 18-1976]

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

issued by the Zoning Commissioner or Deputy Zoning Commissioner, by the Board of Appeals, or by a court of competent jurisdiction considering the petition on appeal.

§ 500.13 Recordkeeping.

The Zoning Commissioner shall keep accurate records of all proceedings pending before him and before the County Board of Appeals, and such records shall be open to public inspection in his office. He shall keep an accurate account of all money received by the zoning department^[1] and shall turn the same over to the Chief Clerk and Auditor of the County Commissioners.^[2]

[1] *Editor's Note: The Zoning Department (of the Department of Public Works), as such, ceased to exist on January 29, 1957, when Articles I — X of the Baltimore County Charter became operative. Under Section 524 of the Charter and Section 32-3-103 of the Baltimore County Code, 2003, as revised, responsibility for "administering the zoning code" lies with the Department of Permits and Development Management.*

[2] *Editor's Note: Under Section 1107 of the Baltimore County Charter, the County Council and County Executive have succeeded "to all powers heretofore vested in the county commissioners by the constitution and laws of this state."*

§ 500.14 Within Chesapeake Bay Critical Area.

[Bill Nos. 32-1988; 9-1996; 122-2010]

No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance or special hearing unless the Zoning Commissioner has received from the Director of Environmental Protection and Sustainability, or his designated representative, written recommendations describing how the proposed request would:

- A. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- B. Conserve fish, wildlife and plant habitat; and
- C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

SECTION 432A: Assisted-Living Facility; Housing for the Elderly

[Bill Nos. 19-2004^[1]; 32-2006]

[1] *Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment.*

§ 432A.1 Permitted zones; conditions for use.

- A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R., B.M. and OR-2 Zones as follows:
 - 1. An assisted-living facility I is permitted by use permit.
 - 2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
 - 3. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A. or B.M. Zone by use permit. An assisted-living facility III is permitted in the OR-2 Zone by special exception and is limited by the use, area and bulk regulations of the D.R. 10.5 Zone. A facility located in an R.O. Zone is also subject to review by the design review panel for compatibility with surrounding uses.
 - 4. Housing for the elderly is permitted by right in R.A.E. Zones.
- B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.
- C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.
 - 1. Parking shall be set back at least 10 feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.
 - 2. Parking and delivery areas shall be located in the side or rear only.
 - 3. At least 10% of the lot shall be used to provide useable, contiguous and private open space.
- D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code.
- E. An assisted-living facility located in a County historic district is also subject to review by the Landmarks Preservation Commission in the same manner as other buildings located in a historic district.
- F. Assisted-living facilities and housing for the elderly are permitted by right within the boundaries of a state-designated transit-oriented development in the C.T. District of Owings Mills and not subject to any of the requirements contained in this section.

[Bill No. 16-2015]

ASSISTED LIVING FACILITIES I, II, & III

(Bill Nos. 19-04 & 32-06)

SECTION 101. DEFINITIONS

ASSISTED LIVING FACILITY: A BUILDING, OR SECTION OF A BUILDING THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A COMBINATION THEREOF, TO MEET THE NEEDS OF INDIVIDUALS WHO ARE UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN PERFORMING THE ACTIVITIES OF DAILY LIVING AND WHICH IS LICENSED AS AN ASSISTED LIVING PROGRAM AS DEFINED UNDER TITLE 19, SUBTITLE 18 OF THE HEALTH-GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND. FOR THE PURPOSES OF THIS DEFINITION, IF A RESIDENT LIVES IN A ROOM OR APARTMENT PROVIDING COMPLETE KITCHEN FACILITIES INTENDED FOR THE DAILY PREPARATION OF MEALS BY OR FOR THAT RESIDENT, THE UNIT SHALL NOT BE CONSIDERED AN ASSISTED LIVING FACILITY. DENSITY FOR SUCH FACILITIES SHALL BE CALCULATED AT 0.25 FOR EACH BED.

SECTION 432A. ASSISTED LIVING FACILITY; HOUSING FOR THE ELDERLY. AN ASSISTED LIVING FACILITY IS PERMITTED IN THE D.R., R.O., R.O.A., R.A.E., B.R., B.M. AND OR - 2 ZONES AS FOLLOWS:

1. AN ASSISTED LIVING FACILITY I IS PERMITTED BY USE PERMIT.
2. AN ASSISTED LIVING FACILITY II IS PERMITTED BY USE PERMIT IF IT HAS FRONTAGE ON A PRINCIPAL ARTERIAL STREET
3. AN ASSISTED LIVING FACILITY III IS PERMITTED IN A D.R. 16, R.A.E., R.O.A. or B.M., ZONE BY USE PERMIT. AN ASSISTED LIVING FACILITY III IS PERMITTED IN THE OR-2 ZONE BY SPECIAL EXCEPTION AND IS LIMITED BY THE USE, AREA, AND BULK REGULATIONS OF THE D.R. 10.5 ZONE A FACILITY LOCATED IN A R.O. ZONE IS ALSO SUBJECT TO REVIEW BY THE DESIGN REVIEW PANEL FOR COMPATABILITY WITH SURROUNDING USES.
4. HOUSING FOR THE ELDERLY IS PERMITTED BY RIGHT IN R.A.E. ZONES

ASSISTED LIVING FACILITY I: AN ASSISTED LIVING PROGRAM WHICH:

1. IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2. WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3. WHICH ACCOMMODATES FEWER THAN 8 RESIDENT CLIENTS.

ASSISTED LIVING FACILITY II: AN ASSISTED LIVING PROGRAM WHICH:

1. IS LOCATED IN A STRUCTURE WHICH WAS BUILT AT LEAST FIVE YEARS BEFORE THE DATE OF APPLICATION.
2. WAS NOT ENLARGED BY 25% OR MORE OF GROUND FLOOR AREA WITHIN THE FIVE YEARS BEFORE THE DATE OF APPLICATION.
3. WHICH ACCOMMODATES FEWER THAN 8 AND 15 RESIDENT CLIENTS.

ASSISTED LIVING FACILITY III: AN ASSISTED LIVING PROGRAM WHICH:

1. WILL ACCOMMODATE MORE THAN 15 RESIDENT CLIENTS.
2. WILL BE IN A STRUCTURE WHICH WAS BUILT OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA, LESS THAN FIVE YEARS BEFORE THE DATE OF APPLICATION OR.
3. WILL BE IN A STRUCTURE WHICH WILL BE NEWLY CONSTRUCTED OR ENLARGED BY MORE THAN 25% OF GROUND FLOOR AREA FOR THE ASSISTED LIVING PROGRAM.

SITE DESIGN STANDARDS

1. EXCEPT FOR THE SIGNS PERMITTED BY SECTION 450, NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM THE OUTSIDE ARE PERMITTED.
2. OFF-STREET PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409 AND SUBJECT TO THE FOLLOWING CONDITIONS, BUT NO PARKING STRUCTURE IS PERMITTED EXCEPT FOR A RESIDENTIAL GARAGE AS DEFINED IN SECTION 101.
 - PARKING SHALL BE SET BACK AT LEAST 10 FEET FROM THE PROPERTY LINE, EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO SETBACK IS REQUIRED IF THE ALLEY DOES NOT ABUT THE FRONT OR REAR YEARD OF A RESIDENTIALLY USED PROPERTY.
 - PARKING AND DELIVERY AREAS SHALL BE LOCATED IN THE SIDE OR REAR ONLY.
 - AT LEAST 10% OF THE LOT SHALL BE USED TO PROVIDE USABLE CONTIGUOUS AND PRIVATE OPEN SPACE.
3. AN ASSISTED LIVING FACILITY IS SUBJECT TO A COMPATIBILITY FINDING PURSUANT TO SECTION 32-4-402 OF THE BALTIMORE COUNTY CODE.
4. AN ASSISTED LIVING FACILITY LOCATED IN A COUNTY HISTORIC DISTRICT IS ALSO SUBJECT TO REVIEW BY THE LANDMARKS PRESERVATION COMMISSION IN THE SAME MANNER AS OTHER BUILDINGS LOCATED IN A HISTORICAL DISTRICT.

Revised 2/7/11

INTER-OFFICE CORRESPONDENCE

RECOMMENDATION FORM

TO: Director, Office of Planning
 Attention: Lynn Lanham
 Jefferson Building
 105 West Chesapeake Avenue, Room 101
 Towson, MD 21204
 Mail Stop 3402

ALF Address _____

Permit No. (if required) B _____

FROM: Arnold Jablon, Director
 Department of Permits, Approvals and Inspections

RE: Assisted Living Facility

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

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

Print Name of Applicant _____	Address _____	Telephone Number _____	Email Address _____
Lot Address _____	Election District _____	Councilmanic District _____	Square Feet of Lot _____
Lot Location: N.E S W/side/corner of _____ feet from N.E S W corner of _____			
(street)		(street)	
Land Owner(s): _____		10 Digit Tax Account Number _____	
Address: _____		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. APPLICANT MUST PROVIDE 1 THROUGH 6

Planner to confirm information acceptance by marking x below

	YES	NO	
1. This Recommendation Form (3 copies)	☐	☐	
2. Permit Application	☐	☐	
3. Site Plan			
Property (3 copies) including lot size and sq ft of building, 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 not 5.A from the Zoning Use Permit Checklist can be stated on the plans)	☐	☐	
5. Photographs (please label all photos clearly Adjoining Buildings and Surrounding Neighborhood.....	☐	☐	
6. Current Zoning Classification: _____			
	Accepted for filing by _____ (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:

Signed by: _____
 For the Director, Office of Planning

Date: _____

Revised 2/7/11

SAMPLE FORM, ADD YOUR INFORMATION ACCORDING TO THIS FORMAT.

**ZONING USE PERMIT
PLAN FOR A ASSISTED LIVING FACILITY I OR II**

#123 SMITH ROAD
BALTIMORE COUNTY MD 20204
3RD ELECTION DISTRICT
OWNER: JOHN & LINDA SMITH
ADD. #321 BROOK LA. TOWSON MD 21044
DATE 2/24/94 (PLAN DATE)
PHONE: 410-325-1799
APPLICANT: IF NOT OWNER ADD ABOVE INFO.

LOT SIZE: 6,000 SQ. FT.
ZONING MAP N.W. 5F
ZONE DR 3.5

PARKING: 1 SPACE FOR EACH 3 BEDS = 2 PARKING SPACES REQUIRED.

EXISTING FLOOR AREAS SQ. FT.
1ST FLOOR AND SUN ROOM = 1987 SQ. FT.
2ND FLOOR = 1811 SQ. FT.
TOTAL 3,798 SQ. FT.
BASEMENT FOR STORAGE AND
MECHANICAL EQUIPMENT = 1811 SQ. FT.
EXISTING GARAGE = 374 SQ. FT.

OPEN SPACE: .10 x LOT AREA (6,000 SQ. FT.) = 600 SQ. FT.

FOR MORE THAN 4 BEDS SEE THE DENSITY CHART AT THE BOTTOM OF
PAGE 1 OF THIS CHECKLIST. SHOW CALCULATIONS IN THIS AREA ON YOUR PLAN.

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE
ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. NO CONSTRUCTION,
RELOCATION, EXTERIOR CHANGES OR ADDITIONS OF 25% OR MORE IN GROUND
FLOOR AREA AS IT HAS EXISTED FOR 5 YEARS BEFORE THE DATE OF THIS
APPLICATION HAS OCCURRED TO THE EXTERIOR OF THE BUILDING. NO ADDITIONS
ARE PROPOSED.

SIGNS WILL COMPLY WITH SECTION 460 B.C.Z.R.

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

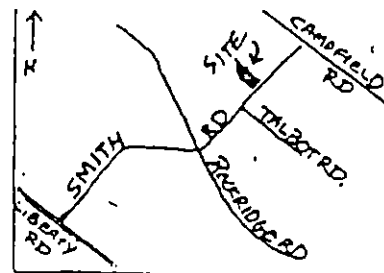
SIGNATURE DATE

PRINTED NAME

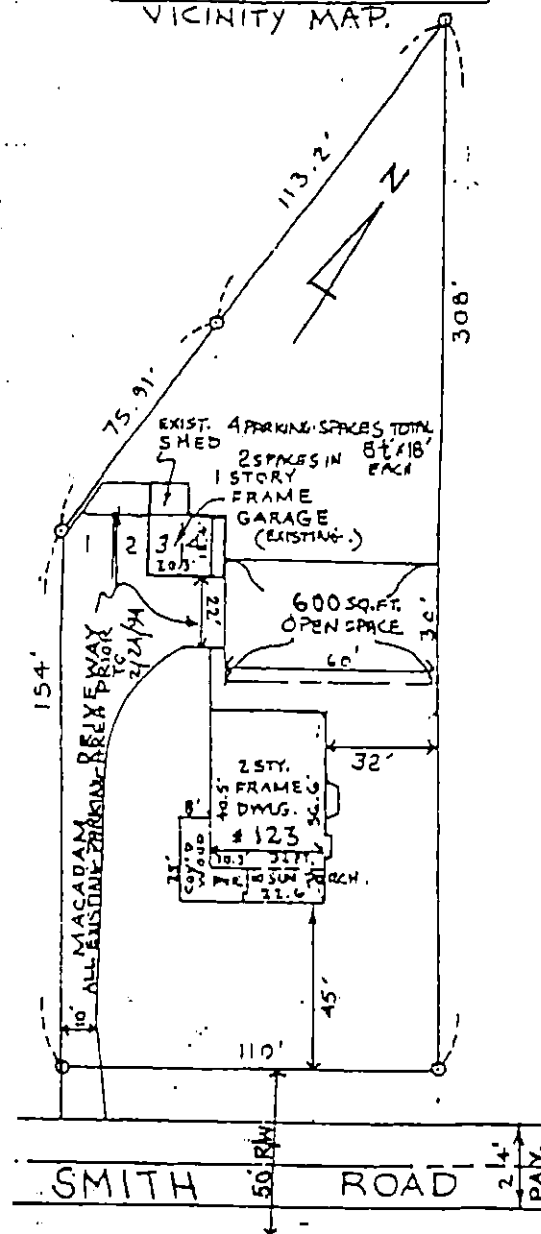
SIGNATURE DATE

PRINTED NAME

ENGINEERS SCALE
1" = _____ FT.



VICINITY MAP.



ZONING INFORMATION FOR SMALL ASSISTED LIVING FACILITIES (ALF'S)

The attached information will help in filing for the use permits for Class I and II ALF's

There are two checklist sheets. One is for Zoning Use Permit; the other is for Planning Office compatibility review. Both must be followed carefully. A sample site plan accompanies the checklist for your convenience. There is also a condensed copy of the zoning regulations attached to the above information.

The regulations for these facilities were based on their establishment in certain residential (DR or equivalent) zones and in existing detached single family dwellings or buildings. They may not be located in apartment buildings. They can only be placed in townhouse units with difficulty; usually involving Zoning Public Hearings for parking or other conflicts with the zoning regulations as set forth on the checklists. Please be aware that a public hearing requires actions that are not detailed in this information. You may contact the zoning review staff at 410 - 887-3391 about public hearing requirements if you have a site plan conflict with the regulations.

The buildings in which ALF's are proposed must have existed for the past five years and not have had substantial enlargement during that time. For details please see the checklist.

Please check your zoning as directed below. This is very important if you are proposing more than four ALF beds. Each zone requires an increasingly larger lot area to support more than four beds. You may call the above referenced zoning review phone # for questions on required lot sizes once you can state what the site is zoned and the number of ALF beds you are proposing.

ALF II's are for more than 7 beds. There are special requirements for location. They must be located on a "principal arterial street". You must come to the Zoning Review Office at 111 West Chesapeake Ave. in Towson Md., in person to locate your site on the State Highways system map to confirm compliance with this requirement.

ALF III's are for more than 15 residents and have requirements that go beyond those of the smaller ALF I and II Facilities (such as development regulation application). Please contact the zoning staff at the above phone # for details regarding this type of approval.

Please be aware that the provided information is for zoning use permit application only and it is not intended to represent the requirements of any other agency regarding approval of your use.

To find your zoning, you may come to the Zoning Office at the above address or go to the following website: [http:// www.baltimorecountyonline.info](http://www.baltimorecountyonline.info). Once there, click on "What's My Zoning", then on the next page click the "I Agree" tab. An address bar will then come up. Put the street # and road name in the bar and click the " Create A Map " tab. In a few seconds the zoning map should appear. The zoning designation is shown within the blue lines. If you cannot read it clearly, place the mouse cursor on the site and left click the mouse, the zoning should appear in a window on your screen. Occasionally this site may be off-line. Should you have difficulty accessing it, you can try again later or come to the zoning counter at the above address for help. Please be aware that this on-line map is not official. To get a copy of the official map, you must come to the zoning counter for assistance.

ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 – 7 BEDS) OR II (8 – 15 BEDS)

Pursuant to Bills 19-04 & 32-06

The zoning regulations regarding assisted living facilities (ALF's) were changed by the County Council in Bill No. 19-04, effective 5/29/04 and Bill 32-06, effective 5/18/06. This checklist is intended to inform the public of these standards. One of several changes is the new requirement for small scale ALF's for 1-3 residents which were formerly exempted, that now have to file for a zoning use permit as was previously required only for 4-15 resident facilities. However, if you can clearly document to this office that your facility was licensed and legally operating for care of a certain set number of persons prior to the above referenced bill date, an ALF use permit may be issued at the discretion of the Zoning Review Office for continuance of your use for the previously licensed number of persons without a full use permit review as stipulated in this checklist. This is done by an individual property use review for each site for which such documentation is presented. Prior to applying for this Use Permit, contact the Baltimore County Department of Aging for related information. Fees and Plan/Checklist changes are subject to change without advance notice. Sealed plans may be required.

THESE CHECKLIST REQUIREMENTS MUST BE FOLLOWED IN ACCURATE DETAIL FOR FILING ACCEPTANCE.

Three (3) use permit plans, per this checklist and sample plan sheet; one Planning Office compatibility/appearance review package (see Recommendation Form), and \$60.00 are required for filing the application. Due to the necessity of a detailed review of the materials, you must contact 410-887-3391 for a filing appointment for this use permit.

Provide the following information on an engineer scaled drawing at a 1"=50' or larger scale.

1. Owner's name and if the applicant is not the owner, the applicant's name, date, address, daytime telephone number with Email address, and the address of the property under this use permit review.
2. Title: Use permit plan for Assisted Living Facility (ALF I or II). Street vicinity map with site indicated, north arrow scale of drawing (must be at an engineer's scale and legible), election district, property outline, and the dimensions in feet, the square footage of the lot, and the current zoning of the property per the 1"=200' scale official zoning map.
3. Location on the property, use and the dimensioned footprint of the ground floor area and gross floor area (all floors) of each structure on the lot in square feet. Show and label a minimum of 10% of the lot as "open space". Show the method of calculation; Lot sq ft. x .10= _____ sq ft open space.
4. A. Number of beds to be approved with parking calculations indicating 1 parking space for each 3 beds (round-up all numbers). Note that all parking and maneuvering will be paved with a durable, dustless surface (such as asphalt or concrete) and will be permanently striped. Indicate the location and dimension of all parking and maneuvering areas. Each parking space must be 8-1/2 feet x 18 feet, which must be shown and dimensioned.
 B. Parking spaces must be shown to comply with the following: 10 feet from all lot lines other than an alley that does not abut the front or rear yard of a residentially used property. All parking and delivery areas must be in the side or rear yard only (behind the front wall of the dwelling). Contact the zoning office for questions. THIS STANDARD MUST BE CLEARLY SHOWN. PUBLIC HEARINGS ARE REQUIRED FOR ANY CONFLICTS.
5. A. Note on the plan: "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 5 years. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred. No additions are proposed to exceed this limit for 5 years from the date of this application.
 * B. Where compliance with note 5.A. cannot be stated, the use permit application may not be accepted for filing or a public hearing may be required. The zoning office should be contacted for further information.
6. For more than four beds density/area calculations must be shown on plan based on the zones minimum lot area requirements for each density or dwelling unit used. See chart at bottom of this page.
7. Class II ALF's must be shown to be located on a principal arterial street on the plan.
8. Note on the plan that any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.
9. Include signatures, printed names (and dates) of those responsible for the accuracy of the information in this application.

Density	
1 – 4 beds	Not required
5 -8 beds	2 density lots required
9 – 12 beds	3 density lots required
13-15 beds	4 density lots required



FINANCE

Robert, Meridian Capital Group
consider refinancing
interest rates

to refinance, they may experience a significantly different lending environment than what they have become used to over the past few years.

SENIOR HOUSING

By Robert Gaines, Colliers International | Philadelphia

The path to investing in a seniors housing community

The development of a seniors housing community for Independent Living and Assisted Living with Memory Care is in great demand across the country. Today, nationally, there are 54 million people over the age of 65; eventually, half will require specialized assistance with daily living activities to serious medical management for chronic end



Robert Gaines

of life illnesses.

Alzheimer's or dementia diseases will affect 33% of those seniors needing specialized assistance and will require further supervision¹. Currently, less than 4 million beds in independent living, assisted living and skilled nursing are available to support these persons, according to the Alzheimer's Association¹. This industry is expected to continue to grow significantly over the next 35 years², thereby creating a demand that cannot be met.

There are four main methods to invest in the senior

housing industry. The investment or return is dependent upon the risk.

1. Investing in a public company that specifically operates within the senior housing industry. This involves the lowest amount of risk

2. Investing in a Real Estate Investment Trust (REIT) that invests its capital in the senior housing industry.

3. Investing in a private equity group that owns several senior housing facilities.

4. Investing in a specific facility as a land owner or with the operator, or both. This method involves the highest

amount of risk.

When developing a seniors housing community, it is critical to research the particular location of the proposed facility to determine if the market can afford, and support, another successful facility.

Once a location has been determined, the following process should be implemented.

1) Determine the primary marketing area for the community based on the density of population of those who are financially qualified.

2) Market to the adult children because they are involved in the decision making process.

3) The number of financially qualified adult children should be twice the number of financially qualified prospective residents.

4) Perform a definitive analysis of the proposed facility's competition to determine the number and type of beds/units that should be built for a successful operation.

5) Solicit a financially credible and operationally successful health care operator to manage the facility. Having an effective health care operator is as important to the success of the facility as is having the legal right to build the facility.

6) Obtain the required permits for a special exception to build a seniors housing community. These may vary depending on the county. Requirements to obtain a permit include:

- > A rough development plan
- > A conceptual plan of the exterior and interior of the facility
- > Public community meetings explaining the need for such a community and how it will affect the neighborhood
- > A public hearing before a representative of the county government who will approve the use and grant the special exception

7) Maintain a current conceptual plan. Health care operators will have plans of buildings that they favor. Therefore, conceptual drawings that are produced to get the county's approval will not be wasted because the approval establishes a right and a general footprint for building purposes.

8) Determine various financial structures of development in which the health care operator can participate.

> Purchase the land and develop the property

> Joint venture the development and building with the land owner and lease the building from the joint venture.

> Request the land owner construct the building and lease the building from the land owner.

> Joint venture the development and the building and the health care operation.

9) Use professionals in the senior housing industry who know the health care operators and the future needs.

10) Determine the return on continued on page 20C

MID ATLANTIC Real Estate Journal

Save the Date!

Philadelphia Healthcare
Medical Properties &
conference

June 16, 2016

Hilton Philadelphia City Avenue | 8am - 12pm
4200 City Avenue, Philadelphia, PA

Estimated Rates of Alzheimer's disease and other dementias in Maryland by County

65 and Older

Jurisdiction	2000	2010	2020	2030	% Increase 2000-2030
Allegany	1,786	1,910	2,209	2,391	34%
Anne Arundel	5,565	9,606	11,823	11,823	112%
Baltimore City	11,013	11,292	13,138	14,203	29%
Baltimore	14,450	16,722	21,058	24,286	68%
Calvert	786	1,245	1,990	2,639	236%
Caroline	519	628	820	974	88%
Carroll	2,102	3,086	4,584	5,699	171%
Cecil	1,022	1,380	1,886	2,304	125%
Charles	1,071	1,673	2,616	3,540	231%
Dorchester	687	776	947	1,049	53%
Frederick	2,345	3,532	5,423	7,355	214%
Garrett	570	710	925	1,082	90%
Harford	2,451	3,532	5,064	6,296	157%
Howard	2,239	3,631	5,653	7,235	223%
Kent	488	579	720	818	68%
Montgomery	13,118	16,942	22,810	27,977	113%
Prince George's	6,820	9,535	13,668	17,066	150%
Queen Anne's	603	902	1,334	1,649	173%
St. Mary's	928	1,391	2,089	2,756	197%
Somerset	426	472	570	613	44%
Talbot	896	1,095	1,346	1,532	71%
Washington	2,401	2,827	3,569	4,127	72%
Wicomico	1,328	1,633	2,132	2,457	85%
Worcester	1,023	1,328	1,667	1,897	85%
Maryland	74,637	96,427	128,041	151,768	103%

Sources: US Census; MD Department of Planning, Population Projections,
Revised 07/20/;
Alzheimer's Association, Alzheimer's Disease Facts and
Figures 2007.

INVESTMENT TEAM EXPERIENCE

**Robert S. Gaines, Vice President**

Location: Philadelphia, Pennsylvania

Bob brings over 35 years of experience in real estate sales, and more than 10 years in management, development, marketing, analysis and sales for the eldercare industry. In his career, he has leased and sold more than \$300 million in real estate assets. As a senior care community advisor, Bob specializes in Senior Care Real Estate which offers acquisition and disposition services, asset management, and advisory to assisted independent living communities and skilled nursing facilities in the Mid-Atlantic region.

**Marilyn Storck CPMC**

Location: Philadelphia, Pennsylvania

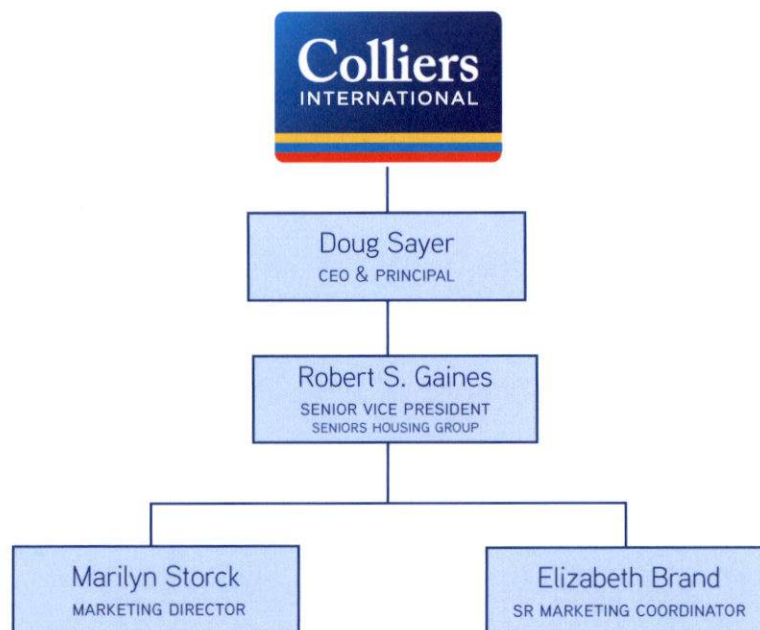
With high standards of design and a commitment to excellence, Marilyn is responsible for the development and oversight of the firm's marketing and public relations programs. Together with an in-house production team of graphic designers, presentations coordinator, and a GIS professional, she facilitates the marketing and public relations needs for more than 50 independent commercial real estate brokers within Colliers' six regional offices throughout the Tri-State region (PA, NJ and DE).

**Elizabeth Brand CPMC**

Location: Philadelphia, Pennsylvania

Liz's role is to support the brokerage in the creation and execution of marketing collateral while strengthening the company brand. With over 6 years of commercial real estate marketing experience, her focus is collaborating with brokerage teams, vendors, and clients to create a positive reputation for the company.

Investment Team



ROLES & RESPONSIBILITIES



Robert S. Gaines
SENIOR VICE PRESIDENT
SENIORS HOUSING GROUP

- Primary Point of Contact/Accountability
- Financial Analysis
- Develop/Implement Marketing Strategy
- Property Tours



Marilyn Storck
MARKETING DIRECTOR

- Marketing Strategy
- Oversight in production of the marketing materials amongst staff of five.



Elizabeth Brand
SENIOR MARKETING
COORDINATOR

- Design offering marketing collateral
- Prepare marketing packages

identities and involved distinct guidelines and regulations, were also lodged in Art. 4 of the BCZR which was entitled 'Special Regulations.' The remainder of the 'Special Exceptions,' which were not singled out for special handling, were treated in § 502, called 'Special Exceptions.' (It would have been preferable, of course, if § 502 had been entitled 'Other Special Exceptions.')⁷ The differentiation proceeded further when § 500, listing the powers of the Zoning Commissioner, listed his power to issue a use permit (such as for off-street parking) in subsection 500.4, but then listed his power to deal with 'Special Exceptions' under § 502 in a separate subsection, 500.2. We may thus perceive, as other conditional uses begin to take on separate identities and branch off from the main stem, the emergence of a distinct species 'Special Exceptions,' including in its ranks the remainder of the conditional uses which have not taken on distinct identities. The species 'Special Exceptions' is now a part of the genus 'Special Exceptions.' Therein is the heart of the problem. The same name now refers 1) to the whole and 2) to a part of the whole.

Notwithstanding this differentiation between the species, we think it preeminently clear that the singling out of certain conditional uses for special treatment in Art. 4 of the BCZR did not in any fashion denigrate from their credentials as members in continued good standing of the genus 'Special Exceptions.' Art. 4, in its Statement of

Page 702

Purpose, makes the reason for the distinct treatment quite clear:

'Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than [373 A.2d 279] would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.' (Emphasis supplied)

Indeed, various of the special conditional uses singled out for individual treatment in Art. 4 explicitly retain their membership in the genus 'Special Exceptions.' A mere representative list includes § 402.3 (The conversion of a residence 'for tearoom or restaurant use' is 'a Special Exception.');

§ 402B ('An antique shop may be permitted as a Special Exception.');

§ 402C ('A residential art salon may be permitted as a Special Exception.');

§ 405.2 ('Locations in which automotive-service stations are permitted as of right and by special exception.').

Baltimore County adopted a charter form of government as of December 6, 1956. The Baltimore County Code, 1958 Ed., granted power to the Zoning Commissioner by § 34-11. It referred explicitly to both 'special exceptions' and 'special permits.' It explicitly confirmed the authority of the Zoning Commissioner to continue to do those things which had been 'required by § XIII of the Zoning Regulations of Baltimore County, as adopted January 2, 1945, and as amended November 15, 1946.'

The distinction between the Use Permit for off-street parking in a residential zone under § 409.4, on the one hand, and the 'special exception,' on the other hand-the distinction on

which the appellants largely build their present argument—was first made by the Court of Appeals in *Marek v. Baltimore County Board of Appeals*, 218 Md. 351, 146 A.2d 875, in 1958. There, a requested permit for off-street parking was initially denied for what turned out to be an erroneous reason. The request was promptly

Page 703

resubmitted and was granted by the Board of Zoning Appeals and the grant was affirmed by the Circuit Court for Baltimore County. The protestants there claimed that under the provisions of § 500.12 of the BCZR, a request for a Special Exception, once denied, could not be entertained again until the expiration of 18 months. In the course of holding that § 500.12 was not a bar to the granting of the Use Permit for off-street parking, the Court of Appeals found, of necessity, that such a Use Permit was not a 'Special Exception.' The Court reasoned, at 218 Md. 357, 146 A.2d 877:

'This then brings us to the question as to whether or not the petition filed in this case is a petition for a special exception from the use that can be made of land lying in a zone classified as R. 6 Residential. We must conclude that this petition is not a request for a special exception. It is quite true that the zoning ordinance does provide that under certain circumstances and for certain purposes which are enumerated at length a different use may be made of the land than that which the zoning ordinance contemplates. Section 270 sets out this Schedule of Special Exceptions in detail and Sections 502 and 502.1 set forth the principles and conditions which shall govern the Zoning Commissioner and the Board.

Off-street parking is not mentioned among the many things which may be the subject of a special exception and the power to determine what situations shall be considered in that category is a legislative function, resting in this instance with the County Council of Baltimore County, and is not an administrative function of the Zoning Commissioner. The function of the Zoning Commissioner is limited to a determination under the existing factual situation if a special exception, one among those listed in the ordinance, is appropriate in any particular case.' (Emphasis supplied)

Page 704

There was now established, at least in terms of surface appearance, a seemingly unbridgeable dichotomy between a 'Special Use Permit' for off-street parking in a residential zone under § 409.4 of the BCZR and a 'Special Exception' under §§ 500.12 and 502 of the BCZR. This was to become the appellants' minor premise: A 'Use Permit' is not a 'Special Exception.' The major premise was established two years later with the passage by the Baltimore County Council of Bill No. 80, limiting for [373 A.2d 280] presently pertinent purposes the power of the Zoning Commissioner to the granting of 'Special Exceptions.' The predicate was now laid for the appellants' present syllogism, which is:

The delegated authority is to grant all 'Special Exceptions.' (Sect. 22-23 BCZR)

A is all B.

To grant a 'Use Permit' is not to grant a 'Special Exception.' (Marek)

C is not B.

Therefore, to grant a 'Use Permit' is not the delegated authority.

C is not A.

The validity of the syllogism appears irrefutable. Nonetheless, we reject it as invalid. In terms of formal logic, it fails because there is no universal middle term (although there appears to be). The reason is that, although the words are the same, the term 'Special Exception' does not mean the same thing in the major premise that it means in the minor premise. The term 'B' has shifted its meaning in the course of the syllogism.

It is clear to us that the Court of Appeals in Marek was distinguishing the Species 'Special Use Permit for Off-Street Parking' (governed by the rules of § 409.4) from the Species 'Special Exceptions' (meaning the remainder of the special exceptions which are controlled by the rules of §§ 502 and 500.12, establishing the 18-month limitation for repetition purposes). The Court was by no means indicating that the Species 'Special Use Permit for

Page 705

Off-Street Parking' was no longer a part of the Genus 'Special Exceptions' (encompassing all conditional uses no matter what their labels, what their separate identities and what their special regulatory provisions might be). Indeed, no such problem was before it and it had no occasion even to consider the question. The distinction was only between two species within the same genus and not between a species and its parent genus. Indeed, we think the Court of Appeals was still giving the term its specific meaning when in *Jacobs v. County Board of Appeals for Baltimore County*, 234 Md. 242, 198 A.2d 900, it said in 1964, at 234 Md. 248, 198 A.2d at 903:

'(W)e held in *Marek*, *supra*, that the Use Permits granted under Section 409.4 did not constitute 'special exceptions' . . .'

Quite clearly, the Court of Appeals did not mean to exempt the granting of Use Permits for off-street parking from the delegated powers of the Zoning Commissioner and County Board of Appeals, for in the *Jacobs* case itself, the Court affirmed the actions of the Zoning Commissioner and the County Board of Appeals in granting just such a Use Permit for off-street parking. That was four years after the Baltimore County Council had rearticulated the delegation of power, granting only, for presently pertinent purposes, the power to make 'Special Exceptions.' In *Bloede v. MacNabb*, 231 Md. 452, 190 A.2d 780, the Court of Appeals had also dealt with the granting of a 'Use Permit' for off-street parking in a residential area by the Baltimore County Board of Appeals. It there said explicitly, at 231 Md. 454, 190 A.2d at 781:

'Section 409.4a of the Baltimore County zoning regulations authorizes the zoning commissioner to issue a permit for the use of land in a residential zone for a parking area . . .'

Because as used in §§ 502 and 500.12 and by the Court of Appeals in Marek and Jacobs, the term 'Special Exceptions'

Page 706

is given only its narrower and more specific meaning, the premises for the appellants' syllogism become:

A is all B.

C is not some-B.

From those premises, it cannot be established validly whether 'C' (the granting of a 'Use Permit' for off-street parking) is or is not 'A' (within the power designated to the Zoning Commissioner).

To have established this much is to refute the logic of the appellants, but not yet to establish the counter-logic of the appellee.

For that purpose, we must look to the meaning of the term 'B' as employed in the major premise, which is to say we must look to the meaning of the phrase 'Special Exceptions' as used by the Baltimore County Council in repealing and reenacting the [373 A.2d 281] grant of authority to the Zoning Commissioner and the County Board of Appeals in 1960.

It is clear to us that County Council Bill No. 80 of 1960 was intended not to rewrite the substance of the Baltimore County zoning law but only to consolidate, reorganize and edit the planning and zoning provisions that as of that time, after some 15 years of growth, were scattered throughout the Baltimore County Code. Indeed, § 4 of Bill No. 80 itself provided that its short title would be 'The 1960 Planning and Zoning Reorganization Bill.' (Emphasis supplied) Every indication is that the County Council fully intended the Zoning Commissioner and the County Board of Appeals to continue to enjoy and to exercise the same authority that had theretofore been theirs under the predecessor grant of authority. Bill No. 80 created Title 23 of the Baltimore County Code entitled 'Planning, Zoning and Subdivision Control' and specifically provided in § 23-25 thereof:

'The zoning regulations adopted by Baltimore County on March 30, 1955, as amended on the effective date of this Act, are hereby declared to be in full force and effect provided, however, that in

Page 707

the case of any conflict between such regulations and the provisions of this Act, these provisions shall control.'

Above and beyond the short title, the title of Bill No. 80 confirms the intent of the County Council 'to reorganize and consolidate the functions of planning, zoning and subdivision control in Baltimore County and to define the duties, powers, responsibilities, qualifications and manner of appointment . . .' of various zoning officials including the Zoning Commissioner. There is no indication in the title or the preamble that the Council sought to repeal any of the authority of the Zoning Commissioner to grant Use Permits for off-street parking. It is well established that legislative intent may be discerned by examining a statute's title or preamble as well as its terms. *Board of County Commissioners v. Colgan*, 274 Md. 193, 200-201, 334 A.2d 89; *Mass Transit Adm. v. Balto. Co. Rev. Authority*, 267 Md. 687, 695-696, 298 A.2d 413; *Shipley v. State*, 201 Md. 96, 103, 93 A.2d 67.

It is asserted by the appellee and conceded by the appellants that the settled usage in Baltimore County, even post-1960, is for the Zoning Commissioner to grant 'Use Permits' for off-street parking in residential zones (or, as the case may be, to refuse the grant but in any event, to consider the question). Both *Jacobs v. County Board of Appeals*, *supra*, and *Bloede v. MacNabb*, *supra*, are evidence of this practice. Administrative interpretations contemporaneous with the passage of a statute have been considered strong evidence on the question of its best construction. *Smith v. Higinbotham*, 187 Md. 115, 48 A.2d 754. We think it preeminently clear that the Baltimore County Council did not intend to erode the power of the Zoning Commissioner to continue to do those things which he had been doing since the advent of zoning regulations in that county. 'When a word in a statute is not clear, the courts will seek the legislative intent in the language of the statute by considering the object to be accomplished and adopt the meaning which will harmonize therewith in carrying out the purpose of the statute.' *Walker v.*

Page 708

Montgomery County Council, 244 Md. 98, 102, 223 A.2d 181; *Height v. State*, 225 Md. 251, 170 A.2d 212; *Powell v. State*, 179 Md. 399, 401, 18 A.2d 587.

We find further evidence of both the original legislative intent and the continued and settled usage in the county from the fact that, again post-1960, subsequent editions of the BCZR in 1963, in 1969 and in 1975 have continued to include § 409.4 which explicitly authorizes the Zoning Commissioner to grant 'Use Permits' for off-street parking in residential zones. Pertinent here are the words of *Smith v. Higinbotham*, *supra*, at 187 Md. 132-133, at 48 A.2d 763:

' . . . where the language of a statute is susceptible of two constructions, a long-continued and unvarying construction applied by administrative officials is strong persuasive influence in determining the judicial construction of the statute,[373 A.2d 282] and it should not be disregarded except for the strongest and most urgent reasons.'

See also *Rogan v. B. & O. R.R. Co.*, 188 Md. 44, 53, 52 A.2d 261; *American-Steward Distillery v. Stewart Distilling Co.*, 168 Md. 212, 177 A.2d 473.

We are persuaded overwhelmingly that in the enabling act of 1960, the Baltimore County Council intended to give the phrase 'Special Exceptions' its broad and generic meaning. It used it broadly even as the Court of Appeals had defined it in *Heath v. Mayor and City Council*, 187 Md. 296, 303, 49 A.2d 799, 803, as:

'... a dispensation permissible where the Board of Zoning Appeals finds existing those facts and circumstances specified in the ordinance as sufficient to warrant a deviation from the general rule.'

In just such a sense did Judge Davidson define the term for this Court in *Anderson v. Sawyer*, 23 Md.App. 612, 617, 329 A.2d 716, 720:

'The conditional use or special exception is a part of the comprehensive zoning plan sharing the

Page 709

presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.' (Emphasis supplied)

It is beyond cavil that the granting of a 'Use Permit' for off-street parking in a residential zone under the provisions of § 409.4 falls within this broad definition of 'Special Exception.' The Species 'Use Permit' is indisputably a member of the Genus 'Special Exception.' It is also indisputably clear that the Baltimore County Council in 1960 used the term 'Special Exception' in its broad and generic sense. With this new minor premise, the ultimate syllogism becomes:

The delegated authority is to grant all 'Special Exceptions.' (Sect. 22-23 BCZR)

A is all B.

To grant a 'Use Permit' is to grant a 'Special Exception.'

C is some-B.

Therefore, to grant a 'Use Permit' is the delegated authority.

C is A.

Q. E. D.

This conclusion is irrefutably valid. The action of the Baltimore County Circuit Court affirming the decision of the

Page 710

County Board of Appeals affirming the decision of the Zoning Commissioner will, therefore, be and is hereby affirmed.

JUDGMENT AFFIRMED; COSTS TO BE PAID BY APPELLANTS.

1 The more exact residential zoning classification does not appear in the record.

2 The permit was issued subject to the following conditions:

1. Compact screening, a minimum of six (6) feet in height, be constructed around the entire subject property, excluding entrances and exits, and that portion of the subject property which is immediately adjacent to the Overlea Hall catering establishment.

2. Any lighting that is constructed on the subject property is to be a maximum of six (6) feet in height.

3. Only ingress be afforded from the entrance on Overlea Avenue.

3 The People's Counsel is appointed by the Baltimore County Executive and is charged with representing the public interest before the Zoning Commissioner, the County Board of Appeals, or the courts in any matter involving the Baltimore County Zoning Regulations. Baltimore County Charter § 524.1(b); Baltimore County Code (1968 ed., 1975-75 Cum.Supp.).

4 An appeal to the County Board of Appeals is authorized in Md.Anno.Code, Art. 25A § 5(u) (1975 Cum.Supp.) and § 501.2 of the BCZR.

5 To be more fully discussed hereinafter.

6 Appeals to the Circuit Court and then to the Court of Special Appeals are authorized by Md.Anno.Code, Art. 25A § 5(u) and § 501.4 of the BCZR. See *Levy v. Seven Slade, Inc.*, 234 Md. 145, 149, 198 A.2d 267, 269 (1964).

7 We do not agree that § 502 need be complied with in order to obtain a use permit for off-street parking which is governed exclusively by § 409.4.

ANIMAL BOARDING PLACE, CLASS

Any other animal boarding place not excluded under the general definition of "animal boarding place" above.

[Bill No. 85-1967]^[3]

ANIMAL GROOMING FACILITY

A building used for the bathing, clipping, or grooming of household pets. No overnight care or boarding may be provided in the animal grooming facility. An animal grooming facility may be the sole use in a building or it may accompany a retail use, a veterinarian's office, a veterinarian's office, a veterinarian's office or an animal boarding facility.

[Bill No. 93-2006]

ANTIQUE SHOP

A retail establishment for the sale of goods of a type that are often purchased by collectors and that may include furniture, pottery, glassware, jewelry, linens, tools, artworks and books which were manufactured at least 20 years in the past. Antique shop includes the outside display of merchandise offered for sale in front of the establishment on the same lot within five feet of the front porch of front building facade.

[Bill Nos. 73-2000; 74-2000]

ARCADE

A building or part of a building in which five or more pinball machines, video games or other similar player-operated amusement devices are maintained.

[Bill No. 29-1982]

AREA, NET

Land area not including area of land in public streets or other fee-simple public rights-of-way.

[Bill No. 40-1967]

ARTERIAL STREET

A motorway or portion thereof which: is or is intended for travel to or from major employment centers, such as town centers; has or is intended to have, four or more lanes for moving traffic; is or is intended to be designed for traffic speeds of at least 40 miles per hour; has or is intended to have a right-of-way at least 66 feet wide; is not a freeway or an expressway; and has been designated as an arterial street (or as a boulevard or thoroughfare) by the Planning Board.

[Bill No. 40-1967]

ASSISTED-LIVING FACILITY

A building, or section of a building, that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, to meet the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living and which is licensed as an assisted-living program as defined under Title 19, Subtitle 18 of the Health-General Article, Annotated Code of Maryland. For the purposes of this definition, if a resident lives in a room or apartment providing complete kitchen facilities intended for the daily preparation of meals by or for that resident, the unit shall not be considered an assisted-living facility. Density for such facilities shall be calculated at 0.25 for each bed.

[Bill Nos. 36-1988; 188-1993; 19-2004]

A. ASSISTED-LIVING FACILITY I

An assisted-living program which:

1. Is located in a structure which was built at least five years before the date of application;
2. Was not enlarged by 25% or more of ground floor area within the five years before the date of application; and
3. Which accommodates fewer than eight resident clients.

B. ASSISTED-LIVING FACILITY II

An assisted-living program which:

1. Is located in a structure which was built at least five years before the date of application;

2. Was not enlarged by 50% or more of ground floor area within the 5 years before the date of application; and
3. Accommodates between eight and 15 resident clients.

C. ASSISTED-LIVING FACILITY III

An assisted-living program which:

1. Will accommodate more than 15 resident clients; and
2. Will be in a structure which was built or enlarged by more than 25% of ground floor area less than five years before the date of application; or
3. Will be in a structure which will be newly constructed or enlarged by more than 25% of ground floor area for the assisted-living program.

BALTIMORE COUNTY CODE

The Baltimore County Code of 2003, as amended.

[Bill No. 137-2004]

BANK

The term "bank" includes bank station, building and loan association, savings and loan association, credit union and similar chartered financial institutions. The term also includes automatic teller machines or banking devices and drive-through banking facilities, except as limited by the use listing in any zone where a bank is permitted.

[Bill Nos. 13-1980; 191-1990]

BASEMENT

That portion of a building below the first floor, the floor of which is less than 1/2 of the height of the room below the average grade of the adjoining ground. (See definitions of "cellar" and "story.")^[4]

BED-AND-BREAKFAST INN

A tourist home located on a minimum five-acre tract with frontage on an arterial or collector street that provides four to 20 rooms for paying guests on an overnight basis for periods not to exceed 14 days, with breakfast being available on premises at no additional cost. A bed-and-breakfast inn is allowable in a building originally constructed as a one-family dwelling that has historic value or significance, and may include accessory structures.

[Bill Nos. 113-1988; 130-2005]

BEDROOM

The term "bedroom" includes a bedroom, any other room used principally for sleeping purposes, an "all-purpose room," a study or a den, provided that no room having less than 100 square feet of floor area shall be considered a bedroom.

[Bill No. 100-1970]

BILLIARD OR POOL ROOM

A business establishment where the principal use is the playing of pool or billiards and at least 75% of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public.

[Bill No. 30-1983]

BOARDING- OR ROOMING HOUSE

[Bill Nos. 44-1982; 124-1993; 86-2001; 102-2001; 137-2004; 17-2009]

A. A building:

1. Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more individuals who are 18 years old or older and not related by blood, marriage or adoption to the owner; or
2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more

**724 A.2d 745
125 Md. App. 183**

**CARRIAGE HILL CABIN JOHN, INC.
v.
MARYLAND HEALTH RESOURCES PLANNING COMMISSION, et al.**

No. 388, Sept. Term, 1998.

Court of Special Appeals of Maryland.

February 25, 1999.

[724 A.2d 749]

Joseph L. Bianculli of Arlington, VA (David Abse of Edgewater, on the brief), for appellant.

C. Frederick Ryland, Assistant Attorney General (J. Joseph Curran, Jr., Attorney General, on the brief), Baltimore, for appellee, Maryland Health Resources.

Jack Tranter (Thomas C. Dame and Gallagher, Evelius & Jones, LLP, on the brief), Baltimore, for appellee, HMC Retirement Properties, Inc.

Argued before MURPHY, C.J., and HOLLANDER and KENNEY, JJ.

[724 A.2d 746]

[724 A.2d 747]

[724 A.2d 748]

HOLLANDER, Judge.

This appeal arises from a fierce competition that began in 1991, pitting three health care providers in a battle to obtain the requisite Certificate of Need from the Maryland Health Resources Planning Commission (the "Commission"), appellee, for the development of new nursing home beds in Montgomery County (the "County"). The competitors, Carriage Hill-Cabin John, Inc.¹ ("Carriage Hill" or "CHCJ"), appellant, Marriott Retirement Communities, Inc. ("MRCI" or "Marriott"),² appellee, and Montgomery InterCare Associates ("InterCare"), all sought the right to develop a maximum of 84 comprehensive care beds,³ allocated to the County under the State Health Plan.

Ultimately, on November 13, 1995, the Commission issued a Final Decision approving Marriott's proposals and denying the competing applications submitted by

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2016-209-SFH

DATE 5-23-2016

PETITIONER'S SIGN-IN SHEET

[illegible]

RECEIVED

MAY 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION

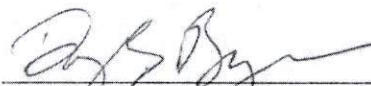
9307 Lyons Mill Road
S/s Lyons Mill Road, 181 ft. E/of
Centerline of Wynfield Drive
Legal Owners: Stillway Associates
Partnership

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* Petitioner
* 2016-0209-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Douglas L. Burgess, Esq. for the Petitioner in the above matter.

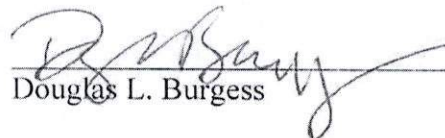


Douglas L. Burgess
Burgess Law, LLC
8640 Ridgelys Choice Drive
Suite 201A
Nottingham, MD 21236
410-870-5200
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2016, I hand delivered a copy of the foregoing Entry of Appearance to:

Peter Max Zimmerman, People's Counsel
Jefferson Building
105 West Chesapeake Avenue
Suite 204
Towson, MD 21204



Douglas L. Burgess

Sherry Nuffer

From: Kelly Hoke <Admin@burgesslawllc.com>
Sent: Monday, May 23, 2016 10:07 AM
To: Sherry Nuffer
Cc: Doug Burgess
Subject: Case 2016-0209-SPH
Attachments: Entry of Appearance.pdf

Please see attached Entry of Appearance for above-referenced case.

Thank you.

Kelly Hoke
Burgess Law, LLC
8640 Ridgelys Choice Drive
Suite 201A, BCEFCU Bldg.
Nottingham, MD 21236
410-870-5200

CONFIDENTIALITY NOTICE

This information is intended solely for the intended recipient. If you are not the intended recipient, please erase the contents and notify us immediately.

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

3/28/16

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no obj
w/ comment

3/28/16

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

C

FIRE DEPARTMENT

5/19/16

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

C - no obj

3/21/16

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/3/16

SIGN POSTING

Date:

5/3/16

by

Cg/le

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

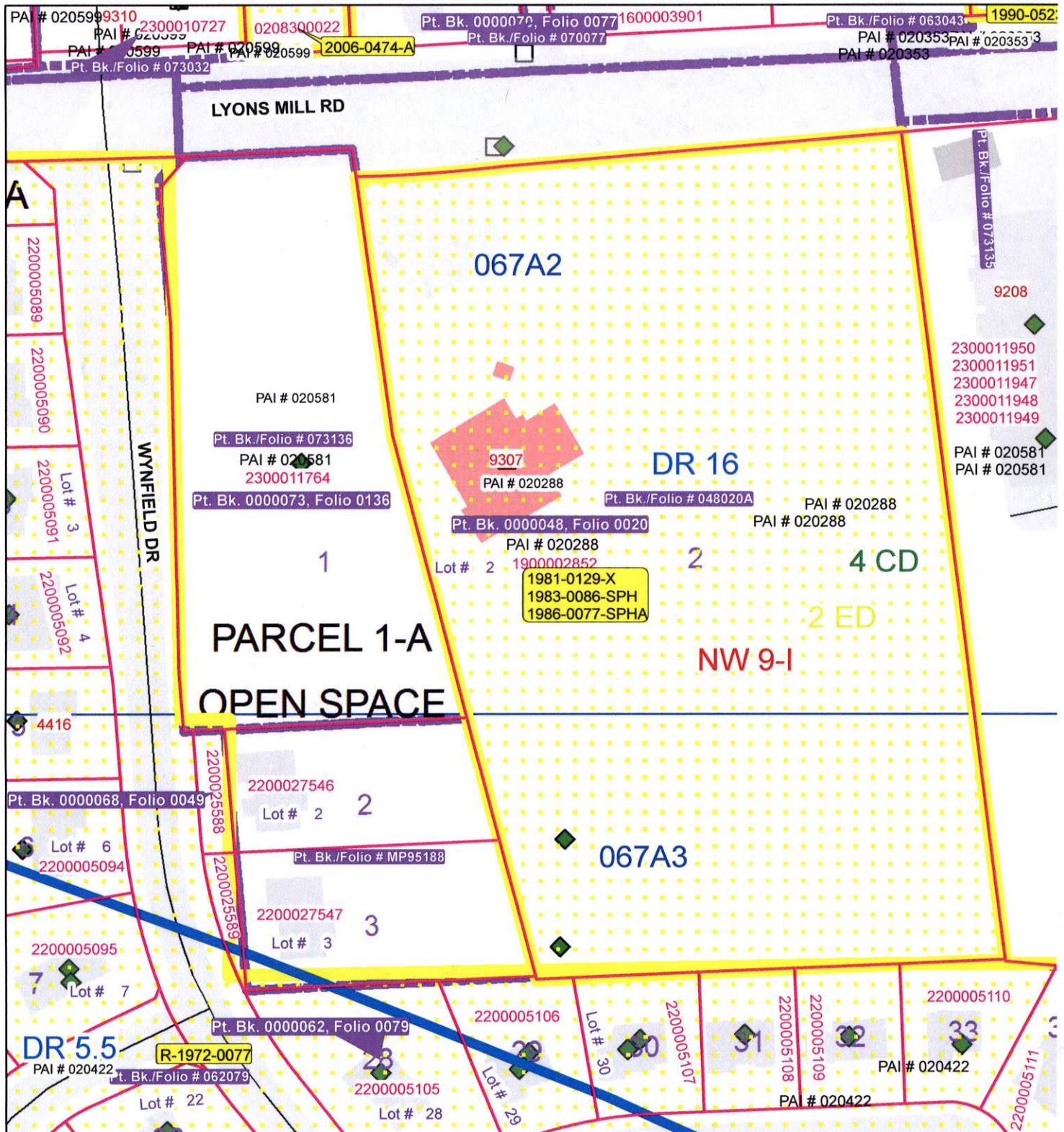
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier: District - 02 Account Number - 1900002852					
Owner Information					
Owner Name:		STILLWAY ASSOCIATES PARTNERSHIP		Use:	COMMERCIAL
Mailing Address:		9307 LYONS MILL RD OWINGS MILLS MD 21117-4807		Principal Residence:	NO
				Deed Reference:	/06316/ 00166
Location & Structure Information					
Premises Address:		9307 LYONS MILL RD 0-0000		Legal Description:	4.96 AC PRT LT 2 HOMER E TURNER
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0067	0014	0027		0000	
Block:	Lot:	Assessment Year:	Plat No:		
	2	2016	Plat Ref: 0048/0020		
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1940	5815		4.9600 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		DAY CARE CENTER			
Value Information					
Base Value		Value As of 01/01/2016	Phase-in Assessments		
			As of 07/01/2015	As of 07/01/2016	
Land:	233,100	233,100			
Improvements	227,200	244,600			
Total:	460,300	477,700	460,300	466,100	
Preferential Land:	0			0	
Transfer Information					
Seller: TURNER HOMER E		Date: 08/07/1981	Price: \$100,000		
Type: ARMS LENGTH IMPROVED		Deed1: /06316/ 00166	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	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	0.00 0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

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

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>)

307 Lyons Mill Road



Publication Date: 3/9/2016



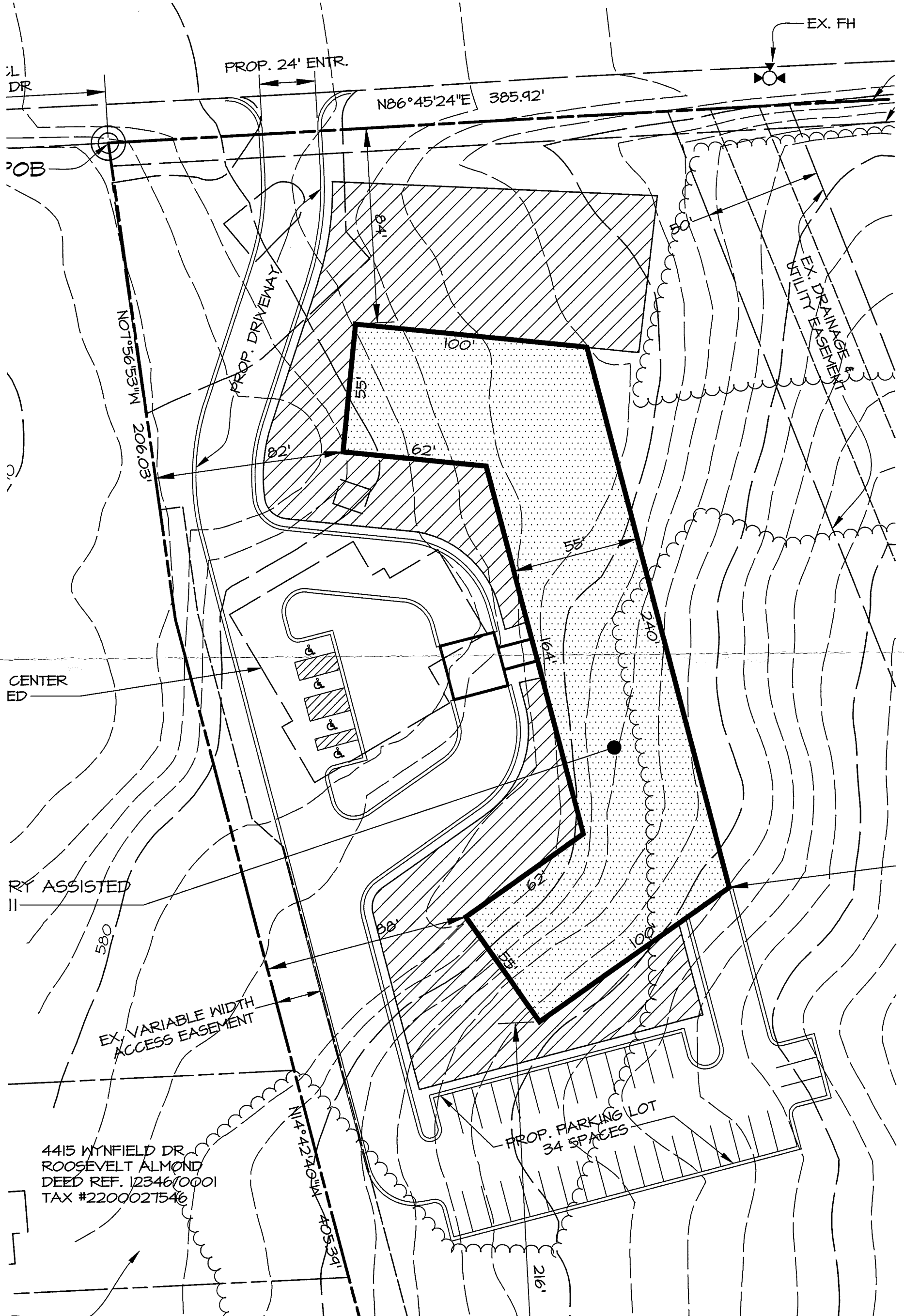
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item # 0209





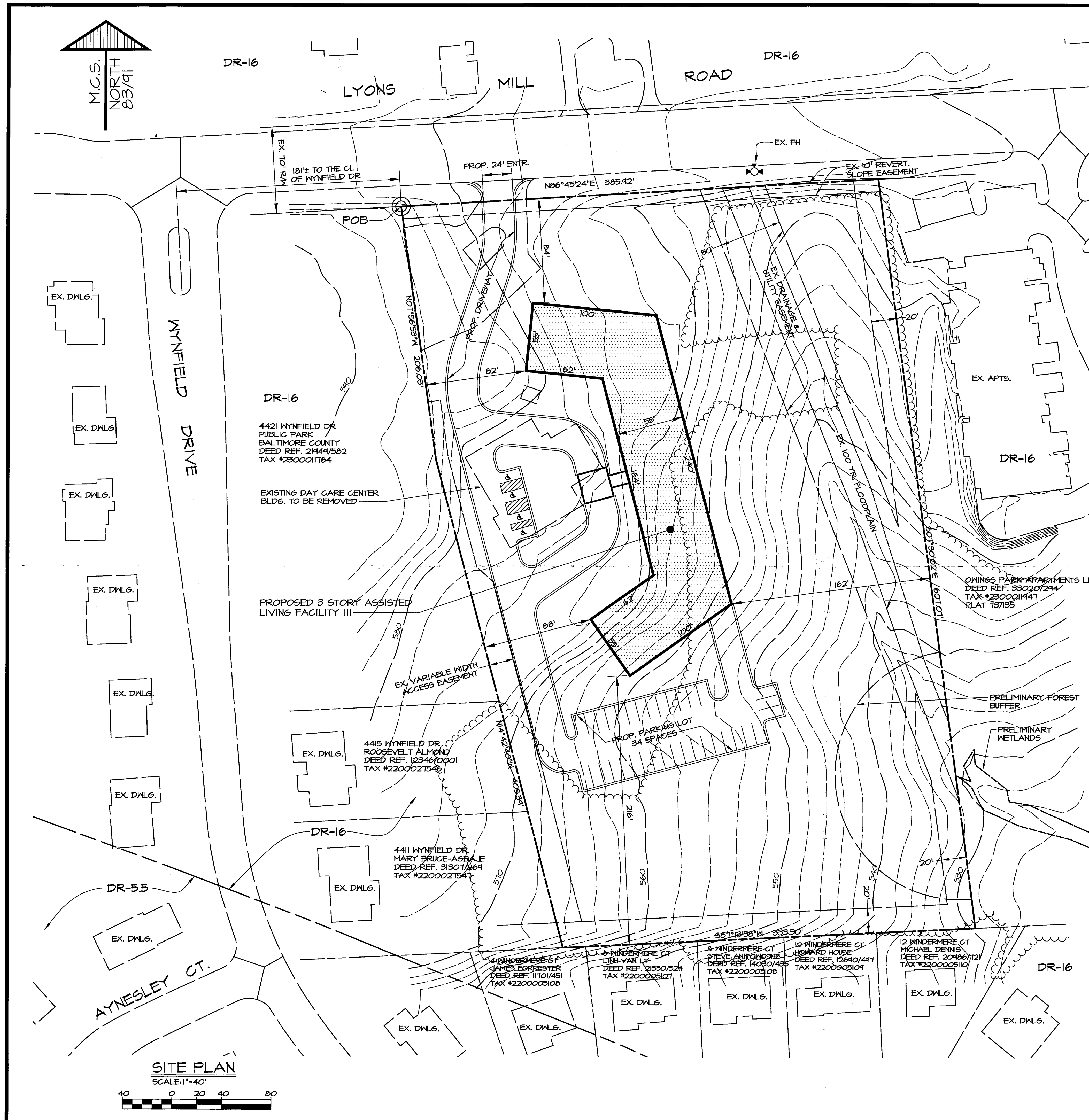
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

EXHIBIT 5B limited to, a
s' fees, and



- GENERAL NOTES:**
1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 2. THERE IS A 100 YEAR FLOODPLAIN ON SITE.
 3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
 4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
 5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
 6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
 7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.
 8. THERE ARE NO PRIOR CR6 OR DEVELOPMENT PLANS ON THIS PROPERTY.
 9. THERE ARE NO OUTSTANDING ZONING VIOLATIONS ON THIS PROPERTY.
 10. THERE ARE NO PRIOR COMMERCIAL PERMITS ON THIS SITE.
 11. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY.
 12. ALL SIGNAGE WILL COMPLY WITH SECTION 450, BCZR.

SITE DATA:

SITE AREA - GROSS	5.41 AC ±, 238,126 SF ±
SITE AREA - NET	5.20 AC ±, 226,516 SF ±
ZONING MAPS	61A2 & A3
EXISTING ZONING	DR-16
EXISTING USE	DAY CARE
PROPOSED USE	ASSISTED LIVING FACILITY III

DENSITY CALCULATIONS:

DENSITY ALLOWED	5.20 AC x 16 = 83 DENSITY UNITS
0.25 BEDS/DENSITY UNIT =	332 BEDS

DENSITY PROPOSED:

NUMBER OF BEDS	74
ASSISTED LIVING	26
MEMORY SUPPORT	100
TOTAL BEDS	100

PARKING CALCULATIONS:

PARKING REQUIRED	1 SPACE/3 BEDS	100/3 = 34
PARKING PROPOSED	STANDARD SPACES	34
ACCESSIBLE SPACES		4
TOTAL PROPOSED		38

OWNER:
STILLWAY ASSOCIATES PARTNERSHIP
4307 LYONS MILL ROAD
OWINGS MILLS, MD 21117
DEED REF 6316/166
TAX #1900002852
MAP 6T, GRID 14, PARCEL 27

DRG HISTORY:
DRG #080408J

ZONING CASE HISTORY:
81-124-X SPECIAL EXCEPTION FOR A DAY CARE CENTER - GRANTED 5/15/81.

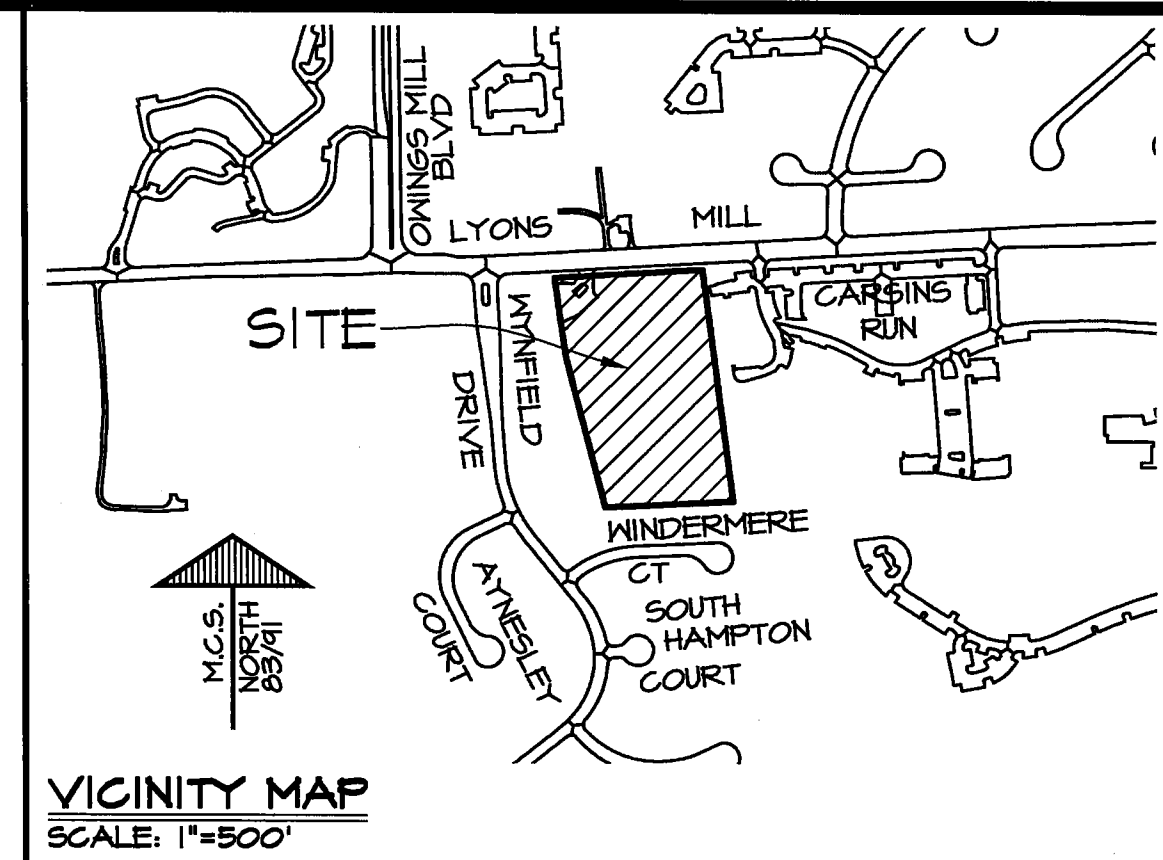
83-86-SPH AMENDED SITE PLAN IN CASE 81-124X TO ALLOW THE CONSTRUCTION OF A 30'x40' SCREENED IN PORCH - GRANTED 10/4/82.

86-77-SPHA SPECIAL HEARING TO AMEND THE SITE PLAN IN CASE 81-124SPH TO ALLOW FOR THE EXPANSION OF THE USE GRANTED AND A VARIANCE TO PERMIT A MINIMUM DISTANCE BETWEEN BUILDINGS OF 15' INSTEAD OF THE REQUIRED 15' - GRANTED 8/30/85.

ZONING RELIEF REQUESTED:
A USE PERMIT FOR AN ASSISTED LIVING FACILITY III AND UPON PETITIONER USING THE ZONING RELIEF REQUESTED HERETOFORE BY ISSUANCE AND UTILIZATION OF A NON-APPEALABLE BUILDING PERMIT CONSISTENT THEREWITH, THE EXISTING ZONING RELIEF RELATED TO THE SITE, TO WIT, THE SPECIAL EXCEPTION ON THE SITE FOR A CHILD CARE FACILITY, WILL BE DEEMED ABANDONED AND TO AMEND THE SITE PLAN IN CASE 86-77-SPHA.

SITE PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING	
ASSISTED LIVING FACILITY III	
9307 LYONS MILL ROAD	
AKA: LOT 2, PROPERTY OF HOMER E. TURNER, PLAT 48/20 2nd ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD	
THOMAS J. HOFF	SCALE: AS SHOWN
LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS	DATE: 03/08/16
512 VIRGINIA AVENUE TOWSON, MARYLAND 21286	JOB NO.: 0637-01
410-296-3668 FAX 410-825-3887	DESIGNED: TJH
REVISIONS:	DRAWN: TJH
DRAWING NUMBER:	
Z-1	

THIS DRAWING WAS MADE IN THE USA



GENERAL NOTES:

1. PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THERE IS A 100 YEAR FLOODPLAIN ON SITE.
3. THERE ARE NO HISTORIC STRUCTURES LISTED ON THE HISTORIC INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE.
4. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
5. PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. BEARINGS AND DISTANCES SHOWN HEREON TAKEN FROM DEEDS AND PLATS.
7. TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS.
8. THERE ARE NO PRIOR CRG OR DEVELOPMENT PLANS ON THIS PROPERTY.
9. THERE ARE NO OUTSTANDING ZONING VIOLATIONS ON THIS PROPERTY.
10. THERE ARE NO PRIOR COMMERCIAL PERMITS ON THIS SITE.
11. THERE ARE NO BASIC SERVICES ISSUES ON THIS PROPERTY.
12. ALL SIGNAGE WILL COMPLY WITH SECTION 450, BCZR.

SITE DATA:
SITE AREA - GROSS 5.47 AC±, 238,126 SF±
SITE AREA - NET 5.20 AC±, 226,576 SF±
ZONING MAPS 67A2 & A3
EXISTING ZONING DR-16
EXISTING USE DAY CARE
PROPOSED USE ASSISTED LIVING FACILITY III

DENSITY CALCULATIONS:
DENSITY ALLOWED
5.20 AC x 16 = 83 DENSITY UNITS
0.25 BEDS/DENSITY UNIT = 332 BEDS
DENSITY PROPOSED:
NUMBER OF BEDS
ASSISTED LIVING 74
MEMORY SUPPORT 26
TOTAL BEDS 100

PARKING CALCULATIONS:
 PARKING REQUIRED
 1 SPACE/3 BEDS 100/3 = 34
 PARKING PROPOSED
 STANDARD SPACES 34
 ACCESSIBLE SPACES 4
 TOTAL PROPOSED 38

OWNER:
STILLWAY ASSOCIATES PARTNERSHIP
9307 LYONS MILL ROAD
OWINGS MILLS, MD 21117
DEED REF 6316/166
TAX #19000002852
MAP 67, GRID 14, PARCEL 27

DRC HISTORY:
DRC #080408J

ZONING CASE HISTORY:
81-129-X SPECIAL EXCEPTION FOR A DAY CARE CENTER -
GRANTED 5/13/81.

83-86-SPH AMENDED SITE PLAN IN CASE 81-129X TO ALLOW THE CONSTRUCTION OF A 30'X40' SCREENED IN PORCH - GRANTED 10/4/82.

86-77-SPHA SPECIAL HEARING TO AMEND THE SITE PLAN IN CASE 81-129SPH TO ALLOW FOR THE EXPANSION OF THE USE GRANTED AND A VARIANCE TO PERMIT A MINIMUM DISTANCE BETWEEN BUILDINGS OF 15' INSTEAD IF THE REQUIRED 75' - GRANTED 8/30/85

ZONING RELIEF REQUESTED:
A USE PERMIT FOR AN ASSISTED LIVING FACILITY III AND UPON
RETROACTIVE USE OF THE ZONING RELIEF REQUESTED HERETOFORE BY
THE PETITIONER, THE PETITIONER REQUESTS THAT THE CITY
ISSUANCE AND UTILIZATION OF THE SPECIAL ABUSE PERMIT WITH
CONSISTENT THEREWITH, THE EXISTING ZONING RELIEF RELATED TO
THE SITE, TO WIT, THE SPECIAL EXCEPTION ON THE SITE FOR A CHILD
CARE FACILITY, WILL BE DEEMED ABANDONED AND TO AMEND THE
SITE PLAN IN CASE 86-77-SFPA.

#2016-0209-SPH

SITE PLAN TO ACCOMPANY PETITION FOR
SPECIAL HEARING
ASSISTED LIVING FACILITY III

AKA: LOT 2, PROPERTY OF HOMER E. TURNER, PLAT 48/20
2nd ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

REVISIONS:

SCALE: AS SHOWN

DATE: 03/08/16

JOB NO.: 0637-01

DESIGNED: TJH

DRAWN: TJH

DRAWING NUMBER:

 $|z|$

THIS DRAWING WAS MADE IN THE USA