

IN RE: PETITION FOR SPECIAL EXCEPTION *
(1306 Westburn Road)
1st Election District *
1st Council District
Donovan M. & Brandon M. Anderson *
Petitioners *

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0170-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed for property located at 1306 Westburn Road. The Petition was filed on behalf of the legal owners of the subject property, Donovan M. and Brandon M. Anderson ("Petitioners"). The Variance petition seeks relief pursuant to §§ 409.6.A.1, 432A.1.C.1 and 432A.1.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed Assisted Living Facility (ALF).

Although the initial public hearing was scheduled for February 10, 2017, the Petitioners' representative, Thomas J. Hoff, e-mailed a letter to the OAH requesting that the hearing be canceled. Under the Zoning Commissioner's Rules, a zoning petition may be withdrawn by the Petitioner. B.C.Z.R. Appendix G, Rule 4F. The request in this case was filed on February 6, 2017, which is less than "10 business days prior to the hearing date." As such, the petition will be dismissed with prejudice.

THEREFORE, IT IS ORDERED, this 6th day of **February, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance filed in the above case, be and is hereby DISMISSED with prejudice.

ORDER RECEIVED FOR FILING

Date 2-6-17

By bw

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 2-6-17

By lw



KEVIN KAMENETZ
County Executive

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

February 6, 2017

Thomas J. Hoff, RLA
Landscape Architects and Land Development Consultants
512 Virginia Avenue
Towson, MD 21286

RE: Petition for Variance
Case No. 2017-0170-A
Property: 1306 Westburn Road

Dear Mr. Hoff:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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 1306 WESTBURN ROAD

which is presently zoned DR-3.5

Deed References: 37828/68

10 Digit Tax Account # 1900012182

Property Owner(s) Printed Name(s) DONOVAN & BRANDON ANDERSON

(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

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

3. X a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

DONOVAN ANDERSON - BRANDON ANDERSON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1306 WESTBURN RD., BALTIMORE, MD

Mailing Address

City

State

21228

443-851-1835

DANDE90905@YAHOO.COM

Zip Code

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 2017-0170-A

Filing Date 12/22/16

Do Not Schedule Dates: _____

Reviewer [Signature]

ATTACHMENT TO PETITION FOR VARIANCES – 1306 WESTBURN ROAD

ZONING RELIEF REQUESTED FOR A PROPOSED ASSISTED LIVING FACILITY:

- 1) Section 409.6.A.1 – to permit 1 parking space for 4 beds in lieu of the required 2 parking spaces
- 2) Section 432A.1.C.1 – to permit a parking setback of 2 feet from the property line in lieu of the required 10 feet
- 3) Section 432A.1.C.2 – to permit parking and delivery areas to be located in the front yard in lieu of the required side or rear yard

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

December 22, 2016

**Description of 1306 Westburn Road to Accompany Petition for Variances,
1st Election District, 1st Councilmanic District**

BEGINNING FOR THE SAME at a point at the end of Westburn Road (50' R/W), 180 feet more or less south of the centerline of Burnt Oak Road (50' R/W).

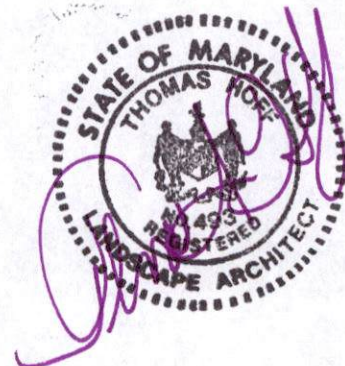
Thence leaving the end of Westburn Road,

- 1) South 13 degrees 28 minutes 00 seconds East 72.39 feet, thence,
- 2) South 76 degrees 32 minutes 00 seconds West 77.00 feet, thence,
- 3) South 13 degrees 28 minutes 00 seconds East 52.00 feet, thence,
- 4) South 77 degrees 37 minutes 58 seconds East 71.99 feet, thence,
- 5) North 12 degrees 22 minutes 02 seconds East 50.95 feet, thence,
- 6) North 13 degrees 28 minutes 00 seconds West 107.00 feet, thence binding on the end of Westburn Road,
- 7) North 77 degrees 37 minutes 58 seconds West 11.11 feet, to the place of beginning.

Containing 0.147 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



Item #0170



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

No. **142837**

Date: **12/22/16**

PAID RECEIPT

BUSINESS ACTUAL TIME TRN
12/23/2016 12/22/2016 10:09:34 1

REG 0501 WALKIN LJR
RECEIPT # 698736 12/22/2016 OFLN

Dept 5 528 ZONING VERIFICATION
CA NO. 142837

Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				575 ⁰⁰

Total: **575⁰⁰**

Rec From: **D. B. Anderson**

For: **Zoning Hearing - case # 2017 0170-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11253442

Case #: 2017-0170-A

Description:

CASE NUMBER: 2017-0170-A - NOTICE OF ZONING HEARING

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/19/2017



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2017-0170-A

1306 Westburn Road

S/s Westburn Road, 180 ft. S/of Burnt Oak Road

1st Election District - 1st Councilmanic District

Legal Owners: Donovan Anderson & Brandon Anderson

Variance to 1. To allow 1 parking space for 4 beds in lieu of the required 2 spaces for an Assisted Living Facility. 2. To allow a 2 ft. setback for parking from the property line in lieu of the required 10 ft. setback. 3. To allow parking and delivery areas in the front yard in lieu of the required side or rear yard location.

Hearing: Friday, February 10, 2017 at 10:00 a.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.

ja19

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0110-A

PETITIONER/DEVELOPER

TOM HOFF

DATE OF HEARING/CLOSING:

2/10/17

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

1306 WESTBURN ROAD

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

January 21, 2017

SINCERELY,

Martin Ogle 1/21/17
SIGNATURE OF SIGN POSTER AND DATE:

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

myalms
1/21/17

ZONING NOTICE

CASE # 2017-0170-A

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

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY FEBRUARY 10, 2017 AT 10:00 A.M.

REQUEST:

VARIANCE TO 1. TO ALLOW 1 PARKING SPACE FOR 4 BEDS IN LIEU OF THE REQUIRED 2 SPACES FOR AN ASSISTED LIVING FACILITY. 2. TO ALLOW A 2 FT. SETBACK FOR PARKING FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 10 FT. SETBACK. 3. TO ALLOW PARKING AND DELIVERY AREAS IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARD LOCATION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

**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: 2017-0170-A

Property Address: 1306 WESTBURN RD., BALTIMORE, MD 21228

Property Description: south side of Westburn Rd, +/- 180' south of
Burnt Oak Rd

Legal Owners (Petitioners): DONOVAN & BRANDON ANDERSON

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONOVAN ANDERSON

Company/Firm (if applicable): _____

Address: 1306 WESTBURN RD.
BALTIMORE, MD 21228

Telephone Number: 443-851-1835

Revised 5/20/2014

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0110-A

PETITIONER/DEVELOPER

TOM HOFF

DATE OF HEARING/CLOSING:

2/10/17

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

1306 WESTBURN ROAD

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

January 21, 2017

SINCERELY,

Martin Ogle 1/21/17
SIGNATURE OF SIGN POSTER AND DATE:

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

mailing
1/21/17

ZONING NOTICE

CASE # 2017-0170-A

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

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: FRIDAY FEBRUARY 10, 2017 AT 10:00 A.M.

REQUEST:

VARIANCE TO 1. TO ALLOW 1 PARKING SPACE FOR 4 BEDS IN
LIEU OF THE REQUIRED 2 SPACES FOR AN ASSISTED LIVING
FACILITY. 2. TO ALLOW A 2 FT. SETBACK FOR PARKING FROM THE
PROPERTY LINE IN LIEU OF THE REQUIRED 10 FT. SETBACK. 3.
TO ALLOW PARKING AND DELIVERY AREAS IN THE FRONT YARD
IN LIEU OF THE REQUIRED SIDE OR REAR YARD LOCATION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 19, 2017 Issue - Jeffersonian

Please forward billing to:
Donovan Anderson
1306 Westburn Road
Baltimore, MD 21228

443-851-1835

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: 2017-0170-A

1306 Westburn Road

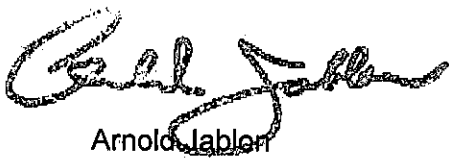
S/s Westburn Road, 180 ft. S/of Burnt Oak Road

1st Election District – 1st Councilmanic District

Legal Owners: Donovan Anderson & Brandon Anderson

Variance to 1. To allow 1 parking space for 4 beds in lieu of the required 2 spaces for an Assisted Living Facility. 2. To allow a 2 ft. setback for parking from the property line in lieu of the required 10 ft. setback. 3. To allow parking and delivery areas in the front yard in lieu of the required side or rear yard location.

Hearing: Friday, February 10, 2017 at 10:00 a.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.



KEVIN KAMENETZ
County Executive

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

January 17, 2017

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: 2017-0170-A

1306 Westburn Road

S/s Westburn Road, 180 ft. S/of Burnt Oak Road

1st Election District — 1st Councilmanic District

Legal Owners: Donovan Anderson & Brandon Anderson

Variance to 1. To allow 1 parking space for 4 beds in lieu of the required 2 spaces for an Assisted Living Facility. 2. To allow a 2 ft. setback for parking from the property line in lieu of the required 10 ft. setback. 3. To allow parking and delivery areas in the front yard in lieu of the required side or rear yard location.

Hearing: Friday, February 10, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Donovan & Brandon Anderson, 1306 Westburn Road, Baltimore 21228
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 SATURDAY, JANUARY 21, 2017.**
- (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.**



KEVIN KAMENETZ
County Executive

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

February 2, 2017

Donovan Anderson
Brandon Anderson
1306 Westburn Road
Baltimore MD 21228

RE: Case Number: 2017-0170 A, Address: 1306 Westburn Rd

To Whom It May Concern

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 22, 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 fluid and cursive.

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: 1/11/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0170-A

Variance
Donovan Anderson, Brandon Anderson
1306 Westburn Road.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Wendy Wolcott".

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

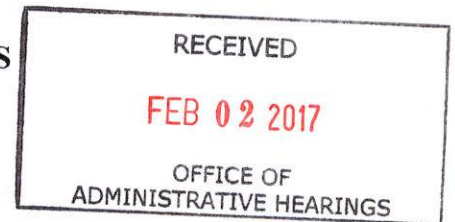
INTRA-OFFICE MEMORANDUM

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

DATE: 1/31/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-170



INFORMATION:

Property Address: 1306 Westburn Road
Petitioner: Donovan and Brandon Anderson
Zoning: DR3.5
Requested Action: Variances

The Department has reviewed the petition for variance to permit 1 parking space for 4 beds, a parking setback of 2 feet from the property line and to permit parking and delivery areas to be located in the front yard in lieu of the required 2 parking spaces, 10 feet and side or rear yard respectively.

A site visit was conducted on January 13, 2017.

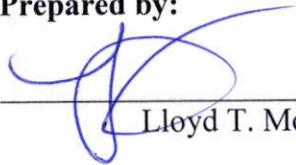
The Department objects to granting the petitioned zoning relief.

The property is a panhandle in its configuration and utilizes a shared driveway within an easement for ingress and egress for Lots 1-4, 5 and 6 of Victorian Manor subdivision as shown on Plat Book 51 at Page 52. The proposal is deficient by 50% in providing the required parking for a 4 bed Assisted Living Facility. The use requires 2 spaces subject to the conditions found in BCZR 432A. When combined with the principal residential use of the property, a total of 4 spaces is required as confirmed by the Zoning Office. In the very real possibility that the combined uses require more than 2 parking spaces at any given time, the only solution is to park in the shared driveway possibly impeding emergency vehicle access both to the subject property and also to the other addresses served by the shared drive. This condition is contrary to BCC § 32-4-402 (d) (2). Because of the adverse impacts on the immediate neighborhood as defined as those addresses utilizing the shared driveway the proposal cannot integrate into the neighborhood. Therefore the Department recommends that the compatibility objectives contained within said § 32-4-402 have not been met.

Subject: ZAC #17-170
Date: January 31, 2017
Page 2

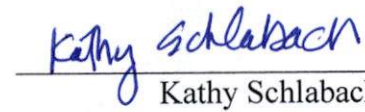
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Thomas J. Hoff
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: January 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0170-A
Address 1306 Westburn Road
(Anderson Property)

Zoning Advisory Committee Meeting of **January 16, 2017**.

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

Reviewer: Steve Ford Date: 1-11-2017

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: 1/31/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-170

INFORMATION:

Property Address: 1306 Westburn Road
Petitioner: Donovan and Brandon Anderson
Zoning: DR3.5
Requested Action: Variances

The Department has reviewed the petition for variance to permit 1 parking space for 4 beds, a parking setback of 2 feet from the property line and to permit parking and delivery areas to be located in the front yard in lieu of the required 2 parking spaces, 10 feet and side or rear yard respectively.

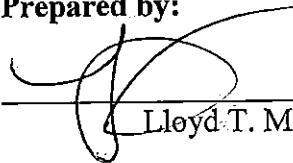
A site visit was conducted on January 13, 2017.

The Department objects to granting the petitioned zoning relief.

The property is a panhandle in its configuration and utilizes a shared driveway within an easement for ingress and egress for Lots 1-4, 5 and 6 of Victorian Manor subdivision as shown on Plat Book 51 at Page 52. The proposal is deficient by 50% in providing the required parking for a 4 bed Assisted Living Facility. The use requires 2 spaces subject to the conditions found in BCZR 432A. When combined with the principal residential use of the property, a total of 4 spaces is required as confirmed by the Zoning Office. In the very real possibility that the combined uses require more than 2 parking spaces at any given time, the only solution is to park in the shared driveway possibly impeding emergency vehicle access both to the subject property and also to the other addresses served by the shared drive. This condition is contrary to BCC § 32-4-402 (d) (2). Because of the adverse impacts on the immediate neighborhood as defined as those addresses utilizing the shared driveway the proposal cannot integrate into the neighborhood. Therefore the Department recommends that the compatibility objectives contained within said § 32-4-402 have not been met.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Thomas J. Hoff
Office of the Administrative Hearings
People's Counsel for Baltimore County

wck

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 19, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2017
Item No. 2017-0170, 0171, 0172, 0173, 0174, 0175 and 0178

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC01162017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: January 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0170-A
Address 1306 Westburn Road
(Anderson Property)

Zoning Advisory Committee Meeting of **January 16, 2017**.

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

Reviewer: Steve Ford

Date: 1-11-2017

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1306 Westburn Road; S/S Westburn Road, *
180' S of Burnt Oak Road * OF ADMINISTRATIVE
1st Election & 1st Councilmanic Districts
Legal Owner(s): Donovan & Brandon Anderson* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-170-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JAN 12 2017

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 12th day of January, 2017, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 512 Virginia Avenue, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: March 9, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0170-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 8, 2017. 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

Debra Wiley

From: Administrative Hearings
Sent: Monday, February 06, 2017 1:35 PM
To: Thomas J. Hoff
Subject: RE: 1306 WESTBURN AVE

Mr. Hoff,

This is to acknowledge receipt of your email correspondence will has been given to Judge Beverungen. This item has now been removed from our office's docket for Friday, February 10th @ 10 AM.

Thank you.

From: Thomas J. Hoff [mailto:tom@thomasjhoff.com]
Sent: Monday, February 06, 2017 12:15 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: 1306 WESTBURN AVE

See attached, any questions, please call or email.

Thomas J. Hoff
Landscape Architect
512 Virginia Ave.
Towson, MD 21286
410-296-3669
FAX 410-825-3887

2-6 -
awaiting
w/d ltr.
from Tom
Hoff re
OKH email. He
was advised to
have sign posted
but cancelled it
on sign. De

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

February 6, 2017

John E. Beverungen
Administrative Law Judge
Office of Administrative Hearings
Jefferson Building
Towson, MD 21204

Re: 1306 Westburn Road
Case No. 2017-0170-A

Dear Sir:

We are requesting that our hearing scheduled for Friday, February 10, 2017 be canceled. I have notified the sign poster to put a notification on the sign that the hearing is being canceled.

If you have any questions or require any addition information, please give me a call at 410-296-3669.

Very truly yours,



Thomas J. Hoff, RLA

Debra Wiley

From: Thomas J. Hoff <tom@thomasjhoff.com>
Sent: Monday, February 06, 2017 12:15 PM
To: Administrative Hearings
Subject: 1306 WESTBURN AVE
Attachments: 661 HEARING CANCELTION.pdf

See attached, any questions, please call or email.

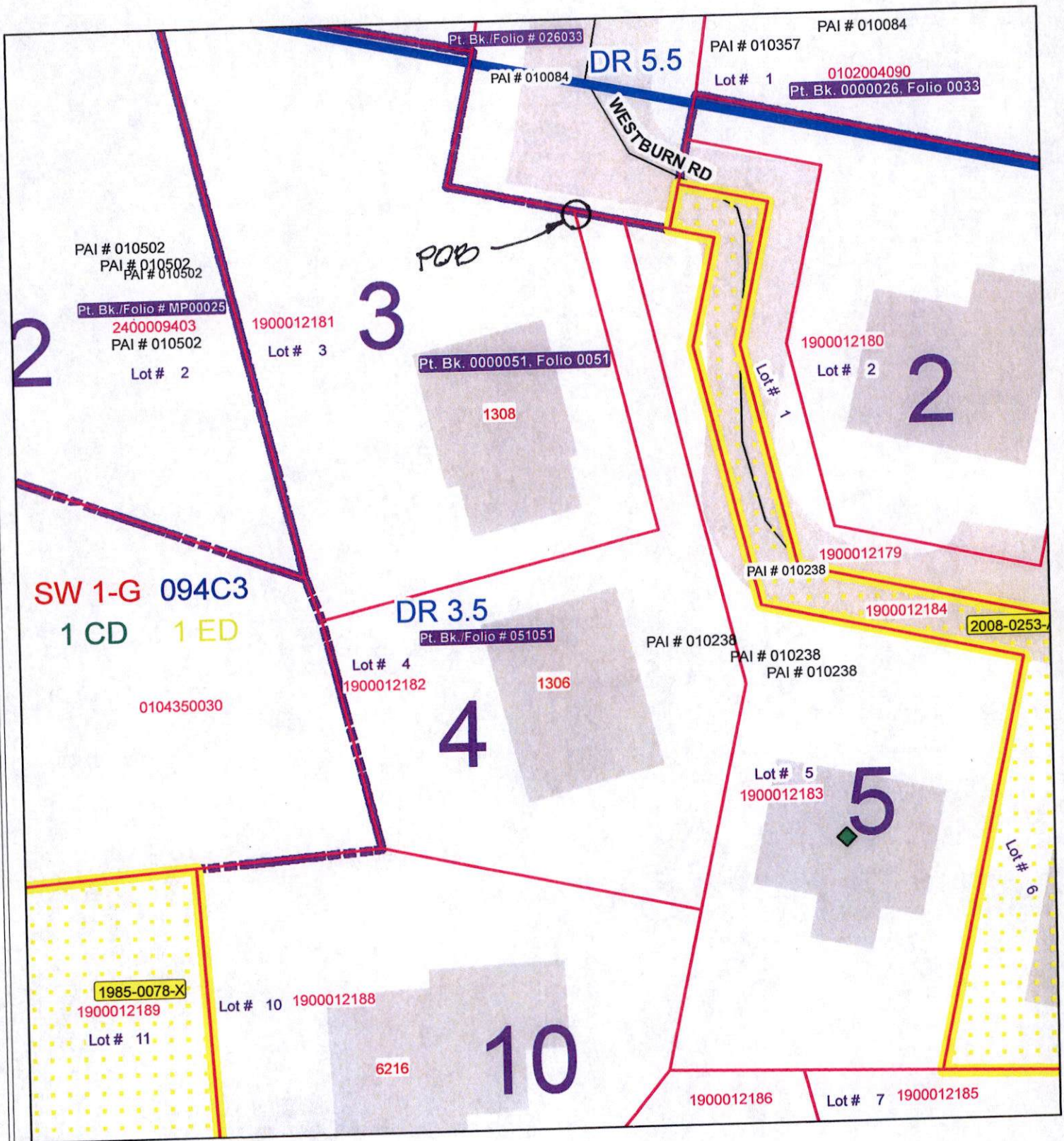
Thomas J. Hoff
Landscape Architect
512 Virginia Ave.
Towson, MD 21286
410-296-3669
FAX 410-825-3887



[Real Property Data Search](#) [Guide to searching the database](#)
[Search Result for BALTIMORE COUNTY](#)

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 1900012182			
Owner Information					
Owner Name:		ANDERSON BRANDON M ANDERSON DONOVAN M		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		1306 WESTBURN RD BALTIMORE MD 21228-2760		Deed Reference: /37828/ 00068	
Location & Structure Information					
Premises Address:		1306 WESTBURN RD BALTIMORE 21228-2760		Legal Description: 6098 SQ FT .14 AC 1306 WESTBURN RD SS VICTORIAN MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0094	0024	0219		0000	4
				Assessment Year:	Plat No:
				2016	0051/0051
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1988	1,146 SF	400 SF	6,098 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Split Foyer	YES	SPLIT FOYER	SIDING	2 full	
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	76,500	76,500			
Improvements	136,000	165,000			
Total:	212,500	241,500	222,167	231,833	
Preferential Land:	0			0	
Transfer Information					
Seller: BROWN SCOTT T		Date: 08/03/2016		Price: \$212,900	
Type: ARMS LENGTH IMPROVED		Deed1: /37828/ 00068		Deed2:	
Seller: TITUS DAVID J		Date: 08/13/2004		Price: \$240,000	
Type: ARMS LENGTH IMPROVED		Deed1: /20534/ 00709		Deed2:	
Seller: PIGG ROSEMARY ANTOINETTE		Date: 10/28/1993		Price: \$124,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10102/ 00050		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					

1306 Westburn Road



Publication Date: 12/16/2016



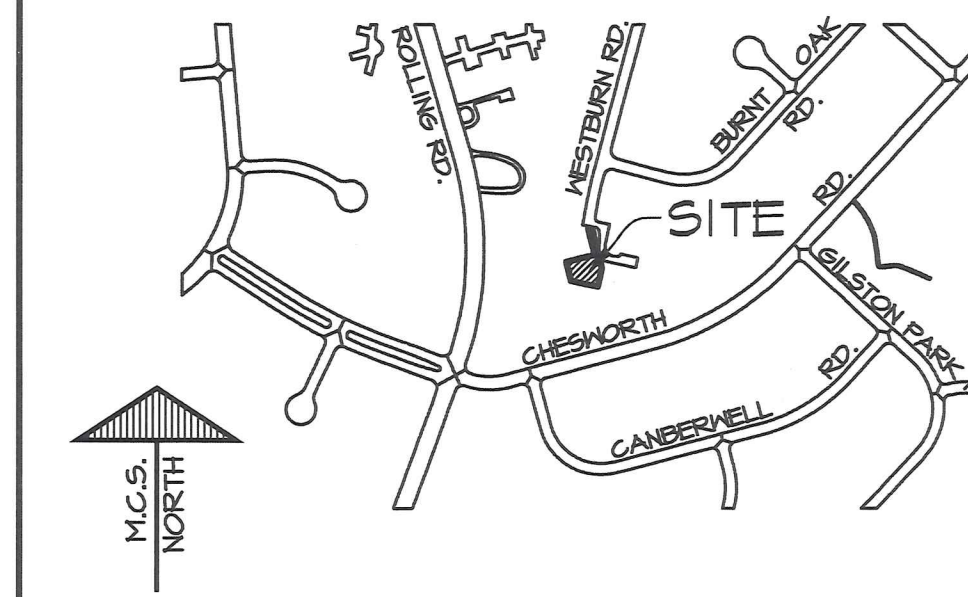
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A scale bar labeled "Feet" with markings at 0, 5, 10, 20, 30, and 40. The bar is divided into segments: 0-5 is black, 5-10 is white, 10-20 is black, 20-30 is white, and 30-40 is black.

1 inch = 30 feet

Item #0176



ZONING RELIEF REQUESTED:

1. SECTION 409.6.A.1. - VARIANCE TO ALLOW 1 PARKING SPACE FOR 4 BEDS IN LIEU OF THE REQUIRED 3 SPACES.
2. SECTION 432A.1.C.1. - VARIANCE TO ALLOW A 2' SETBACK FOR PARKING FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 10' SETBACK.
3. SECTION 432A.1.C.2. - VARIANCE TO ALLOW PARKING AND DRIVEWAY AREAS IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARD LOCATION.

THOMAS J. HOFF LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS 512 VIRGINIA AVENUE TOWSON, MARYLAND 21286 410-296-3668 FAX 410-825-3827	SCALE: 1"=20' DATE: 12/20/16 JOB NO.: 0661-01 DESIGNED: TJH DRAWN: TJH
REVISIONS:	DRAWING NUMBER ZP-1 SHEET 1 OF 1

THIS DRAWING WAS MADE IN THE USA

SHEET 1 OF

RD

SITE PLAN
SCALE: 1"=20'