MEMORANDUM

TO:

Kristen Lewis

Office of Zoning Review

FROM:

Debbie Wiley

Office of Administrative Hearings

DATE:

August 7, 2018

SUBJECT:

Case No. 2018-0086-A - REMAND to OAH / Case No. 2018-0270-SPH

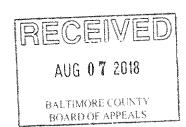
A hearing in the above-referenced Variance case was held by the Office of Administrative Hearings ("OAH") on November 2, 2017 and an Opinion and Order was issued November 3, 2017 denying the petition. It was then appealed to the Baltimore County Board of Appeals ("BOA"), a decision was rendered on May 16, 2018, and the file folder was received by OAH on August 3, 2018.

Pursuant to the BOA Order, the Variance issues were dismissed with prejudice. However, Petitioner's Petition was remanded, on other issues, with leave to proceed via special hearing. A Petition for Special Hearing was filed (Case No. 2018-0270-SPH) and scheduled for June 21, 2018. On June 19, 2018, Mr. Donovan Parkes, on behalf of Patrice Bullock, visited our office to request a postponement. Administrative Law Judge Beverungen agreed to grant the postponement. The Special Hearing case file was returned to the Office of Zoning Review for rescheduling, with notification that the property would need to be reposted with the new hearing date information.

This matter (Variance Case No. 2018-0086-A) is now being returned to you for no further action.

Thank you.

c: File



BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

Phone: 410-887-3180 Fax: 410-887-3182

To: John Beverungen, Administrative Law Judge

From: Tammy Zahner, Legal Secretary

Date: August 3, 2018

Re: In the Matter of: Patrice Bullock

Case No.: 18-086-A

Attached please find the Board of Appeals file for the above-referenced matter. The Board has remanded this matter to you for further action consistent with the Board's Order. After you have issued the necessary Order or Opinion, please send a copy to us for our records.

Should you have any questions, please do not hesitate to contact us.

Thank you.

IN THE MATTER OF
PATRICE BULLOCK – LEGAL OWNER
AND PETITIONER FOR VARIANCE
ON THE PROPERTY LOCATED AT
4 GEIER COURT

- BEFORE THE
 - BOARD OF APPEALS
- * OF

2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

- * BALTIMORE COUNTY
- * Case No.: 18-086-A

* * * * * * * * * * * *

OPINION AND ORDER

This case comes before the Board of Appeals on appeal from the Opinion and Order, dated November 3, 2017, and entered by the Honorable John E. Beverungen, Administrative Law Judge for Baltimore County ("ALJ").

At the ALJ hearing, Petitioner, *pro se* at the time, had requested variance relief from Section 432A.1.C.2 of the Baltimore County Zoning Regulations, and in particular, a variance: (1) to permit parking in the front yard with zero side yard setback and two parking spaces, rather than the required 10 ft. side yard setback and four parking spaces; and (2) if necessary, to permit an Assisted Living Facility (ALF) I to be closer than 1,000 ft. to another property with an ALF I or II. The ALJ denied Petitioner's variance requests as Petitioner failed to "provide any evidence, exhibits and/or argument regarding the uniqueness of the property."

This matter originally had been scheduled on January 24, 2018 for a hearing on the merits in front of the Board of Appeals. A postponement was requested prior to the hearing and the matter was rescheduled to March 29, 2018.

On March 28, 2018, the Board received from new counsel for Petitioner, Samuel Sperling. Esq., email correspondence providing advance notice of counsel's intended request to remand the case to the Administrative Law Judge, foregoing the scheduled hearing on the merits

at the Board. Counsel for Petitioner represented to the Board via the March 28, 2018 correspondence that it was Petitioner's intent to submit a revised site plan requiring no variances. Moreover, Petitioner announced her desire to proceed via special hearing, not via variance request, to obtain the relief needed for their proposed ALF I. The Board did not act upon the correspondence request submitted by Mr. Sperling.

On March 29, 2018, the Board held a hearing on this case, particularly with respect to the request made the day before. Mr. Sperling and his client were present, as were numerous neighbors in opposition. Peter Max Zimmerman, Esq. appeared on behalf of the Office of People's Counsel.

Mr. Sperling reiterated his request to remand this case to ALJ to permit Petitioner to proceed via special hearing rather than continue with the request for variance relief. Mr. Sperling also alleged, for the first time, the possibility of claims arising under the Fair Housing Act and the Americans with Disabilities Act.

As part of the request, Mr. Sperling affirmatively represented that Petitioner is no longer pursuing the requests for variance relief from BCZR, § 432A.1.C.2. More particularly, Mr. Sperling expressly represented to the Board and admitted that the property at issue was <u>not</u> unique for purposes of a variance analysis pursuant to BCZR, §307.1. Petitioner acknowledged that there was no evidence that could sustain such a finding in connection with any relief within the scope of the Petition. Petitioner also represented that she would not seek relief from any applicable parking or related setback regulation.

Therefore, Petitioner withdrew her appeal, as to any variance issues, with prejudice. Petitioner's representations, admissions, and withdrawal of the appeal of variance issues renders the ALJ's November 3, 2017 Opinion and Order as final.

The ALJ Opinion and Order addressed the uniqueness issue (per *Cromwell v. Ward*, 102 Md. App. 691 (1995). As that issue was dispositive, the ALJ did not analyze the case-specific relief sought in the ALJ Opinion and Order. Further, in light of the contemplated change in process, claims and/or relief, there had not been any public notice and/or hearing regarding the changes to come. The circumstances of this case dictate that this case be remanded as the Board cannot exercise original jurisdiction over a petition for relief pursuant to §500.7, as the BCZR empowers the ALJ alone, as the court of original jurisdiction, for these types of hearing and specifies that the Board of Appeals has appellate jurisdiction.

Even if the Board could do so, it is this Board's opinion that amendments that result in substantive changes in claims and/or zoning relief, as in this case, require sufficient public notice in advance in order to facilitate public awareness and participation. See, e.g., <u>In the Matter of Carol Lynn Morris/C.G. Homes</u>, CBA Case No. 015-302-SPHA (2015) ("there is a process for the new, alternative plan...requested to be reviewed, a process in which the public is required to have specific notice of and ability to participate in a public hearing").

With the above in mind (and specifically relying on Petitioner's representations, admissions, and withdrawal of the appeal for any variance relief), and because the ALJ had ruled only upon the variance relief requests, the Board hereby remands this case to the ALJ to allow Petitioner to amend her Petition to proceed via special hearing pursuant to BCZR §500.7 for the remaining claims, with specific identification of the claims and relief sought, and Petitioner shall

¹ "The said [ALJ] 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 [ALJ] 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." BCZR §500.7.

In the matter of: Patrice Bullock

Case No.: 18-086-A

be required to comply with the public notice and hearing requirements therein. As indicated on the record before this Board, the Petitioner shall not include a request for variance relief, nor file a separate claim for variance relief with regard to the facts of this case.

ORDER

THEREFORE, IT IS THIS 16th day of 1904, 2018, by the Board of Appeals of Baltimore County,

ORDERED that Petitioner's appeal as to any variance issues is hereby withdrawn with prejudice by Petitioner and the appeal regarding any variance issues are hereby DISMISSED WITH PREJUDICE. Petitioner's Petition is hereby REMANDED, on other issues, with leave to proceed via special hearing pursuant to BCZR §500.7. It is further ORDERED that Petitioner shall comply with the public notice and hearing requirements therein.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Jason S. Garber, Chairman

Maureen Murphy/KC Maureen E. Murphy

Andrew M. Belt



Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

May 16, 2018

Peter M. Zimmerman, Esquire Carole S. Demilio, Esquire Office of People's Counsel The Jefferson Building, Suite 204 105 W. Chesapeake Avenue Towson, Maryland 21204 Samuel Sperling, Esquire The Sperling Firm, LLC 8 Church Lane Baltimore, Maryland 21208

RE: In the Matter of: Patrice Bullock - Legal Owner

Case No.: 18-086-A

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, <u>WITH A PHOTOCOPY PROVIDED TO THIS</u>

OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington

Sunny Cannington Hay

Administrator

KLC/taz Enclosure Duplicate Original Cover Letter

c: Patrice Bullock

Lawrence M. Stahl, Managing Administrative Law Judge Andrea Van Arsdale, Director/Department of Planning Arnold Jablon, Deputy Administrative Officer, and Director/PAI Nancy C. West, Assistant County Attorney/Office of Law Michael E. Field, County Attorney/Office of Law Columbus and Mazola Goode M.L. and Dorothy Hull Carlton and Kimberly Williams Vivian Salters Margaret Beard Michelle Fields-Hall





Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson, Maryland 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

April 25, 2018

HAND DELIVERED Jason S. Garber, Chairman Board of Appeals of Baltimore County 105 West Chesapeake Avenue, Suite 203 Towson, Maryland 21204

Re:

Patrice Bullock, Petitioner

4 Geier Court

Case No.: 2018-086-A

Dear Chairman Garber,

This letter comes in the wake of the March 29, 2018 County Board of Appeals (CBA) hearing, and the unexpected filing of an entirely new petition. The latest procedural twist is that on April 9, 2018, Petitioner Patrice Bullock filed her second petition, 2018-270-A. Enclosed. It involves another request to approve an Assisted Living Facility (ALF) at 4 Geier Court.

Petitioner filed the current petition (2018-086-A) to convert a dwelling to an ALF I at 4 Geier Court in Randallstown. ALJ Beverungen denied the several requested variances on November 3, 2017. Enclosed. Ms. Bullock then filed her *de* novo appeal to the CBA.

BCZR Sec. 432A covers Assisted Living Facilities. BCZR Sec. 101.1 defines and delineates three classifications according to type of structure and number of permitted occupants. An ALF I must be in a structure built at least five years before the application, not enlarged by more than 25% ground floor area, and accommodate fewer than 8 occupants.

Here, Petitioner appeared without counsel at the ALJ level. Petitioner's counsel Samuel Sperling entered his appearance at the CBA level. He obtained a postponement of the previously scheduled date. Later, a day or so before the CBA hearing, he e-mailed Petitioner's desire to amend the petition, withdrawing the parking variances.

At the hearing, there was much discussion, with many area citizens interested and participating. Petitioner's counsel suggested that the potential amendment might also include Fair Housing issues he was reviewing in relation to 2017 Council Bill 45-17, which limits a D.R.

Jason S. Garber Chairman April 25, 2018 Page 2

Zone ALF I or II to a minimum 1000 feet from any existing ALF I or II property. This provision is codified at BCZR Sec. 432A.1.A.3. Any such issue is not included in the current petition.

At the same time, Mr. Sperling conceded that the property is not unique and could not meet the basic variance requirement under BCZR Sec. 307.1. Our review of the neighborhood confirms this to be the case. 4 Geier Court has similar single-family detached dwellings. Moreover, they are all attractive and in good use, so there is no practical difficulty anyway. The Protestants reside close by, some on Geier Court, which essentially is a cul-de-sac.

The CBA then decided graciously to remand the case to the ALJ to afford Petitioner the opportunity to amend, with a new public notice, including any claim about conflict with federal law. My impression is that the opinion was to follow. The opinion is still to be issued.

The remand would keep the litigation in one case. Among other things, the relevant case history would be available. Petitioner's new petition is contrary to the spirit and intent of the CBA ruling. We now have two cases to deal with, with coals carried to Newcastle.

This second petition adds confusion and impairs the time and resources of area citizens, not to mention the ALJ, the CBA and our office. I ask the CBA to issue its remand opinion. This should clarify that the zoning issues should be resolved in this case. The CBA should also recognize Petitioner's concession that there is no qualification for a variance.

Once the CBA opinion is issued, we will be in a better position to avoid or mitigate a potential double or split track. As Sheryl Crow highlighted in her classic, every day is a winding road. We try to get a little bit closer.

Sincerely, Peter Me Cemmon man

Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Samuel Sperling, Esquire

Carlton & Kimberly Williams, 10 Geier Court, Randallstown, Maryland 21133 Vivian Salters, 9806 Clanford Road, Randallstown, Maryland 21133 Margaret Beard, 9811 Clanford Road, Randallstown, Maryland 21133 Hollis & Michelle Hill, 5 Geier Court, Randallstown, Maryland 21133 Dorothy Hull, 3 Geier Court, Randallstown, Maryland 21133

People's Counsel Sign-In Sheet

Case Name:

People's Counsel

CBA Exhibit

Case No.: 2018-086-A

Date: 3|29|2018

People's Counsel

CBA Exhibit

1

3|29|18

The Office of People's Counsel was created by the County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns, whether they have their own attorney or not. If you wish to be assisted by People's Counsel, please sign below.

Check to	,			•	Group you	Basis of your
testify	Name	Address	Phone #	Email	represent	concerns
4.45	Margaret Beard	9811 Clanford Rd. 21	138110111011	@ gmail, com		
	Vivian Salfers	9806 ChardRd 21	133410-65	5-7831-16/1001	2//02/02/	<i></i>
	Hollis Hill	5 Geier CT	(410)922-410	58 Rollis MILL 845	PUEZZNOVE	
,	M.L. Hull	3 Geier Court 2113	3 (410)655-6451	TE FOLLS MILL BLS MICH 33@COMCAST. N	7	
	DOROTHY HUI	3 Geier (+ 21135	> 410 (55451	deh 3@comcast a		
	Co My us Cood	1 GCIEI (\$ 2/133	416 8216308			
	Maysla Book	16 £12 R-21133	410-9223			
	Sanortha Chanas	C. Ge. P. CT - 21183	110-403-1847			
	syll manspor	6 GARRY CT 91133	410-900-32	17		
	YOLANDA GODESEM	7441 KAthydal Ctere			110 amalicom	(GEIER CH) Dauge
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Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

January 17, 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF:

Patrice Bullock

4 Geier Court

18-086-A

2nd Election District; 4th Councilmanic District

Re:

Petition for Variance relief from Section 432A.1.C.2 of the BCZR to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces respectively; and if necessary, to permit an Assisted Living Facility I to be closer than 1,000 ft. to another property with an Assisted Living Facility I or II.

11/3/17

Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter was scheduled for January 24, 2018 and has been postponed. This matter has been

REASSIGNED FOR: MARCH 29, 2018, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206 Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

Notice of Postponement and Reassignment In the matter of: Patrice Bullock Case number: 18-086-A January 17, 2018 Page 2

c:

Counsel for Petitioner Petitioner/Legal Owner

Protestants

: Samuel Sperling, Esquire

: Patrice Bullock

: Columbus and Mazola Goode, M.L. and Dorothy Hull, Carlton and Kimberly Williams, Vivian Salters,

Margaret Beard, Michelle Fields-Hall

Andrea Van Arsdale, Director/Department of Planning Arnold Jablon, Director/PAI Lawrence M. Stahl, Managing Administrative Law Judge Michael Field, County Attorney, Office of Law Nancy West, Assistant County Attorney Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING SECOND FLOOR, SUITE 203 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND, 21204 410-887-3180 FAX: 410-887-3182

December 14, 2017

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

Patrice Bullock

4 Geier Court

18-086-A

2nd Election District; 4th Councilmanic District

Re:

Petition for Variance relief from Section 432A.1.C.2 of the BCZR to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces respectively; and if necessary, to permit an Assisted Living Facility I to be closer than 1,000 ft. to another property with an Assisted Living Facility I or II.

11/3/17

Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR:

JANUARY 24, 2018, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington, Administrator

c:

Petitioner/Legal Owner

: Patrice Bullock

Protestants

 Columbus and Mazola Goode, M.L. and Dorothy Hull, Carlton and Kimberly Williams, Vivian Salters, Margaret Beard, Michelle Fields-Hall

Andrea Van Arsdale, Director/Department of Planning Lawrence M. Stahl, Managing Administrative Law Judge Nancy West, Assistant County Attorney

Arnold Jablon, Director/PAI Michael Field, County Attorney, Office of Law Office of People's Counsel



KEVIN KAMENETZ County Executive

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

November 28, 2017

Patrice Bullock 151 W. Ring Factory Road Bel Air, MD 21117

RE:

APPEAL TO BOARD OF APPEALS

Petition for Variance Case No. 2018-0086-A Property: 4 Geier Court RECEIVED

NOV 2 8 2017

BALTIMORE COUNTY BOARD OF APPEALS

Dear Mrs. Bullock:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 24, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS/sln

C:

Baltimore County Board of Appeals People's Counsel Columbus & Mazola Goode, 1 Geier Ct., Randallstown, MD 21133 M.L & Dorothy Hull, 3 Geier Ct., Randallstown, MD 21133 Carlton & Kimberly Williams, 10 Geier Ct., Randallstown, MD 21133 Vivian Salters, 9806 Clanford Road, Randallstown, MD 21133 Margaret Beard, 9811 Clanford Road, Randallstown, MD 21133 Michelle Fields-Hall, 5 Geier Ct., Randallstown, MD 21133

APPEAL

Petition for Variance (4 Geier Court) 2nd Election District – 4th Councilmanic District Legal Owner: Patrice Bullock Case No. 2018-0086-A

Petition for Variance Hearing (September 18, 2017)

Zoning Description of Property

Notice of Zoning Hearing (September 28, 2017)

Certificate of Publication (October 12, 2017)

Certificate of Posting (October 10, 2017) – J. Lawrence Pilson

Entry of Appearance by People's Counsel -September 27, 2017

Petitioner(s) Sign-in Sheet – 1 Sheet Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan

Protestant(s) Exhibits:

Miscellaneous (Not Marked as Exhibits)- N/A

Administrative Law Judge Order and Letter (DENIED – November 3, 2017)

Notice of Appeal & Receipt - November 24, 2017 from Patrice Bullock

IN RE: PETITION FOR VARIANCE (4 Geier Court)	*	BEFORE THE OFFICE
(4 Geier Court) 2 nd Election District 4 th Council District	*	OF ADMINISTRATIVE
Patrice Bullock Legal Owner	*	HEARINGS FOR
Petitioner	· *	BALTIMORE COUNTY
	*	CASE NO. 2018-0086-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Patrice Bullock, the legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from Section 432A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces respectively; and if necessary, to permit an Assisted Living Facility (ALF) I to be closer than 1,000 ft. to another property with an ALF I or II. A site plan was marked as Petitioner's Exhibit 1.

Property owner Patrice Bullock appeared in support of the petition. Several neighbors attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning (DOP). That agency did not oppose the request.

The site is approximately 12,870 sq. ft. in size and zoned DR 3.5. The property is improved with a single family dwelling constructed in 1967. Petitioner recently purchased the home and would like to operate an ALF at the property. Petitioner would provide two parking spaces in the front of the single family dwelling instead of four spaces in the rear yard as required by the

ORDER RECEIVED FOR FILING
Date
BySID

regulations. This is the reason for the variance requests.

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

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The Petitioner did not provide any testimony, exhibits and/or argument regarding the uniqueness of the property. Under Maryland law, a variance should be granted "sparingly" since it is "an authorization for [that] ... which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. In the absence of any evidence of uniqueness the petition for variance must be denied.

THEREFORE, IT IS ORDERED, this 3rd day of November, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 432A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces respectively; and if necessary, to permit an Assisted Living Facility (ALF) I to be closer than 1,000 ft. to another property with an ALF I or II, be and is hereby DENIED.

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

JOHNE/BEVERUNGEN

Administrative Law Judge for

Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

Bv



KEVIN KAMENETZ County Executive

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

November 3, 2017

Patrice Bullock 151 W. Ring Factory Road Bel Air, MD 21117

RE:

Petition for Variance

Case No. 2018-0086-A Property: 4 Geier Court

Dear Mrs. Bullock:

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

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

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

c: Columbus & Mazola Goode, 1 Geier Ct., Randallstown, MD 21133
M.L & Dorothy Hull, 3 Geier Ct., Randallstown, MD 21133
Carlton & Kimberly Williams, 10 Geier Ct., Randallstown, MD 21133
Vivian Salters, 9806 Clanford Road, Randallstown, MD 21133
Margaret Beard, 9811 Clanford Road, Randallstown, MD 21133
Michelle Fields-Hall, 5 Geier Ct., Randallstown, MD 21133

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(4 Geier Court) 2 nd Election District 4 th Council District	*	OF ADMINISTRATIVE
Patrice Bullock Legal Owner	*	HEARINGS FOR
C	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2018-0086-A

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Date	317
By	Sin

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

The Petitioner did not provide any testimony, exhibits and/or argument regarding the uniqueness of the property. Under Maryland law, a variance should be granted "sparingly" since it is "an authorization for [that] ... which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. In the absence of any evidence of uniqueness the petition for variance must be denied.

THEREFORE, IT IS ORDERED, this <u>3rd</u> day of **November**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 432A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces respectively; and if necessary, to permit an Assisted Living Facility (ALF) I to be closer than 1,000 ft. to another property with an ALF I or II, be and is hereby DENIED.

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

JOHN E/BEVERUNGEN
Administrative Law Judge for

Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

Bv.

2

CASE	NAME 4	Geier Court
CASE	NUMBER	2018-0086-A
DATE	desertion of the second	2117

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Patrice Bullock	151 W. Ring Factory Rd.	Bel Air, MD 21117	
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CASE NAME $_$		
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DATE	2/2017	

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
M.L. Hull	3 Geier Court	Randallstown, MD 21/33	MLH33 @ COMCAST NET
Dorothy Hull	3 Gener Ct	RENDANISTON MD Z1133	deh 330 comcast. Not
Vivion Salters	9806 Clanford Rd	Igandallstown 21133	
Margaret Beard	9811 Clanford Rd	Randallstown MD 21133	margine beard 08 @ a mail u
KINDERY Williams t	Bolar 10 Geier Cf.	Randallstown, MD 2/13	3 Kbolar 200 i youd con
Columbus Goode	1 Geier Ct	Rowallton MS 1)133	
MAZOLA GOOLE	1.GEIER CT	RAN LAL (Stewn, M. D. 21133	
YALAWDA GODAE SEARS		Randelstrow MA 21/52	YGSEAUADHO OMALLON
MICHELLE FIEURY	MI 5 GEIER CT	RandallsTown 21133	Hollistill 868@ gmail com
CARHONC Williams	10 GEIER OT	RANBAHSTOWN 21133	CARHENC & Datfork . Com
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CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
10/11	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	trammalon
9/24	DEPS (if not received, date e-mail sent)	to comment
	FIRE DEPARTMENT	May citi
10/26	PLANNING (if not received, date e-mail sent)	Witcondutor
9/25	STATE HIGHWAY ADMINISTRATION	100p
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
-	ADJACENT PROPERTY OWNERS	7
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PRIOR ZONING	(Case No.	
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SIGN POSTING	Date:	by T UDON
	SEL APPEARANCE Yes No D	
Comments, if any:		

Real Property Data Search

Search Result for BALTIMORE COUNTY

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TO: PATUXENT PUBLISHING COMPANY

Thursday, October 12, 2017 Issue - Jeffersonian

Please forward billing to:

Patrice Bullock
4 Geier Court

Randallstown, MD 21133

443-876-6692

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: 2018-0086-A

4 Geier Court

NE/s Geier Court, 115 ft. NW of Clanford Road 2nd Election District – 4th Councilmanic District

Legal Owners: Patrice Bullock

Variance to permit parking in the front yard with 0 ft. side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 ft. side yard setback and 4 parking spaces, respectively. If necessary, to permit an ALF 1 to be closer than 1,000 ft. to another property with an ALF 1 or 2.

Hearing: Thursday, November 2, 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.

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:

September 27, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0086-A

Address

4 Geier Court

(Bullock Property)

Zoning Advisory Committee Meeting of October 2, 2017.

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

Reviewer: S

Steve Ford

Date: <u>9-27-2017</u>





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 4 Geier Court, Randallstown MD 21133 which is presently zoned Deed References: 10 Digit Tax Account # Property Owner(s) Printed Name(s) Patrice Bullock (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:

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 Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

x a Variance from Section(s) 432A1.C2, 432A.C2, 409.6.A.1, 409.6.A.4 AND 432A.1.A.3 (Bill # 45-17) of the BCZR, to permit parking in the front yard with 0 feet side yard set back and 2 parking space, in lieu of the required side/rear yard only, 10 feet side yard set back and 4 parking spaces, respectively and if necessary, to permit an ALFI to be closer than 1,000 feet to another property with an ALFI

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)

O 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:			Legal Owners (Petitioners):				
			Patrice Bullock	1			
Name- Type or Print			Name #1 – Type or Print	Name #2 –	Type or Print		
			Pellor	K,			
Signature			Signature#1	Signature #	12		
			4 Geier Court	Randallstown	n MD		
Mailing Address	City	State	Mailing Address	City	State		
Zip Code Telephone #	/	Address		876-6692 /sh	efer050574@msn.com		
	Littan	, (000					
Attorney for Petitioner:			Representative to b	e contacted:	ING		
Name- Type or Print			Name – Type or Print Signature DER RE	CEIVED FOR			
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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:

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The Zoning Petition property description:

Zoning property Description for 4 Geier Court

Beginning at a point on the North side of Geier Court which is 50 feet wide at a distance of 115 feet North West of the centerline of the nearest improved intersecting street Clanford road which is 50 feet wide.

Option 2

Being Lot# 22, Block S-S, Section # 7, plat 1 in the subdivision of Kings Point as recorded in Baltimore County Plat Book # 30, Folio # 125, containing 12,780 SQ feet. Located in the 2 Election District and 4 Council District.



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 twenty (20) 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:
For Newspaper Advertising.
Case Number: 2018-0086-A
Property Address: 4 Geier Court
Property Description: NE/S of Geier Ct., 115' NW of Clanford Rd.
Legal Owners (Petitioners): Patrice Bullock
Contract Purchaser/Lessee: N/A
PLEASE FORWARD ADVERTISING BILL TO:
Name: 2 Patrice Bullock
Company/Firm (if applicable):
Address: 4 Geier Court
Randallitour MD 21133
Telephone Number: × 443. 876. 6692

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