

M E M O R A N D U M

DATE: April 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0167-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on April 2, 2018. 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(8219 Scotts Level Road) *
2nd Election District *
2nd Council District *

Marina McDonald *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0167-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Marina McDonald, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an Assisted Living Facility I ("ALF") at 8219 Scotts Level Road within 1,000 ft. (551 ft. separation) of another property with an existing ALF I (8222 Brattle Road).

A petition for variance seeks: (1) to allow 2 parking spaces in lieu of the required 3 spaces; and (2) to allow a parking space with a 1 ft. setback from the property line in lieu of the required 10 ft. and to allow the parking in front of the property in lieu of the required side and rear only. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Marina McDonald appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the requests.

ORDER RECEIVED FOR FILING

Date

3/2/18

By

sen

SPECIAL HEARING

The Office of Zoning Review instructed Petitioner to file a petition for special hearing after it discovered another ALF I in the same neighborhood. See B.C.Z.R. §432A.1.A.3. According to the County it is located 551 ft. from the subject property, measured "as the crow flies." Petitioner noted that the other ALF is on another street in the community and is not visible from their home. As such, I do not believe approving the special hearing request would in any way have a detrimental impact upon the community.

VARIANCE

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 subject property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to operate an Assisted Living Facility. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this 2nd day of **March, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an Assisted Living Facility I ("ALF") within 1,000 ft. (551 ft.

ORDER RECEIVED FOR FILING

Date

3/2/18

By

sen

separation) of another property with an existing ALF I (8222 Brattle Road), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow 2 parking spaces in lieu of the required 3 spaces; and (2) to allow a parking space with a 1 ft. setback from the property line in lieu of the required 10 ft. and to allow the parking in front of the property in lieu of the required side and rear only, 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 her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The Assisted Living Facility ("ALF") shall have a maximum of three patients.
3. No signage identifying or concerning the ALF shall be permitted at the subject property.

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:slm

ORDER RECEIVED FOR FILING

Date 3/2/18
By slm



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 8219 Scotts Level Rd

which is presently zoned DR 3.5

Deed References: 39513/00122

10 Digit Tax Account # 0206000440

Property Owner(s) Printed Name(s)

Marina McDonald

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

- ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an Assisted Living Facility I (8219 Scotts Level Rd) within 1000 feet (551 foot separation) of another property with an existing Assisted Living Facility I (8222 Brattle Rd)
- ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

- ☒ 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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Marina McDonald

Name #1 - Type or Print

Name #2 - Type or Print

Marina McDonald

Signature #1

Signature #2

8219 Scotts Level Rd. Pikesville MD

Mailing Address City State

21208 443-602-1940 Rina.mlm@msv.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

SAME

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2018-0167-SHA Filing Date 12/18/17

Do Not Schedule Dates:

Reviewer gr

REV. 10/4/11

ADDED SPECIAL HEARING Revised 1/2/18

ORDER RECEIVED FOR FILING
3/2/18
sen

2018-0167 *Sph*

Variance from sections:

1. 409.6 of the BCZR; To allow 2 parking spaces in lieu of the required 3 spaces.
2. 432A.1C.1 & 432A.1.C.2 of the BCZR; To allow a parking space with a 1 foot setback from the property line in lieu of the required 10 feet, and to allow the parking in front of property in lieu of the required side and rear only.

Zoning Property Description For 8919 Scotts Level Road

Beginning at a point on the south west side of Scotts Level Rd which is 60 feet wide at a distance of 197 +/- feet north west of the centerline of the nearest improved intersecting street Talman Rd which is 50 feet wide.

Being Lot #9 in the subdivision of Laydon Park as recorded in Baltimore County Plat Book #29, Folio #45 containing #8280 square feet lot. Located in the 2nd Election District and 2nd Council District.

2018-0167-SPHA



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 5442642

Sold To:

Marina McDonald - CU00638412
8219 Scotts Level Rd
Pikesville, MD 21208-2232

Bill To:

Marina McDonald - CU00638412
8219 Scotts Level Rd
Pikesville, MD 21208-2232

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

Feb 08, 2018

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: # 2018-0167-SPHA
8219 Scotts Level Road
SW/s of Scotts Level Road, west of Talman Road
2nd Election District - 2nd Councilmanic District
Legal Owner(s) Marina McDonald

Special Hearing to determine whether or not the Administrative Law Judge should approve an Assisted Living Facility I (8219 Scotts Level Road) within 1000 ft. (551 ft. separation) of another property with an existing Assisted Living Facility I (8222 Brattle Road). Variance to allow 2 parking spaces in lieu of the required 3 spaces. To allow a parking space with a 1 ft. setback from the property line in lieu of the required 10 ft. and to allow the parking in front of the property in lieu of the required side and rear only.

Hearing: Thursday, March 1, 2018 at 11:00 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.

2/071 February 8 54426

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

Date: 2-8-18

RE: Case Number: 2018-0167 SH PA

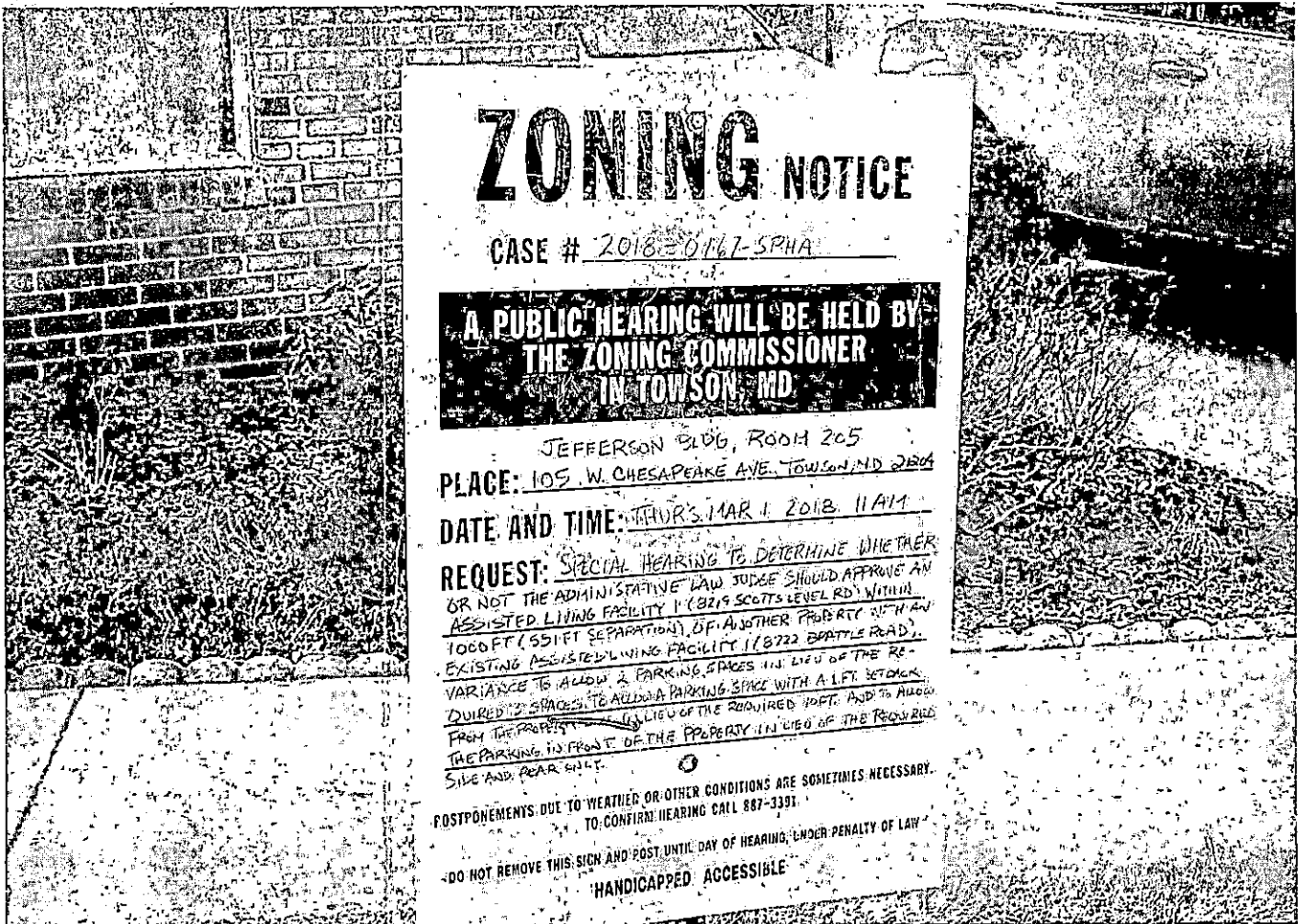
Petitioner: Marina McDonald

Date of Hearing/Closing: March 1, 2018 11 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8219 Scotts Level Rd

The signs(s) were posted on 2-8-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)





KEVIN KAMENETZ
County Executive

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

January 30, 2018

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: 2018-0167-SPHA

8219 Scotts Level Road
SW/s of Scotts Level Road, west of Talman Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Marina McDonald

Special Hearing to determine whether or not the Administrative Law Judge should approve an Assisted Living Facility I (8219 Scotts Level Road) within 1000 ft. (551 ft. separation) of another property with an existing Assisted Living Facility I (8222 Brattle Road). Variance to allow 2 parking spaces in lieu of the required 3 spaces. To allow a parking space with a 1 ft. setback from the property line in lieu of the required 10 ft. and to allow the parking in front of the property in lieu of the required side and rear only.

Hearing: Thursday, March 1, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Marina McDonald, 8219 Scotts Level Road, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 9, 2018.**
- (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
Thursday, February 8, 2018 Issue - Jeffersonian

Please forward billing to:
Marina McDonald
8219 Scotts Level Road
Pikesville, MD 21208

443-602-1940

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: 2018-0167-SPHA

8219 Scotts Level Road
SW/s of Scotts Level Road, west of Talman Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Marina McDonald

Special Hearing to determine whether or not the Administrative Law Judge should approve an Assisted Living Facility I (8219 Scotts Level Road) within 1000 ft. (551 ft. separation) of another property with an existing Assisted Living Facility I (8222 Brattle Road). Variance to allow 2 parking spaces in lieu of the required 3 spaces. To allow a parking space with a 1 ft. setback from the property line in lieu of the required 10 ft. and to allow the parking in front of the property in lieu of the required side and rear only.

Hearing: Thursday, March 1, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
& VARIANCE

8219 Scotts Level Road; SW/S Scotts Level
Road, W 197' to c/line of Talman Road
2nd Election & 2nd Councilmanic Districts
Legal Owner(s): Marina McDonald
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-167-A

* * * * *

AMENDED 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 2018

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, 2018, a copy of the foregoing Entry of Appearance was mailed to Marina McDonald, 8219 Scotts Level Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE
8219 Scotts Level Road; SW/S Scotts Level
Road, W 197' to c/line of Talman Road
2nd Election & 2nd Councilmanic Districts
Legal Owner(s): Marina McDonald
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-167-A

* * * * *

ENTRY OF APPEARANCE

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RECEIVED
DEC 03 2018

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 3rd day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to Marina McDonald, 8219 Scotts Level Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

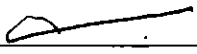
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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:

Case Number: 2018-0167-SPHA
Property Address: 8219 Scotts Level Rd
Property Description: South West side of Scotts Level Rd
West 197' to E of Talman Rd
Legal Owners (Petitioners): Marina McDonald
Contract Purchaser/Lessee: 

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marina McDonald
Company/Firm (if applicable): 
Address: 8219 Scotts Level Rd
Pikesville, MD 21208

Telephone Number: 443-602-1940



KEVIN KAMENETZ
County Executive

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

February 22, 2018

Marina McDonald
8219 Scotts Level Road
Pikesville MD 21208

RE: Case Number: 2018-0167 SPHA, Address: 8219 Scotts Level Road

Dear Ms. McDonald:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 18, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Date: 1/10/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2018-0167-A

*Special Hearing Variance
Marina McDonald
8219 Scotts Level 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 1/3/18

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

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Variance
Marina McDonald
8219 Scotts Level 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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-167 (amended)



INFORMATION:

Property Address: 9210 Scotts Level Road
Petitioner: Marina McDonald
Zoning: DR 3.5
Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for a variance to allow 2 parking spaces located in the front yard with a 1' property line setback in lieu of the required 3 parking spaces, side and rear yard location and 10' respectively and also the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an Assisted Living Facility I (ALF) within 1000' (551') of another ALF.

A site visit was conducted on January 8, 2018. Department staff confirmed the existence of another ALF being situated less than the 1000' as required through the adoption of Baltimore County Bill No. 45-17 resulting in the petition being amended to include the special hearing.

The Department recommends the proposal meets the applicable compatibility objectives of BCC § 32-4-402 in that the use remains residential in nature, there will be no new construction that would change the as-built pattern of the neighborhood nor the established road network. The plan provides the required 10% open space. No signage is proposed and there exists no significant features such as distinctive buildings or vistas that may be impacted.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka
c: Pat McDougall
Marina McDonald
Office of the Administrative Hearings
People's Counsel for Baltimore County

Deputy Director:



Jeff Mayhew

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: December 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0167-A
Address 8219 Scotts Level Road
(McDonald Property)

Zoning Advisory Committee Meeting of **January 1, 2018.**

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

Reviewer: Steve Ford

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: December 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0167-A
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(McDonald Property)

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comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 10, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 01, 2017
Item No. 2018-0166-SPHA, 0167-A and 0169-A

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

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 23, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2017
Item No. 2018-0167-A, 0175-A, 0176- SPHA, 0177-SPHA, 0178-A, 0179-A, 0180-SPH and 0181-A

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

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 1/18/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-167 (amended)

INFORMATION:

Property Address: 9210 Scotts Level Road
Petitioner: Marina McDonald
Zoning: DR 3.5
Requested Action: Variance, Special Hearing

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Prepared by:



Lloyd T. Moxley

AVA/KS/ITM/ka

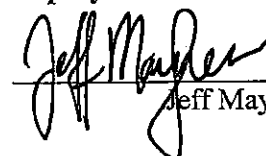
c: Pat McDougall

Marina McDonald

Office of the Administrative Hearings

People's Counsel for Baltimore County

Deputy Director:



Jeff Mayhew

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: December 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0167-A
Address 8219 Scotts Level Road
(McDonald Property)

Zoning Advisory Committee Meeting of **January 1, 2018**.

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

Reviewer: Steve Ford

161167

Date: 12/18/17

[illegible]

Total: 75.00

Rec. Marcia McDonald
From:

For: 4th 8219 Scotts Level Rd

2018-0167-A

DISTRIBUTION

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

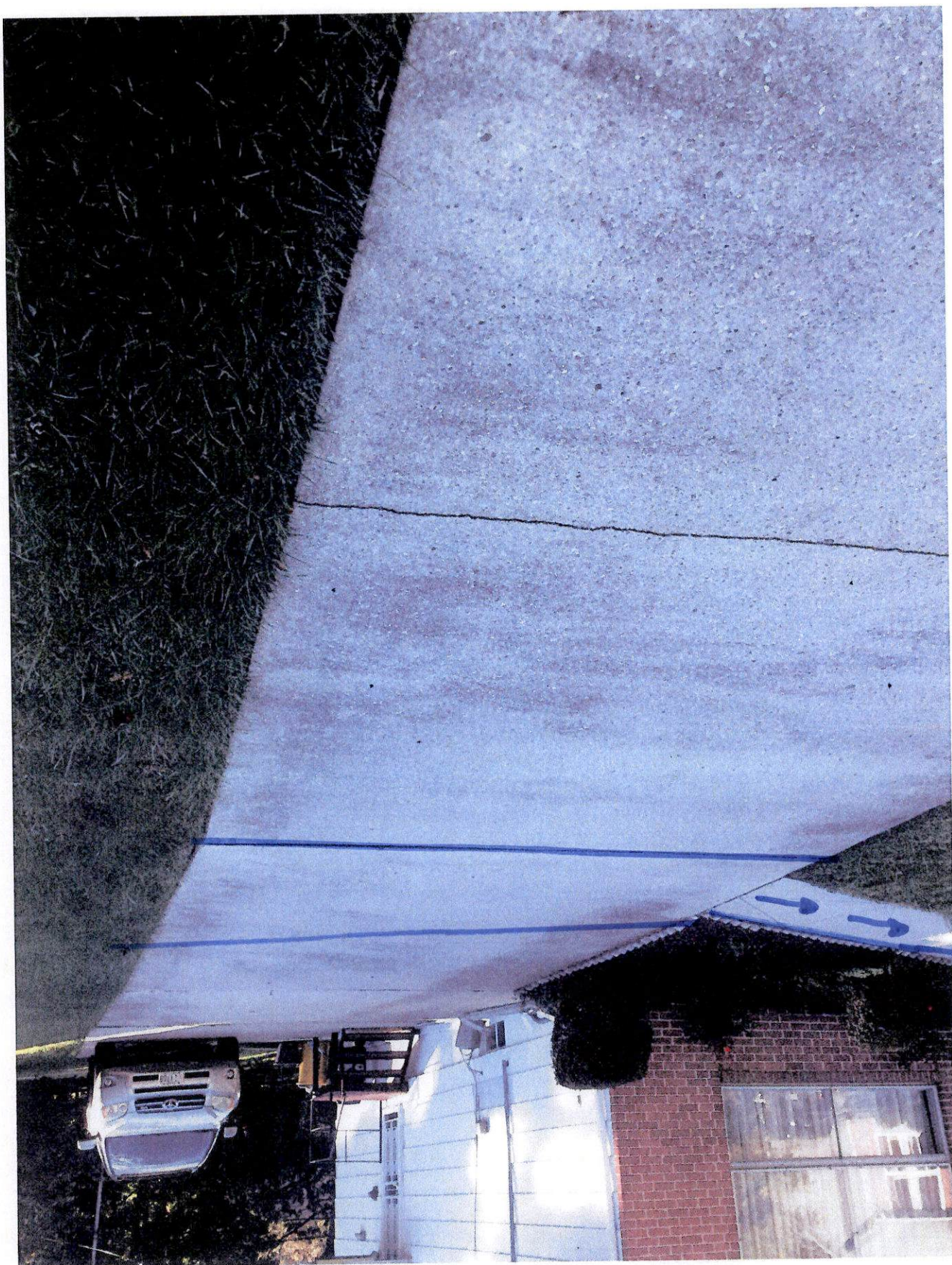
PLEASE PRESS HARD!!!

1970 RECEIPT

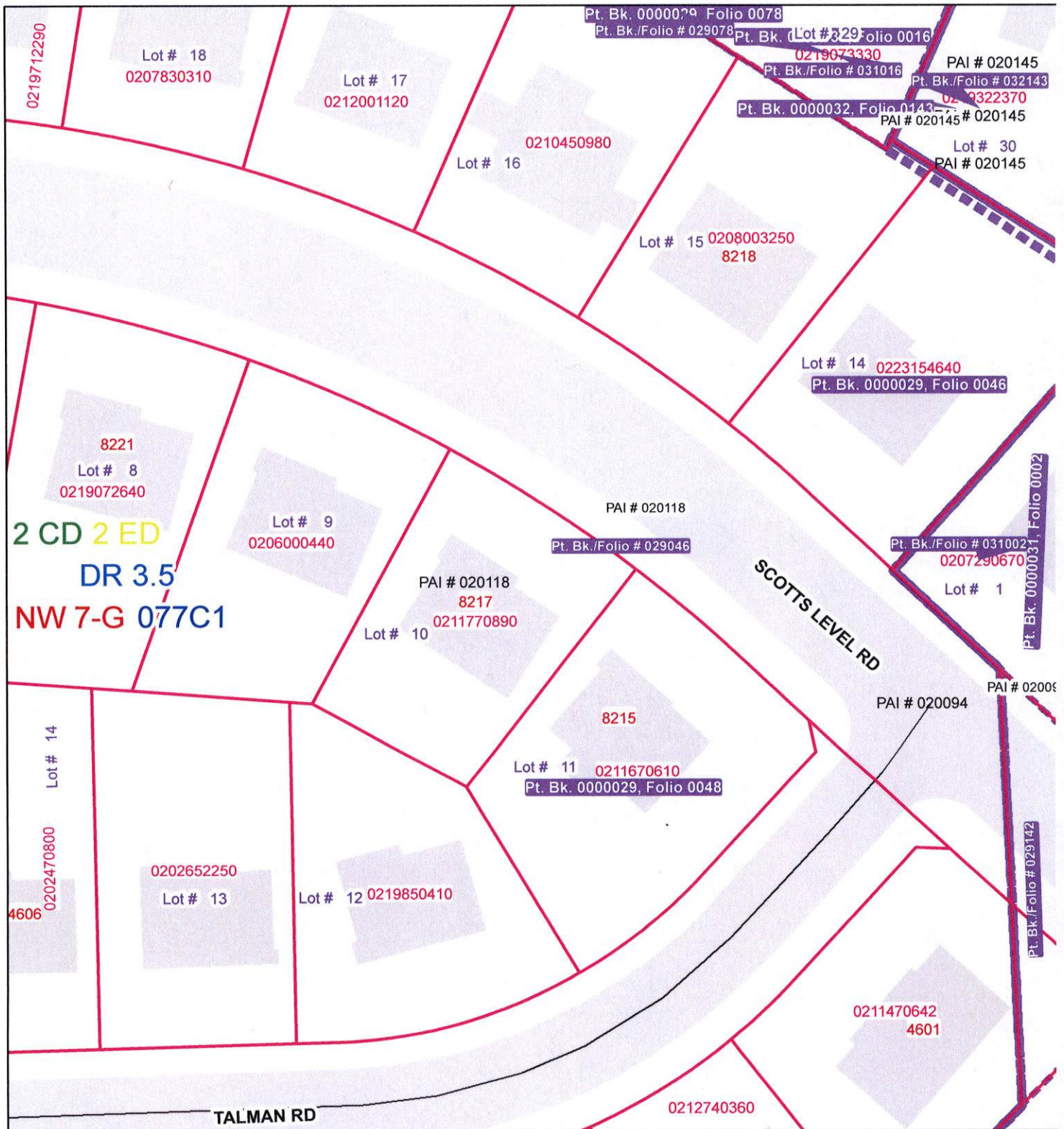
12/18/2017 12/18/2017 09:34:13
REQ USER: WALKIN, JEE
SYNOPSIS: 035908 12/18/2017 OPEN
Dept. 5 520 ZOWING VERIFICATION
CR NO. 141187

Recpt-Not 475.00
 475.00 On 1.00 On
 Baltimore County, Maryland

CASHIER'S VALIDATION



219 Scotts Level Road



Publication Date: 12/12/2017



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

2018-0167-SPHA

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/10DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no Comment12/28DEPS
(if not received, date e-mail sent _____)no Comment

FIRE DEPARTMENT

1/18/18PLANNING
(if not received, date e-mail sent _____)Comment1/10/18

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/18/18SIGN POSTING Date: 2/18/18by WilsonPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0206000440			
Owner Information					
Owner Name:	MCDONALD MARINA L		Use:	RESIDENTIAL	
Mailing Address:	8219 SCOTTS LEVEL RD BALTIMORE MD 21208		Principal Residence:	YES	
			Deed Reference:	/39513/ 00122	
Location & Structure Information					
Premises Address:		8219 SCOTTS LEVEL RD BALTIMORE 21208-		Legal Description:	
LAYDON PARK					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0077	0011	0824		0000	2
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
J	9	2016		0029/0046	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1964	1,317 SF	400 SF	8,280 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	ASBESTOS SHINGLE	3 full	Last Major Renovation
Value Information					
Base Value		Value	Phase-in Assessments		
		As of 01/01/2016	As of 07/01/2017	As of 07/01/2018	
Land:	62,300	62,300			
Improvements	100,600	133,200			
Total:	162,900	195,500	184,633	195,500	
Preferential Land:	0			0	
Transfer Information					
Seller: FALK MELVIN D TRUSTEE		Date: 10/16/2017		Price: \$217,000	
Type: ARMS LENGTH IMPROVED		Deed1: /39513/ 00122		Deed2:	
Seller: FALK MELVIN D		Date: 11/10/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /38248/ 00099		Deed2:	
Seller: LAYDON PARK INC		Date:		Price: \$0	
Type:		Deed1: /04371/ 00088		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					

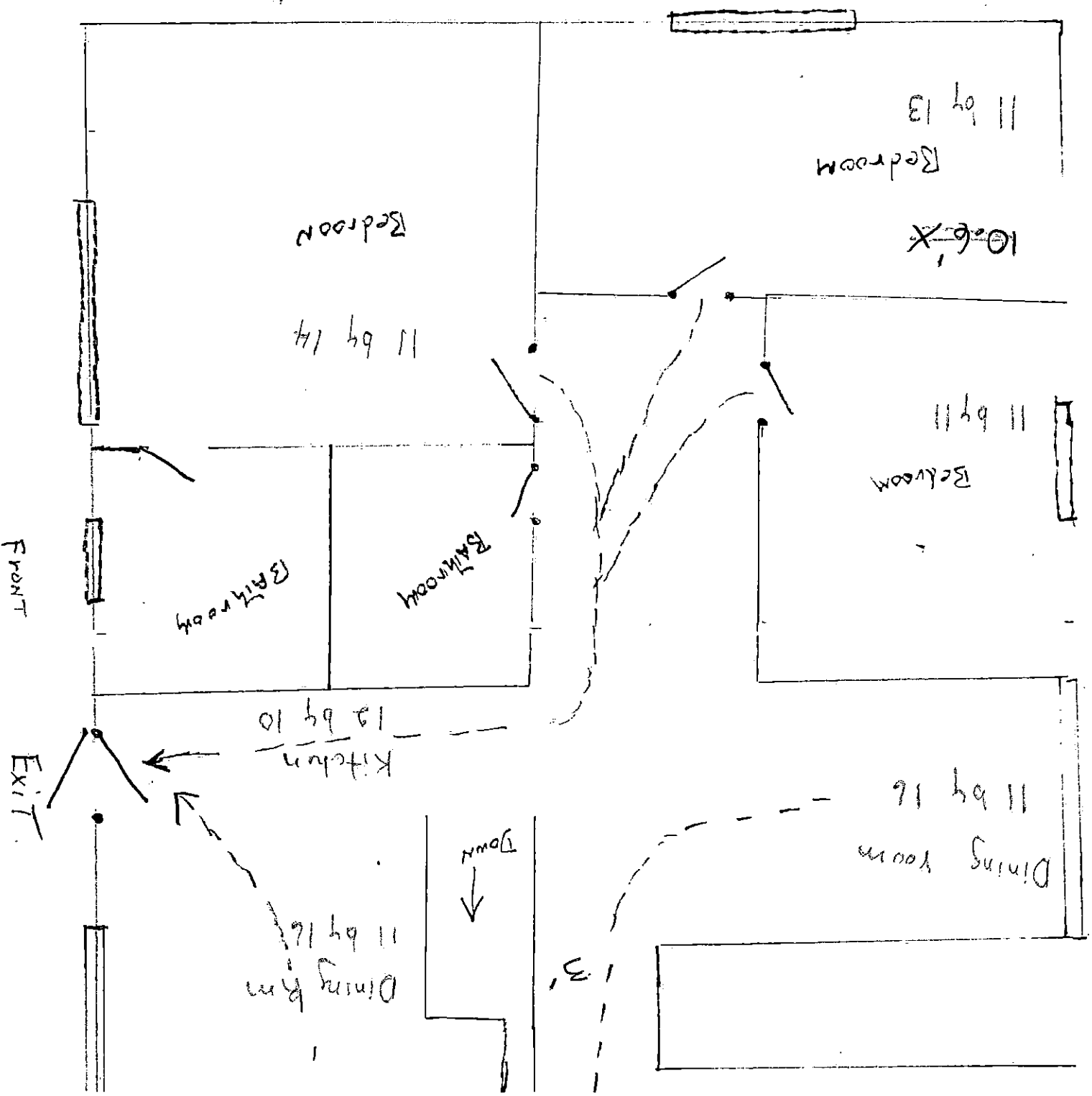
Homeowners' Tax Credit Application Status: No Application

Date:

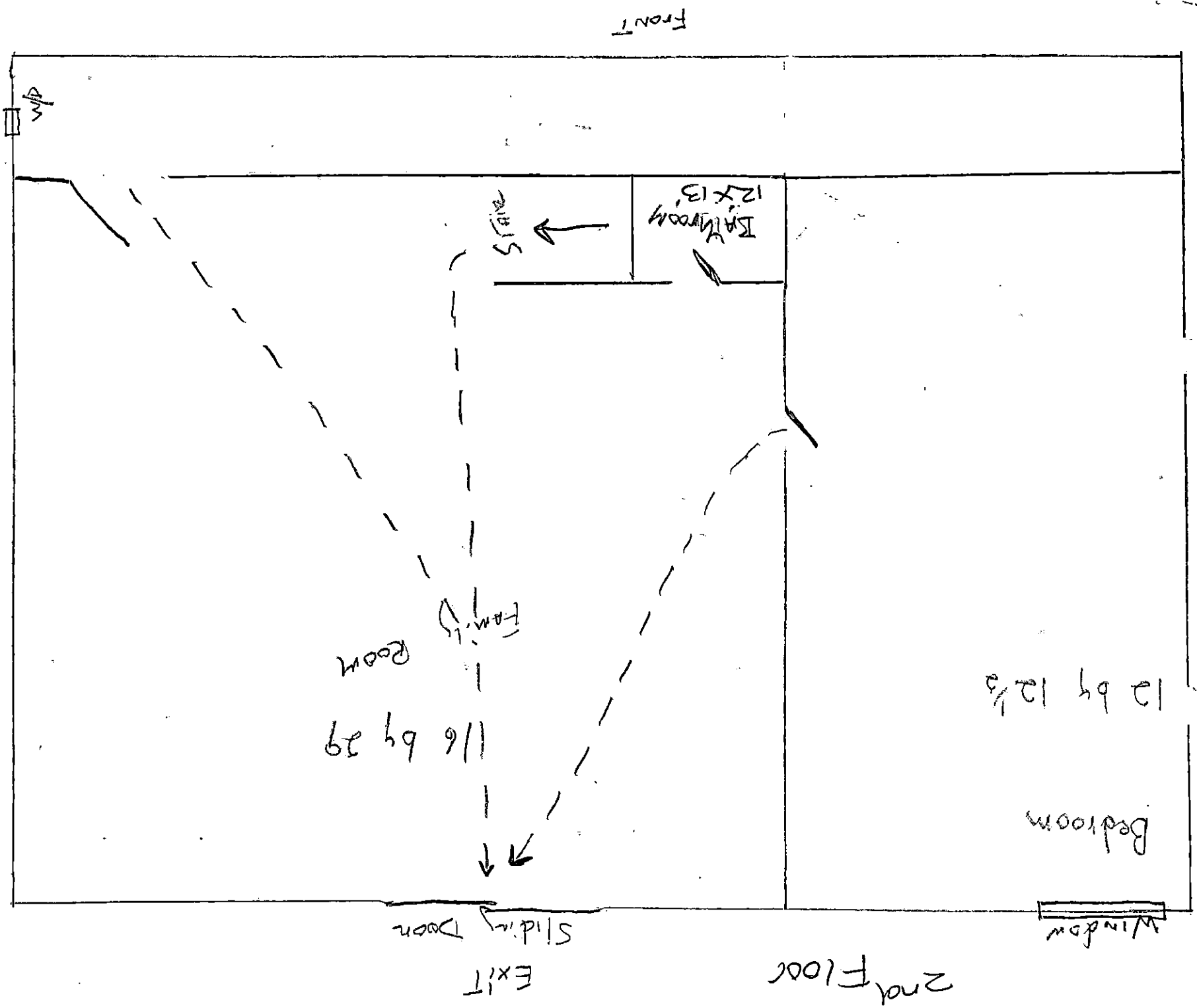
Main floor

Mariah M. Donald

1st floor
Approximately



2018-01-7-SPHA



Foyer - 11' Long 5' wide (55 FT SQ)

LR - 17' wide 19' Long (323 SQ FT)
12' wide 10' Long (120 SQ FT)

Kitchen - 16' Long (176 SQ FT)

DR - 11' wide

11' Long (121 SQ FT)

Back BR - 11' wide
(mom's)

13' Long (143 SQ FT)

middle BR - 11' wide

14' Long (154 SQ FT)

Front BR 11' wide

Downstairs BR - 12' wide 13 1/2' Long (150 SQ FT)

family Room 16' wide 29' Long (464 SQ FT)

Wash Room 12' wide 29' Long (348 SQ FT)

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2017, Legislative Day No. 12

Bill No. 45-17

Mrs. Cathy Bevins, Councilwoman

By the County Council, July 3, 2017

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Assisted-Living Facilities

FOR the purpose of limiting the proximity of assisted-living facilities I and II to other such facilities; and generally relating to the location of assisted-living facilities.

BY repealing and re-enacting, with amendments
Article 4 – Special Regulations
Section 432A.1.A
Baltimore County Zoning Regulations

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

ARTICLE 4 – Special Regulations

§ 432A. Assisted-Living Facility; Housing for the Elderly

§ 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.

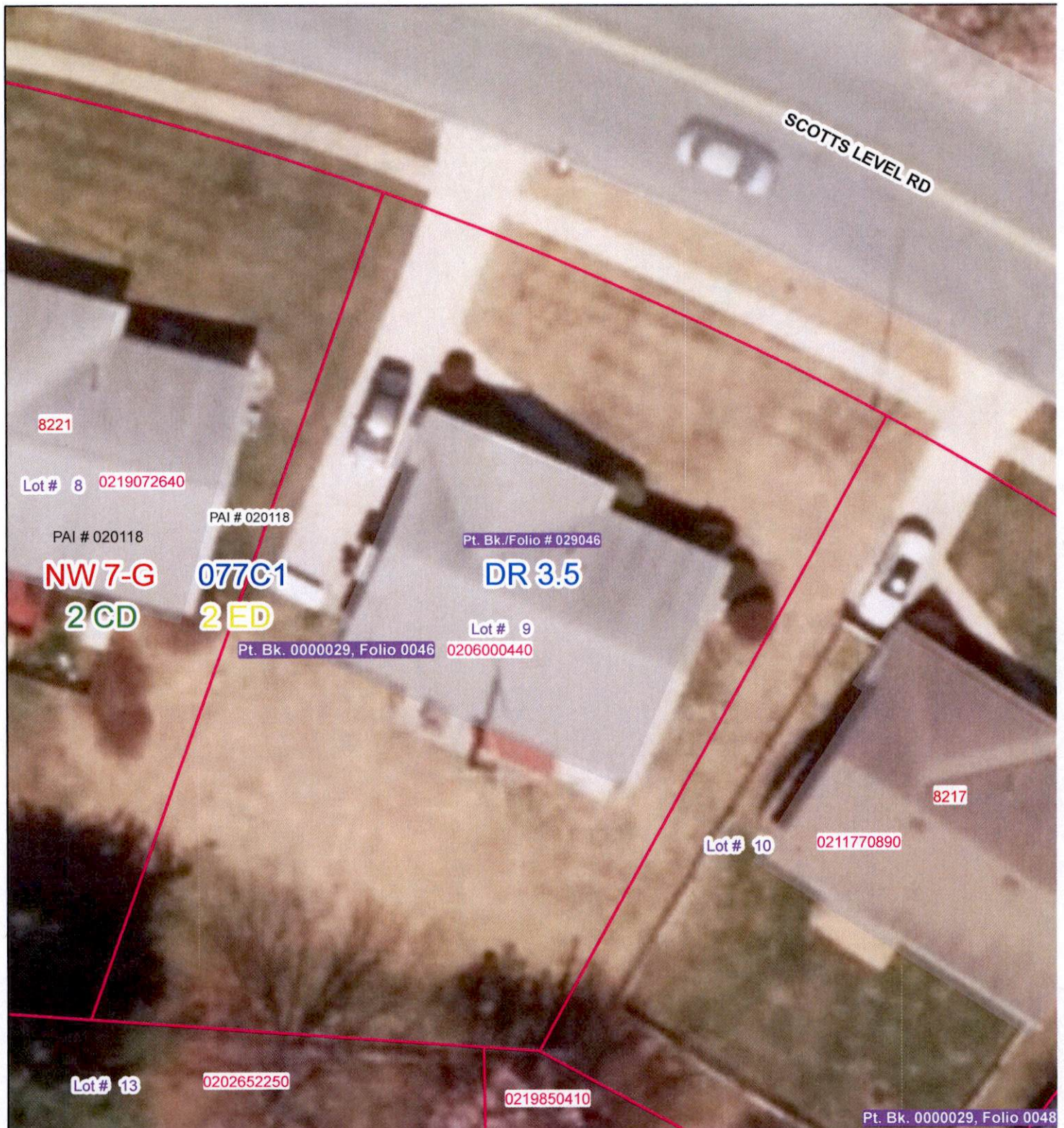
3. IN A D.R. ZONE, AN ASSISTED-LIVING FACILITY I OR II IS NOT PERMITTED WITHIN 1,000 FEET OF ANOTHER PROPERTY WITH AN EXISTING ASSISTED-LIVING FACILITY I OR II OR ANOTHER PROPERTY FOR WHICH AN APPLICATION FOR A USE PERMIT HAS BEEN FILED FOR AN ASSISTED-LIVING FACILITY I OR II.

[3] 4. 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] 5. Housing for the elderly is permitted by right in R.A.E. Zones.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on August 21, 2017.

8219 Scotts Level Road



Publication Date: 12/12/2017



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



0 5 10 20 30 40 Feet

1 inch = 20 feet

2018-0167-SPHA

LFI
 3 Beds
 lot size - 8280
 parking 2 spaces

open space 828 sq ft
 this building has not
 been enlarged to
 accommodate an
 elderly housing or
 assisted living facility
 in the last 5 years

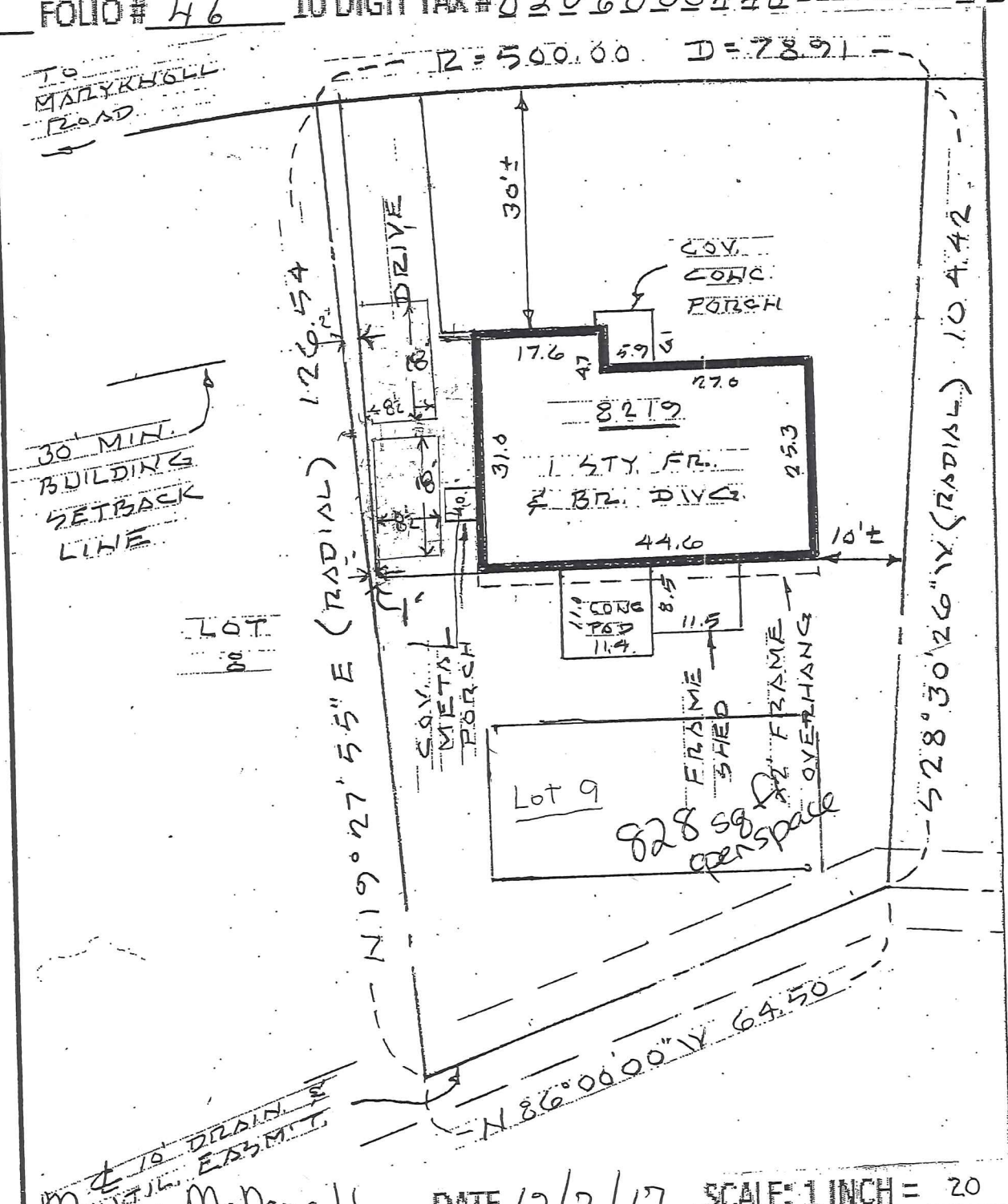
1st Floor
 See attached

2nd Floor
 See attached

No Assisted living facility
 within a 1000 feet

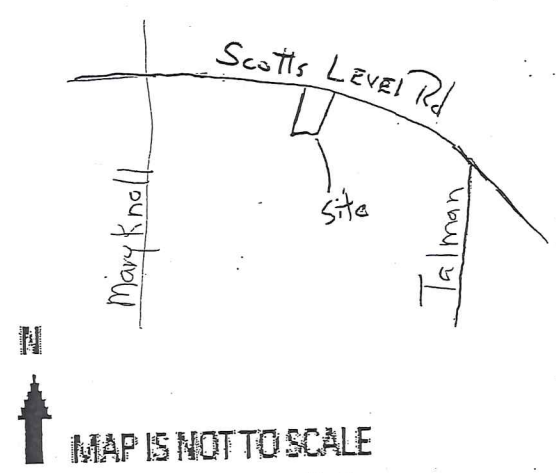
this building has not been
 originally constructed to
 accommodate elderly housing
 or assisted living facility
 no construction, relocation
 exterior changes or additions
 of 25% or more in ground
 floor area as it has
 existed for 5 years before
 the date of this application

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 8219 Scotts Level Rd OWNER(S) NAME(S) Marina McDonald
 SUBDIVISION NAME Laydon Park LOT # 9 BLOCK # J SECTION # 2
 PLAT BOOK # 29 FOLIO # 46 10 DIGIT TAX # 0206000440 DEED REF. # 39513100122



PLAN DRAWN BY Marina McDonald DATE 12/7/17 SCALE: 1 INCH = 20 FEET
 SIGN: Marina McDonald

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 077C1
 SITE ZONED DR 3.5
 ELECTION DISTRICT 2nd
 COUNCIL DISTRICT 2nd
 LOT AREA ACREAGE _____
 OR SQUARE FEET 8280
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

1st Floor
3 Beds
Lot size - 8280
Parking 2 spaces

Open space 828 sq ft
his building has not
been enlarged to
accommodate an
elderly housing or
assisted living facility
in the last 5 years

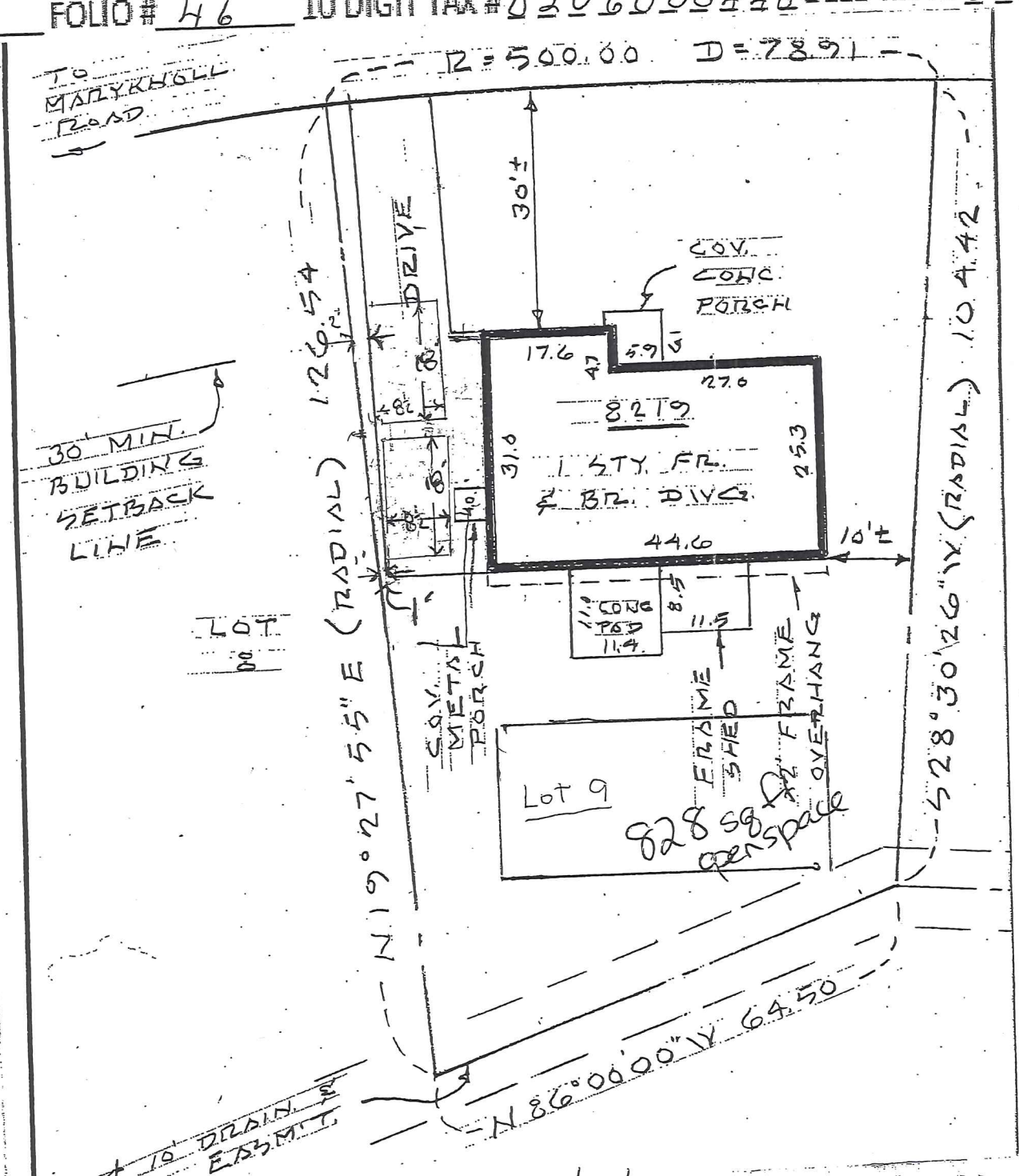
1st Floor
See attached

2nd Floor
See attached

No Assisted living facility
within a 1000 feet

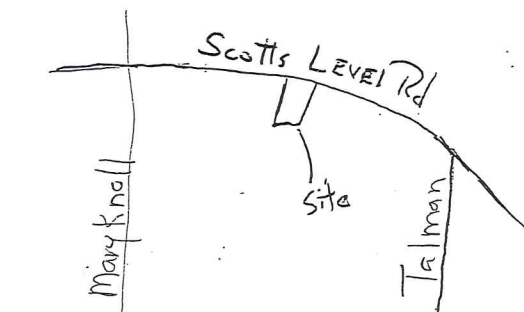
This building has not been
originally constructed to
accommodate elderly housing
or assisted living facility.
No construction, relocation,
exterior changes or additions
of 25% or more in ground
floor area as it has
existed for 5 years before
the date of this application

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 8219 Scotts Level Rd OWNER(S) NAME(S) Marina McDonald
SUBDIVISION NAME Laydon Park LOT # 9 BLOCK # J SECTION # 2
PLAT BOOK # 29 FOLIO # 46 10 DIGIT TAX # 0206000440 DEED REF. # 39513100122



PLAN DRAWN BY Marina McDonald DATE 12/7/17 SCALE: 1 INCH = 20 FEET
SIGN: Marina McDonald

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 077C1
SITE ZONED DR 3.5
ELECTION DISTRICT 2nd
COUNCIL DISTRICT 2nd
LOT AREA ACREAGE _____
OR SQUARE FEET 8280
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC ☒ PRIVATE _____
SEWER IS: PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO: