MEMORANDUM

DATE: August 23, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0207-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 17, 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 EXCEPTION AND VARIANCE	*	BEFORE THE
(3507 N. Rolling Road)	*	OFFICE OF
2nd Election District		
4th Council District	*	ADMINISTRATIVE HEARINGS
Olufemi Olawale &		
Omowumi Olawale	*	FOR BALTIMORE COUNTY
Legal Owners		
Petitioners	*	**Case No. 2018-0207-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3507 N. Rolling Road. The Petitions were filed on behalf of the legal owner of the subject property.

The Special Exception petition seeks to allow a community care center on property zoned DR 5.5. The Petition for Variance seeks: **(1)** pursuant to section 1B01.2.C.l.a, a non-residential principal building side yard setback of 10 ft. in lieu of the required 20 ft.; **(2)** pursuant to the Residential Transition Area ("RTA") requirements in section 1B01.1.B.1.e.(5) to allow an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer, and an 11 ft. setback and 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; **(3)** to approve a modified parking plan under section 409.12.B; and **(4)** to allow a community care center use within the RTA. A site plan was marked as Petitioners' Exhibit 1.

Appearing in support of the petitions were Olufemi Olawale & Omowumi Olawale and landscape architect Nick Linehan. A neighbor attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the

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Date 7/18/18
By DEN

BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

The subject property is approximately 7,500 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1949. Petitioners are health-care professionals (a nurse and nurse practitioner) and operate pursuant to a state license (Ex. 4) a psychiatric rehabilitation program for adults and minors. Petitioners and the case workers they employ see patients in their homes, and they explained many of their clients live in group homes or half-way houses. Patients are not seen or treated at the subject property. Petitioners explained they intend to use the subject property for administrative purposes associated with the community care center, such as billing, payroll, and scheduling case workers. Petitioners testified the operation at the subject property has two employees, and they anticipate that on a day-to-day basis approximately three (3) vehicles would come and go from the site.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Linehan opined Petitioners satisfied the requirements of B.C.Z.R. §502.1 and the case law interpreting that provision. In the absence of any evidence to the contrary, and in light of the presumption under Maryland law, the petition for special exception will be granted.

VARIANCES

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 property is narrow and deep (50' x 150') and Petitioners are constrained by existing site improvements including a single-family dwelling constructed in 1949. As such the property is unique. If the BCZR were strictly interpreted Petitioners would suffer a practical difficulty since they would be unable to operate the care center. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **18th** day of **July, 2018**, that the Petition for Special Exception to allow a community care center on property zoned DR 5.5, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: **(1)** pursuant to section 1B01.2.C.l.a, to permit a non-residential principal building side yard setback of 10 ft. in lieu of the required 20 ft.; **(2)** pursuant to the Residential Transition Area ("RTA") requirements in section 1B01.1.B.1.e.(5) to allow an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer, and an 11 ft. setback and 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; **(3)** to approve a modified parking plan under section 409.12.B; and

ORDER RECEIVED FOR FILING

Date 7/18/18

By Sln

(4) to allow a community care center use within the RTA, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Within 15 days of the date hereof, Petitioners must submit for approval by the DOP a revised plan depicting landscaping to be installed along the 34' wide section of the property to be used for off-street parking.

3. The hours of operation shall be limited to 9 a.m.-6 p.m. Monday-Friday. The center shall not operate or be staffed on Saturday or Sunday.

4. The subject property shall be used only for administrative activities associated with the community care center operated by Petitioners. No patients or clients shall be seen or treated on 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/sln

ORDER RECEIVED FOR FILING
Date 7/18/18
By sln

PETITION FOR ZONING HEARING(S)

REVISED

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 3507 North Rolling Road, Baltimore 21224-2203 which is presently zoned

D.R.-5.5 Deed References: ___ **L39570/F 0039** 10 Digit Tax Account # **0220800250**

Property Owner (s) Printed Name (s) **Olufemi Olawale** and **Omowumi Olawale**

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

Community Care Center

3.__X__ **a Variance** from Section(s) VARIANCE REVISED

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

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

NOT APPPLICABLE

Signature

Mailing Address Date City State

Zip Code Telephone # Email Address

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Date 7/18/18
By

Attorney for Petitioner

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue Suite 502 Towson, MD

Mailing Address City State

21204 / (410) 299-2943 / tkotroco@gmail.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Olufemi Olawale /Omowumi Olawale

Name #1 – Type or Print Name #2 – Type or Print

x Signature #1

x Signature #2

3507 North Rolling Road, Baltimore, MD 21224

Mailing Address City State Zip Code

Telephone # 443-854-5899

Email Address: femi.olawale@oasishealthservices.com

Representative to be contacted:

Richard Matz PE

Name – Type or Print

Signature

2835 Smith Ave., Suite G Baltimore MD

Mailing Address City State

21209 / 410-653-3838 / dmatz@cmrengineers.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0207-XA **Filing Date** 02/2/18 **Do Not Schedule Dates:** _____ **Reviewer** AC

REV. 10/4/11

Zoning Case No. 2018-0207-XA

REVISED 03-28-2018

ATTACHMENT TO SPECIAL EXCEPTION PETITION

3507 North Rolling Road, Baltimore County

The Petitioner, requests the following zoning relief:

SPECIAL EXCEPTION RELIEF, pursuant to section 1B01.1. C. 1 of the BCZR to allow a community care center on property zoned D. R. 5.5;

AND for a **VARIANCE** for the side yard setbacks under Section 1B01.2. C.1.a, Non-residential Principal Building Setbacks in Zone D. R. 5.5; to allow:

(1) a side yard setback of 10' to the existing non-residential principle structure in lieu of the required 20',

AND for a VARIANCE from RTA requirements under Section 1B01.1.B.1.e.(5) to allow:

(1) 8' setback and 8' buffer from the lot line to the proposed parking pad in lieu of the required 75' setback and 50' buffer;

(2) a 11'setback and a 11' buffer from the lot line to the existing non-residential principle structure in lieu of the required 75'setback and 50' buffer;

AND to allow for a Modified Parking Plan under Section 409.12.B.

AND for a **VARIANCE** from 1B01.1.B. g.10 to allow a community care center use within the RTA;

AND For such other and further relief as the nature of this cause may require.

Colbert Matz Rosenfelt

Civil Engineers • Surveyors • Planners

ZONING PROPERTY DESCRIPTION
FOR
3507 NORTH ROLLING ROAD
BALTIMORE COUNTY, MD 21244

Beginning at the point on the east side of North Rolling Road which is 28 feet of right-of-way width at the distance of 168 feet south of the centerline of the intersection with Rockdale Avenue which is 30 feet wide at the right- of- way.

Being Lot number 43 in the Subdivision of "Rockdale Plains" as recorded in the Baltimore County Plat Book No. W. P.C. 8, Folio No. 8, containing 7,500 Square feet or 0.17 Acres +/-. Located in the 4th Election District and 2nd Council District. Also known as 3507 North Rolling Road, Baltimore County, MD 21244.

STATE OF MARYLAND
RICHARD EARL MATZ
13203
PROFESSIONAL ENGINEER

FEB. 12, 2018

Professional Certification

I hereby ce1iify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203 Expiration Date: 11/02/2018

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

2018-0207-XA

THE BALTIMORE SUN MEDIA GROUP

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 5645883

Sold To:
Olufemi Olawale - CU00659654
3507 N Rolling Rd
Windsor Mill,MD 21244-2203

Bill To:
Olufemi Olawale - CU00659654
3507 N Rolling Rd
Windsor Mill,MD 21244-2203

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

Jun 26, 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: # 2018-0207-XA
3507 North Rolling Road
E/s North Rolling Road, 168 ft. S/of centerline of Rockdale Avenue
2nd Election District - 4th Councilmanic District
Legal Owner(s) Olufemi & Omowumi Olawale

Special Exception: to allow a community care center on property zoned DR 5.5. Variance 1. For the side yard setbacks under Section 1B01.2.C.I.a, Non-residential Principal Building Setbacks in Zone DR 5.5; to allow: 1. a side yard setback of 10 ft. to the existing non-residential principle structure in lieu of the required 20 ft., 2. From RTA requirements under Section 1B01.1.B.1.e(5) to allow: 1. an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer; 2. an 11 ft. setback and an 11 ft. buffer from the lot line to the existing non¬residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; 3. To allow for a Modified Parking Plan under Section 409.12.B; 4. To allow a community care center use within the RTA; 5. For such other and further relief as the nature of this cause may require. Hearing: Monday, July 16, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
Hearing: Monday, July 16, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

06/26/18 5645883

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

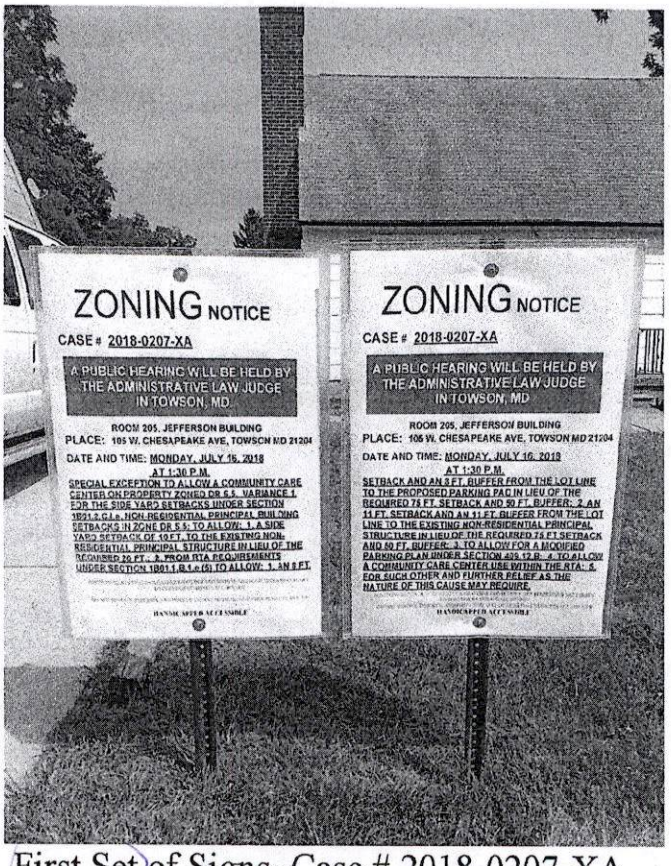
JB 7-16
1:30 PM

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER
DATE: 7/13/2018
Case Number: 2018-0207-XA
Petitioner / Developer: RICHARD MATZ of COLBERT, MATZ & ROSENFELT, LLC ~ MR. & MRS. OLAWALE
Date of Hearing: JULY 16, 2018

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:
3507 NORTH ROLLING ROAD

The sign(s) were posted on: JUNE 21, 2018
The sign(s) were re-photographed on: JULY 13, 2018



First Set of Signs~Case # 2018-0207-XA

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

RECEIVED
JUL 16 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

2nd Set of Signs~Case # 2018-0207-XA Background Photo Case # 2018-0207-XA
3507 NORTH ROLLING ROAD

Sign #2 Case # 2018-0207-XA

First Set ~ Case # 2018-0207-XA

Second Set ~ Case # 2018-0207-XA
3507 North Rolling Road

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 6/21/2018
Case Number: 2018-0207-XA
Petitioner / Developer: RICHARD MATZ of COLBERT, MATZ & ROSENFELT, LLC ~ MR. & MRS. OLAWALE
Date of Hearing: JULY 16, 2018

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:
3507 NORTH ROLLING ROAD

The sign(s) were posted on: JUNE 21, 2018

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

June 1, 2018

KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2018-0207-XA
3507 North Rolling Road
E/s North Rolling Road, 168 ft. S/of centerline of Rockdale Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: Olufemi & Omowumi Olawale

Special Exception to allow a community care center on property zoned DR 5.5. Variance 1. For the side yard setbacks under Section 1B01.2.C.I.a, Non-residential Principal Building Setbacks in Zone DR 5.5; to allow: 1. a side yard setback of 10 ft. to the existing non-residential principle structure in lieu of the required 20 ft., 2. From RTA requirements under Section 1B01.1.B.1.e(5) to allow: 1. an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer; 2. an 11 ft. setback and an 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; 3. To allow for a Modified Parking Plan under Section 409.12.B; 4. To allow a community care center use within the RTA; 5. For such other and further relief as the nature of this cause may require.

Hearing: Monday, July 16, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209
Mr. & Mrs. Olawale, 3507 North Rolling Road, Baltimore 21224

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 26, 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
Tuesday, June 26, 2018 Issue - Jeffersonian

Please forward billing to:
Olufemi Olawale
3507 North Rolling Road
Baltimore, MD 21224

410-718-6700

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: 2018-0207-XA
3507 North Rolling Road
E/s North Rolling Road, 168 ft. S/of centerline of Rockdale Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: Olufemi & Omowumi Olawale

Special Exception to allow a community care center on property zoned DR 5.5. Variance 1. For the side yard setbacks under Section 1B01.2.C.l.a, Non-residential Principal Building Setbacks in Zone DR 5.5; to allow: 1. a side yard setback of 10 ft. to the existing non-residential principle structure in lieu of the required 20 ft., 2. From RTA requirements under Section 1B01.1.B.1.e(5) to allow: 1. an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer; 2. an 11 ft. setback and an 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; 3. To allow for a Modified Parking Plan under Section 409.12.B; 4. To allow a community care center use within the RTA; 5. For such other and further relief as the nature of this cause may require.

Hearing: Monday, July 16, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE OFFICE
3507 N. Rolling Road; E/S N Rolling 168' S of c/line of Rockdale Avenue	*	OF ADMINSTRATIVE
2nd Election & 4th Councilmanic Districts	*	HEARINGS FOR
Legal Owners: Olufemi & Omowumi Olawale		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2018-207-XA

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

RECEIVED
FEB 26 2018

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 26th day of February, 2018, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, PE, 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2018-0207-XA

Property Address: **3507 North Rolling Road, Baltimore, MD 21244**

Property Description: **.17Acres on the East side of N. Rolling Road, 168 Feet S. West of the N. Rolling Road & Rockdale Avenue Intersection**

Legal Owners (Petitioners): **Olfemi Olawale and Omowumi Olawale**

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: **Olfemi Olawale**

Company/Firm (if applicable): **Oasis Health Ventures**

Address: **3507 North Rolling Road, Baltimore, MD 21244**

Telephone Number: **:(410)718-6700**

Revised 7/9/2015

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

№ 161299

Date: 02/12/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$1,000
							Total:	$1,000

Rec From:

For: 3507 N ROLLING RD

2018-0207-XA

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME REF
2/12/2018 2/12/2018 10:24:32
REG USER WALKIN JEL
RECEIPT # 044577 2/12/2018 STCA
Dept: 806 ZONING VERIFICATION
CK NO. 161299
Recpt Tot 1,000.00
1,000.00 CK 0.00 CA
Baltimore County, Maryland

DONALD I. MOHLER III
County Executive

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

July 12, 2018

Olufemi Olawale
Omowumi Olawale
3507 North Rolling Road
Baltimore MD 21224

RE: Case Number: 2018-0207 SPHA, Address: 3507 North Rolling Road

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 February 12, 2018. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richard Matz P E, 2835 Smith Avenue, Suite G, Baltimore MD 21209

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 4/2/18

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. 2018-0207-XA
Special Exception, Variance
Olufemi Olawale, Omowumi Olawale
3507 N. Rolling 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,

Richard A Zeller

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

WW/RAZ

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 2/21/18

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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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. 2018-0207-XA
Special Exception Variance
Olufemi Olawale, Omowumi Olawale
3507 North Rolling 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,

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

WW/RAZ

7-16

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/17/2018

RECEIVED
APR 19 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-207

INFORMATION:
Property Address: 3507 N Rolling Road
Petitioner: Olufemi Olawale, Omowumi Olawale
Zoning: DR 5.5
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the revised petition (dated 3/28/2018) for special exception to use the property for a community care center and the petition for variance to permit a community care center use within the residential transition area (RTA), non-residential building side yard setbacks of 10' in lieu of the required 20', an RTA setback/buffer of 8' for parking and an 11' RTA setback/buffer for a structure in lieu of the required 50' and 75' respectfully and to allow modified parking plan.

A site visit was conducted on February 27, 2018. The Department found the site to be an eyesore due to the manner in which vehicles entered and exited the property across the lawn resulting in rutting and de-vegetation. On several occasions the Department communicated with representatives for the petitioner wherein the concerns of the Department were made known. This resulted in the revised plan (dated 3/28/2018) addressing said concerns.

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

- The front lawn of the property must be restored. Landscape plantings matching that now proposed must also extend along the common property line with 3505 North Rolling Road to a point even with the building on 3507 to prevent lateral access to the subject property across 3505.
- Vegetative screening meeting the approval of the Baltimore County Landscape Architect must be installed along the S. 53 deg. 30'E. line immediately adjacent to the 4 proposed parking spaces in the rear of the property.
- Signage should be restricted to a single 1 square foot, wall mounted a nameplate type sign.
- The Petitioner has given the Department assurances that no clientele will visit the site. The Department recommends the office activities be conducted between the hours of 8:00 a.m. to 8:00 p.m.

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

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Pat McDougall
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco
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: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0207-XA
Address 3507 N. Rolling Road
(Olawale Property)

Zoning Advisory Committee Meeting of **April 9, 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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0207-XA
Address 3507 N. Rolling Road
(Olawale Property)

Zoning Advisory Committee Meeting of **February 26, 2018**.

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

Reviewer: Steve Ford

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 18-0207-XA 3507 N. Rolling Road_.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 24, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2018
Item No. 2018-0207-XA **(REVISED)**

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

If Special Exception and Zoning Reliefs are granted, a Landscape Plan is required per the requirements of the Landscape Manual. If Lighting is proposed, a Lighting Plan is required.

The existing chain link fence as shown on the plan shall be removed to provide for vehicle access to the proposed parking spaces and to allow for exiting from the spaces (minimum of 18-feet is needed).

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 07, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0182-A, 0205-A, 0206-X, 0207-XA, 0208-XA, 0209-A, 0210-A and 0211-X.

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/17/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-207

INFORMATION:
Property Address: 3507 N Rolling Road
Petitioner: Olufemi Olawale, Omowumi Olawale
Zoning: DR 5.5
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the revised petition (dated 3/28/2018) for special exception to use the property for a community care center and the petition for variance to permit a community care center use within the residential transition area (RTA), non-residential building side yard setbacks of 10' in lieu of the required 20', an RTA setback/buffer of 8' for parking and an 11' RTA setback/buffer for a structure in lieu of the required 50' and 75' respectfully and to allow modified parking plan.

A site visit was conducted on February 27, 2018. The Department found the site to be an eyesore due to the manner in which vehicles entered and exited the property across the lawn resulting in rutting and de-vegetation. On several occasions the Department communicated with representatives for the petitioner wherein the concerns of the Department were made known. This resulted in the revised plan (dated 3/28/2018) addressing said concerns.

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

- The front lawn of the property must be restored. Landscape plantings matching that now proposed must also extend along the common property line with 3505 North Rolling Road to a point even with the building on 3507 to prevent lateral access to the subject property across 3505.
- Vegetative screening meeting the approval of the Baltimore County Landscape Architect must be installed along the S. 53 deg. 30'E. line immediately adjacent to the 4 proposed parking spaces in the rear of the property.
- Signage should be restricted to a single 1 square foot, wall mounted a nameplate type sign.
- The Petitioner has given the Department assurances that no clientele will visit the site. The Department recommends the office activities be conducted between the hours of 8:00 a.m. to 8:00 p.m.

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

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Pat McDougall
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy Kotroco
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: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0207-XA
Address 3507 N. Rolling Road
(Olawale Property)

Zoning Advisory Committee Meeting of **April 9, 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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0207-XA
Address 3507 N. Rolling Road
(Olawale Property)

Zoning Advisory Committee Meeting of **February 26, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE

RECEIVED
AUG 17 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: John E. Beverungen **DATE:** 08/17/2018

FROM: Pat McDougall, Dept. of Planning

SUBJECT: Case No. 2018-0207-XA, 3507 N. Rolling Road

Please be advised that the petitioner's representative for the above referenced case has, as directed within your Opinion and Order, submitted a revised plan (dated August 2, 2018) for the proposed community care center at 3507 N. Rolling Road. The revised plan, a copy of which is attached, sufficiently addresses (to the Department of Planning's satisfaction) your 2nd condition for relief, "depicting landscaping to be installed along the 34' wide section of the property to be used for off-street parking."

Please feel free to contact me at 410-887-3822 should you have any questions.

Attachment

C: Lloyd Moxley, Dept. of Planning (plan not included)
Richard Matz, petitioner's representative (plan not included)

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2018-0207
DATE 7-16-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Aletha Davis-Cure	3508 Rolling Road	Windsor Mill, MD 21244	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 2018-0207-XA
DATE 7-16-18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Nicholas Linehan. CMR INC.	2835 Smith Ave. Suite G.	Baltimore County MD.	nlinehan@cmrengineers.com
Femi Olawale	506 Tylney hall court	Westminster MD 21158	feminolawale01@gmail.com
Omowumi Olawale	506 Tylney hall court	Westminster MD 21158	omowumiolawale01@gmail

IN THE MATTER OF :	*	BEFORE THE
	*	ADMINISTRATIVE LAW JUDGE
Olufemi Olawale/Omowumi Olawale 3507 N. Rolling Road Baltimore, Maryland 21224	*	FOR
	*	BALTIMORE COUNTY
PETITIONERS	•	Case No. 2018-0207-XA
	*	

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

NOTICE OF WITHDRAWAL OF APPEARANCE

Please withdraw my appearance on behalf of Olufemi Olawale and Omowumi Olawale the Petitioners in this case.

Respectfully Submitted,

Timothy Kotroco

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16th day of April, 2018, a copy of the foregoing Notice of Withdrawal of Appearance was mailed to Olufemi Olawale and Omowumi Olawale the owners of 3507 N. Rolling Road , Baltimore, Maryland 21224 and the Petitioners herein.

Timothy Kotroco

Timothy M. Kotroco, Esquire

cc: People's Counsel for Baltimore County
Richard E. Matz, Engineer

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: February 12, 2018

TO: Administrative Law Judge and File

FROM: Aaron Tsui, Planner II, Zoning Review

SUBJECT: Petition for Special Exception & Variance
Case No. 2018-0207-XA
3507 North Rolling Road

The Engineer, on behalf of the petitioners, filed a Special Exception and Variance petition for a proposed Community Care Center. There are no specifics about the requested zoning reliefs as presented. Zoning reliefs include, such as the setbacks, the Residential Transition Area, the one way driveway and turnaround area, and modification of the parking plan.

After meeting between the engineer and Carl Richards, Zoning Supervisor, Mr. Richards would accept the petition filing by the engineer and the petitioners would present the specifies of the zoning reliefs requested at the hearing.

CASE NO. 2018-0207-XA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
4/24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
4/4	DEPS (if not received, date e-mail sent _____)	No Comment
	FIRE DEPARTMENT	
4/17	PLANNING (if not received, date e-mail sent _____)	No Obj w/ Comment
4/2	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6/26/18

SIGN POSTING (1st) Date: 6/21/18 by O'Keefe

SIGN POSTING (2nd) Date: 7/13/18 by O'Keefe

PEOPLE'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

Tax Exempt:		**Special Tax Recapture:**	
Exempt Class:		NONE	
Account Identifier:	**District - 02 Account Number -** 0220800250		

Owner Information

Owner Name:	OLAWALE OLUFEMI OLAWALE OMOWUMI O	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	3507 ROLLING RD BALTIMORE MD 21244-2203	**Deed Reference:**	/39570/ 00039

Location & Structure Information

Premises Address:	3507 ROLLING RD BALTIMORE 21244-2203	**Legal Description:**	ROCKDALE PLAINS

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0077	0022	0536		0000			43	2016	Plat Ref:	0008/ 0008

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	1,428 SF		6,489 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full	1 Detached	

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	57,600	57,600		
Improvements	78,900	96,300		
Total:	136,500	153,900	148,100	153,900
Preferential Land:	0			0

Transfer Information

Seller: KING CURTIS O	**Date:** 10/30/2017	**Price:** $185,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /39570/ 00039	**Deed2:**
Seller: TUCKER DALLAS G JR	**Date:** 01/21/2016	**Price:** $149,250
Type: ARMS LENGTH IMPROVED	**Deed1:** /37102/ 00079	**Deed2:**
Seller: SCHMINKE ROBERT R & FRANCES	**Date:** 06/24/1966	**Price:** $14,400
Type: ARMS LENGTH IMPROVED	**Deed1:** /04635/ 00272	**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

Colbert Matz Rosenfelt

Civil Engineers • Surveyors • Planners 2835 Smith Avenue, Suite G Baltimore, MD 21209

LETTER OF TRANSMITTAL

To:
Baltimore County
Office of Administrative Hearings
Jefferson Bldg. Suite 103
105 W. Chesapeake Ave
Towson, MD 21204

Date: 08/06/2018 Job No. 2017-303

Attn: Hon. John E. Beverungen

Re: ZAC 2018-0207-XA Special Exception

3507N. Rolling Road

RECEIVED
AUG 06 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

Cc: Office of Planning

We are sending you the following items: ☒ Attached ☐ Under Separate Cover

☒ Prints ☒ Originals

Date	Copies	No.	Description
08/02/2018	2		Site Plan With Landscaping
7/18/18	1		Zoning Order

These are transmitted as checked below:
☐Information Only ☐As Requested ☒For Approval ☐Review & Comment ☐ Original to Follow under Separate Cover

Message:

We are providing this plan for your records. Same plan has been submitted to Dept. of Planning for approval. As ordered by the ALJ this revised plan depicts landscaping to be installed along the 34' wide section of the property to be used for off-street parking for approval by DOP. It was agreed to at the hearing this plan would suffice in lieu of a "County " Landscape Plan per the Landscape Manual because of the minimal scope of the planting. Please note that the parking lot screening is equivalent to to Class A screening at 1 planting unit per 15 linear feet. If you have any questions feel free to contact me at 410-653-3838, or nlinehan@cmrengineers.com

Thank you,

Nicholas Linehan PLA, LEED AP

If enclosures are not as noted, kindly notify us at once.

Telephone: 410-653-3838
Fax: 410-653-7953

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(3507 N. Rolling Road)	*	OFFICE OF
2nd Election District		
4th Council District	*	ADMINISTRATIVE HEARINGS
Olufemi Olawale &		
Omowumi Olawale	*	FOR BALTIMORE COUNTY
Legal Owners		
Petitioners	*	**Case No. 2018-0207-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3507 N. Rolling Road. The Petitions were filed on behalf of the legal owner of the subject property.

The Special Exception petition seeks to allow a community care center on property zoned DR 5.5. The Petition for Variance seeks: **(1)** pursuant to section 1B01.2.C.l.a, a non-residential principal building side yard setback of 10 ft. in lieu of the required 20 ft.; **(2)** pursuant to the Residential Transition Area ("RTA") requirements in section 1B01.1.B.1.e.(5) to allow an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer, and an 11 ft. setback and 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; **(3)** to approve a modified parking plan under section 409.12.B; and **(4)** to allow a community care center use within the RTA. A site plan was marked as Petitioners' Exhibit 1.

Appearing in support of the petitions were Olufemi Olawale & Omowumi Olawale and landscape architect Nick Linehan. A neighbor attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the

BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

The subject property is approximately 7,500 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1949. Petitioners are health-care professionals (a nurse and nurse practitioner) and operate pursuant to a state license (Ex. 4) a psychiatric rehabilitation program for adults and minors. Petitioners and the case workers they employ see patients in their homes, and they explained many of their clients live in group homes or half-way houses. Patients are not seen or treated at the subject property. Petitioners explained they intend to use the subject property for administrative purposes associated with the community care center, such as billing, payroll, and scheduling case workers. Petitioners testified the operation at the subject property has two employees, and they anticipate that on a day-to-day basis approximately three (3) vehicles would come and go from the site.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Linehan opined Petitioners satisfied the requirements of B.C.Z.R. §502.1 and the case law interpreting that provision. In the absence of any evidence to the contrary, and in light of the presumption under Maryland law, the petition for special exception will be granted.

VARIANCES

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 property is narrow and deep (50' x 150') and Petitioners are constrained by existing site improvements including a single-family dwelling constructed in 1949. As such the property is unique. If the BCZR were strictly interpreted Petitioners would suffer a practical difficulty since they would be unable to operate the care center. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **18th** day of **July, 2018,** that the Petition for Special Exception to allow a community care center on property zoned DR 5.5, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: **(1)** pursuant to section 1B01.2.C.1.a, to permit a non-residential principal building side yard setback of 10 ft. in lieu of the required 20 ft.; **(2)** pursuant to the Residential Transition Area ("RTA") requirements in section 1B01.1.B.1.e.(5) to allow an 8 ft. setback and an 8 ft. buffer from the lot line to the proposed parking pad in lieu of the required 75 ft. setback and 50 ft. buffer, and an 11 ft. setback and 11 ft. buffer from the lot line to the existing non-residential principle structure in lieu of the required 75 ft. setback and 50 ft. buffer; **(3)** to approve a modified parking plan under section 409.12.B; and

(4) to allow a community care center use within the RTA, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Within 15 days of the date hereof, Petitioners must submit for approval by the DOP a revised plan depicting landscaping to be installed along the 34' wide section of the property to be used for off-street parking.

3. The hours of operation shall be limited to 9 a.m.-6 p.m. Monday-Friday. The center shall not operate or be staffed on Saturday or Sunday.

4. The subject property shall be used only for administrative activities associated with the community care center operated by Petitioners. No patients or clients shall be seen or treated on 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/sln

Case No.: 2018-0207-XA

Sen 7-18-18

Exhibit Sheet

DW 8-23-18

Petitioner/Developer | Protestant

No. 1	Plan	
No. 2	Photos	
No. 3	CARF Letter 6-7-2018	
No. 4	Md. DHMH License	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2

4

2

carf INTERNATIONAL

June 7, 8

Olufemi Olawale, CRNP
Oasis Health Ventures, LLC
2500 North Rolling Road SUITE 100
Windsor Mill, MD 21244

Dear Mr. Olawale:

It is my pleasure to inform you that Oasis Health Ventures, LLC has been issued CARF accreditation based on its recent survey. The Three-Year Accreditation applies to the following program(s)/service(s):

Community Integration: Mental Health (Adults)
Community Integration: Mental Health (Children and Adolescents)
Health Home: Comprehensive Care (Adults)
Health Home: Comprehensive Care (Children and Adolescents)

This accreditation will extend through May 31, 2021. This achievement is an indication of your organization's dedication and commitment to improving the quality of the lives of the persons served. Services, personnel, and documentation clearly indicate an established pattern of conformance to standards.

The accreditation report is intended to support a continuation of the quality improvement of your organization's program(s)/service(s). It contains comments on your organization's strengths as well as any consultation and recommendations. A Quality Improvement Plan (QIP) demonstrating your organization's efforts to implement the survey recommendation(s) must be submitted within the next 90 days to retain accreditation. The QIP form is posted on Customer Connect (*customerconnect.carf.org*), CARF's secure, dedicated website for accredited organizations and organizations seeking accreditation. Please log on to Customer Connect and follow the guidelines contained in the QIP form.

Your organization should take pride in achieving this high level of accreditation. CARF will recognize this accomplishment in its listing of organizations with accreditation and encourages your organization to make its accreditation known throughout the community. Communication of the accreditation to your referral and funding sources, the media, and local and federal government officials can promote and distinguish your organization. Enclosed are some materials that will help you publicize this achievement.

Your organization's complimentary accreditation certificate will be sent separately. You may use the enclosed form to order additional certificates.

If you have any questions regarding your organization's accreditation or the QIP, you are encouraged to seek support from Kathy Lauerman by email at klauerman@carf.org or telephone at (888) 281-6531, extension 7168.

CARF International Headquarters
6951 E. Southpoint Road
Tucson, AZ 85756-9407, USA

www.carf.org

Pets. No. 3

CARF encourages your organization to continue fully and productively using the CARF standards as part of its ongoing commitment to accreditation. CARF commends your organization's commitment and consistent efforts to improve the quality of its program(s)/service(s) and looks forward to working with your organization in its ongoing pursuit of excellence.

Sincerely,

Brian J. Boon, Ph.D.

Brian J. Boon, Ph.D.
President/CEO

Enclosures

MARYLAND
DEPARTMENT OF HEALTH
BEHAVIORAL HEALTH ADMINISTRATION
DIX BUILDING
55 WADE AVENUE
CATONSVILLE, MARYLAND 21228

Approval No. **2458** Registration No: **MH - 2458**

Approval **YES** Approval with conditions

Approval has been granted to:

OASIS HEALTH VENTURES, LLC
2500 NORTH ROLLING ROAD, SUITE #100
WINDSOR MILL, MD 21244

Type of Facility or Community Program:

PSYCHIATRIC REHABILITATION PROGRAM FOR ADULTS AND MINORS

Date Issued: **1/12/2018**

Authority to operate in the State is granted to the above entity pursuant to The Health-General Article, 10-901, 10-902 Annotated Code of Maryland and is subject to any and all statutory provisions, including all applicable rules and regulations promulgated thereunder. This document is not transferable.

Expiration Date: **3/31/2018**

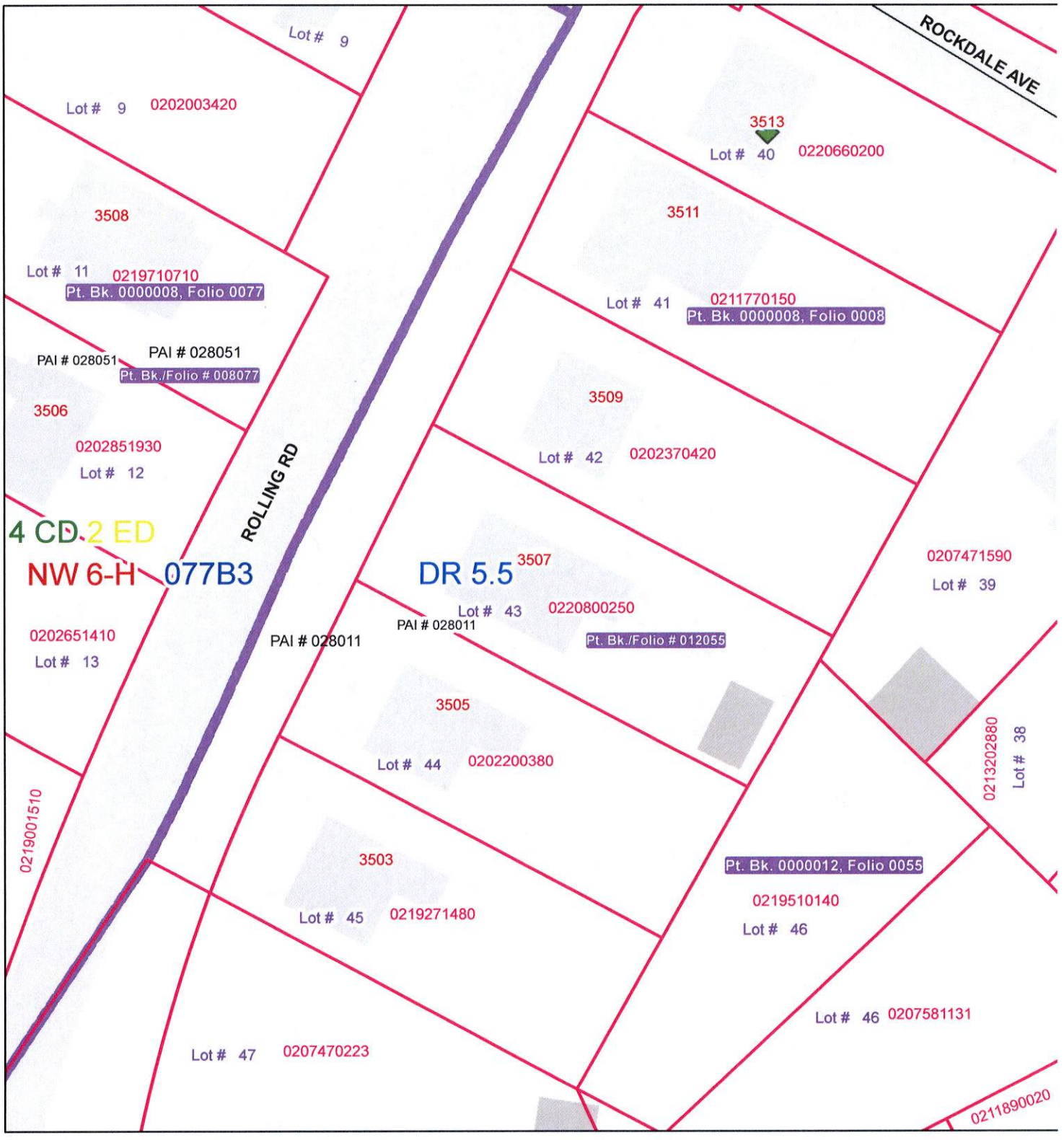
Barbara J Bazron

Deputy Secretary for Behavioral Health
(Not Transferable)

Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.

Pets. No. 4

3507 North Rolling Road



Publication Date: 2/12/2018

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

N W E S

0 10 20 40 60 80 Feet

1 inch = 40 feet

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