

IN THE MATTER OF
PATRICE BULLOCK – LEGAL OWNER
4 GEIER COURT

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

Re: PETITION FOR SPECIAL HEARING

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 18-270-SPH

* * * * *

OPINION

This matter comes before the Board of Appeals of Baltimore County as a *de novo* appeal of the Opinion and Order of the Administrative Law Judge, John E. Beverungen, dated June 5, 2019 denying the requested Petition for Special Hearing. A Petition for Special Hearing was filed by Petitioner, Patrice Bullock, the legal owner of the subject property. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed Assisted Living Facility (“ALF”) I with a distance between the facilities of 978 ft. in lieu of the required 1000 ft.

A hearing was held before this Board on October 2, 2019 and was publicly deliberated on that day as well by consent of the parties. Dr. Donovan Parks, co-owner of the proposed ALF testified on behalf of the Petitioner. Samuel Sperling, Esquire appeared on behalf of the Petitioner. Several neighbors testified in opposition, with Hollis and Michelle Hill, of 5 Geier Court sitting at the trial table, as lead Protestants.

FACTS/BACKGROUND

Petitioner proposes to operate an ALF I at the subject property that is zoned DR 3.5. The proposed location for this ALF I is in a residential neighborhood of single-family homes in the Randallstown area of Baltimore County. In 2017 the Petitioner filed a Petition for Variance relief involving the parking and the 1000 ft. separation requirement for such facility that was denied by

ALJ Beverungen. (See Case No.: 2018-0086-A). That Order was appealed to the Board of Appeals, where the Petitioner withdrew the request for variance relief prior to the hearing. During that March 28, 2018 hearing before the Board of Appeals counsel for the Petitioner moved to have the matter remanded to the ALJ due to the fact that he intended to argue that the 1000 ft. requirement violates the spirit of the Fair Housing Amendments Act of 1988 ("FHAA") and the Americans with Disability Act. Due to the fact that this theory for relief that would be brought through a Petitioner for Special Hearing was yet to be considered by the ALJ, this Board agreed that remand to the ALJ would be appropriate. (See Case CBA 18-086-A) Petitioner subsequently filed a Petition for Special Hearing before the ALJ alleging that the 1000 ft. requirement violated FHAA, ALJ Beverungen concluded that the Petition for Special Hearing was requesting the same relief as the previous Petition for Variance and denied the Petition based on *res judicata*.

Petitioner provided oral argument in support of its contention that Section 432A of the Baltimore County Zoning Regulations ("BCZR") is in conflict with the requirements of FHAA. While no expert testimony, site plan or other evidence regarding the technical details of the proposed ALF was provided by the Petitioner, Dr. Donovan Parks, co-owner of the proposed ALF, testified as to the number of rooms as well as the number of employees who would be present at the site. In his opinion, the proposed ALF would not greatly affect the amount of traffic in the neighborhood.

Protestants provided photographs, and documents from the State Department of Assessments and Taxation website, which they contend illustrate the fact there are several possible ALFs already operating in their residential neighborhood. (See Protestant's Exhibits 1-3.) Protestants testified they have witnessed disabled residents of these properties being transported to and from these locations and have witnessed, on occasion, disabled residents leaving these

locations unsupervised, requiring staff members to retrieve them. Protestants testified they fear increased traffic from additional ALFs and fear the residential nature of their community was being threatened by the prevalence of such facilities in their neighborhood.

DISCUSSION/ANALYSIS

This case comes before the Board *de novo*. In the second hearing of this matter before the ALJ, he did not consider the merits of Petitioner's arguments regarding the alleged conflict between Section 432A of the Baltimore County Zoning Regulations ("BCZR") and the FHAA, which restricts the passage of laws that materially impact the ability of handicapped persons to obtain housing. The ALJ raised the issue of *res judicata sua sponte* and dismissed the Petition without hearing further argument. This Board did not raise the issue of *res judicata*, and permitted the Petitioner to proceed on the merits of its Special Hearing request.

§ 432(A)1 of the BCZR states in pertinent part:

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 1000 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.

Applicability of the FHAA

Having abandoned its Petition for Variance relief, the only questions before the Board in the case at bar are: (1) whether Section 432(A) of the BCZR and its requirement of a 1000 foot distance from another property with an existing assisted living facility violates the FHAA, and (2), does the Baltimore County Board of Appeals have such authority to make such a determination.

The Fair Housing Amendments Act of 1988, Pub.L. No. 100-430, 102 Stat. 1619, *codified at* 42 U.S.C. § 3601, *et seq.*, extended the protection of the federal fair housing law to persons with disabilities. The FHAA, which became effective March 12, 1989, prohibits discrimination on the basis of a physical or mental handicap. 42 U.S.C. § 3604(f) (1).

Section 3604(f) (1) of the FHAA makes it unlawful:

[t]o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

As stated clearly in the FHAA legislative history, “the handicap provisions of the FHAA were intended to reach a wide array of discriminatory housing practices, including licensing laws which purport to advance the health and safety of communities:

These new subsections [§ 3604(f)] would also apply to state or local land use and health and safety laws, regulations, practices and decisions which discriminate against individuals with handicaps. While state and local governments have authority to protect safety and health, and to regulate use of land, that authority has sometimes been used to restrict the ability of individuals with handicaps to live in communities. This has been accomplished by such means as the enactment or imposition of health, safety or land-use requirements on congregate living arrangements among non-related persons with disabilities. Since these requirements are not imposed on families and groups of similar size of other unrelated people, these requirements have the effect of discriminating against persons with disabilities.

See Potomac Group Home Corporation v. Montgomery County Maryland, 823 F. Supp. 1251

(D.Md. 1993) *citing* H.R.Rep. No. 100-711, 100th Cong., 2d Sess. 24, *reprinted in* 1988

U.S.Code Cong. & Admin.News at 2173, 2185.

As noted by the Court in *Potomac Group Home*, due to “the purpose and breadth of provisions of the FHAA, courts have consistently invalidated a wide range of municipal licensing, zoning and other regulatory practices affecting persons with disabilities.” See *Potomac Group Home Corporation v. Montgomery County Maryland*, 823 F. Supp. 1251 (D.Md. 1993) citing *Marbrunak, Inc. v. City of Stow*, 974 F.2d 43, 47 (6th Cir.1992) (striking down discriminatory fire and safety codes); *Horizon House Developmental Services, Inc. v. Township of Upper Southampton*, 80 F. Supp. 683, 693 (E.D.Pa.1992) (striking down 1000 foot spacing requirement); *A.F.A.P.S.*, 740 F. Supp. at 103 (enjoining refusal to issue special use permit to AIDS hospice); *Stewart B. McKinney Foundation, Inc. v. Town Plan and Zoning Comm’n*, 790 F. Supp. 1197, 1219 (D.Conn.1992) (hereinafter “*McKinney Foundation*”) (invalidating special exception process).

Petitioner begins its argument alleging Section 432(A) of BCZR violates the FHAA by noting the legislative history of County Council Bill 45-2017, the bill that brought about the enactment of Section 432(A). Fiscal notes from this bill state the bill was intended to “limit the number of facilities or the zones in which assisted living facilities may be located.” Counsel further notes the bill was intended to limit “clustering” of such facilities in D.R. Zones.

The Petitioner opines the following codified definition of assisted living programs clearly places such facilities as being subject to protections provided by the FHAA.

Md. Code Ann., Health - General § 19-1801, defines assisted living programs as:

... a residential or facility-based program that provides housing and support services, supervision, personalized assistance, health related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the individuals.

Petitioner argues, as is evidenced by the legislative intent of Section 432(A) of the BCZR, this law was enacted to restrict where such facilities can be located. Petitioners argues a person who has a disability who wishes to live in residential zoning in Baltimore County, D.R. zones, would be greatly limited in their ability to do so by the number of assisted living facilities being restricted by County Law. Petitioner notes living in a residential area may be particularly important to the elderly, who may desire to remain in a community with which they are familiar.

Petitioner concedes the County Council is not completely prohibited from enacting legislation that affects the permissible locations for assisted living facilities. As noted by the Court in *Bryant Woods Inn, Inc. v. Howard County, Md.*, 124 F.3d 597 (4th Cir. 1997), that in enacting the FHAA, Congress clearly did not contemplate abandoning the deference that courts have traditionally shown to such local zoning codes. "And the FHAA does not provide a 'blanket waiver of all facially neutral zoning policies and rules, regardless of the facts'," See *Bryant Woods citing Oxford House, Inc. v. City of Virginia Beach*, 825 F. Supp. 1251, 1261 (E.D.Va.1993), which would give the disabled "carte blanche to determine where and how they would live regardless of zoning ordinances to the contrary," *Thornton v. City of Allegan*, 863 F. Supp. 504, 510 (W.D.Mich.1993). Seeking to recognize local authorities' ability to regulate land use and without unnecessarily undermining the benign purposes of such neutral regulations, Congress required only that local government make "reasonable accommodation" to afford persons with handicaps "equal opportunity to use and enjoy" housing in those communities. 42 U.S.C. § 3604(f)(3)(B).

Petitioner notes the legislative history of Section 432(A) is lacking in details whether the County Council considered the detrimental effects it may have in conjunction with the FHAA and is further lacking in expressing a compelling public interest for creating such legislation despite possible detrimental effects.

Authority of the Board of Appeals to Review Invalidate 432(A)

Md. Code Ann., Local Government, § 10-305 dealing with the powers of County boards of appeals states in pertinent part:

(b) Jurisdiction: - The county board of appeals may have original jurisdiction or jurisdiction to review the action of an administrative officer or unit of county government over matters arising under any law, ordinance, or regulation of the county council that concerns:

- (1) an application for a zoning variation or exception or amendment of a zoning map;
- (2) the issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, approval, exemption, waiver, certificate, registration, or other form of permission or of any adjudicatory order; or
- (3) the assessment of any special benefit tax.

After careful reading of the powers afforded County Boards such as this one, it is clear such Boards may "review the action(s) of an administrative officer or unit of county government over matters arising under any law, ordinance, or regulation of the county council." What is not clearly enumerated in such powers, is the ability of this Board to strike down County Zoning Regulations found to be in conflict with Federal Law. While the Petitioner raises interesting points regarding the potential conflict between the County Regulations at issue and the FHAA, it is not within the purview of the Baltimore County Board of Appeals to invalidate the requirements of Section 432(A) of the BCZR. In a judicial proceeding in which the validity of a Baltimore County law is being challenged, it would be fair and equitable for Baltimore County to be put on notice as to such a challenge, affording it an opportunity to participate in such a judicial proceeding. A Petition for Special Hearing filed with the Baltimore County Board of Appeals provides no such notice to the County Council or the Baltimore County Office of Law, leaving them in the dark that such a challenge is being litigated. Consequently, the Petitioners request for Special Hearing relief must be denied.

Petitioner's Burden for Special Hearing Relief

Assuming, *arguendo*, this Board found Section 432(A) to be in violation of the FHAA and further found the Board possessed the authority to nullify its requirements, the Petitioner still bears the burden of presenting evidence (customarily through experts) on which the Board can assess whether a zoning request pursuant to the BCZR may be approved. A petition for special hearing is in essence a proceeding for a declaratory judgment. *Antwerpen v. Baltimore County* 163 Md.App 194 (2005). While the BCZR provides no specific criteria for the granting of a Request for Special Hearing, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. Ct. Spec. App. (Sept. Term 2016). The Board has often turned to the criteria for granting Special Exceptions found BCZR § 502.1 to guide such a determination. Additionally, it is the administrative practice in Baltimore County that evidence pursuant to BCZR § 502.1 be presented by a witness recognized as an expert in the related field in order to satisfy the Petitioner's burden of proof. In this matter the Petitioner provided no such testimony, nor did it present lay testimony that would persuade this Board that the proposed ALF would be compatible with the community and generally consistent with the spirit and intent of the regulations. Consequently, the Petitioner's request for Special Hearing relief is denied, notwithstanding any conflicts between BCZR § 432(A) and the FHAA.

ORDER

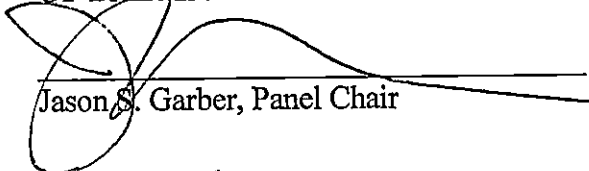
THEREFORE, IT IS THIS 9th day of January, 2020 by the
Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing is hereby **DENIED**.

In the Matter of: Pat. Bullock
Case No: 18-270-SPH

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

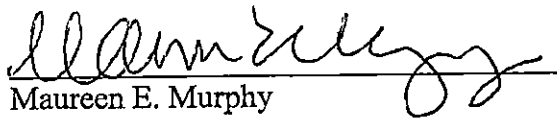
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Panel Chair



Andrew M. Belt



Maureen E. Murphy



Board of Appeals of Baltimore County

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

January 9, 2020

Samuel Sperling, Esquire
The Sperling Firm, LLC
8 Church Lane
Baltimore, Maryland 21208

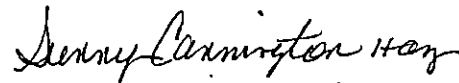
RE: In the Matter of: *Patrice Bullock – Legal Owner*
Case No.: 18-270-SPH

Dear Mr. Sperling:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Patrice Bullock
Andrew and Virginia Stills
Albert Barnes
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Aaron Burrell
M.L. and Dorothy Hull
Linda Fink
Vivian Salters
Margaret Beard
Hollis and Michelle Hill
Mazola P. Goode
Columbus and Yolanda Goode
Leon D. Riley, Jr.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Patrick Bullock

18-270-SPH

DATE: October 2, 2019

BOARD/PANEL: Jason S. Garber, Chair
Maureen E. Murphy
Andrew M. Belt

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the Petition for Special Hearing pursuant to BCZR § 500.7 to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1,000 ft.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board convened for a hearing, then immediately following the hearing held a public deliberation.
- The Board reviewed the history of the case, and discussed the special hearing request. The Board noted that the Petitioner had previously requested variance relief for this property seeking parking variances, and the same relief now sought in this Petition for Special Hearing. The Board noted that the Petitioner's appeal to the variance issues was withdrawn with prejudice, and the appeal was Dismissed with Prejudice by the Board, and remanded with leave to proceed via special hearing.
- The Board noted that Bill 45-17 allows Assisted Living Facilities I or II in certain zones, provided they are not located within 1,000 ft. of another property with an existing Assisted Living Facility I or II. The Board discussed what impact the Fair Housing Act (FHA) and Americans with Disabilities Act (ADA) regulations have on the Bill. The Board heard no evidence to support a FHA or ADA violation. The Board noted that Petitioner's argument is for a different Court.
- The Board noted that Patrice Bullock, Petitioner and Legal Owner of the property, did not appear at the hearing. The Board heard testimony from a doctor stating that he is part of the business that is going to operate the Assisted Living Facility, but no documentation was provided to support the testimony. The testimony provided by the doctor was more supportive of a variance or special exception request which is not requested in this case.
- The Board noted that they only have the power to apply the applicable statute as requested in the Petition for Special Hearing.

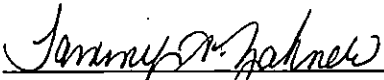
In the Matter of: Patrice Bullock
Case No.: 18-270-SPH
Minutes of Deliberation

2

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Special Hearing.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



Tammy A. Zahner



Board of Appeals of Baltimore County

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

August 5, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Patrice Bullock
4 Geier Court
18-270-SPH 2nd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1,000 ft.

6/5/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DISMISSED WITH PREJUDICE, based on *res judicata*.

6/10/19 Motion for Reconsideration filed by Samuel Sperling, Esquire on behalf of Patrice Bullock, Petitioner.

6/12/19 Opinion and Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: **OCTOBER 2, 2019, AT 10:00 A.M.**

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

NOTICE:

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

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

Krysundra "Sunny" Cannington, Administrator

Notice of Assignment
In the matter of: Patrice Bullock
Case number: 18-270-SPH
August 5, 2019
Page 2

c. Counsel for Petitioner
Petitioner

: Samuel Sperling, Esquire
: Patrice Bullock

Protestants

: Andrew and Virginia Stills, Albert Barnes, Aaron
Burrell, M.L. and Dorothy Hull, Linda Fink, Vivian
Salters, Margaret Beard, Hollis and Michelle Hill, Mazola
Goode, Columbus and Yolanda Goode, Leon Riley, Jr.

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 28, 2019



Samuel Sperling, Esq.
8 Church Lane
Baltimore, Maryland 21208

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0270-SPH
Property: 4 Geier Court

Dear Mr. Sperling:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 27, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
Andrew & Virginia Stills, 9835 Clanford Road, Randallstown, Maryland 21133
Albert Barnes, 9829 Clanford Road, Randallstown, Maryland 21133
Aaron Burrell, 9831 Clanford Road, Randallstown, Maryland 21133
M.L. & Dorothy Hull, 3 Geier Court, Randallstown, Maryland 21133
Linda Fink, 7 Geier Court, Randallstown, Maryland 21133
Vivian G. Salters, 9806 Clanford Road, Randallstown, Maryland 21133

Margaret Beard, 9811 Clanford Road, Randallstown, Maryland 21133
Hollis & Michelle Hill, 5 Geier Court, Randallstown, Maryland 21133
Mazola P. Goode, 1 Geier Court, Randallstown, Maryland 21133
Columbus & Yolanda Goode, 1 Geier Court, Randallstown, Maryland 21133
Leon D. Riley, Jr., 9 Geier Court, Randallstown, Maryland 21133

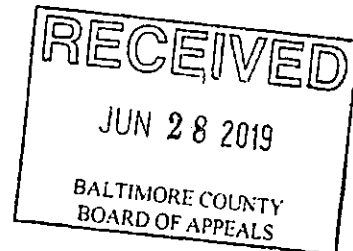


JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 28, 2019

Samuel Sperling, Esq.
8 Church Lane
Baltimore, Maryland 21208



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2018-0270-SPH
Property: 4 Geier Court

Dear Mr. Sperling:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 27, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c: Baltimore County Board of Appeals
People's Counsel
Andrew & Virginia Stills, 9835 Clanford Road, Randallstown, Maryland 21133
Albert Barnes, 9829 Clanford Road, Randallstown, Maryland 21133
Aaron Burrell, 9831 Clanford Road, Randallstown, Maryland 21133
M.L. & Dorothy Hull, 3 Geier Court, Randallstown, Maryland 21133
Linda Fink, 7 Geier Court, Randallstown, Maryland 21133
Vivian G. Salters, 9806 Clanford Road, Randallstown, Maryland 21133

Margaret Beard, 9811 Clanford Road, Randallstown, Maryland 21133
Hollis & Michelle Hill, 5 Geier Court, Randallstown, Maryland 21133
Mazola P. Goode, 1 Geier Court, Randallstown, Maryland 21133
Columbus & Yolanda Goode, 1 Geier Court, Randallstown, Maryland 21133
Leon D. Riley, Jr., 9 Geier Court, Randallstown, Maryland 21133

APPEAL

**Petition for Special Hearing
(4 Geier Court)
2nd Election District – 4th Councilmanic District
Legal Owner: Patricia Bullock**

Case No. 2018-0270-SPH

Petition for Variance Hearing (April 9, 2018)

Zoning Description of Property

Certificate of Posting –

1st Posting- May 13, 2019 (Linda O’Keefe)

2nd Posting- Re-Certification- June 2, 2019 (Linda O’Keefe)

Newspaper Advertisement – May 14, 2019- The Daily Record

Notice of Zoning Hearing – May 8, 2019

People’s Counsel Entry of Appearance – April 17, 2018

Zoning Advisory Committee Comments

Petitioner’s Sign-in Sheets – one sheet

Citizen’s Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. None

Miscellaneous (Not Marked as Exhibits)-

Administrative Law Judge Order and Letter (Dismissed with Prejudice based on res judicata)

Motion for Reconsideration (Samuel Sperling- June 7, 2019)

Administrative Law Judge Order and Letter on Motion for Reconsideration (DENIED-June 12, 2019)

Notice of Appeal and Receipt– Samuel Sperling, Esq. on June 27, 2019

APPEAL

**Petition for Special Hearing
(4 Geier Court)
2nd Election District – 4th Councilmanic District
Legal Owner: Patricia Bullock**

Case No. 2018-0270-SPH

Petition for Variance Hearing (April 9, 2018)

Zoning Description of Property

Certificate of Posting –

1st Posting- May 13, 2019 (Linda O’Keefe)

2nd Posting- Re-Certification- June 2, 2019 (Linda O’Keefe)

Newspaper Advertisement – May 14, 2019- The Daily Record

Notice of Zoning Hearing – May 8, 2019

People’s Counsel Entry of Appearance – April 17, 2018

Zoning Advisory Committee Comments

Petitioner’s Sign-in Sheets – one sheet

Citizen’s Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. None

Miscellaneous (Not Marked as Exhibits)-

Administrative Law Judge Order and Letter (Dismissed with Prejudice based on res judicata)

Motion for Reconsideration (Samuel Sperling- June 7, 2019)

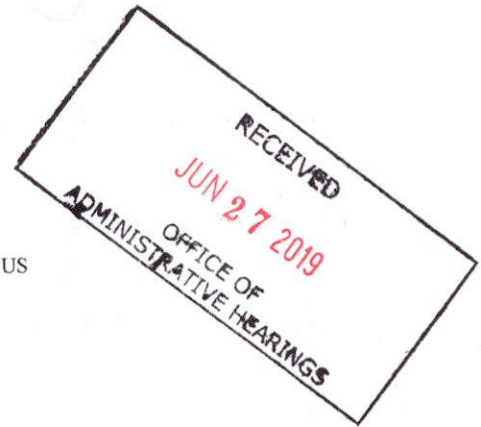
Administrative Law Judge Order and Letter on Motion for Reconsideration (DENIED-June 12, 2019)

Notice of Appeal and Receipt– Samuel Sperling, Esq. on June 27, 2019

SAMUEL SPERLING ESQ.

THE SPERLING FIRM, LLC

8 CHURCH LANE
BALTIMORE, MARYLAND 21208
410/653-0141
FAX NO/443-544-7633
E-MAIL ADDRESS: OFFICE@SPERLINGLAW.US
June 27, 2019



Baltimore County Board of Appeals
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
Case # 2018-0270-SPH

Dear Sir or Madam:

Please accept this appeal from the decision of the Administrative Law Judge in the above listed case.

Sincerely,

Samuel Sperling

Yours Truly,

Samuel Sperling

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

No. **174824**

Date: **6/27/19**

PAID RECEIPT

BUSINESS ACTUAL TIME LRM
 6/28/2019 6/27/2019 11:14:13

REG WS01 MAIL LJR
 >> RECEIPT # 014408 6/27/2019 DFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: **300.00**

Rec From: _____

For: OFFICE OF ADMINISTRATIVE HEARINGS (CD OR **APPEAL**)

CASE NO. **2018-0270-SPH**

ADDRESS OR PROJECT: **4 GEIER CT**

HEARING DATE(s): **6-3-19**

CHECK # **2519**

5 528 ZONING VERIFICATION

CR NO. 174824

Recpt Tot \$ 300.00

265.00 CK 40.00 CA

5.00-05

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

IN RE: **PETITION FOR SPECIAL HEARING** *

(4 Geier Ct.)

2nd Election District *

4th Council District *

Patrice Bullock *

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0270-SPH

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner. Therein, Petitioner asserts the undersigned erred in dismissing the above-captioned case on the basis of *res judicata*.

Petitioner sets forth in the Motion the same arguments which were made at the conclusion of the hearing in the above case. In the absence of any new evidence and/or legal authority, the Motion will be denied.

As recited in the June 5, 2019 Order, this case began with a petition for variance filed by Petitioner in Case No. 2018-0086-A. The variance request was denied and the case was withdrawn prior to a hearing at the County Board of Appeals ("CBA").

Petitioner notes the CBA "remanded" the original case to the Office of Administrative Hearings ("OAH"). Whether or not that agency has the authority to do so is an issue which (in a proper case) would merit further evaluation since neither the Baltimore County Code nor the Rules of the CBA refer to such a disposition. *Getty v. Carroll County*, 399 Md. 710 (2007) (administrative agency is "creature of statute" and has only powers delegated to it). In fact, the CBA Rules expressly provide that a petition withdrawn within 10 days of hearing (as was done in Case No. 2018-0086-A) "shall be dismissed with prejudice." Rule 3.b.2.

In any event, the case was not "remanded" to the OAH. Instead, Petitioner filed a second

ORDER RECEIVED FOR FILING

Date

6/12/19

By

Sen

case which was assigned Case No. 2018-0270-SPH. This successive petition is barred by *res judicata*, as noted in June 5, 2019 Order. It does not matter that the alleged illegality of the “1,000 foot rule” was not argued in Case No. 2018-0086-A. Under Maryland law *res judicata* applies to all claims which were and could have been raised at the initial hearing. *MPC, Inc. v. Kenny*, 279 Md. 29 (1977).

WHEREFORE, IT IS ORDERED this 12th day of **June, 2019** by this Administrative Law Judge, that the Petitioner’s Motion for Reconsideration be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/12/19
By sln



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 12, 2019

Samuel Sperling, Esq.
8 Church Lane
Baltimore, Maryland 21208

RE: **Order on Motion for Reconsideration**
Case No. 2018-0270-SPH
Property: 4 Geier Ct.

Dear Mr. Sperling:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Andrew & Virginia Stills, 9835 Clanford Road, Randallstown, Maryland 21133
Albert Barnes, 9829 Clanford Road, Randallstown, Maryland 21133
Aaron Burrell, 9831 Clanford Road, Randallstown, Maryland 21133
M.L. & Dorothy Hull, 3 Geier Court, Randallstown, Maryland 21133
Linda Fink, 7 Geier Court, Randallstown, Maryland 21133
Vivian G. Salters, 9806 Clanford Road, Randallstown, Maryland 21133

Margaret Beard, 9811 Clanford Road, Randallstown, Maryland 21133
Hollis & Michelle Hill, 5 Geier Court, Randallstown, Maryland 21133
Mazola P. Goode, 1 Geier Court, Randallstown, Maryland 21133
Columbus & Yolanda Goode, 1 Geier Court, Randallstown, Maryland 21133
Leon D. Riley, Jr., 9 Geier Court, Randallstown, Maryland 21133

In Re Patrice Bullock

Case 2018-0270-SPH

RECEIVED

JUN 10 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

Motion for Reconsideration

Now comes Petitioner and asks that the hearing result be reconsidered and for reasons in support thereof states:

1. That the opinion clearly states that as the requested variances were denied previously, based on *res judicata* principles, the petitioner's claim that the 1000 foot separation set forth in Baltimore County Zoning Code § § 432A.1.A(3) violates federal enactments would not addressed;
2. However, as stated by counsel for petitioner at the hearing, this matter, including the claim of illegality of the 1000 foot rule, had been before the Board of Appeals at which the variances requests were withdrawn, and the matter remanded for determination of the issue of the 1000 foot rule;
3. The Board of Appeals specifically held that it could not and would not consider the illegality argument until an initial decision be made at this level as the Board of Appeals is an appellate tribunal only;
4. A copy of the Board of Appeals decision is attached hereto;
5. Further, this counsel checked the file of the zoning office and the submission provided at the hearing, (or a similar copy) was in that file showing that the matter was properly requested;

RECEIVED
6. For that reason, a determination should be made as to the merits of the legal
argument raised by the undersigned counsel.

Respectfully Submitted,


Samuel Sperling
The Sperling Firm LLC
8 Church Lane
Baltimore, Maryland 21208
ssperling@sperlinglaw.us
410-653-0141
Counsel for Petitioner

A copy of this pleading was mailed to all persons on the CC list of the Order.



"MFR"

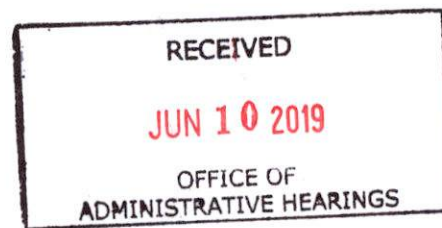
JB 6-3-17
1:30 PM

Debra Wiley

From: Samuel Sperling <ssperling@sperlinglaw.us>
Sent: Friday, June 7, 2019 4:27 PM
To: Administrative Hearings
Subject: 2018 0270 SPH
Attachments: office@sperlinglaw.us_20190607_181412.pdf

CAUTION: This message from ssperling@sperlinglaw.us originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Samuel Sperling
The Sperling Firm, LLC
8 Church Lane
Baltimore, Maryland 21208
410-653-0141 (office)
443-544-7633 (fax)
443-416-4192 (cell phone)
ssperling@sperlinglaw.us



IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4 Geier Ct.)		
2 nd Election District	*	OFFICE OF
4 th Council District		
Patrice Bullock	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2018-0270-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Patrice Bullock, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed Assisted Living Facility (“ALF”) I with a distance between facilities of 978 ft. in lieu of the required 1,000 ft. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Patrice Bullock appeared in support of the petition. Samuel Sperling, Esq. represented Petitioner. Several neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (“DPR”) and the Department of Planning (“DOP”).

Petitioner proposes to operate an ALF I at the subject property. She filed in 2017 a request for variance involving the parking and 1,000 ft. separation requirement for such facilities, which was denied by the undersigned. *See* Case No. 2018-0086-A. That Order was appealed to the County Board of Appeals (“CBA”), although Petitioner withdrew the variance request prior to a ruling from that tribunal. Petitioner then filed the above-captioned zoning petition, which seeks

ORDER RECEIVED FOR FILING

Date 6/5/19

By Sen

special hearing relief to “permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1,000 feet.” Because this case involves the exact same request as was made in the 2017 case, I believe the present case is barred by *res judicata*. As such I will not address the merits of the zoning request or Petitioner’s claim that the 1,000 ft. separation rule is illegal under the Fair Housing Act.

Under Maryland law, a final agency determination is entitled to preclusive effect. *Esslinger v. Balto. City*, 95 Md. App. 607, 621 (1993). The court of special appeals has confirmed that the doctrine of *res judicata* is applicable in zoning cases. *Seminary Galleria, LLC v. Dulaney Valley Improv. Assn.*, 192 Md. App. 719 (2010). Indeed, *res judicata* will apply unless there has been a significant change in circumstances between the earlier and subsequent action. *See, e.g., Alvey v. Hedin*, 243 Md. 334, 340 (1966). Petitioner did not identify any significant change in circumstances which occurred in the several months between when these successive zoning petitions were filed. As such I believe the case must be dismissed.

THEREFORE, IT IS ORDERED this 5th day of **June, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1,000 ft., be and is hereby DISMISSED WITH PREJUDICE, based on *res judicata*.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 6/5/19

By slh



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

June 5, 2019

Samuel Sperling, Esq.
8 Church Lane
Baltimore, Maryland 21208

RE: Petition for Variance
Case No. 2018-0270-SPH
Property: 4 Geier Ct.

Dear Mr. Sperling:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Andrew & Virginia Stills, 9835 Clanford Road, Randallstown, Maryland 21133
Albert Barnes, 9829 Clanford Road, Randallstown, Maryland 21133
Aaron Burrell, 9831 Clanford Road, Randallstown, Maryland 21133
M.L. & Dorothy Hull, 3 Geier Court, Randallstown, Maryland 21133
Linda Fink, 7 Geier Court, Ranedallstown, Maryland 21133
Vivian G. Salters, 9806 Clanford Road, Randallstown, Maryland 21133

Margaret Beard, 9811 Clanford Road, Randallstown, Maryland 21133
Hollis & Michelle Hill, 5 Geier Court, Randallstown, Maryland 21133
Mazola P. Goode, 1 Geier Court, Randallstown, Maryland 21133
Columbus & Yolanda Goode, 1 Geier Court, Randallstown, Maryland 21133
Leon D. Riley, Jr., 9 Geier Court, Randallstown, Maryland 21133

Sherry Nuffer

From: ssperling@sperlinglaw.us
Sent: Wednesday, June 5, 2019 8:59 AM
To: Administrative Hearings
Subject: Case 2019 0270 SPH



CAUTION: This message from ssperling@sperlinglaw.us originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Case 2019 0270 SPH
4 Geier

Dear Honorable Judge Beverungen:

During the hearing held Monday, there was discussion or argument regarding a group of non handicapped or disabled unrelated people living together. I had stated that they could do so. You had responded that they could not. I went back and reviewed the Zoning Code and note that such a facility must be approved as a boarding or rooming house. Section 408B details the requirements for such a property and does not contain a distance requirement as set forth in the regulation of assisted living facilities. I will secure the sign in list and forward this email to all those signed in.

Respectfully,

Sent from my iPhone
Samuel Sperling, Esquire
8 Church Lane
Baltimore, Maryland
21208
410-653-0141
Cell 443-416-4192

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

6/5/18

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

5/9/18

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

N/C

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018-0086-A)

NEWSPAPER ADVERTISEMENT Date: 5/14/19

SIGN POSTING (1st) Date: 5/13/19 by O'KeefeSIGN POSTING (2nd) Date: 6-2-19 by "PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

TO: THE DAILY RECORD
Tuesday, May 14, 2019 - Issue

Please forward billing to:
Samuel Sperling
8 Church Lane
Baltimore, MD 21208

410-653-0141

NOTICE OF ZONING HEARING

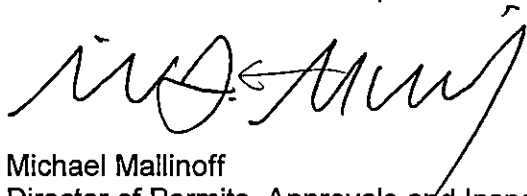
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0270-SPH

4 Geier Court
NE/s Geier Cour, N/w of Clanford Road
2nd Election District – 4th Councilmanic District
Legal Owners: Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Monday, June 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6/5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>COMMENT</u>
<u>5/9</u>	DEPS (if not received, date e-mail sent _____)	<u>No Comment</u>
_____	FIRE DEPARTMENT	_____
<u>5/14</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comment</u>
<u>5/7</u>	STATE HIGHWAY ADMINISTRATION	<u>No Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2018-0086-A</u> _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>5/31/18</u>	
SIGN POSTING (1 st)	Date: <u>6/1/18</u>	by <u>O'heefe</u>
SIGN POSTING (2 nd)	Date: <u>6/17/18</u>	by <u>O'heefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 31, 2018 Issue - Jeffersonian

Please forward billing to:

Patrice Bullock
151 W. Ring Factory Road
Bel Air, MD 21014

443-876-6692

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0270-SPH

4 Geier Court
NE/s Geier Cour, N/w of Clanford Road
2nd Election District – 4th Councilmanic District
Legal Owners: Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Thursday, June 21, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 5/10/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-270

INFORMATION:

Property Address: 4 Geier Court
Petitioner: Patrice Bullock
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed Assisted Living Facility I (ALF I) within a distance of 978 feet of an existing ALF I, in lieu of the required 1,000 feet.

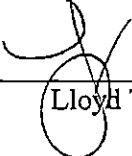
A site visit was conducted on April 25, 2018. The subject property is situated within the bounds of the Liberty West Plan, which was adopted into the Master Plan 2020 on December of 2006. That plan expressed concerns over the proliferation of group homes and assisted living facilities, and included a recommended action of "Support legislation that protects communities against the concentration of group homes and assisted living facilities."

The Department will concur with the decision of the Administrative Law Judge (ALJ) on allowing a use proximity less than that prescribed in the regulations. The Department finds the proposal to meet the pertinent compatibility objectives found in BCC §32-4-402. In the event the ALJ makes a positive ruling the Department recommends the following conditions be made a part of the order:

- Repair and return to a safe condition the sidewalk along the entire frontage of the subject property.

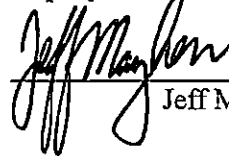
For further information concerning the matters stated herein, please contact Pat McDougall at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Pat McDougall
Samuel Sperling
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: May 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0270-SPH *revised*
Address 4 Geier Court
(Bullock Property)

Zoning Advisory Committee Meeting of **May 17, 2018**

X The Department of Environmental Protection and Sustainability has no
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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2018
Item No. 2018-0270-A

DATE: May 4, 2018

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

If Special Exception and Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual.

There is an existing chain link fence within a Drainage & Utility easement that should be moved out of the easement.

*

*

*

*

*

VKD: cen
cc: file

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 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0270-A
Address 4 Grier Circle
(Bullock Property)

Zoning Advisory Committee Meeting of **April 23, 2018.**

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

Reviewer: Steve Ford



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4 Greer Court 2nd Randallston RD 21133 which is presently zoned D.R.3.5
Deed References: 38 721/00387 10 Digit Tax Account # 02 02137 5140 0
Property Owner(s) Printed Name(s) Patrice Bullock

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

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

1. ☒ **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
To permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☐ a **Variance** from Section(s)

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

REVISED TO SPH

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 Samuel Sperling
Signature [Signature]
Mailing Address 8 Church Lane Baltimore MD
City State
Zip Code 21208 Telephone # 410 653 0141 Email Address 1.Sperling@Sperlinglaw.us

Legal Owners (Petitioners):

Name #1 - Type or Print Patrice Bullock Name #2 - Type or Print _____
Signature #1 [Signature] Signature #2 _____
Mailing Address 151 W. Ring Factory Rd Bel Air MD
City State
Zip Code 21044 Telephone # 410 347 6692 Email Address Shel@050574@msn.co

Representative to be contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Date 6/5/19
Zip Code _____ Telephone # _____ Email Address _____
By [Signature]

CASE NUMBER 2018-0270-SPH Filing Date 4/9/18

Do Not Schedule Dates: _____ Reviewer [Signature]

The Zoning Petition property description:

Zoning property Description for 4 Geier Court

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

Option 2

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

2018-~~0270~~A 0270-SPH

**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: 2018-0270-SPH

Property Address: 4 Geier Ct. Randallstown MD 21138

Property Description: Beginning at a point on the NW side of Geier Ct. which is 50 ft wide at a distance of 115 feet NW of the centerline of the nearest improved intersecting street Clanford Road which is 50 feet wide

Legal Owners (Petitioners): Patrice Bullock

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrice Bullock

Company/Firm (if applicable): _____

Address: 4 Geier Court
Randallstown MD 21133

Telephone Number: 443-876-6692

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

No. **168801**

Date: **4/9/18**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Total: **75.00**

Rec From: **Patricia Bullock**

For: **2018-0270-SPH**

4 Geier CT ALFI

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Board of Appeals

Case No: 18-270-SPH Case Name: Patrice Bullouk

Exhibit List

Party: Petitioner Date: 10/2/19

Exhibit No:	Description:
✓ 1	Petitioner's Legal Brief
✓ 2	10/24/17 2 AC Comments
3	Court File from ALJ
VERIFIED BY <u>KC</u> DATE: <u>10/3/19</u>	

Section 432A of the Baltimore County Zoning Regulations provides that no assisted living facility in a DR zone may be located 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." What is not specified in the regulation is if this is to be read excluding only facilities within 1000 feet of street path or if it is to be measured as the crow flies, e.g. air distance.

The legislative history of the regulation is, as is often the case, devoid of any administrative findings or hearings that would shed light on this issue. However, the Fiscal Note supporting the enacting County Council Bill, 45-2017, does state that the bill is not meant to, "limit the number of facilities or the zones in which assisted-living facilities may be located. Rather, the bill limits the "clustering" of such facilities in D.R. Zones...."

This would seem to mean that the bill is meant to avoid a cluster of homes, which would normally mean homes that are grouped together and that become a unit. This would seem to imply that the bill is meant to provide the least restrictive alternative, meaning that the bill only bars homes as to which there is access within 1000 feet by road or walk, such that it could be said that the homes are clustered together.

This is in line with the statutory mandate that the minimum level of intrusion is intended. Section 660.1.

There is another greater factor that impacts this case. Under Maryland law, an assisted living facility, "provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living." Persons meeting this standard are those under a handicap 42 U.S.C. §3602(h). As such, the Fair Housing Act governs laws and regulations that seek to limit siting of assisted living facilities. As such, a county or state is unable to pass laws that materially impact the ability of handicapped persons, the customer base of an assisted living facility, to find places to live. *Potomac Group Home Corporation v. Montgomery County, Maryland*, 823 F. Supp. 1251 (D. Md. 1993). The basic principle or rule is that the law cannot, "assume that people with disabilities are different from people without disabilities...." *Ibid* at 1296. The

law cannot treat a home for disabilities different from any, "family residential unit or on any other properly zoned residential unit in the County." *Ibid.*

In this case, a person who has a disability who wishes to live in the basic residential zoning in Baltimore County, the D.R. zones, would be sharply limited in their ability to choose where to live. Considering that residents of assisted living facilities are often elderly, it could well be especially important to a person to be able to continue living in an area with which they are familiar and thus the restriction at hand is even more onerous.

As stated above, since non-handicapped people do not face any such 1000 foot restriction on the situs of their housing as do handicapped residents of assisted living facilities, the law is invalid on its face as per the Fair Housing Act. It is immaterial that the County Council doubtless was not motivated by animus or dislike for assisted living facility residents. "An actionable intent to discriminate need not be motivated by dislike for, or animosity against, people with disabilities; the legislative history of the Fair Housing Act shows that Congress intended equally to prohibit discrimination resulting from "false and over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose." *Bryant Woods Inn, Inc. v. Howard County, Maryland*, 911 F. Supp. 918, 929 (1996)

In this regulation, the County deliberately acted, per the fiscal note, to restrict the potential clustering of assisted living facilities which is not done with other residential uses. This discriminatory law is invalid under the Fair Housing Act.

Based upon these facts, the county's regulation would be invalid regardless of the method of interpretation. However, it is theoretically possible that the interpretation of the regulation to mean traffic might be an opening to assertion that the regulation is meant to address potential traffic concerns. This is a weak assertion to begin with as any justification based on traffic concerns would require individualized information as to traffic issues with the specific location (see e.g. *Bryant Woods Inn, Inc. v. Howard County, Md.*, 124 F. 3d 597 (4th Cir. 1997) while this regulation is a blanket rule.

Further, this party was advised that relief from the 1000 foot rule would require seeking a variance per §307.1 of the Zoning Code. Securing a variance would require that the petitioner provide justification for the variance rather than the County providing justification for the limitation on handicapped persons'

housing. Further under the widely heard maxim of *Cromwell v. Ward*, 102 Md. App. 691, 651 A. 2d 424 (1995), proof of entitlement to the variance would require the petitioner to show that their lot is unique and different from other parcels. However, the Fair Housing Act requires the opposite. Since the 4 Geier Court parcel is the same as all others, the County cannot impose greater or more restrictive limitations on the ability of these residents to find a place to live than on any other residential use.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-086

INFORMATION:

Property Address: 4 Geier Court
Petitioner: Patrice Bullock
Zoning: DR 3.5
Requested Action: Variance

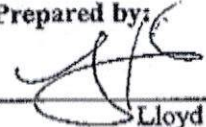
The Department of Planning has reviewed the petition for a variance to permit parking in the front yard with 0 feet side yard setback and 2 parking spaces in lieu of the required side/rear yard only, 10 feet side yard setback and 4 parking spaces, respectively, and if necessary, to permit an Assisted Living Facility I (ALF) to be closer than 1,000 feet to another property with an ALF.

The Department finds that the compatibility objectives of BCC §32-4-402 as applicable are met and it has no objection to granting the petitioned zoning relief conditioned upon the following:

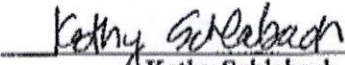
- The broken portions of the Geier Court sidewalk along the property frontage shall be repaired/replaced.
- The exterior of the structure shall remain as a single family dwelling in its appearance.
- No signage associated with the ALF shall be erected on the premises.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlach

AVA/KS/LTM/ka

c: Dennis Wertz
Patrice Bullock
Office of the Administrative Hearings
People's Counsel for Baltimore County

Board of Appeals

Case No: 18-270-SPH Case Name: Patrice Bullock

Exhibit List

Party: Protestants Date: 10/2/19.

Exhibit No:	Description:
✓ 1	Photo, Google Map, SPAT 9909 Hoyt Circle
✓ 2	Photo, Google Map, SPAT 9806 mariontsville
✓ 3	Google Map + SPAT 3527 Kings point Rd.
✓ 4	B County list ALF - Randallstown
✓ 5	SDAT - 4 Geier Ct.
	VERIFIED BY <u>KC</u> DATE: <u>10/3/19</u>

RECEIVED

JUN 10 2019

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

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS

BOARD OF APPEALS

OF

2nd ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BALTIMORE COUNTY

Case No.: 18-086-A

* * * * *

OPINION AND ORDER

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

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

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

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

IN THE MATTER OF: Patrice Bullock
Case No.: 18-086-A

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

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

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

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

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

In the matter of: Patrice Bullock
Case No.: 18-086-A

RECEIVED
JUN 10 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

The ALJ Opinion and Order addressed the uniqueness issue (per *Cromwell v. Ward*, 102 Md. App. 691 (1995)). As that issue was dispositive, the ALJ did not analyze the case-specific relief sought in the ALJ Opinion and Order. Further, in light of the contemplated change in process, claims and/or relief, there had not been any public notice and/or hearing regarding the changes to come. The circumstances of this case dictate that this case be remanded as the Board cannot exercise original jurisdiction over a petition for relief pursuant to §500.7, as the BCZR empowers the ALJ alone, as the court of original jurisdiction, for these types of hearing and specifies that the Board of Appeals has appellate jurisdiction.¹

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

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

¹ "The said [ALJ] shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the [ALJ] for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by those regulations." BCZR §500.7.

1779039
In the matter of: Patrice Bullock
Case No.: 18-086-A

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

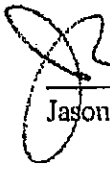
ORDER

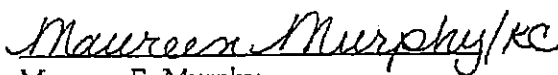
THEREFORE, IT IS THIS 16th day of May, 2018, by the Board of Appeals of Baltimore County,

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

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Chairman


Maureen E. Murphy


Andrew M. Belt



Board of Appeals of Baltimore County

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



May 16, 2018

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Samuel Sperling, Esquire
The Sperling Firm, LLC
8 Church Lane
Baltimore, Maryland 21208

RE: In the Matter of: *Patrice Bullock - Legal Owner*
Case No.: 18-086-A

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

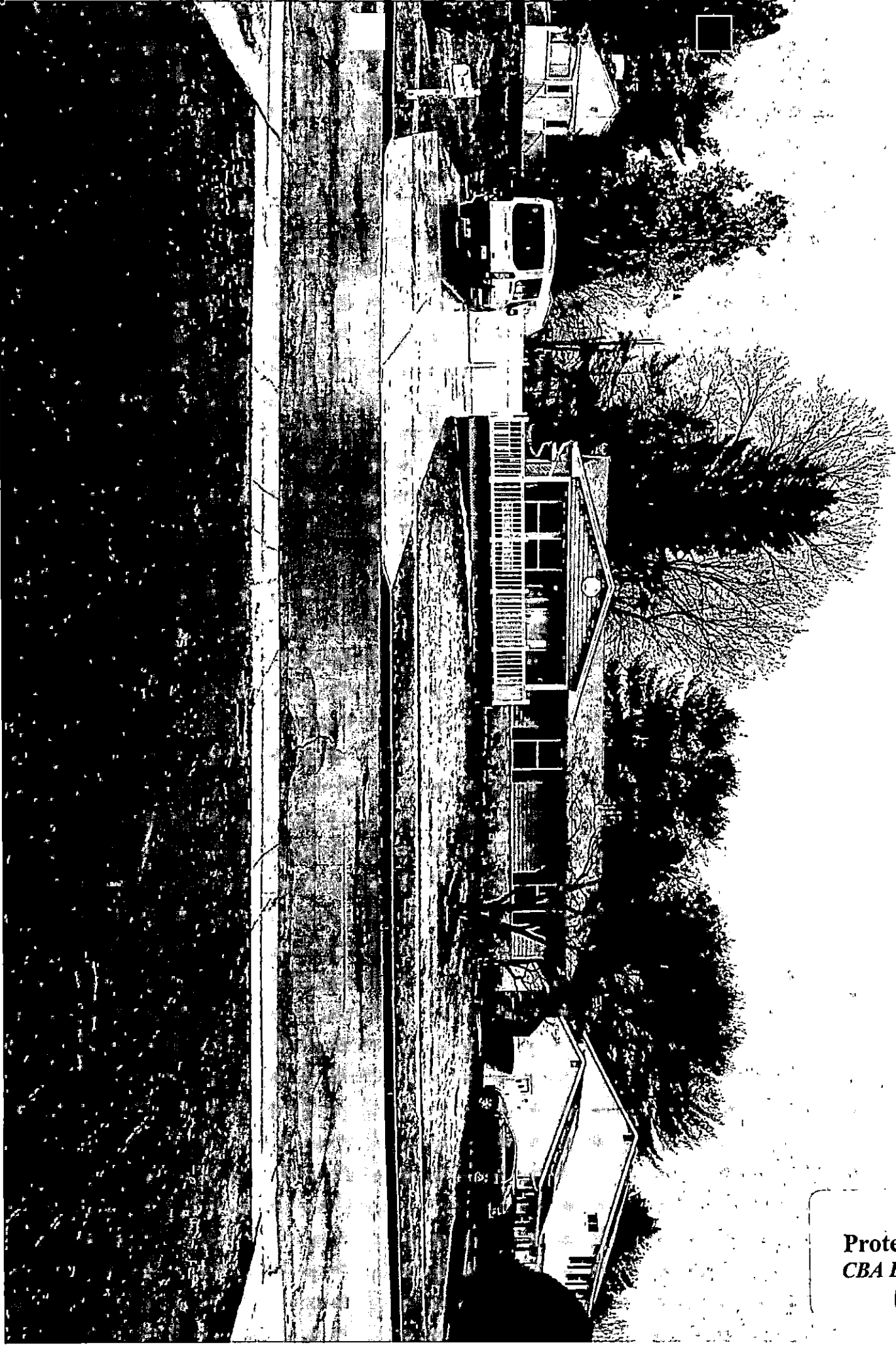
Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Patrice Bullock
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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

9909 HOLT Circle



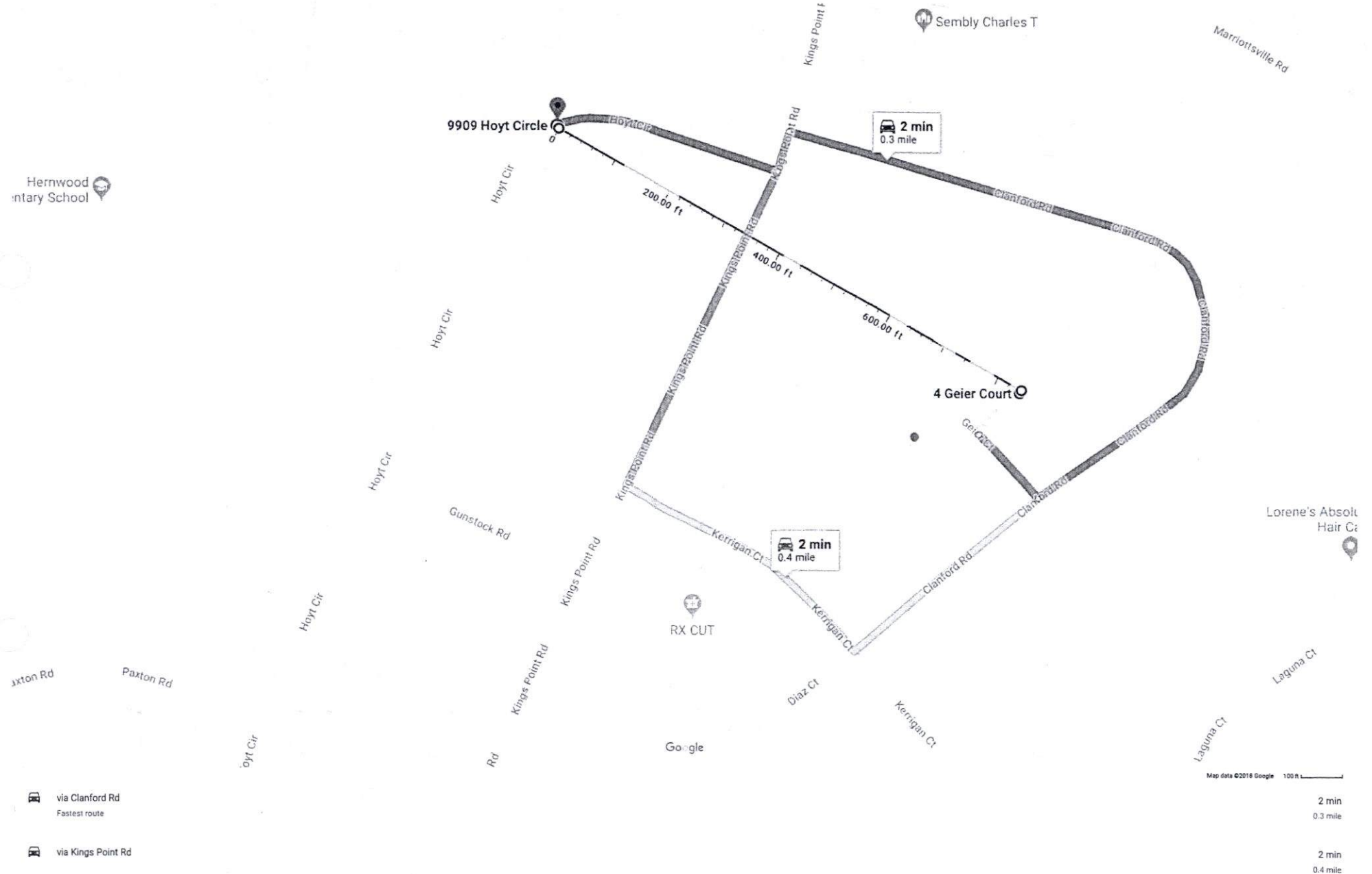
Protestant
CBA Exhibit
1

3/28/2018

4 Geier Ct, Randallstown, MD 21133 to 9909 Hoyt Cir, Randallstown, MD 21133 - Google Maps

Google Maps 4 Geier Ct, Randallstown, MD 21133 to 9909 Hoyt Cir, Randallstown, MD 21133

Drive 0.3 mile, 2 min



Measure distance
Total distance: 843.13 ft (256.99 m)

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Account Identifier: District - 02 Account Number - 0206200491

Owner Information

Owner Name: THE CHIMES INC Use: EXEMPT
Principal Residence: NO
Mailing Address: 4815 SEIUN DR Deed Reference: //
BALTIMORE MD 21215-3211

Location & Structure Information

Premises Address: 9909 HOYT CIR Legal Description:
0-0000

KINGS POINT CHARITABLE EXEMPTION

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0076	0010	0226	2060088.04	0000	8	RR	22	2019	Plat Ref: 0032/ 0100

Special Tax Areas: None

Town: None
Ad Valorem: None
Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1968	1,733 SF		22,871 SF	01

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	FRAME/	3	2 full		

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	71,200	85,200		
Improvements	102,700	125,000		
Total:	173,900	210,200	186,000	198,100
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
INTERVALS RESIDENTIAL SERVICES INC	12/15/2008	\$0
Type:	Deed1: //	Deed2:
WATTS PAUL T	06/30/1989	\$107,000
Type: ARMS LENGTH IMPROVED	Deed1: /08216/ 00467	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	840	186,000.00	198,100.00
State:	840	186,000.00	198,100.00
Municipal:	840	0.00 0.00	0.00 0.00

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Homestead Application Information

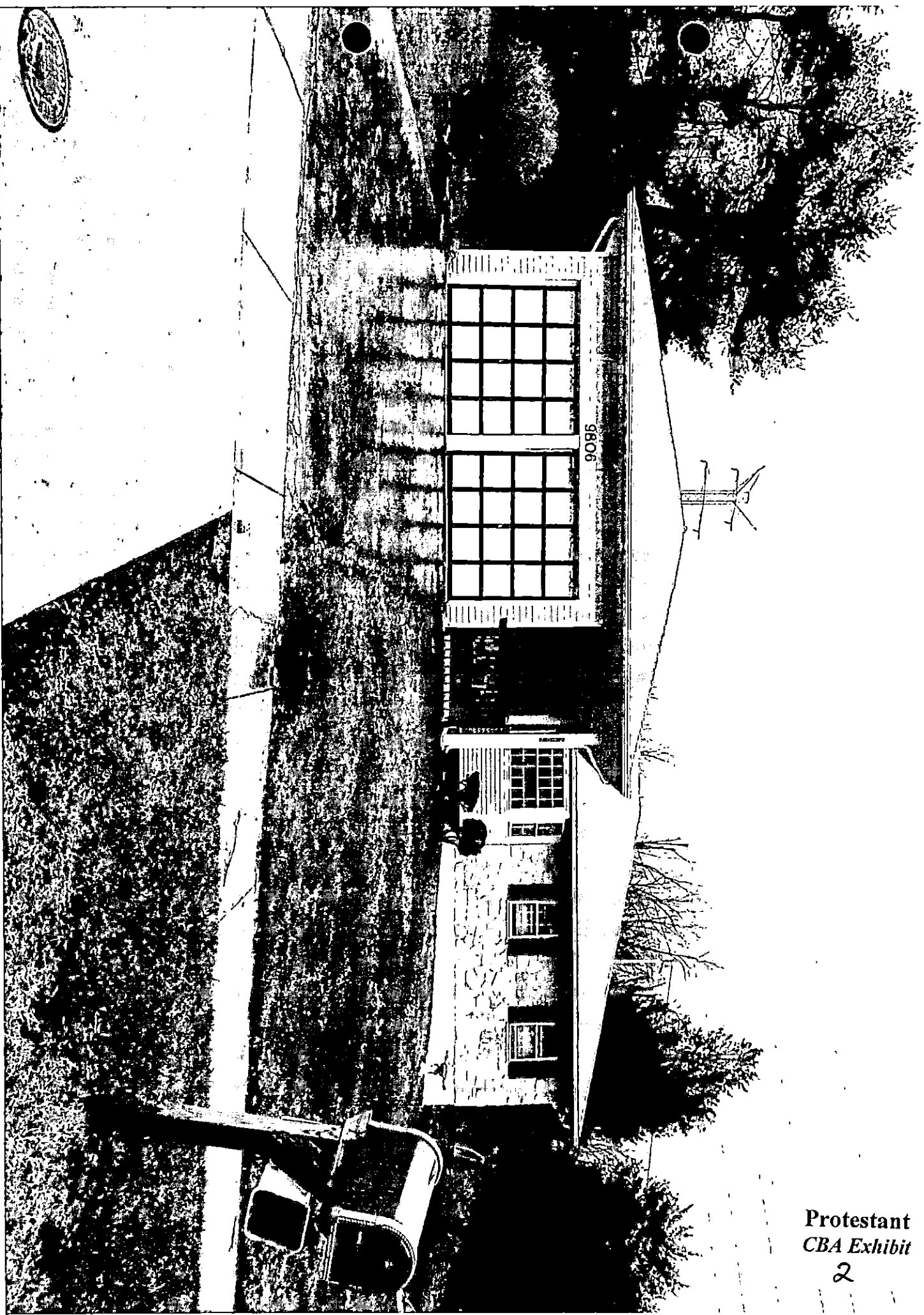
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

9806 Marshville Rd



Protestant
CBA Exhibit
2

3/28/2018

4 Geier Ct, Randallstown, MD 21133 to 9806 Marriottsville Rd - Google Maps

Google Maps 4 Geier Ct, Randallstown, MD 21133 to 9806 Marriottsville Rd

Drive 0.5 mile, 2 min

ones' Quarries

 via Clanford Rd and Marriottsville Rd/New Marriottsville Rd
Fastest route

Measure distance
Total distance: 783.32 ft (238.76 m)



Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Account Identifier: District - 02 Account Number - 0218001015

Owner Information

Owner Name: CENTER FOR SOCIAL CHANGE INC

Use: EXEMPT

Principal Residence: NO

Mailing Address: 6600 AMBERION DR
ELKRIDGE MD 21075-

Deed Reference: /36360/ 00467

Location & Structure Information

Premises Address: 9806 MARRIOTTSTOWN RD
RANDALLSTOWN 21133-2415Legal Description: 9806 MARRIOTTSTOWN RD CHARITABLE
AMENDED KINGS POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0076	0005	0102	2060088.04	0000	10	W	26	2019	Plat Ref:	0034/ 0094

Special Tax Areas: None

Town: None

Ad Valorem: None

Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1971	2,066 SF	600 SF	15,025 SF	01

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	3	2 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	As of
		As of	As of	07/01/2020
Land:	69,200	83,200		
Improvements	140,700	171,400		
Total:	209,900	254,600	224,800	239,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
CROSBY ROBERTA C	06/26/2015	\$220,000
Type: ARMS LENGTH IMPROVED	Deed1: /36360/ 00467	Deed2:
Seller: RANDOLPH HOMES I NC	Date: 08/02/1971	Price: \$38,415
Type: ARMS LENGTH IMPROVED	Deed1: /05206/ 00368	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	790	224,800.00	239,700.00
State:	790	224,800.00	239,700.00
Municipal:	790	0.00 0.00	0.00 0.00

Tax Exempt: None

Special Tax Recapture: None

Exempt Class: None

Homestead Application Information

Homestead Application Status: No Application

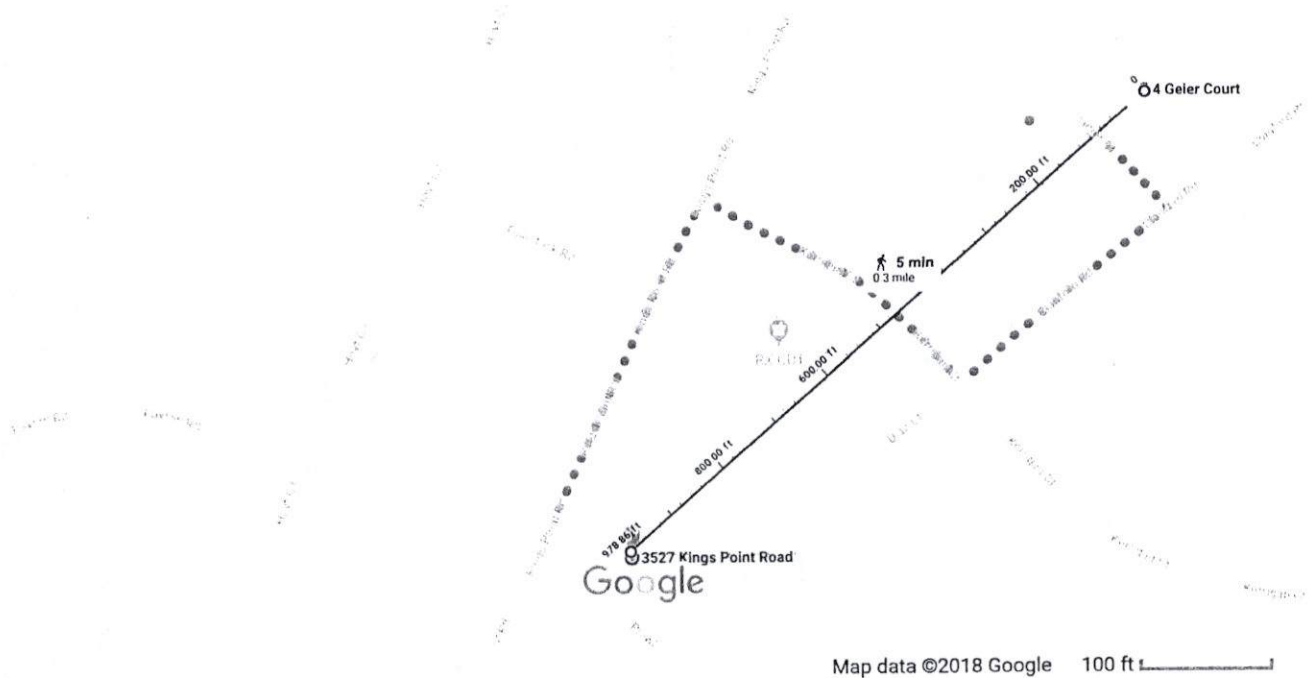
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Google Maps

4 Geier Court, Randallstown, MD to 3527 Kings Point Rd, Randallstown, MD Walk 0.3 mile, 5 min



via Clanford Rd, Kerrigan Ct and Kings Point Rd

5 min
0.3 mile

Mostly flat

Measure distance

Total distance: 978.86 ft (298.36 m)

Protestant
CBA Exhibit

3

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Tax Exempt: None
Exempt Class: None

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 0210250210

Owner Information

Owner Name: EMERGE INC
Use: EXEMPT
Principal Residence: NO
Mailing Address: UNIT D-2
 9180 RUMSEY RD
 COLUMBIA MD 21045-1938
Deed Reference: /21729/ 00179

Location & Structure Information

Premises Address: 3527 KINGS POINT RD
 0-0000
Legal Description: 3527 KINGS POINT RD
 KINGS POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0076	0011	0149	2060088.04	0000	1	BB	4	2019	Plat Ref:	0027/ 0120

Special Tax Areas: None

Town: None
Ad Valorem: None
Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1962	1,461 SF	1095 SF	12,915 SF	01

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	FRAME/	3	2 full	1 Carport	

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	68,700	82,700		
Improvements	107,900	131,200		
Total:	176,600	213,900	189,033	201,467
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SIVELS WILLIAM LEE	04/18/2005	\$249,900
Type: NON-ARMS LENGTH OTHER	Deed1: /21729/ 00179	Deed2:
GREENBERG HARVEY D	11/04/1983	\$58,500
Type: ARMS LENGTH IMPROVED	Deed1: /06619/ 00062	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	970	189,033.00	201,467.00
State:	970	189,033.00	201,467.00
Municipal:	970	0.00 0.00	0.00 0.00

Tax Exempt: None
Exempt Class: None

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**



Speak to a Care Advisor:

(866) 333-6002 (tel:8663336002)

Also View Nearby Assisted Living Facilities

Many assisted living facilities are located near Randallstown, MD. Be sure to search by ZIP code to view facilities in nearby areas.

ZIP:

Search

Randallstown, MD Assisted Living Facilities

[Home \(/\)](#) / [Assisted Living Directory \(/directory/\)](#) / [Maryland \(MD\) \(/directory/md/\)](#)
/ [Randallstown \(/directory/md/randallstown/\)](#)

[Caring Corners II \(/directory/md/randallstown/caring-corners-ii/20408/\)](#)

3720 Lamoine Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)

General Info: [Click to Show Phone](#)

[Second Genesis \(/directory/md/randallstown/second-genesis/20539/\)](#)

4003 Starbrook Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)

General Info: [Click to Show Phone](#)

[Comforts Of Home \(The\) \(/directory/md/randallstown/comforts-of-home-the-/20426/\)](#)

9101 Bengal Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Maximum Assisted Living Llc \(/directory/md/randallstown/maximum-assisted-living-llc/20497/\)](#)

8419 Allenswood Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Helping Hands In Maryland \(/directory/md/randallstown/helping-hands-in-maryland/20464/\)](#)

8802 Maplebrook Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Your Family - My Family \(/directory/md/randallstown/your-family-my-family/20567/\)](#)

26 Horseman Court
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Lisa's Place \(/directory/md/randallstown/lisa-s-place/20483/\)](#)

3905 Nemo Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Clark Manor Assisted Living Home \(/directory/md/randallstown/clark-manor-assisted-living-home/20420/\)](#)

9407 Lencrest Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](#)
General Info: [Click to Show Phone](#)

[Nisbeth Assisted Living \(/directory/md/randallstown/nisbeth-assisted-living/20515/\)](#)

8613 Pilsen Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[Joy's Blessing I \(/directory/md/randallstown/joy-s-blessing-i/20477/\)](/directory/md/randallstown/joy-s-blessing-i/20477/)
3919 Innerdale Court
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)



[Affordable Assistd Living](#)

Best.AssistedLiving.com

Compare prices in your area Help from a local, caring expert

[Anointed Living Of Tyrell's Housing II \(/directory/md/randallstown/anointed-living-of-tyrell-s-housing-ii/20385/\)](/directory/md/randallstown/anointed-living-of-tyrell-s-housing-ii/20385/)
3425 Chapman Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[Blessed Hands Assisted Living Facility \(/directory/md/randallstown/blessed-hands-assisted-living-facility/20397/\)](/directory/md/randallstown/blessed-hands-assisted-living-facility/20397/)
19 Hobart Court
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)



[New Start #1 \(/directory/md/randallstown/new-start-1/20511/\)](/directory/md/randallstown/new-start-1/20511/)
3917 Innerdale Court
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[New Age Living \(/directory/md/randallstown/new-age-living/20510/\)](/directory/md/randallstown/new-age-living/20510/)
4309 Mary Ridge Drive
Randallstown, MD 21133
Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Bed Of Roses Assisted Living \(/directory/md/randallstown/bed-of-roses-assisted-living/20393/\)](/directory/md/randallstown/bed-of-roses-assisted-living/20393/)

3725 Eastman Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Pat's Golden Girls Assisted Living \(/directory/md/randallstown/pat-s-golden-girls-assisted-living/20520/\)](/directory/md/randallstown/pat-s-golden-girls-assisted-living/20520/)

8529 Lucerne Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Daniel Hammett, Sr. Tender Care AL \(/directory/md/randallstown/daniel-hammett-sr-tender-care-al/20433/\)](/directory/md/randallstown/daniel-hammett-sr-tender-care-al/20433/)

4123 Century Towne Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Unique Care Assisted Living Facility \(/directory/md/randallstown/unique-care-assisted-living-facility/20555/\)](/directory/md/randallstown/unique-care-assisted-living-facility/20555/)

9122 Liberty Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Cedar Valley Assisted Living, Llc \(/directory/md/randallstown/cedar-valley-assisted-living-llc/20415/\)](/directory/md/randallstown/cedar-valley-assisted-living-llc/20415/)

3705 Collier Road

Randallstown, MD 21133

Baltimore County

Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)

General Info: [Click to Show Phone](#)

[Eastman Retirement Home \(/directory/md/randallstown/eastman-retirement-home/20437/\)](/directory/md/randallstown/eastman-retirement-home/20437/)

3700 Eastman Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)



Assisted Living Prices

APlaceForMom.com

Check Rates & Availability at Local Assisted Living Communities. Free

[Caring Corners I \(/directory/md/randallstown/caring-corners-i/20407/\)](/directory/md/randallstown/caring-corners-i/20407/)
9217 Allenswood Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[Loving Care Home \(/directory/md/randallstown/loving-care-home/20484/\)](/directory/md/randallstown/loving-care-home/20484/)
3936 Tiverton Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[Peace & Glory Manor, Inc. \(/directory/md/randallstown/peace-glory-manor-inc-/20522/\)](/directory/md/randallstown/peace-glory-manor-inc-/20522/)
3829 Kilburn Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[Dira Manor, Llc \(/directory/md/randallstown/dira-manor-llc/20434/\)](/directory/md/randallstown/dira-manor-llc/20434/)
9120 Bengal Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[New Start #4 \(/directory/md/randallstown/new-start-4/20514/\)](/directory/md/randallstown/new-start-4/20514/)
9802 Plowline Road
Randallstown, MD 21133
Baltimore County
Price/Availability: [\(855\) 344-4048 \(tel:8553444048\)](tel:8553444048)
General Info: [Click to Show Phone](#)

[My House Is Your Home \(/directory/md/randallstown/my-house-is-your-home/20506/\)](/directory/md/randallstown/my-house-is-your-home/20506/)

9014 Meadow Heights Road

Randallstown, MD 21133

Baltimore County

Price/Availability: (855) 344-4048 (tel:8553444048)

General Info: [Click to Show Phone](#)

[Maximum Assisted Living Iii \(/directory/md/randallstown/maximum-assisted-living-iii/20496/\)](/directory/md/randallstown/maximum-assisted-living-iii/20496/)

4816 Old Court Road

Randallstown, MD 21133

Baltimore County

Price/Availability: (855) 344-4048 (tel:8553444048)

General Info: [Click to Show Phone](#)

[Golden Years Home Care Llc \(/directory/md/randallstown/golden-years-home-care-llc/20456/\)](/directory/md/randallstown/golden-years-home-care-llc/20456/)

3927 Algiers Road

Randallstown, MD 21133

Baltimore County

Price/Availability: (855) 344-4048 (tel:8553444048)

General Info: [Click to Show Phone](#)

[Hixon Options, Inc. \(/directory/md/randallstown/hixon-options-inc-/20465/\)](/directory/md/randallstown/hixon-options-inc-/20465/)

3905 Sadie Road

Randallstown, MD 21133

Baltimore County

Price/Availability: (855) 344-4048 (tel:8553444048)

General Info: [Click to Show Phone](#)

[Jones Assisted Living, Llc \(/directory/md/randallstown/jones-assisted-living-llc/20475/\)](/directory/md/randallstown/jones-assisted-living-llc/20475/)

4111 Dutchmill Road

Randallstown, MD 21133

Baltimore County

Price/Availability: (855) 344-4048 (tel:8553444048)

General Info: [Click to Show Phone](#)

Search for assisted living in your area

ZIP:

Search

Protestant CBA Exhibit

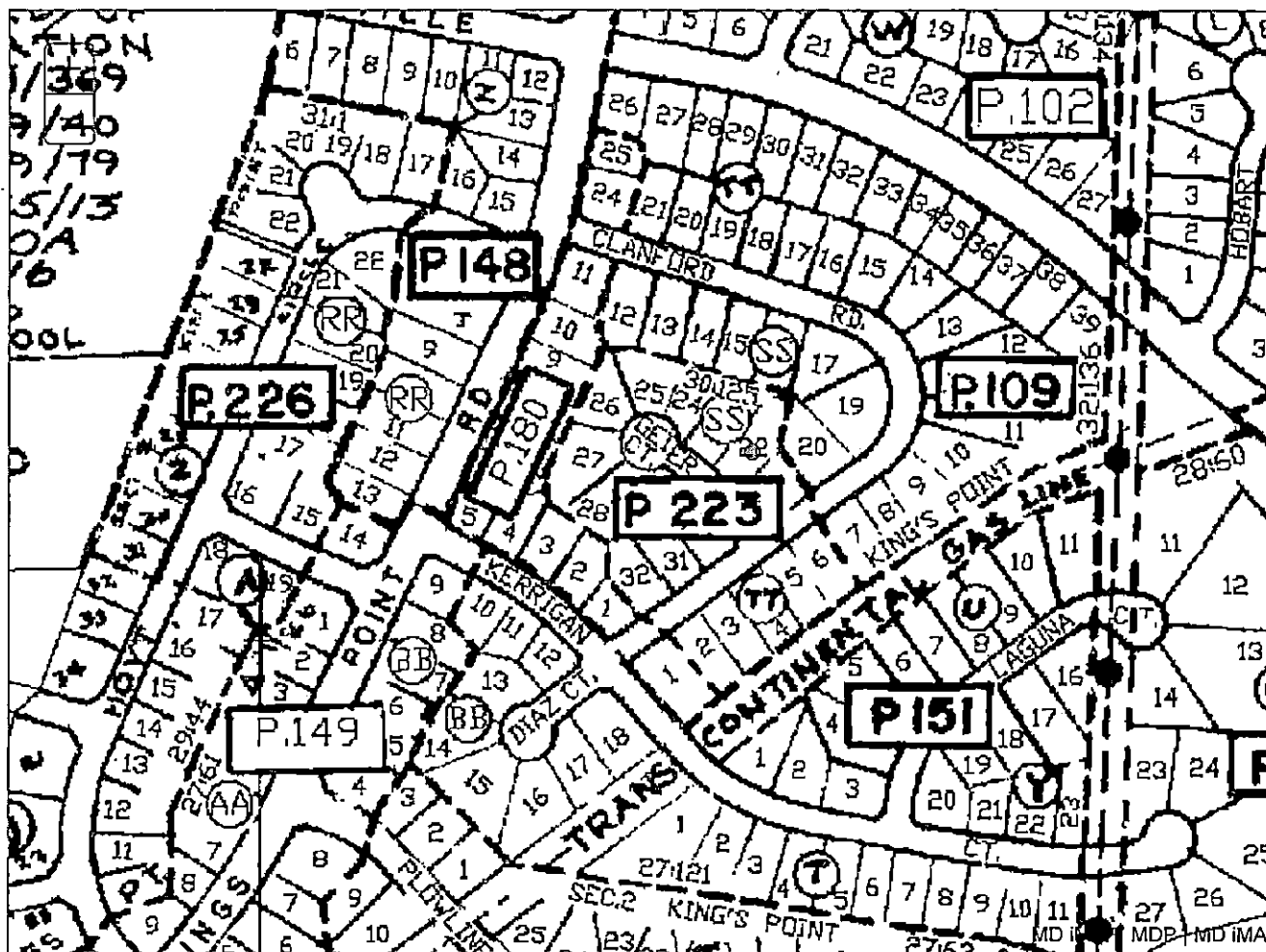
5

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0213751400			
Owner Information					
Owner Name:		BULLOCK PATRICE A		Use:	RESIDENTIAL
Mailing Address:		4 GEIER CT RANDALLSTOWN MD 21133		Principal Residence:	YES
				Deed Reference:	/38721/ 00387
Location & Structure Information					
Premises Address:		4 GEIER CT 0-0000		Legal Description:	
KINGS POINT					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0076	0011	0223		0000	7
Block:	Lot:	Assessment Year:	Plat No:	1	
SS	22	2016	Plat Ref:	0030/0125	
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1967	1,497 SF	748 SF	12,870 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Split Foyer	YES	SPLIT FOYER	FRAME	2 full/ 1 half	Last Major Renovation
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2016		07/01/2017	
				As of	
				07/01/2018	
Land:	68,700	68,700			
Improvements	100,000	124,000			
Total:	168,700	192,700		184,700	192,700
Preferential Land:	0				0
Transfer Information					
Seller: KNIGHT KIM M		Date: 03/09/2017		Price: \$298,000	
Type: ARMS LENGTH IMPROVED		Deed1: /38721/ 00387		Deed2:	
Seller: KNIGHT EARL L		Date: 07/25/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35195/ 00177		Deed2:	
Seller: MOORE HELENE Z		Date: 08/13/1976		Price: \$68,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05665/ 00127		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:	

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **02** Account Number: **0213751400**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

CASE NAME 2018-270-SPH
CASE NUMBER _____
DATE 6/3/2019

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NUMBER

DATE 6/3/2015

CITIZEN'S SIGN - IN SHEET

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 6/2/2019

Case Number: 2019-0270-SPH

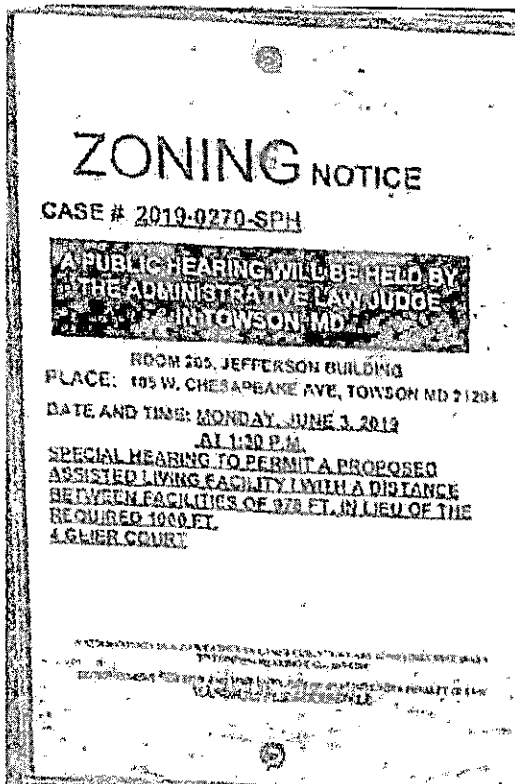
Petitioner / Developer: SAMUEL SPERLING, ESQ. ~ PATRICE BULLOCK

Date of Hearing: JUNE 3, 2019

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:
4 GEIER COURT

The sign(s) were posted on: MAY 13, 2019

The sign(s) were re-photographed on: JUNE 2, 2019



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)



Re-Photographed 1st Sign @ 4 Geier Court ~ June 2, 2019



Re-Photographed 2nd Sign @ 4 Geier Court ~ June 2, 2019

CASE # 2019-0270-SPH

JB 6-3-19
1:30 PM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Sunday, June 2, 2019 11:42 PM
To: Administrative Hearings
Subject: Case # 2019-0270-SPH Geier Court Cert. & Case # 2019-0275-SPHA Burke Road Cert.
Attachments: Geier Court Cert. .jpeg; Geier Court Photos.docx; Burke Rd. Cert. .jpeg; Burke Rd. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I have a couple of Certs and background photos for your records. The first is of Case # 2019-0270-SPH @ Geier Road & the second is Case # 2019-0275-SPHA @ Burke Rd.

Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

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

5/14/2019

Order #: 11743361
Case #: 2018-0270-SPH
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2018-0270-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2018-0270-SPH

4 Geier Court

NE/s Geier Cour, N/w of Clanford Road

2nd Election District - 4th Councilmanic District

Legal Owners: Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility 1 with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Monday, June 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Maltinoff

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.

my 14

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/13/2019

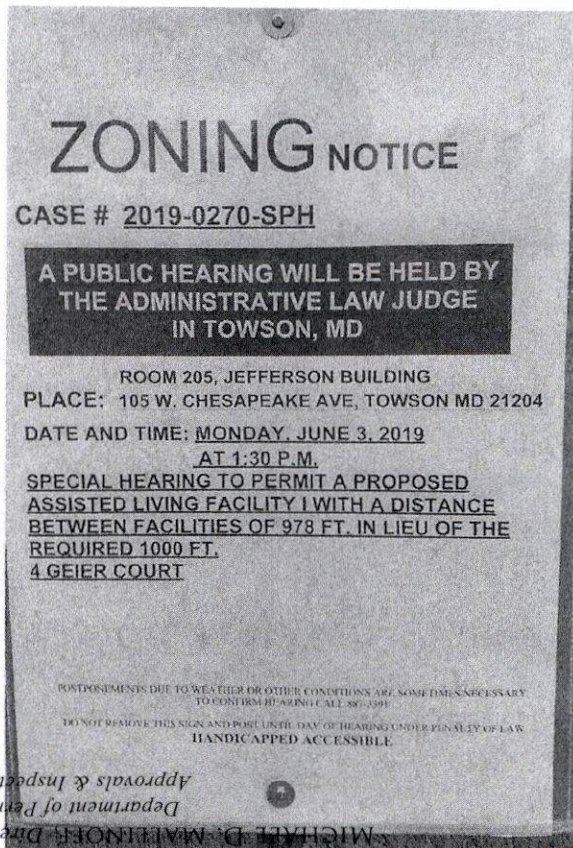
Case Number: 2019-0270-SPH

Petitioner / Developer: SAMUEL SPERLING, ESQ. ~ PATRICE BULLOCK

Date of Hearing: JUNE 3, 2019

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:
4 GEIER COURT

The sign(s) were posted on: MAY 13, 2019



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)



JOHN A. OLSZEWSKI, JR.
County Executive



JOHN A. OLSZEWSKI, JR.
County Executive

Department of Permits,
Approvals & Inspections

May 8, 2019

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: 2018-0270-SPH

4 Geier Court
NE/s Geier Cour, N/w of Clanford Road
2nd Election District – 4th Councilmanic District
Legal Owners: Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Monday, June 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Samuel Sperling, 8 Church Lane, Baltimore 21208
Patrice Bullock, 151 W. Ring Factory Road, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 14, 2019.**
- (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.

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Debbie Wiley 
Office of Administrative Hearings

DATE: August 7, 2018

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

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

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

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

Thank you.

c: File

Case # 2018-0270-SPH

RECEIVED

JUN 19 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

06/19/18

To Whom it May Concern:

For Reasons Beyond our control
we would like to postpone this case.
2^o to Counsel's Suspension. Second Counsel
was obtained but he is unable to do the
Case on Thursday.

For Patrice Bullard
DB Parks - MD

Patrice Bullard (443) 876-6692
DONOVAN PARKES: (410) 4281382

Debra Wiley

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:06 PM
To: 'DP747@aol.com'
Subject: FW: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:05 PM
To: 'DP727@aol.com' <DP727@aol.com>; 'SSPERLING@SPERLINGLAW.US' <SSPERLING@SPERLINGLAW.US>; 'hollishill868@gmail.com' <hollishill868@gmail.com>; 'MLH33@comcast.net' <MLH33@comcast.net>; 'deh33@comcast.net' <deh33@comcast.net>; 'ygseayrdh@gmail.com' <ygseayrdh@gmail.com>; 'vivqon@verizon.net' <vivqon@verizon.net>; 'maggiebeard08@gmail.com' <maggiebeard08@gmail.com>; 'kbolar20@icloud.com' <kbolar20@icloud.com>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer (snuffer@baltimorecountymd.gov) <snuffer@baltimorecountymd.gov>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Good Afternoon,

Please be advised that Mr. Donovan Parkes, on behalf of Patrice Bullock, visited our office today to request a postponement of the above-referenced matter.

Administrative Law Judge Beverungen has agreed to grant this postponement provided that interested citizens from prior Case No. 2018-0086-A were notified via email. Therefore, I am advising you of same and kindly ask that you share this information with your neighbors in the event that an email was not provided by them on the sign-in sheets.

The case file will be returned to the Office of Zoning Review for rescheduling, and the property will need to be reposted with the new hearing date information; no newspaper advertisement is necessary.

Thanking you in advance.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: DP727@aol.com
Sent: Tuesday, June 19, 2018 12:05 PM
Subject: Undeliverable: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Delivery has failed to these recipients or groups:

DP727@aol.com

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

The following organization rejected your message: [67.195.228.87].

Diagnostic information for administrators:

Generating server: mail2.baltimorecountymd.gov

DP727@aol.com
[67.195.228.87]

Remote Server returned '<[67.195.228.87] #5.0.0 smtp; 5.3.0 - Other mail system problem 554-"delivery error: dd This user doesn't have a aol.com account (dp727@aol.com) [-9] - mta4108.aol.mail.gq1.yahoo.com" (delivery attempts: 0)>'

Original message headers:

X-IronPort-AV: E=Sophos;i="5.51,243,1526356800";
d="scan'208,217";a="20093573"
Received: from unknown (HELO EXMBOX1.bcg.ad.bcgov.us) ([172.30.49.216])
by mail2.baltimorecountymd.gov with ESMTP/TLS/AES256-GCM-SHA384; 19 Jun 2018 12:04:34 -
0400
Received: from EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) by
EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) with Microsoft SMTP Server (TLS) id
15.0.1347.2; Tue, 19 Jun 2018 12:04:33 -0400
Received: from EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e]) by
EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e%21]) with mapi id
15.00.1347.000; Tue, 19 Jun 2018 12:04:33 -0400
From: Debra Wiley <dwiley@baltimorecountymd.gov>
To: "DP727@aol.com" <DP727@aol.com>, "SSPERLING@SPERLINGLAW.US"
<SSPERLING@SPERLINGLAW.US>, "hollishill1868@gmail.com"
<hollishill1868@gmail.com>, "MLH33@comcast.net" <MLH33@comcast.net>,
"deh33@comcast.net" <deh33@comcast.net>, "ygseayrdh@gmail.com"
<ygseayrdh@gmail.com>, "vivqon@verizon.net" <vivqon@verizon.net>,
"maggiebeard08@gmail.com" <maggiebeard08@gmail.com>, "kbolar20@icloud.com"
<kbolar20@icloud.com>
CC: Kristen L Lewis <klewis@baltimorecountymd.gov>, Sherry Nuffer
<snuffer@baltimorecountymd.gov>, Rebecca Wheatley

Debra Wiley

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:06 PM
To: 'ygseayrdh@gmail.com'
Subject: FW: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:06 PM
To: 'DP747@aol.com' <DP747@aol.com>
Subject: FW: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:05 PM
To: 'DP727@aol.com' <DP727@aol.com>; 'SSPERLING@SPERLINGLAW.US' <SSPERLING@SPERLINGLAW.US>; 'hollishill868@gmail.com' <hollishill868@gmail.com>; 'MLH33@comcast.net' <MLH33@comcast.net>; 'deh33@comcast.net' <deh33@comcast.net>; 'ygseayrdh@gmail.com' <ygseayrdh@gmail.com>; 'vivqon@verizon.net' <vivqon@verizon.net>; 'maggiebeard08@gmail.com' <maggiebeard08@gmail.com>; 'kbolar20@icloud.com' <kbolar20@icloud.com>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer (snuffer@baltimorecountymd.gov) <snuffer@baltimorecountymd.gov>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Good Afternoon,

Please be advised that Mr. Donovan Parkes, on behalf of Patrice Bullock, visited our office today to request a postponement of the above-referenced matter.

Administrative Law Judge Beverungen has agreed to grant this postponement provided that interested citizens from prior Case No. 2018-0086-A were notified via email. Therefore, I am advising you of same and kindly ask that you share this information with your neighbors in the event that an email was not provided by them on the sign-in sheets.

The case file will be returned to the Office of Zoning Review for rescheduling, and the property will need to be reposted with the new hearing date information; no newspaper advertisement is necessary.

Thanking you in advance.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: ygseayrdh@gmail.com
Sent: Tuesday, June 19, 2018 12:05 PM
Subject: Undeliverable: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Delivery has failed to these recipients or groups:

ygseayrdh@gmail.com

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

Diagnostic information for administrators:

Generating server: esa02plxdz.baltimorecountymd.gov

ygseayrdh@gmail.com

Remote Server returned '< #5.0.0 smtp; 5.1.2 - Bad destination host 'DNS Hard Error looking up gmail.com (A): domain has no A record' (delivery attempts: 0)>'

Original message headers:

X-IronPort-AV: E=Sophos;i="5.51,243,1526356800";
d="scan'208,217";a="20093573"
Received: from unknown (HELO EXMBOX1.bcg.ad.bcgov.us) ([172.30.49.216])
by mail2.baltimorecountymd.gov with ESMTP/TLS/AES256-GCM-SHA384; 19 Jun 2018 12:04:34 -
0400
Received: from EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) by
EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) with Microsoft SMTP Server (TLS) id
15.0.1347.2; Tue, 19 Jun 2018 12:04:33 -0400
Received: from EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e]) by
EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e%21]) with mapi id
15.00.1347.000; Tue, 19 Jun 2018 12:04:33 -0400
From: Debra Wiley <dwiley@baltimorecountymd.gov>
To: "DP727@aol.com" <DP727@aol.com>, "SSPERLING@SPERLINGLAW.US"
<SSPERLING@SPERLINGLAW.US>, "hollishill868@gmail.com"
<hollishill868@gmail.com>, "MLH33@comcast.net" <MLH33@comcast.net>,
"deh33@comcast.net" <deh33@comcast.net>, "ygseayrdh@gmail.com"
<ygseayrdh@gmail.com>, "vivqon@verizon.net" <vivqon@verizon.net>,
"maggiebeard08@gmail.com" <maggiebeard08@gmail.com>, "kbolar20@icloud.com"
<kbolar20@icloud.com>
CC: Kristen L Lewis <klewis@baltimorecountymd.gov>, Sherry Nuffer
<snuffer@baltimorecountymd.gov>, Rebecca Wheatley
<rwheatley@baltimorecountymd.gov>
Subject: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10
AM (4 Geier Ct., 21133)
Thread-Topic: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @

Debra Wiley

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:08 PM
To: 'vivgov@verizon.net'
Subject: FW: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:05 PM
To: 'DP727@aol.com' <DP727@aol.com>; 'SSPERLING@SPERLINGLAW.US' <SSPERLING@SPERLINGLAW.US>; 'hollishill868@gmail.com' <hollishill868@gmail.com>; 'MLH33@comcast.net' <MLH33@comcast.net>; 'deh33@comcast.net' <deh33@comcast.net>; 'ygseayrdh@gmail.com' <ygseayrdh@gmail.com>; 'vivqon@verizon.net' <vivqon@verizon.net>; 'maggiebeard08@gmail.com' <maggiebeard08@gmail.com>; 'kbolar20@icloud.com' <kbolar20@icloud.com>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Sherry Nuffer (snuffer@baltimorecountymd.gov) <snuffer@baltimorecountymd.gov>; Rebecca Wheatley <rwheatley@baltimorecountymd.gov>
Subject: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Good Afternoon,

Please be advised that Mr. Donovan Parkes, on behalf of Patrice Bullock, visited our office today to request a postponement of the above-referenced matter.

Administrative Law Judge Beverungen has agreed to grant this postponement provided that interested citizens from prior Case No. 2018-0086-A were notified via email. Therefore, I am advising you of same and kindly ask that you share this information with your neighbors in the event that an email was not provided by them on the sign-in sheets.

The case file will be returned to the Office of Zoning Review for rescheduling, and the property will need to be reposted with the new hearing date information; no newspaper advertisement is necessary.

Thanking you in advance.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: vivqon@verizon.net
Sent: Tuesday, June 19, 2018 12:05 PM
Subject: Undeliverable: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Delivery has failed to these recipients or groups:

vivqon@verizon.net

A problem occurred while delivering this message to this email address. Try sending this message again. If the problem continues, please contact your helpdesk.

The following organization rejected your message: [74.6.141.40].

Diagnostic information for administrators:

Generating server: mail2.baltimorecountymd.gov

vivqon@verizon.net

[74.6.141.40]

Remote Server returned '[74.6.141.40] #5.0.0 smtp; 5.3.0 - Other mail system problem 554-"delivery error: dd This user doesn't have a verizon.net account (vivqon@verizon.net) [0] - mta4186.aol.mail.bf1.yahoo.com" (delivery attempts: 0)>'

Original message headers:

X-IronPort-AV: E=Sophos;i="5.51,243,1526356800";
d="scan'208,217";a="20093573"

Received: from unknown (HELO EXMBOX1.bcg.ad.bcgov.us) ([172.30.49.216])
by mail2.baltimorecountymd.gov with ESMTPTLS/AES256-GCM-SHA384; 19 Jun 2018 12:04:34 -
0400

Received: from EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) by
EXMBOX1.bcg.ad.bcgov.us (172.30.49.216) with Microsoft SMTP Server (TLS) id
15.0.1347.2; Tue, 19 Jun 2018 12:04:33 -0400

Received: from EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e]) by
EXMBOX1.bcg.ad.bcgov.us ([fe80::21a3:9b8a:d7cf:787e%21]) with mapi id
15.00.1347.000; Tue, 19 Jun 2018 12:04:33 -0400

From: Debra Wiley <dwiley@baltimorecountymd.gov>

To: "DP727@aol.com" <DP727@aol.com>, "SSPERLING@SPERLINGLAW.US"
<SSPERLING@SPERLINGLAW.US>, "hollishill1868@gmail.com"
<hollishill1868@gmail.com>, "MLH33@comcast.net" <MLH33@comcast.net>,
"deh33@comcast.net" <deh33@comcast.net>, "ygseayrdh@gmail.com"
<ygseayrdh@gmail.com>, "vivqon@verizon.net" <vivqon@verizon.net>,
"maggiebeard08@gmail.com" <maggiebeard08@gmail.com>, "kbolar20@icloud.com"
<kbolar20@icloud.com>

CC: Kristen L Lewis <klewis@baltimorecountymd.gov>, Sherry Nuffer

747
Debra Wiley

From: Debra Wiley
Sent: Tuesday, June 19, 2018 12:05 PM
To: 'DP727@aol.com'; 'SSPERLING@SPERLINGLAW.US'; 'hollishill868@gmail.com'; 'MLH33@comcast.net'; 'deh33@comcast.net'; 'ygseayrdh@gmail.com'; 'vivgon@verizon.net'; 'maggiebeard08@gmail.com'; 'kbolar20@icloud.com'
Cc: Kristen L Lewis; Sherry Nuffer (snuffer@baltimorecountymd.gov); Rebecca Wheatley
Subject: Postponement of Case No. 2018-0270-SPH for Thursday, June 21st @ 10 AM (4 Geier Ct., 21133)

Good Afternoon,

Please be advised that Mr. Donovan Parkes, on behalf of Patrice Bullock, visited our office today to request a postponement of the above-referenced matter.

Administrative Law Judge Beverungen has agreed to grant this postponement provided that interested citizens from prior Case No. 2018-0086-A were notified via email. Therefore, I am advising you of same and kindly ask that you share this information with your neighbors in the event that an email was not provided by them on the sign-in sheets.

The case file will be returned to the Office of Zoning Review for rescheduling, and the property will need to be reposted with the new hearing date information; no newspaper advertisement is necessary.

Thanking you in advance.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Tammy Zahner
Sent: Tuesday, June 19, 2018 11:25 AM
To: Debra Wiley
Subject: Bullock
Attachments: Sign in sheet-ALJ.pdf; Sign-in sheet-Board.pdf

Debbie,

Attached are the sign in sheets for the ALJ hearing, and the hearing before the Board.
I hope this helps!

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

CASE NAME 4-Geier COURT
CASE NUMBER 2018-C086-A
DATE 11/2/17

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE _____

11/2/2017

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

People's Counsel Sign-In Sheet

People's Counsel
CBA Exhibit

Case Name: Patrice Bullock
Case No.: 2018-086-A
Date: 3/29/2018

3/29/18

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

· Check to
testify

Name

Address

Phone #

Email

Group you represent

Basis of your
concerns

[illegible]

Debra Wiley

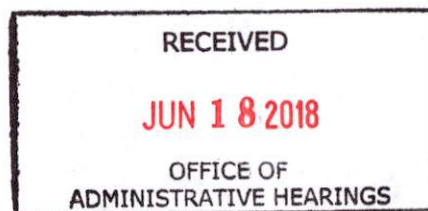
From: Linda Okeefe <lucky linda1954@yahoo.com>
Sent: Sunday, June 17, 2018 6:56 PM
To: Administrative Hearings
Subject: 2nd Certification 4 Giere Court Case # 2018-0270-SPH
Attachments: 2nd Cert. Giere Court.jpeg

Hi Sherry,

I have attached the 2nd Certification for Case # 2018-0270-SPH @ 4 Giere Court.
Have a nice Day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
lucky linda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 6/17/2018

Case Number: 2018-0270-SPH

Petitioner / Developer: SAMUEL SPERLING ~ PATRICE BULLOCK

Date of Hearing: JUNE 21, 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:
4 GIERE COURT

The sign(s) were posted on: JUNE 1, 2018

The sign(s) were re-photographed on: JUNE 17, 2018



Sign # (1) @ 4 Giere Court Case # 2018-0270-SPH

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)





KEVIN KAMENETZ
County Executive

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

June 13, 2018

Patrice Bullock
151 W Ring Factory Road
Bel Air MD 21014

RE: Case Number: 2018-0270 SPH, Address: 4 Geier Court

Dear Ms. Bullock:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 9, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Samuel Sperling, Esquire, 8 Church Lane, Baltimore MD 21208

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 5, 2018

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 17, 2018
Item No. 2018-0270-SPH **REVISED TO SPH**

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/10/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-270



INFORMATION:

Property Address: 4 Geier Court
Petitioner: Patrice Bullock
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed Assisted Living Facility I (ALF I) within a distance of 978 feet of an existing ALF I, in lieu of the required 1,000 feet.

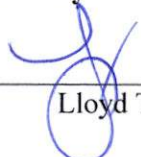
A site visit was conducted on April 25, 2018. The subject property is situated within the bounds of the Liberty West Plan, which was adopted into the Master Plan 2020 on December of 2006. That plan expressed concerns over the proliferation of group homes and assisted living facilities, and included a recommended action of "Support legislation that protects communities against the concentration of group homes and assisted living facilities."

The Department will concur with the decision of the Administrative Law Judge (ALJ) on allowing a use proximity less than that prescribed in the regulations. The Department finds the proposal to meet the pertinent compatibility objectives found in BCC §32-4-402. In the event the ALJ makes a positive ruling the Department recommends the following conditions be made a part of the order:

- Repair and return to a safe condition the sidewalk along the entire frontage of the subject property.

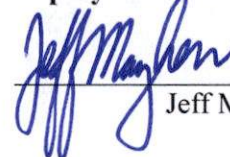
For further information concerning the matters stated herein, please contact Pat McDougall at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/
c: Pat McDougall
Samuel Sperling
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: May 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0270-SPH **revised**
Address 4 Geier Court
(Bullock Property)

Zoning Advisory Committee Meeting of **May 17, 2018**

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 5/7/18

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

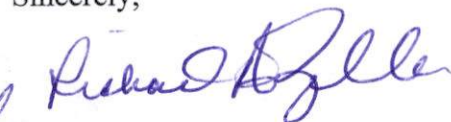
Dear Ms. Lewis:

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. 2018-0270-SPH

*Special Hearing
Patrice Bullock
4601er Court*

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: 4/16/18

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

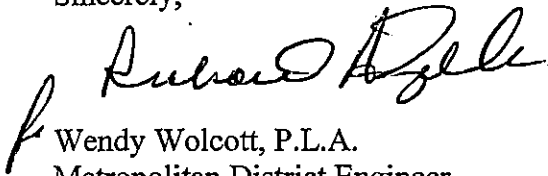
Dear Ms. Lewis:

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. 2018-0270-A

*Variance
Patrice Bullock
4601er Circle*

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/1/2018

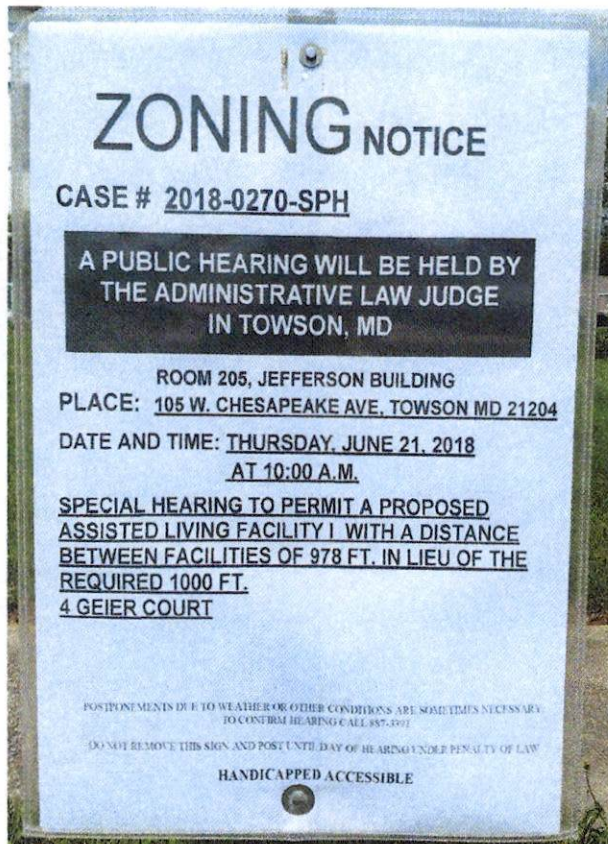
Case Number: 2018-0270-SPH

Petitioner / Developer: SAMUEAL SPERLING ~ PATRICE BULLOCK

Date of Hearing: JUNE 21, 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:
4 GEIER COURT

The sign(s) were posted on: JUNE 1, 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)



Case # 2018-0270-SPH posted 6/1/2018
4 Geier Court



Case # 2018-0270-SPH posted 6/1/2018
4 Geier Court



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 5609927

Sold To:

Patrice Bullock - CU00656399
151 W Ring Factory Rd
Bel Air, MD 21014-5303

Bill To:

Patrice Bullock - CU00656399
151 W Ring Factory Rd
Bel Air, MD 21014-5303

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

May 31, 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: # 2018-0270-SPH
4 Geier Court
NE/s Geier Court, N/w of Clanford Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Thursday, June 21, 2018 at 10:00 a.m in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

05/31/18 5609927

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising



KEVIN KAMENETZ
County Executive

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

May 8, 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: 2018-0270-SPH

4 Geier Court
NE/s Geier Cour, N/w of Clanford Road
2nd Election District – 4th Councilmanic District
Legal Owners: Patrice Bullock

Special Hearing to permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.

Hearing: Thursday, June 21, 2018 at 10:00 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: Samuel Sperling, 8 Church Lane, Baltimore 21208
Patrice Bullock, 151 W. Ring Factory Road, Bel Air 21014

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 1, 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.

RE: PETITION FOR VARIANCE
4 Geier Court; NE/S Geier Court, 115' NW
of Clanford Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Patrice Bullock
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-270-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

APR 17 2013

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 17th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to Samuel Sperling, 8 Church Lane, Baltimore, Maryland 21208, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4 Geier Court Randallston rd 21133 which is presently zoned D.R.3.5
 Deed References: 38 721/00387 10 Digit Tax Account # 02137 5140 0
 Property Owner(s) Printed Name(s) Patrice Bullock

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

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

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
 To permit a proposed Assisted Living Facility I with a distance between facilities of 978 ft. in lieu of the required 1000 ft.
2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☐ **a Variance** from Section(s)

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

REVISED TO READ SPH

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:

Samuel Sperling
 Name- Type or Print _____
 Signature _____
8 Church Lane Baltimore MD
 Mailing Address _____ City _____ State _____
21208 410653 0141 1sperling@sperlinglaw.us
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Patrice Bullock
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
#Bullock
 Signature #1 _____ Signature #2 _____
151 W. Ring Factory Rd Bel Air MD
 Mailing Address _____ City _____ State _____
21014 413-876-6692 4106050574@msn.com
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____
 Signature _____
6/5/19
Sen
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0270-SPH Filing Date 4/9/18

Do Not Schedule Dates: _____ BY _____ Reviewer gh

Revised

ORDER RECEIVED FOR FILING
6/5/19
Sen

The Zoning Petition property description:

Zoning property Description for 4 Geier Court

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

Option 2

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

2018-~~0270~~A 0270-SPH

Section 432A of the Baltimore County Zoning Regulations provides that no assisted living facility in a DR zone may be located 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.” What is not specified in the regulation is if this is to be read excluding only facilities within 1000 feet of street path or if it is to be measured as the crow flies, e.g. air distance.

The legislative history of the regulation is, as is often the case, devoid of any administrative findings or hearings that would shed light on this issue. However, the Fiscal Note supporting the enacting County Council Bill, 45-2017, does states that the bill is not meant to, “limit the number of facilities or the zones in which assisted-living facilities may be located. Rather, the bill limits the “clustering” of such facilities in D.R. Zones....”

This would seem to mean that the bill is meant to avoid a cluster of homes, which would normally mean homes that are grouped together and that become a unit. This would seem to imply that the bill is meant to provide the least restrictive alternative, meaning that the bill only bars homes as to which there is access within 1000 feet by road or walk, such that it could be said that the homes are clustered together.

This is in line with the statutory mandate that the minimum level of intrusion is intended. Section 660.1.

There is another greater factor that impacts this case. Under Maryland law, an assisted living facility, “provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living.” Persons meeting this standard are those under a handicap 42 U.S.C. §3602(h). As such, the Fair Housing Act governs laws and regulations that seek to limit siting of assisted living facilities. As such, a county or state is unable to pass laws that materially impact the ability of handicapped persons, the customer base of an assisted living facility, to find places to live. *Potomac Group Home Corporation v. Montgomery County, Maryland*, 823 F. Supp. 1251 (D. Md. 1993).

The basic principle or rule is that the law cannot, "assume that people with disabilities are different from people without disabilities...." *Ibid* at 1296. The law cannot treat a home for disabilities different from any, "family residential unit or on any other properly zoned residential unit in the County." *Ibid*.

In this case, a person who has a disability who wishes to live in the basic residential zoning in Baltimore County, the D.R. zones, would be sharply limited in their ability to choose where to live. Considering that residents of assisted living facilities are often elderly, it could well be especially important to a person to be able to continue living in an area with which they are familiar and thus the restriction at hand is even more onerous.

As stated above, since non-handicapped people do not face any such 1000 foot restriction on the situs of their housing as do handicapped residents of assisted living facilities, the law is invalid on its face as per the Fair Housing Act. It is immaterial that the County Council doubtless was not motivated by animus or dislike for assisted living facility residents. "An actionable intent to discriminate need not be motivated by dislike for, or animosity against, people with disabilities; the legislative history of the Fair Housing Act shows that Congress intended equally to prohibit discrimination resulting from "false and over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose." *Bryant Woods Inn, Inc. v. Howard County, Maryland*, 911 F. Supp. 918, 929 (1996)

In this regulation, the County deliberately acted, per the fiscal note, to restrict the potential clustering of assisted living facilities which is not done with other residential uses. This discriminatory law is invalid under the Fair Housing Act.

Based upon these facts, the county's regulation would be invalid regardless of the method of interpretation. However, it is theoretically possible that the interpretation of the regulation to mean traffic might be an opening to assertion that the regulation is meant to address potential traffic concerns. This is a weak assertion to begin with as any justification based on traffic concerns would require individualized information as to traffic issues with the specific location (see e.g. *Bryant Woods Inn, Inc. v. Howard County, Md.*, 124 F. 3d 597 (4th Cir. 1997) while this regulation is a blanket rule and adopted with no legislative findings.

Further, this party was advised that relief from the 1000 foot rule would require seeking a variance per §307.1 of the Zoning Code. Securing a variance

would require that the petitioner provide justification for the variance rather than the County providing justification for the limitation on handicapped persons' housing. Further under the widely heard maxim of *Cromwell v. Ward*, 102 Md. App. 691, 651 A. 2d 424 (1995), proof of entitlement to the variance would require the petitioner to show that their lot is unique and different from other parcels. However, the Fair Housing Act requires the opposite. Since the 4 Geier Court parcel is the same as all others, the County cannot impose greater or more restrictive limitations on the ability of these residents to find a place to live than on any other residential use.

For these reasons, the 1000 foot mandate is illegal and should be waived.

Respectfully Submitted,

Samuel Sperling

The Sperling Firm LLC

8 Church Lane

Baltimore, Maryland

21208

4106530141

ssperling@sperlinglaw.us

Certification of Mailing

This is to certify that on this March 25, 2019 a copy of this pleading was sent by email to Peter Zimmerman, Esquire, peoplescounsel@baltimorecountymd.gov.

Samuel Sperling

Section 432A of the Baltimore County Zoning Regulations provides that no assisted living facility in a DR zone may be located 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." What is not specified in the regulation is if this is to be read excluding only facilities within 1000 feet of street path or if it is to be measured as the crow flies, e.g. air distance. 2

The legislative history of the regulation is, as is often the case, devoid of any administrative findings or hearings that would shed light on this issue. However, the Fiscal Note supporting the enacting County Council Bill, 45-2017, does state that the bill is not meant to, "limit the number of facilities or the zones in which assisted-living facilities may be located. Rather, the bill limits the "clustering" of such facilities in D.R. Zones...."

This would seem to mean that the bill is meant to avoid a cluster of homes, which would normally mean homes that are grouped together and that become a unit. This would seem to imply that the bill is meant to provide the least restrictive alternative, meaning that the bill only bars homes as to which there is access within 1000 feet by road or walk, such that it could be said that the homes are clustered together.

This is in line with the statutory mandate that the minimum level of intrusion is intended. Section 660.1.

There is another greater factor that impacts this case. Under Maryland law, an assisted living facility, "provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living." Persons meeting this standard are those under a handicap 42 U.S.C. §3602(h). As such, the Fair Housing Act governs laws and regulations that seek to limit siting of assisted living facilities. As such, a county or state is unable to pass laws that materially impact the ability of handicapped persons, the customer base of an assisted living facility, to find places to live. *Potomac Group Home Corporation v. Montgomery County, Maryland*, 823 F. Supp. 1251 (D. Md. 1993). The basic principle or rule is that the law cannot, "assume that people with disabilities are different from people without disabilities...." *Ibid* at 1296. The

law cannot treat a home for disabilities different from any, "family residential unit or on any other properly zoned residential unit in the County." *Ibid.*

In this case, a person who has a disability who wishes to live in the basic residential zoning in Baltimore County, the D.R. zones, would be sharply limited in their ability to choose where to live. Considering that residents of assisted living facilities are often elderly, it could well be especially important to a person to be able to continue living in an area with which they are familiar and thus the restriction at hand is even more onerous.

As stated above, since non-handicapped people do not face any such 1000 foot restriction on the situs of their housing as do handicapped residents of assisted living facilities, the law is invalid on its face as per the Fair Housing Act. It is immaterial that the County Council doubtless was not motivated by animus or dislike for assisted living facility residents. "An actionable intent to discriminate need not be motivated by dislike for, or animosity against, people with disabilities; the legislative history of the Fair Housing Act shows that Congress intended equally to prohibit discrimination resulting from "false and over-protective assumptions about the needs of handicapped people, as well as unfounded fears of difficulties about the problems that their tenancies may pose." *Bryant Woods Inn, Inc. v. Howard County, Maryland*, 911 F. Supp. 918, 929 (1996)

In this regulation, the County deliberately acted, per the fiscal note, to restrict the potential clustering of assisted living facilities which is not done with other residential uses. This discriminatory law is invalid under the Fair Housing Act.

Based upon these facts, the county's regulation would be invalid regardless of the method of interpretation. However, it is theoretically possible that the interpretation of the regulation to mean traffic might be an opening to assertion that the regulation is meant to address potential traffic concerns. This is a weak assertion to begin with as any justification based on traffic concerns would require individualized information as to traffic issues with the specific location (see e.g. *Bryant Woods Inn, Inc. v. Howard County, Md.*, 124 F. 3d 597 (4th Cir. 1997) while this regulation is a blanket rule.

Further, this party was advised that relief from the 1000 foot rule would require seeking a variance per §307.1 of the Zoning Code. Securing a variance would require that the petitioner provide justification for the variance rather than the County providing justification for the limitation on handicapped persons'

housing. Further under the widely heard maxim of *Cromwell v. Ward*, 102 Md. App. 691, 651 A. 2d 424 (1995), proof of entitlement to the variance would require the petitioner to show that their lot is unique and different from other parcels. However, the Fair Housing Act requires the opposite. Since the 4 Geier Court parcel is the same as all others, the County cannot impose greater or more restrictive limitations on the ability of these residents to find a place to live than on any other residential use.

2018-0270-*SPH*

The Attorney for the property of 4 G eier Court requested a Special Hearing for this case. The office of zoning normal procedure for this type of petition would require a variance.

Gary Hucik

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0213751400			
Owner Information					
Owner Name:	BULLOCK PATRICE A		Use:	RESIDENTIAL	
Mailing Address:	4 GEIER CT RANDALLSTOWN MD 21133		Principal Residence:	YES	
			Deed Reference:	/38721/ 00387	
Location & Structure Information					
Premises Address:		4 GEIER CT 0-0000		Legal Description:	
KINGS POINT					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0076	0011	0223		0000	7
					SS
					22
					2016
					Assessment Year:
					Plat No: 1
					Plat Ref: 0030/0125
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1967	1,497 SF	748 SF	12,870 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Split Foyer	YES	SPLIT FOYER	FRAME	2 full/ 1 half	
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	68,700	68,700			
Improvements	100,000	124,000			
Total:	168,700	192,700	184,700	192,700	
Preferential Land:	0			0	
Transfer Information					
Seller: KNIGHT KIM M		Date: 03/09/2017		Price: \$298,000	
Type: ARMS LENGTH IMPROVED		Deed1: /38721/ 00387		Deed2:	
Seller: KNIGHT EARL L		Date: 07/25/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35195/ 00177		Deed2:	
Seller: MOORE HELENE Z		Date: 08/13/1976		Price: \$68,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05665/ 00127		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:					



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4 Greer Court 3rd Randallston rd 21133 which is presently zoned D.R.3.5
Deed References: 38 721/00387 10 Digit Tax Account # 02137 5740 0
Property Owner(s) Printed Name(s) Patrice Bullock

PM/L

(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:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a Variance from Section(s) To permit a propose Assisted Living facility I with a distance of 978 feet of an existing Assisted Living facility in lieu of the required 1000 feet.

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

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Samuel Sperling
Name- Type or Print

Signature

8 Church Lane Baltimore MD
Mailing Address City State

21208 410653 0141 1Sperling@Sperlinglaw.us
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Patrice Bullock
Name #1 - Type or Print

Signature #1

Patrice Bullock
Signature #2

151 W. King Factory Rd Bel Air MD
Mailing Address City State

21044 41013-476-6692 4440050574@msn.com
Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2018-0070-A Filing Date 4/9/18

Do Not Schedule Dates:

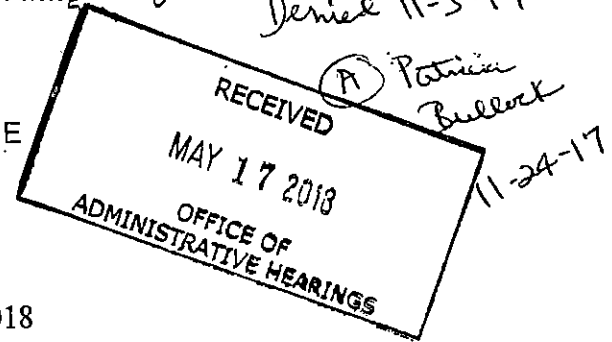
Reviewer gh

REV. 10/4/11



Board of Appeals of Baltimore County

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



May 16, 2018

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Samuel Sperling, Esquire
The Sperling Firm, LLC
8 Church Lane
Baltimore, Maryland 21208

RE: In the Matter of: *Patrice Bullock—Legal Owner*
Case No.: 18-086-A

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Patrice Bullock
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

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

IN THE MATTER OF	*	BEFORE THE
PATRICE BULLOCK – LEGAL OWNER	*	BOARD OF APPEALS
AND PETITIONER FOR VARIANCE	*	
ON THE PROPERTY LOCATED AT	*	OF
4 GEIER COURT		
2 nd ELECTION DISTRICT	*	BALTIMORE COUNTY
4 th COUNCILMANIC DISTRICT	*	
	*	Case No.: 18-086-A

* * * * *

OPINION AND ORDER

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

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

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

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

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

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

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

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

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

The ALJ Opinion and Order addressed the uniqueness issue (per *Cromwell v. Ward*, 102 Md. App. 691 (1995)). As that issue was dispositive, the ALJ did not analyze the case-specific relief sought in the ALJ Opinion and Order. Further, in light of the contemplated change in process, claims and/or relief, there had not been any public notice and/or hearing regarding the changes to come. The circumstances of this case dictate that this case be remanded as the Board cannot exercise original jurisdiction over a petition for relief pursuant to §500.7, as the BCZR empowers the ALJ alone, as the court of original jurisdiction, for these types of hearing and specifies that the Board of Appeals has appellate jurisdiction.¹

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

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

¹ "The said [ALJ] shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the [ALJ] for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations." BCZR §500.7.

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

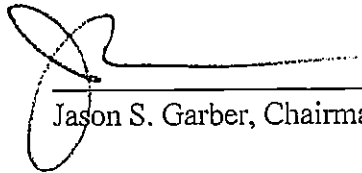
ORDER

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

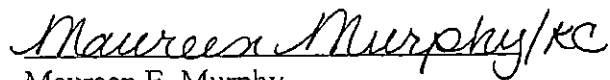
ORDERED that Petitioner's appeal as to any variance issues is hereby withdrawn with prejudice by Petitioner and the appeal regarding any variance issues are hereby **DISMISSED WITH PREJUDICE**. Petitioner's Petition is hereby **REMANDED**, on other issues, with leave to proceed via special hearing pursuant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

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chairman



Maureen E. Murphy



Andrew M. Belt

People's Counsel Sign-In Sheet

People's Counsel
CBA Exhibit

Case Name: Patrice Bullock

Case No.: 2018-086-A

Date: 3/29/2018

3/29/18

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

Check to
testify

NameAddress

Phone #

Email

Group you
represent

Basis of your
concerns

[illegible]

Carlton^{Carson} & Kimberly Williams

10 Geier Ct, 21133

~~410-922-1904~~ / 410-922-1904

Vivian Salters

9806 Clanford Rd, 21133

410-655-7031

Margaret Beard

9811 Clanford Rd, 21133

Michelle Fields-Hall

5 Geier Ct, 21133

Dorothy and Ernest Hall

3 Geier Ct.

410 655-6451

IN RE: PETITION FOR VARIANCE

(4 Geier Court)

2nd Election District

4th Council District

Patrice Bullock

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0086-A

* * * * *

OPINION AND ORDER

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

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

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

regulations. This is the reason for the variance requests.

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

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

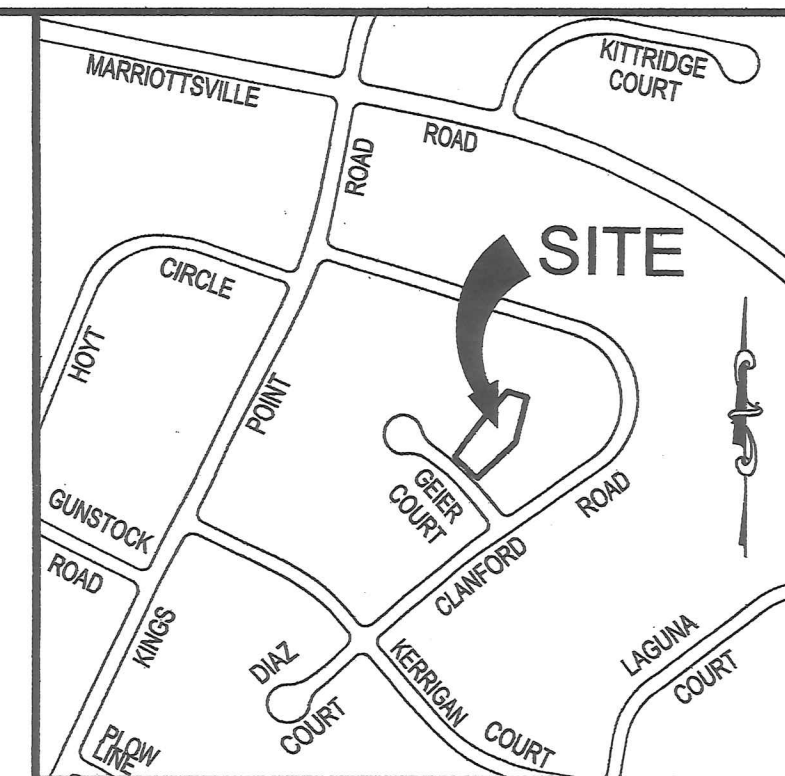
THEREFORE, IT IS ORDERED, this 3rd day of November, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 432A.1.C.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit parking in the front yard with 0 ft. side yard setback and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

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


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

CLANFORD ROAD



VICINITY MAP SCALE: 1" = 400'

GENERAL NOTES

- EXISTING ZONING: D.R. 3.5 (076C1)
- LOT AREA: 12,870 S.F. / 0.295 AC.±
- EXISTING USE: SINGLE FAMILY DWELLING
PROPOSED USE: ASSISTED LIVING FACILITY 1
- PROPOSED NUMBER OF BEDS: 4
- REQUIRED PARKING SPACES:
1 SPACE FOR EACH 3 BEDS = 2 SPACES
PROPOSED PARKING SPACES = 2 SPACES AS SHOWN (STACKED IN THE EXISTING DRIVEWAY)
- OPEN SPACE: 0.10 X 12870 = 1287 S.F. (1300 S.F. PROVIDED)
- THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. NO CONSTRUCTION, RELOCATION, EXTERIOR CHANGES OR ADDITIONS OF 25% OR MORE IN GROUND FLOOR AREA AS IT HAS EXISTED FOR 5 YEARS BEFORE THE DATE OF THIS APPLICATION HAS OCCURRED TO THE EXTERIOR OF THE BUILDING. NO ADDITIONS ARE PROPOSED.
- THERE ARE NO SIGNS PROPOSED.
- THIS PROPERTY IS SERVICED BY PUBLIC UTILITIES.
- THIS PROPERTY IS NOT LOCATED WITHIN THE CBCA, 100 YEAR FLOODPLAIN OR AN HISTORIC DISTRICT.
- THIS PLAN DOES NOT BENEFIT FROM A BOUNDARY SURVEY. THE INFORMATION SHOWN IS BASED ON EXISTING PUBLIC RECORDS, RECORD PLATS AND BALTIMORE COUNTY GIS PORTAL. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- THIS PLAN IS FOR THE USE PERMIT FILING ONLY AND IS NOT TO BE USED FOR ANY ZONING RELIEF - VARIANCE, SPECIAL EXCEPTION AND/OR SPECIAL HEARING.
- FLOOR PLANS PROVIDED SEPARATELY.
- THERE ARE NO PRIOR ZONING OR VIOLATION CASES
- FLOOR AREA RATIO: 1497 SQ. FT. ÷ 13,745 SQ. FT. = 0.11
- THERE ARE NO FAILED BASIC SERVICE MAPS FOR THIS AREA (WATER, SEWER AND TRANSPORTATION).
- THERE IS AN EXISTING FIRE HYDRANT AT THE INTERSECTION OF CLANFORD ROAD & GEIER CT.

SEPTEMBER 14, 2017
PLAN TO ACCOMPANY VARIANCE PETITION

ALF1-ZONING USE PERMIT

#4 GEIER COURT

LOT-22 BLOCK "S-S" PLAT 1 SECTION 7 RRG 30/125
"KINGS POINT"

TAX I.D. #0213751400
TAX MAP: 0076 PARCEL: 0223
2ND ELECTION DISTRICT 4C
BALTIMORE COUNTY, MARYLAND

PETITIONER'S

EXHIBIT NO.

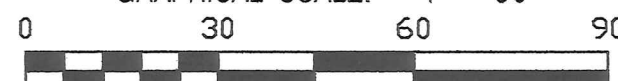
Scale: 1" = 30'	Date: 08/04/2017	JOB #10589
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: DTW/JK

OWNERS: PATRICE A. BULLOCK
#4 GEIER COURT
RANDALLSTOWN, MARYLAND 21133
THE UNDERSIGNED (OWNER) ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN.

SIGNATURE: *Patrice A. Bullock* DATE: 9.14.17
PRINTED NAME: PATRICE A. BULLOCK PHONE NUMBER: 443-876-6692

GEIER COURT

GRAPHICAL SCALE: 1" = 30'



SITERITE
SURVEYING INC.
200 E. JOPPA ROAD
SHELL BUILDING, SUITE 101
TOWSON, MD. 21286
410-828-9060