

M E M O R A N D U M

DATE: July 25, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0307-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 24, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(4024 Carthage Road) *
2nd Election District *
4th Council District *

Demarco & Tanya Hicks *
Legal Owners *
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0307-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Demarco and Tanya Hicks, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to use a 10 ft. wide driveway to access required parking spaces and to calculate density to permit the proposed Assisted Living Facility (“ALF”) I to contain five beds. In addition, a Petition for Variance was filed: (1) to permit an ALF I to be located within ± 204, ±409 and ±415 from other properties with assisted living facilities in lieu of the required 1,000 setback; and (2) to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Demarco and Tanya Hicks appeared in support of the requests. Justin Williams, Esq. represented Petitioners. Several community members opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”). That agency did not oppose the request.

ORDER RECEIVED FOR FILING

Date 6/24/19

By sen

SPECIAL HEARING

The first aspect of special hearing relief concerns the 10 ft. wide existing driveway shown on the site plan. As an initial matter it is unclear why (or even if) the driveway is deficient under the BCZR. The subject property is a single-family dwelling in a residential (zoned D.R. 5.5) community and the existing driveway is similar in width to those of other properties in the community. Making the driveway any wider would in my opinion tend to make the property appear commercial or institutional, which would be incompatible with the existing conditions in the community.

The petition for special hearing also seeks a determination that five ALF patients/beds would be permitted under the D.R. 5.5 density calculations. The Office of Zoning Review ("OZR") published a "checklist" showing that a property must have two (2) density units to support five (5) ALF beds. See Exhibit 13. Petitioners disagree and contend the checklist is at odds with the BCZR (which specifies in Section 101.1 density for an ALF is "calculated at 0.25 for each bed") which should control.

I do not believe the checklist conflicts with the cited BCZR section. The interpretation of the OZR, which is the agency charged with administering the BCZR, should be entitled to deference in this scenario. The court of appeals has held "an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts." *Marzullo v. Kahl*, 366 Md. 158, 172 (2001). As such I believe density exists for only four ALF beds and this aspect of the petition will be denied.

VARIANCE

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

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

ORDER RECEIVED FOR FILING

Date

6/24/19

By

Sen

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

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

The property has irregular dimensions and property boundaries. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to operate an ALF I at the property, a use permitted by right in the D.R. 5.5 zone. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County agency opposition.

I am sympathetic to the concerns expressed by the community, and agree the Randallstown area has a disproportionate number of ALFs and group homes. In 2017 the county council enacted legislation which was intended to limit “the proximity of assisted-living facilities I and II to other such facilities” See Bill No. 45-2017. Similar provisions enacted by local governments throughout the country have been challenged successfully in court based upon an interpretation of the Fair Housing Act Amendments (“FHAA”) which among other things forbids discrimination against disabled individuals residing in a group setting.

In one such case, the State of Michigan enacted a law prohibiting an adult foster care home from locating within 1,500 feet of a similar institution. The United States Court of Appeals for the Sixth Circuit held the law discriminated against disabled persons in violation of the FHAA. *Larkin v. State of Michigan*, 89 F.3rd 285 (6th Cir. 1996). In light of this and similar cases I am hesitant to deny the variance pertaining to the proximity restrictions added to the BCZR in 2017.

ORDER RECEIVED FOR FILING

Date 6/24/19
By Sen

THEREFORE, IT IS ORDERED this 24th day of **June, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to use a 10 ft. wide driveway to access required parking spaces, be and is hereby GRANTED.

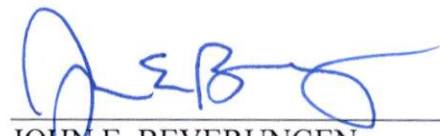
IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit an Assisted Living Facility ("ALF") I to be located within ± 204 , ± 409 and ± 415 from other properties with assisted living facilities in lieu of the required 1,000 setback; and (2) to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking a determination that sufficient density exists for the ALF I to contain five beds, be and is hereby DENIED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. No signs shall be permitted at the subject property in connection with the ALF.
3. A maximum of four ALF patients/residents may occupy the subject property.
4. Petitioners or any legal entity in which they have an interest may not operate a juvenile group home at the subject property.
5. Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached.

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

ORDER RECEIVED FOR FILING

Date

6/24/19

By

slh



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 4024 Carthage Road

which is presently zoned DR 5.5

Deed References: 40761/439

10 Digit Tax Account # 0 2 0 4 5 0 0 8 9 0

Property Owner(s) Printed Name(s) Demarco Hicks and Tanya Hicks

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

See attached sheet 1

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

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

See attached sheet 1

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Genevieve's Heart Assisted Living LLC

Name- Type or Print

Signature

10103 Village Green Drive, Woodstock, MD

Mailing Address City State

21163 443-621-5423 thickst7@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Justin A. Williams, Esq.

Name- Type or Print

Signature

25 S. Charles Street, 21st Floor, Baltimore, MD

Mailing Address City State

21201 410-727-6600 jwilliams@rosenbergmartin.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Demarco Hicks

Tanya Hicks

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10103 Village Green Drive, Woodstock, MD

Mailing Address City State

21163 443-621-5423 thickst7@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Justin A. Williams, Esq.

Name- Type or Print

Signature

25 S. Charles Street, 21st Floor, Baltimore, MD

Mailing Address City State

21201 410-727-6600 jwilliams@rosenbergmartin.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0307-SRHA

Filing Date 4, 26 19

ORDER RECEIVED FOR FILING

Do Not Schedule Dates:

Reviewer AT

Date

REV. 10/4/11

By



PETITION FOR ZONING HEARING(S)

To be filed with the Commission of Baltimore City and County
To the Office of Administrative Law of Baltimore County for the property located at:
Address 4021 Carriage Road
City and State 11038
County and State 11038
Petitioner(s) (Name(s) of the owner(s) of the property)

(Check the hearing(s) by marking X at the appropriate selection and print or type the petition request)

The following is a copy of the petition for a zoning hearing(s) and will be filed with the Commission of Baltimore City and County for the property located at:

A Special Hearing under Section 400.7 of the Zoning Regulations of Baltimore County is hereby requested to determine whether:

the use of a 10-foot wide driveway to access the required parking spaces.

A Special Hearing under the Zoning Regulations of Baltimore County is hereby requested to determine whether:

432A.1.A.3 to permit an assisted-living facility I to be located +/- 25' from another property with an existing assisted-living facility;
and for such other and further relief as may be required by the Administrative Law Judge
of Baltimore County to the zoning law of Baltimore County or the City of Baltimore.
Indicate below your basis(es) of difficulty of compliance with the zoning law. TO BE PRESENTED AT HEARING. If you need additional space, you may add an attachment to this petition.

TO BE PRESENTED AT HEARING

The following is a copy of the petition for a zoning hearing(s) and will be filed with the Commission of Baltimore City and County for the property located at:

Contract Purchaser(s):
General Contracting & Construction LLC
10101 Vantage Green Drive, Westport, MD 21151
10101 Vantage Green Drive, Westport, MD 21151
Local Owners (Petitioners):
Dorcas Hicks
Tanya Hicks
10101 Vantage Green Drive, Westport, MD 21151
10101 Vantage Green Drive, Westport, MD 21151

Representative to be contacted:
Justin A. Williams, Esq.
302 Chesapeake Street, Baltimore, MD 21201
302 Chesapeake Street, Baltimore, MD 21201
302 Chesapeake Street, Baltimore, MD 21201
302 Chesapeake Street, Baltimore, MD 21201

Case Number: 11038-0000
Filed: 11/11/11
11038-0000
11038-0000
11038-0000
11038-0000

Petition for Variance

Attached Sheet 1

Requested Special Hearing and Variance Relief

A special hearing is requested to determine whether or not the Administrative Law Judge should approve:

1. The use of a 10-foot wide driveway to access required parking spaces; and
2. The calculation of density to permit the proposed assisted-living facility I to contain five beds.

The following variances are requested from the Baltimore County Zoning Regulations:

1. From Section 432A.1.A.3 to permit an assisted-living facility I to be located within $\pm 204'$, $\pm 409'$, and $\pm 415'$ from other properties with assisted-living facilities in lieu of the required 1,000' setback; and
2. From Section 400.1 to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard; and
3. For such other and further relief as may be required by the Administrative Law Judge.

2019-0307-SPHA

ZONING PROPERTY DESCRIPTION FOR 4024 Carthage Road

Beginning at a point on the south side of Carthage Road which is 60 feet wide at the distance of 206 feet west of the centerline of the nearest improved intersecting street Luzerne Road, which is 60 feet wide.

Being known and designated as Lot No. 2, Block H, as laid out and shown on Plat No. 2, Section 2, STONEYBROOK NORTH, which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book RRG No. 30, folio 115, containing 9,435 SF total square feet. Located in the 2nd Election District and 4th Council District.

2019-0307-SPHA



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 12, 2019

Justin Williams
Rosenberg, Martin & Greenberg
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Case Number: 2019-0307-SPHA, 4024 Carthage Road

To whom it may concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 26, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Mr. & Mrs. Hicks, 10103 Village Green Drive, Woodstock 21163

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-307

DATE: 6/4/2019



INFORMATION:

Property Address: 4024 Carthage Road
Petitioner: Demarco Hicks, Tanya Hicks
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should approve the use of a 10-foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I (ALF I) to contain five beds. The Department has also reviewed the petition for variance to permit an ALF I to be located within approximately 204 feet, 409 feet and 415 feet from other properties with assisted living facilities in lieu of the required 1,000 foot setback and to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard.

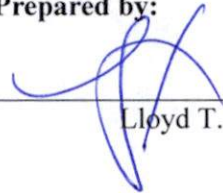
A site visit was conducted on May 16, 2019.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

- To prevent erosion and unsightly conditions, petitioners must demonstrate to the satisfaction of the ALJ that the parking spaces may be accessed without driving over grassed areas. In the event they cannot, the 10 wide driveway must be widened sufficiently to provide access entirely on paved surfaces.
- Install vegetative screening to the type and count as determined by the Baltimore County Landscape Architect adjacent to the parking area and intervening between the subject site and 3945 Chaffey Road
- Submit a compatibility finding to the contact person listed below, pursuant to Section 32-4-402 of the Baltimore County Code.

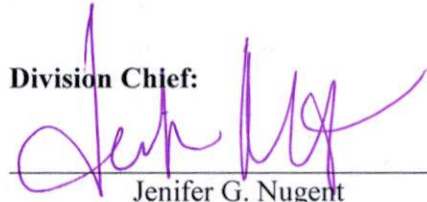
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Justin A. Williams, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/4/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-307

INFORMATION:

Property Address: 4024 Carthage Road
Petitioner: Demarco Hicks, Tanya Hicks
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should approve the use of a 10-foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I (ALF I) to contain five beds. The Department has also reviewed the petition for variance to permit an ALF I to be located within approximately 204 feet, 409 feet and 415 feet from other properties with assisted living facilities in lieu of the required 1,000 foot setback and to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard.

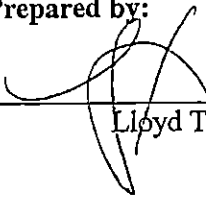
A site visit was conducted on May 16, 2019.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

- To prevent erosion and unsightly conditions, petitioners must demonstrate to the satisfaction of the ALJ that the parking spaces may be accessed without driving over grassed areas. In the event they cannot, the 10 wide driveway must be widened sufficiently to provide access entirely on paved surfaces.
- Install vegetative screening to the type and count as determined by the Baltimore County Landscape Architect adjacent to the parking area and intervening between the subject site and 3945 Chaffey Road
- Submit a compatibility finding to the contact person listed below, pursuant to Section 32-4-402 of the Baltimore County Code.

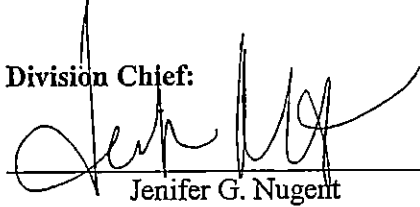
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Justin A. Williams, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

6-21

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 07 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

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

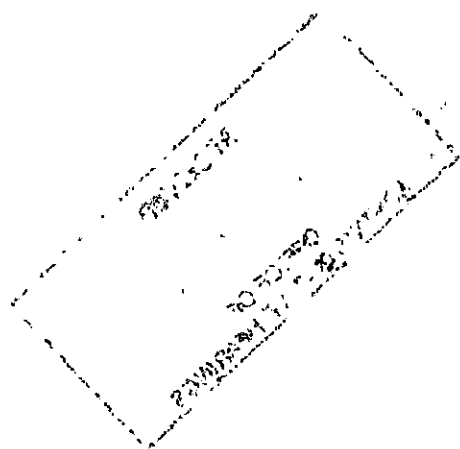
DATE: May 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0307-SPHA
Address 4024 Carthage Road
(Hicks Property)

Zoning Advisory Committee Meeting of **May 13, 2019**.

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: 5/6/19

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

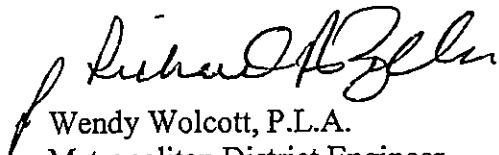
Dear Ms. Lewis:

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. 2019-0307-SPHA

*Special Hearing: Variance
Demario Hicks & Tany Hicks
4024 Contrace Road.*

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

Sincerely,



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

WW/RAZ

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:

5/31/2019

Order #: 11751069
Case #: 2019-0307-SPH
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0307-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: 2019-0307-SPH

4024 Carthage Road

S/s Carthage Road, 206 ft. west of Luzerne Road

2nd Election District - 4th Election District

Legal Owners: Demarco & Tanya Hicks

Contract Purchaser/Lessee: Genevieve's Heart Assisted Living, LLC

Special Hearing for the use of a 10 foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I to contain five beds. Variance to permit an Assisted Living Facility I to be located within +/- 204 ft., 409 ft. and 415 ft. from other properties with Assisted Living Facilities in lieu of the required 1000 ft. setback. To permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 212

Michael Mallinoff

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.

my31

CERTIFICATE OF POSTING
CASE NO. 2019-0307-SHA

PETITIONER/DEVELOPER
ROSEBELL MARTIN GENTLEMAN

JUSTIN WICKHAM

DATE OF HEARING/CLOSING
June 21, 2019

DANFORTH COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 105
111 WEST CHESAPEAKE AVENUE
AUGUSTIN
LOUISIANA GENTLEMAN

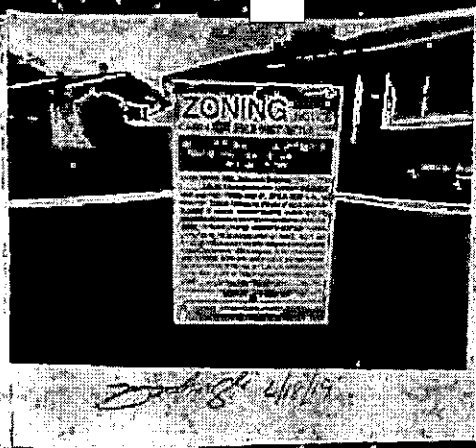
THIS LETTER IS TO CERTIFY UNDER PENALTY OF PERJURY THAT THE
NECESSARY SIGNS REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4024 Danforth Rd
STATION 1

THE SIGNS POSTED ON May 31, 2019 June 15, 2019
(MONTH, DAY, YEAR)

SINCERELY
Justin Wickham
SIGNATURE OF SIGN POSTER

MARTIN GENTLEMAN
11111 CALHOUN ROAD
PAULSMITH, MD. 21132
(410) 829-3441



JB 6-21
10 AM

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Tuesday, June 18, 2019 2:34 PM
To: Administrative Hearings
Subject: 2019-0307-SPHA

RECEIVED
JUN 19 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates

CERTIFICATE OF POSTING

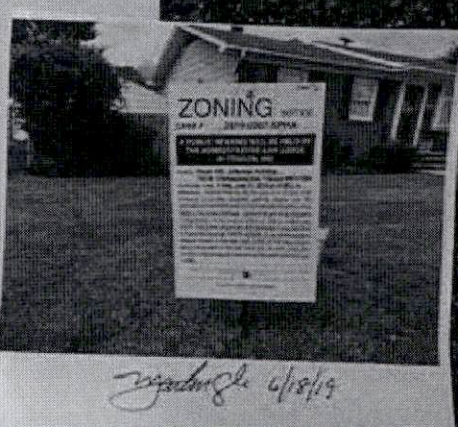
CASE NO. 2019-0307-SPHA
PETITIONER/DEVELOPER
ROSEBORO MARTIN GREENBERG LLC
JUSTIN WILLIAMS
DATE OF HEARING/CLOSING
June 21, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 105
111 WEST CHESAPEAKE AVENUE
ATTENTION
LADIES AND GENTLEMEN
THIS LITTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGNS REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT 4024 CARTWHEEL ROAD SIGN # 2

THE SIGNS WERE POSTED ON May 31, 2019 June 18, 2019
(MONTH, DAY, YEAR)

SINCERELY
[Signature] 5/1/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9937 MAIDENBROOK ROAD
PARKVILLE, MD. 21136
447-629-3411



CERTIFICATE OF POSTING

CASE NO. 2019-0307-SPHA

PETITIONER/DEVELOPER

ROSENBERG MARTIN GREENBERG LLP

JUSTIN WILLIAMS

DATE OF HEARING/CLOSING

June 21, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 105
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4024 CARTHAGE ROAD

SIGN # 1

THIS SIGN(S) POSTED ON

May 31, 2019

(MONTH, DAY, YEAR)

SINCERELY

Martin Ogle 5/31/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2019-0307-SPHA

PETITIONER/DEVELOPER

ROSENBERG MARTIN GREENBERG LLP

JUSTIN WILLIAMS

DATE OF HEARING/CLOSING

June 21, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 105
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4024 CARTHAGE ROAD

SIGN #2



Justin Williams 5/31/19

5/31/19 *David M. Seltzer*

DO NOT REMOVE THIS SIGN AND POSTING WITHOUT THE WRITTEN PERMISSION OF THE TOWNSHIP ENGINEER. VIOLATION OF THIS ORDER MAY BE CAUSE FOR AN ORDER OF REMEDIAL ACTION.

HANDICAPPED ACCESSIBLE

DATE AND TIME: Friday, June 21, 2019 at 10:00 a.m.
REQUEST: Special Hearing for the use of a 10 foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I to contain five beds. Variance to permit an Assisted Living Facility I to be located within +/- 204 ft. 409 ft. and 415 ft. from other properties with Assisted Living Facilities in lieu of the required 1000 ft. setback. To permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard, and for such other and further relief as may be required by the Administrative Law Judge.

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

ZONING
NOTICE
CASE # 2019-0307-SPHA

5'x6'2"



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 24, 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: 2019-0307-SPHA

4024 Carthage Road

S/s Carthage Road, 206 ft. west of Luzerne Road

2nd Election District – 4th Election District

Legal Owners: Demarco & Tanya Hicks

Contract Purchaser/Lessee: Genevieve's Heart Assisted Living, LLC

Special Hearing for the use of a 10 foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I to contain five beds. Variance to permit an Assisted Living Facility I to be located within +/- 204 ft., 409 ft. and 415 ft. from other properties with Assisted Living Facilities in lieu of the required 1000 ft. setback. To permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 2019 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 "M. D. Mallinoff", is written over the printed name and title.

Michael Mallinoff
Director

MM:kl

C: Justin Williams, 25 S. Charles Street, 21st Fl., Baltimore 21201
Mr. & Mrs. Hicks, 10103 Village Green Drive, Woodstock 21163

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

TO: THE DAILY RECORD
Friday, May 31, 2019 - Issue

Please forward billing to:

Tanya Hicks
10103 Village Green Drive
Woodstock, MD 21163

443-621-5423

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: 2019-0307-SPH

4024 Carthage Road
S/s Carthage Road, 206 ft. west of Luzerne Road
2nd Election District – 4th Election District
Legal Owners: Demarco & Tanya Hicks
Contract Purchaser/Lessee: Genevieve's Heart Assisted Living, LLC

Special Hearing for the use of a 10 foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I to contain five beds. Variance to permit an Assisted Living Facility I to be located within +/- 204 ft., 409 ft. and 415 ft. from other properties with Assisted Living Facilities in lieu of the required 1000 ft. setback. To permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard; and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Friday, June 21, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 212



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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
4024 Carthage Road; S/S of Carthage Road,	*	OF ADMINISTRATIVE
206' W of c/line of Luzerne Road		
2 nd Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Damarco & Tanya Hicks		
Contract Purchaser(s): Genevieve's Heart	*	BALTIMORE COUNTY
Assisted Living LLC		
Petitioner(s)	*	2019-307-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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

RECEIVED

MAY 08 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to Justin Williams, Esquire, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2019-0307-SPHA
Property Address: 4024 Carthage Road
Property Description: Dwelling located in Scotts level on
9,345 square foot lot
Legal Owners (Petitioners): Demareo Hicks and Tanya Hicks
Contract Purchaser/Lessee: Demareo Hicks and Tanya Hicks

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tanya Hicks
Company/Firm (if applicable): _____
Address: 10103 Village Green Dr.
Woodstock, MD 21163

Telephone Number: 443-621-5423

Revised 7/9/2015

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

No. **182689**

PAID RECEIPT

Date:

4/26/19

BUSINESS ACTUAL TIME DRW
 4/30/2019 4/30/2019 11:55:23 3

REG 1503 WALKIN CAM
 >>RECEIPT # 006182 4/30/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$150

Receipt Tot \$ 150.00
 150.00 CK .00 CA
 Baltimore County, Maryland

Total:

\$150

Rec

From:

Justin Williams / Genevieve's Hlt + Assisted Living

For:

4024 CARTHAGE RD

2019-0307-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CASE NAME 4024 Cathage Road
CASE NUMBER 2019-0307-SPHA
DATE 6/21/19

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

Handwritten text at the top right, possibly a date or page number.

Handwritten text below the top right, possibly a name or title.

Handwritten text on the left side, possibly a list or notes.

Handwritten text in the middle left, possibly a list or notes.

Handwritten text in the middle right, possibly a list or notes.

Handwritten text at the bottom right, possibly a list or notes.

CASE NAME 2019-0307-SPHA
CASE NUMBER _____
DATE JUNE 21, 2019

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

John E. Beverungen

From: Gertrude Myers <gertrude_myers@yahoo.com>
Sent: Thursday, June 20, 2019 3:03 PM
To: John E. Beverungen
Subject: Assistant living housing

CAUTION: This message from gertrude_myers@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.

Please rule against making assistant living housing in the Randallstown community. Thank you

Sent from Yahoo Mail for iPhone

Community
Opposition
E-mails

John E. Beverungen

From: Louise Gross <diamond60l@comcast.net>
Sent: Thursday, June 20, 2019 5:02 PM
To: John E. Beverungen
Subject: Carthage Rd Group Home

CAUTION: This message from diamond60l@comcast.net originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

Do not approve of any assisted living homes on Carthage Rd. The next thing it will be group homes for

Juveniles.!!!. It is enough the juveniles are throwing eggs at vehicles on Carthage, trying to break into cars. Enough is enough!!!

John E. Beverungen

From: Martie Bill <martie_bill_ppl@yahoo.com>
Sent: Thursday, June 20, 2019 5:55 PM
To: John E. Beverungen
Subject: Stoneybrook Message Assisted Living

CAUTION: This message from martie_bill_ppl@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.

To Judge John E. Beverungen,

Regarding the Assisted Living facilities, we are unable to attend the meeting and would like our opinion to be heard. If this were truly going to always be an assisted living home that would be OK. However we have heard of other areas that some of these homes started out as assisted living and ended up being group homes for "former" drug attics, Ex-cons sex offenders etc. Our community has a lot of children and teenagers and single women and we'd like to keep it the kind of community it is now.

Sincerely,
William & Marietta Gaskins
3825 Kilburn Road,
Randallstown, MD 21133

John E. Beverungen

From: Ashti Hawaizi <ashtihawaizi@yahoo.com>
Sent: Thursday, June 20, 2019 9:19 PM
To: John E. Beverungen
Cc: Stoneybrook Community Association
Subject: Case#2019-0307-SPHA

CAUTION: This message from ashtihawaizi@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.

Respectable judge JOHN

I'm writing regarding a hearing with the above case #

As any home owner will agree those group home will affect the houses around the group house and the neighborhood and the whole community, in addition to the fact that is going to affect the value of the homes in the area. We live in middle class communities because that's what we can afford and if our houses lose value which it will because of the increase of group homes in our area, who's going to compensate the homeowners for their loss beside the fact that it will be hard to sell in the first place, that in addition to the fact that as a homeowner we became prisoners of our houses because of those programs (group housing) ex. Personally I have a group home next to me I can not open my curtains I can't enjoy my backyard nor my porch because as soon as we are out they do come out and keep staring, I don't have young kids but who will feel safe raising their kids around mentally sick people or rehab patients. Your honor I'm not against taking care of mentally ill or rehabilitating people but not on our account we are tax payers who deserve to enjoy our homes and neighborhood.

THANK YOU FOR ANY ATTENTION TO THE MATTER

Sent from Yahoo Mail on Android

John E. Beverungen

From: Desiree Gomez <dezgo2@yahoo.com>
Sent: Thursday, June 20, 2019 9:45 PM
To: John E. Beverungen
Subject: Assisted Living Home

CAUTION: This message from dezgo2@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.

Dear Judge Beverungen,

I am a resident in the Stoneystone Community and I am concerned about the number of group home and assisted living facilities that are popping up throughout my neighborhood. Last check, there were forty-three in this area alone.

It is difficult for many of the community members who reside near and around these facilities: they are dealing with rowdy children and "runaway" elderly folks who are not being properly supervised or monitored. They have had to call the police and file complaints, clean up trash and deal with excessive noise. We should not have to be subject to this.

This is a residential area; however, I was informed that this area is zoned for business. How is this possible? I did not purchase this house to be bombarded with businesses right next door and on the surrounding streets.

I am asking that you do not allow yet another facility to open in our neighborhood. Thank you for your consideration. I am,

D. Gomez
Community member

John E. Beverungen

From: Cynthia Laney <chlaney123@gmail.com>
Sent: Friday, June 21, 2019 1:26 AM
To: John E. Beverungen
Cc: stoneybrookcommunity@gmail.com; dtparks21@gmail.com
Subject: Case # 2019-0307-SPHA. Disapproval of Assisted Living Housing

CAUTION: This message from chlaney123@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Judge John E. Beverungen,

I am writing to express my concerns about this house on Carthage Road, Randallstown, Maryland. 21133.

It is my understanding that it has not been approved for assisted living residents.

This is an unlawful practice and I urge you to rule against it and any other such properties in the Randallstown Community from being approved.

Randallstown has been a very stable, strong and close-knit community of good standing, and we ask that it not be uprooted by such unlawful practices.

Outside entities should not be allowed to come in and disturb or uproot communities that have been well-established for many many years.

Thank you in advance for a resolution to this matter.

Respectfully,

Cynthia Y. Laney

John E. Beverungen

From: Gwendolyn Levi <gplevi2@verizon.net>
Sent: Friday, June 21, 2019 8:15 AM
To: John E. Beverungen
Subject: Stoneybrook Resident Ruling (Carthage Road)

CAUTION: This message from gplevi2@verizon.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Greetings Judge Beverungen,

I am a residence of the Stoneybrook Community. I understand that the home located on Carthage Road with the attached sign (see below) has not been approved for Assisted Living Residents. Unfortunately, I am unable to attend this hearing in-person, but I am requesting that my concern will be valued just the same in this written notice.

I am asking that you rule against the Assisted Living Home in this community. It is my desire (along with the other community members) that this neighborhood remain a family-oriented community and continue to provide a safe environment for our children and families.

I hope that you will take my concern into consideration Thank you in advance for your attention regarding this matter.

Regards,

Gwendolyn Levi
Stoneybrook Community Resident

SIGN #2

ZONING NOTICE

CASE # 2019-0307-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: Friday, June 21, 2019 at 10:00 a.m.

REQUEST: Special Hearing for the use of a 10 foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility to contain five beds. Variance to permit an Assisted Living Facility 1 to be located within 47-204 ft, 409 ft, and 415 ft from other properties with Assisted Living Facilities in lieu of the required 1000 ft setback. To permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard; and for such other and further relief as may be required by the Administrative Law Judge.

FOR INFORMATION, A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE ON JUNE 21, 2019 AT 10:00 A.M. IN ROOM 205 OF THE JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204. THE PUBLIC HEARING WILL BE OPEN TO THE PUBLIC AND WILL BE CONDUCTED IN ENGLISH. HANDICAPPED ACCESSIBLE.

John E. Beverungen

From: Demetra Davis <demetradavis63@yahoo.com>
Sent: Friday, June 21, 2019 8:50 AM
To: John E. Beverungen
Subject: Assistant living housing

CAUTION: This message from demetradavis63@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.

Sent from my iPhone

Mr. Beverungen,

As a resident of Randallstown, Md for over 30yrs, I am extremely concerned about the staggering number of Assistant Living and group homes heavily concentrated in 21133. In just one area where one mailman delivers mail, there are 38 of these types of facilities. I shutter to think how many more exist where the next mailman's route begins.

It seems to me that Randallstown is being targeted with an extremely high number of these types of homes plus Affordable Housing facilities. I understand affordable housing has to be available in Baltimore County, what I don't understand is why they are heavier numbers in Randallstown and not in Catonsville, Cockeysville nor Towson. ENOUGH IS ENOUGH! Slowly my wonderful neighbor is turning into a dumping ground for this kinds of facilities. My area is no longer safe and my property value is declining. Thanking you in advance.

Demetra Davis

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No CommentDEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)DEPS
(if not received, date e-mail sent _____)

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. _____)

NEWSPAPER ADVERTISEMENT Date: 5/31/19

SIGN POSTING (1st) Date: 5/31/19 by OgileSIGN POSTING (2nd) Date: 6/18/19 by OgilePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 02 Account Number - 0204500890							
Owner Information									
Owner Name:		HICKS DEMARCO NATEZ HICKS TANYA MICHELLE				Use:		RESIDENTIAL	
Mailing Address:		4024 CARTHAGE RD RANDALLSTOWN MD 21133-				Principal Residence:		YES	
						Deed Reference:		/40761/ 00439	
Location & Structure Information									
Premises Address:		4024 CARTHAGE RD RANDALLSTOWN 21133-				Legal Description:		4024 CARTHAGE RD STONEBROOK NORTH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0077	0003	0937		0000	2	H	2	2019	2
									Plat Ref:
									0030/ 0115
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1965		1,280 SF		960 SF		9,435 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	YES	STANDARD UNIT	SIDING	2 full/ 1 half					
Value Information									
		Base Value	Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2019		07/01/2018		07/01/2019		
Land:		56,300	74,300						
Improvements		150,400	195,400						
Total:		206,700	269,700		206,700		227,700		
Preferential Land:		0					0		
Transfer Information									
Seller: AREL PROPERTIES LLC				Date: 10/09/2018		Price: \$269,900			
Type: ARMS LENGTH IMPROVED				Deed1: /40761/ 00439		Deed2:			
Seller: FERGUSON DRUCILLA I				Date: 01/11/2018		Price: \$165,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /39840/ 00043		Deed2:			
Seller: FERGUSON DRUCILLA I				Date: 04/16/2004		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /19909/ 00296		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2018		07/01/2019		
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:**

Case No.: 2019-307-SPHA

Exhibit Sheet

7-25-19

6/24/19
Sen

Petitioner/Developer

DW

Protestant

No. 1	Plan	
No. 2	Zoning Map	
No. 3	Google Earth map	
No. 4	Stoneybrook North plat	
No. 5	SDAT record	
No. 6	Photos	
No. 7	Google Earth aerial	
No. 8	Order # 2013-271	
No. 9	Beyond Care Certificates	
No. 10	American Fact Finder	
No. 11	ALFs in zip 21133	
No. 12	BCZR 101.1	

Case No.: 2019-307

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 ³ 13	Zoning checklist	
No. 2 14	BCZR § 1B02.3	
No. 3 (15)	(OMITTED)	
No. 4 16	BCZR § 1D0.3	
No. 5 17	BCZR § 1B01.2	
No. 6 18	ZCPM Section 101	
No. 7 19	Hearing Outline	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE AND SPECIAL HEARING

4024 Carthage RD
Randallstown, MD 21133

OWNERS: Demarco Notex Hicks

Tanya Michelle Hicks

ADDRESS: 10103 Village Green Dr.

Woodstock, MD 21163

PHONE 443-621-5423

APPLICANT: Genevieve's Heart Assisted Living, LLC

SUBDIVISION NAME: Stoneybrook North

LOT No.: 2

BLOCK: H

SECTION: 2

PLAT BOOK NO: 2

FOLIO NO.: 115

10 DIGIT TAX 0204500890

DEED REFERENCE NO.: 40761/439

LOT SIZE 9,345 SF

ZONING MAP: 0077B1

ZONE DR 5.5

ELECTION DISTRICT: 2

COUNCIL DISTRICT: 4

PARKING: 1 SPACE FOR EACH 3 BEDS

2 PARKING SPACES PROPOSED

EXISTING FLOOR AREA

1st floor 1,280 SQ FT

BASEMENT: 960 SQ FT

EXISTING DRIVEWAY: 613 SQ FT

OPEN SPACE: 0.10 x LOT AREA (9,435)

=945 SF. OPEN SPACE

5 BEDS = DENSITY/AREA CALCULATIONS

AVAILABLE DENSITY: 9,435 SF/6,000 (DR 5.5)=

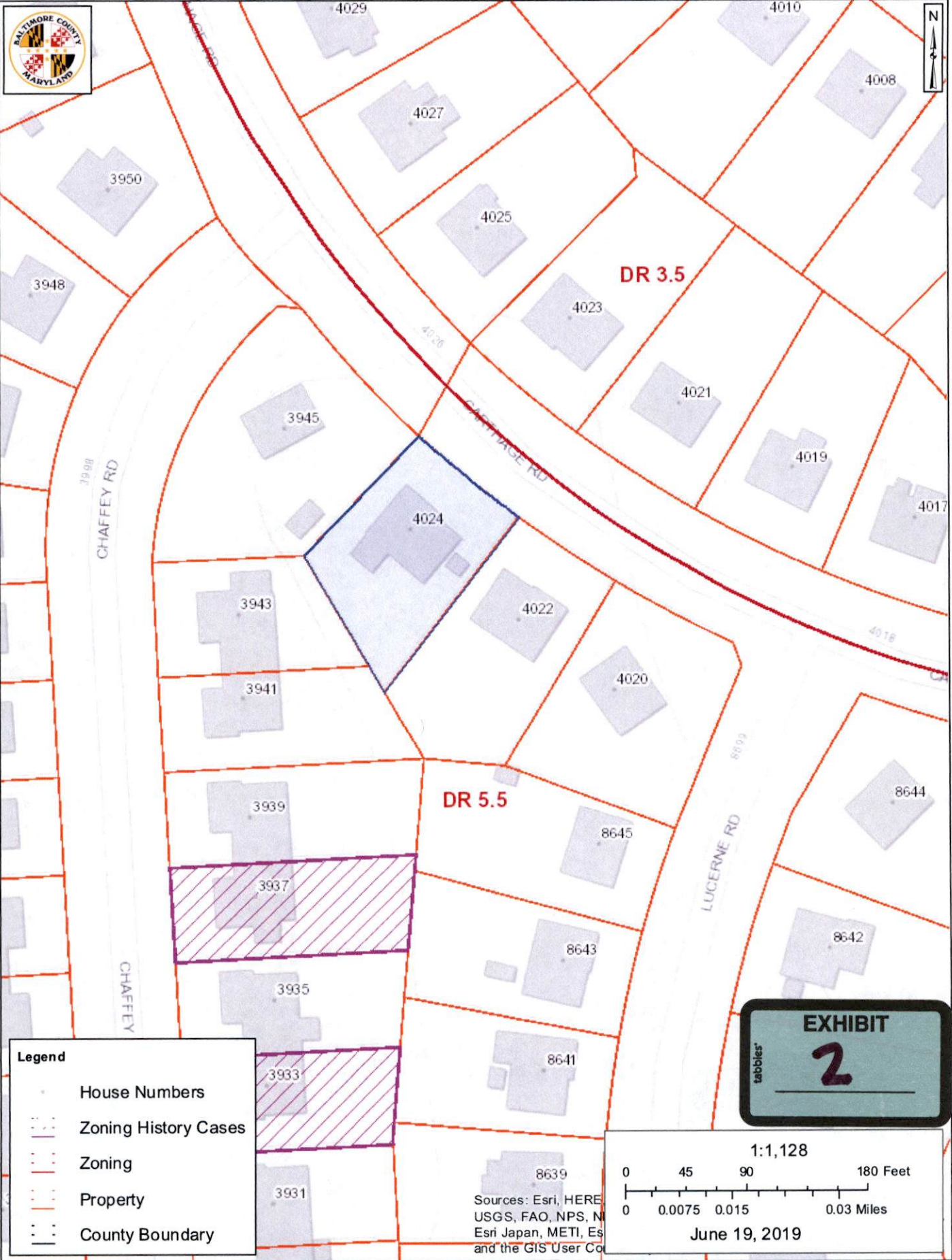
PROPOSED DENSITY: 5 BEDS x .25=1.25

THIS BUILDING HAS NOT BEEN
ELDERLY HOUSING OR AN
BEEN CONSTRUCTED IN
(EXTERIOR) CHANGES
AREA AS OF FOR
EXTERIOR OF TH
TO EXCEED T

HIST



Zoning Map - 4024 Carthage Road



Legend

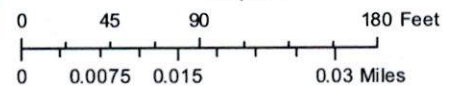
- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

EXHIBIT

2

tabbles

1:1,128



June 19, 2019

Sources: Esri, HERE
USGS, FAO, NPS, N
Esri Japan, METI, Es
and the GIS User Co

4024 Carthage Road

Aerial View

Legend

 4024 Carthage Rd

4024 Carthage Rd

tabbies®

EXHIBIT
3

Google Earth

© 2018 Google

500 ft



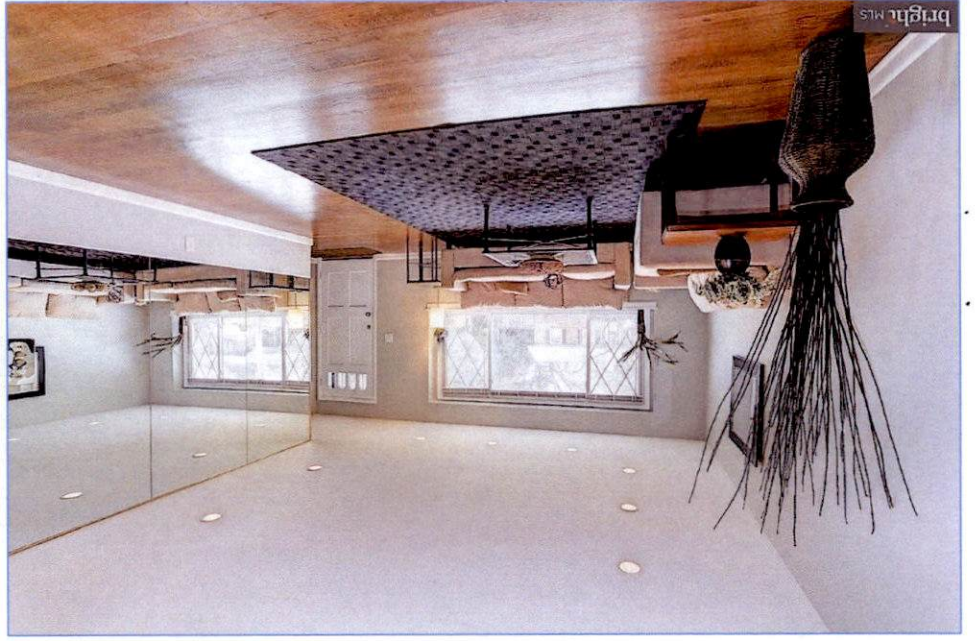
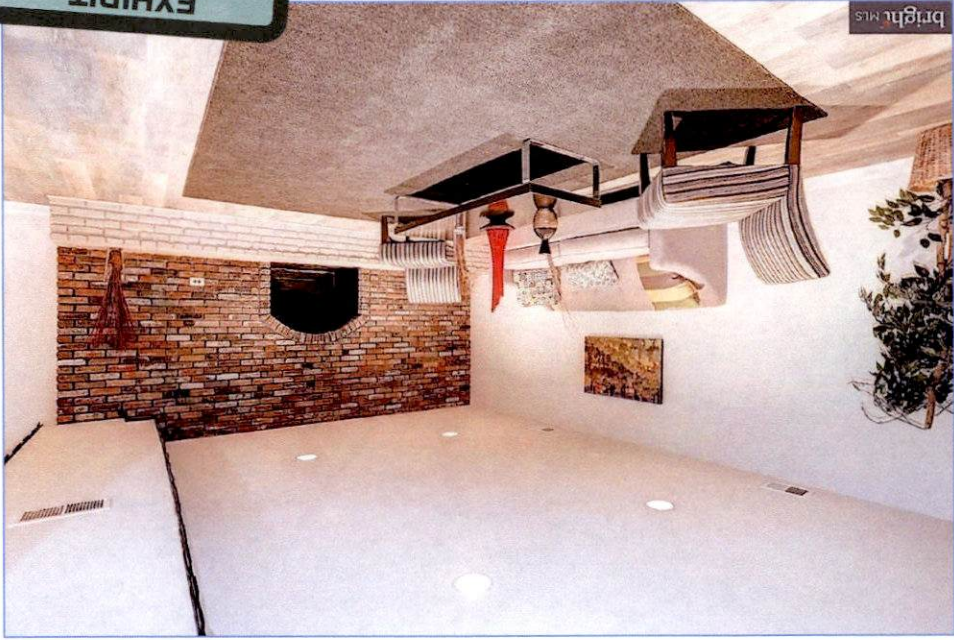


Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 02 Account Number - 0204500890			
Owner Information					
Owner Name:		HICKS DEMARCO NATEZ HICKS TANYA MICHELLE		Use:	RESIDENTIAL
Mailing Address:		4024 CARTHAGE RD RANDALLSTOWN MD 21133-		Principal Residence:	YES
				Deed Reference:	/40761/ 00439
Location & Structure Information					
Premises Address:		4024 CARTHAGE RD RANDALLSTOWN 21133-		Legal Description: 4024 CARTHAGE RD STONEBROOK NORTH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0077	0003	0937		0000	2
					Block:
					H
					Lot:
					2
				Assessment Year:	2019
				Plat No:	2
				Plat Ref:	0030/ 0115
Special Tax Areas:		Town:			
		NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1965		1,280 SF		960 SF	
				Property Land Area	
				9,435 SF	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	2 full/ 1 half	
Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2019		07/01/2018	
				As of	
				07/01/2019	
Land:	56,300	74,300			
Improvements	150,400	195,400			
Total:	206,700	269,700		206,700	
Preferential Land:	0			227,700	
				0	
Transfer Information					
Seller: AREL PROPERTIES LLC		Date: 10/09/2018		Price: \$269,900	
Type: ARMS LENGTH IMPROVED		Deed1: /40761/ 00439		Deed2:	
Seller: FURGUSON DRUCILLA I		Date: 01/11/2018		Price: \$165,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /39840/ 00043		Deed2:	
Seller: FERGUSON DRUCILLA I		Date: 04/16/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /19909/ 00296		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		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:					







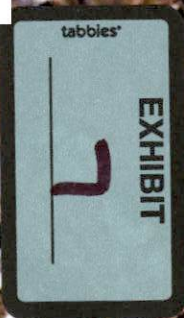
4024 Carthage Road

Aerial View (December 2002)

Legend

 4024 Carthage Rd

4024 Carthage Rd



Google Earth

Image © Biological Survey



700 ft

In addition and as noted above, adjoining neighbors at 3935 Chaffey Road (Robert A. Brown, Jr) and 3931 Chaffey Road (Sharon Davis-Gardner) submitted a letter stating they did not object to the proposed assisted living facility. Exhibit 2.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 5th day of August, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 432A.1.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit a proposed parking space for an assisted living facility with a 2' setback in lieu of the required 10'; and (2) to permit parking in the front yard in lieu of the required side or rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein pertains to the parking requirements for assisted living facilities. The Petitioner must obtain all required licenses, permits and approvals required by State and County authorities prior to operating the proposed facility.

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

JEB:slh



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 8-5-13

By [Signature]

IN RE: PETITION FOR VARIANCE
(3933 Chaffey Road)
2nd Election District
4th Councilmanic District
Lynn Breedlove
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0271-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner of the property, Lynn Breedlove, for property located at 3933 Chaffey Road. The Variance request is from Section 432A.1.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit a proposed parking space for an assisted living facility with a 2' setback in lieu of the required 10', and; (2) to permit parking in the front yard in lieu of the required side or rear yard. The subject property and requested relief are more particularly described on the plan marked as Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of June 10, 2013. On June 12, 2013, Administrative Law Judge Lawrence M. Stahl requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, August 1, 2013 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no Zoning Advisory Committee (ZAC) comments received.

ORDER RECEIVED FOR FILING

Date 8-5-13

By Law



Beyond Care

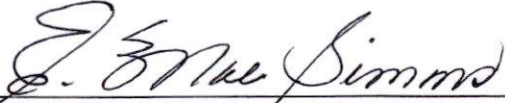
Licensing Training and Certification Program

Certificate of Successful Completion
of the
80-Hour Managers Training

Course completed **November 19th 2017** and presented to recipient

DeMarco Hicks

for the successful completion of all training as required by OHCQ of Maryland


Executive Program Director

November 19th, 2017
Date



Beyond Care

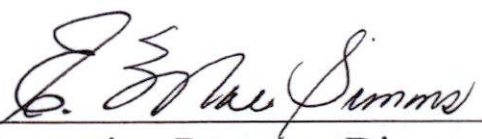
Licensing Training and Certification Program

Certificate of Successful Completion
of the
80-Hour Managers Training

Course completed **November 19th 2017** and presented to recipient

Tanya Hicks

for the successful completion of all training as required by OHCQ of Maryland


Executive Program Director

November 19th, 2017
Date



DP05

ACS DEMOGRAPHIC AND HOUSING ESTIMATES
2013-2017 American Community Survey 5-Year Estimates

Legend: ☒ show/hide rows and columns ☒ collapse/expand data categories ☒ rearrange columns ☒ rearrange rows ☒ sort ascending/descending ☒ filter rows

Note: This is a modified view of the original table.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:

2017
2016
2015
2014
2013
2012
2011

Subject	Baltimore County, Maryland				ZCTA5 21133			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
SEX AND AGE								
Under 5 years	49,096	+/-39	5.9%	+/-0.1	1,927	+/-258	5.8%	+/-0.7
5 to 9 years	51,011	+/-1,043	6.2%	+/-0.1	2,073	+/-359	6.3%	+/-1.0
10 to 14 years	48,435	+/-1,048	5.8%	+/-0.1	2,128	+/-344	6.4%	+/-1.0
15 to 19 years	53,060	+/-56	6.4%	+/-0.1	2,377	+/-347	7.2%	+/-1.0
20 to 24 years	53,772	+/-79	6.5%	+/-0.1	1,846	+/-305	5.6%	+/-0.9
25 to 34 years	114,847	+/-103	13.9%	+/-0.1	4,419	+/-687	13.3%	+/-2.0
35 to 44 years	100,666	+/-73	12.1%	+/-0.1	3,894	+/-438	11.7%	+/-1.2
45 to 54 years	112,501	+/-84	13.6%	+/-0.1	5,013	+/-463	15.1%	+/-1.4
55 to 59 years	58,837	+/-985	7.1%	+/-0.1	2,234	+/-302	6.7%	+/-0.9
60 to 64 years	52,975	+/-987	6.4%	+/-0.1	2,153	+/-287	6.5%	+/-0.9
65 to 74 years	72,384	+/-37	8.7%	+/-0.1	2,979	+/-303	9.0%	+/-0.9
75 to 84 years	40,179	+/-767	4.8%	+/-0.1	1,554	+/-263	4.7%	+/-0.8
85 years and over	20,874	+/-759	2.5%	+/-0.1	559	+/-132	1.7%	+/-0.4
Median age (years)	39.2	+/-0.2	(X)	(X)	39.9	+/-1.6	(X)	(X)
65 years and over	133,437	+/-19	16.1%	+/-0.1	5,092	+/-388	15.4%	+/-1.2
65 years and over	133,437	+/-19	133.437	(X)	5,092	+/-388	5,092	(X)
Male	55,798	+/-18	41.8%	+/-0.1	2,183	+/-248	42.9%	+/-3.7
Female	77,639	+/-8	58.2%	+/-0.1	2,909	+/-296	57.1%	+/-3.7
Sex ratio (males per 100 females)	71.9	+/-0.1	(X)	(X)	75.0	+/-11.5	(X)	(X)

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.

An '****' entry in the margin of error column indicates that the estimate falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

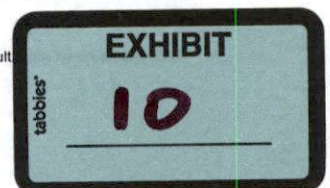
An '(X)' means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see [Accuracy of the Data](#)). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, [Overview of Race and Hispanic Origin: 2010](#), issued March 2011. (pdf format)

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

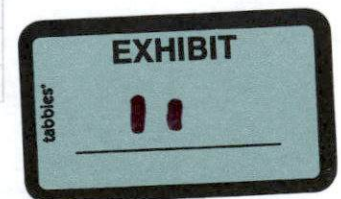
Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, areas from the ACS do not necessarily reflect the results of ongoing urbanization.



Assisted Living Facilities Within 21133 Zip Code

Facility Name	Facility Address	Facility Zip	License_Capacity
A PERFECT FIT ASSISTED LIVING	9700 AMES COURT	21133	5
ASSURANCE CARE PROVIDER SERVICES LLC	9100 MEADOW HEIGHTS ROAD	21133	5
BED OF ROSES ASSISTED LIVING & RESPITE CARE LLC	3725 EASTMAN ROAD	21133	4
BIG O ASSISTED LIVING, LLC	8731 MEADOW HEIGHTS ROAD	21133	4
CARING CORNERS I	9217 ALLENSWOOD ROAD	21133	5
CARING CORNERS II	3720 LAMOINE ROAD	21133	4
CARING CORNERS III	9208 ALLENWOOD ROAD	21133	6
COMFORTS OF HOME (THE)	9101 BENGAL ROAD	21133	4
COMFORTS OF HOME III	9917 LIBERTY ROAD	21133	5
HELPING HANDS IN MARYLAND	8802 MAPLEBROOK ROAD	21133	4
JOYCE'S HOME OF NEW BEGINNINGS I	4931 OLD COURT ROAD	21133	3
JOY'S BLESSING I	3919 INNERDALE COURT	21133	5
JOY'S BLESSING II	4122 TIVERTON ROAD	21133	6
LEGACY MANOR LLC	3806 COLLIER ROAD	21133	3
LISA'S PLACE, INC	3905 NEMO ROAD	21133	3
LOVING CARE HOME	3936 TIVERTON ROAD	21133	3
MAPLEBROOK HOME (THE)	8912 MAPLEBROOK ROAD	21133	7
NEW BEGINNING AT BRANCHLEIGH LLC	9851 BRANCHLEIGH ROAD	21133	3
NEW START #1	3917 INNERDALE COURT	21133	4
NEW START #4	9802 PLOWLINE ROAD	21133	4
PAT'S GOLDEN GIRLS ASSISTED LIVING & RESPITE CARE	8529 LUCERNE ROAD	21133	4
PRECIOUS JEWELS ASSISTED LIVING	3933 CHAFFEY ROAD	21133	4
RISING SUN ASSISTED LIVING I	8419 ALLENSWOOD ROAD	21133	8
RISING SUN ASSISTED LIVING III	4816 OLD COURT ROAD	21133	8
SECOND GENESIS	4003 STARBROOK ROAD	21133	3
SECOND GENESIS II	4001 STARBROOK ROAD	21133	3
SECOND GENESIS III	3737 COURTLEIGH DRIVE	21133	7
SECOND GENESIS IV	3617 BLAIR AVENUE	21133	3
SMOKE TREE HOUSE	9105 ALLENSWOOD ROAD	21133	3
SUNSHINE HEALTHCARE, LLC	4111 HUPA PLACE	21133	3
TOUCH OF JOY ASSISTED LIVING SVCS LLC (A)	8819 LIBERTY ROAD	21133	4
TRINITY CARE OF LOVE	3819 COLLIER RD	21133	3
TYRELL'S HOUSING, LLP	3425 CHAPMAN ROAD	21133	8
UNITED FAMILY ASSISTED LIVING I	3919 INNERDALE COURT	21133	5
UNITED FAMILY ASSISTED LIVING II	4122 TIVERTON COURT	21133	6

Source: Office of Health Care Quality - Assisted Living Dashboard



ARTICLE 1 - GENERAL PROVISIONS

SECTION 101 - Definitions

§ 101.1. - Word usage; definitions.

ASSISTED-LIVING FACILITY — A building, or section of a building, that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof, to meet the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living and which is licensed as an assisted-living program as defined under Title 19, Subtitle 18 of the Health-General Article, Annotated Code of Maryland. For the purposes of this definition, if a resident lives in a room or apartment providing complete kitchen facilities intended for the daily preparation of meals by or for that resident, the unit shall not be considered an assisted-living facility. Density for such facilities shall be calculated at 0.25 for each bed.

[Bill Nos. 36-1988; 188-1993; 19-2004]

- A. ASSISTED-LIVING FACILITY I — An assisted-living program which:
 - 1. Is located in a structure which was built at least five years before the date of application;
 - 2. Was not enlarged by 25 percent or more of ground floor area within the five years before the date of application; and
 - 3. Which accommodates fewer than eight resident clients.
- B. ASSISTED-LIVING FACILITY II — An assisted-living program which:
 - 1. Is located in a structure which was built at least five years before the date of application;
 - 2. Was not enlarged by 25 percent or more of ground floor area within the five years before the date of application; and
 - 3. Accommodates between eight and 15 resident clients.
- C. ASSISTED-LIVING FACILITY III — An assisted-living program which:
 - 1. Will accommodate more than 15 resident clients; and
 - 2. Will be in a structure which was built or enlarged by more than 25 percent of ground floor area less than five years before the date of application; or
 - 3. Will be in a structure which will be newly constructed or enlarged by more than 25 percent of ground floor area for the assisted-living program.



ZONING USE PERMIT CHECKLIST

ASSISTED LIVING FACILITY I (1 - 7 beds) or II (8-15 beds)

Pursuant to County Council Bills 19-04, 32-06 & 45-17

This checklist is intended to inform the public of Assisted Living Facility (ALF) standards. One of the new requirements for small scale ALF's for 1-3 beds (which were formerly exempted), is that they now have to file for a zoning use permit (use permits previously required only for 4 -15 bed facilities). However, if you can clearly document to this office that your facility was licensed and legally operating for care of a certain set number of beds prior to enactment of the above referenced bills, an ALF use permit may be issued at the discretion of the Zoning Review Office for continuance of your ALF for the previously licensed number of beds, without a full use permit review as stipulated in this checklist. This is done by an individual property use review for each site for which such documentation is presented. Prior to applying for this Use Permit, contact the Baltimore County Department of Aging for related information. Fees and Plan/Checklist requirements are subject to change without advance notice. Sealed plans may be required.

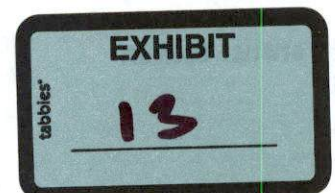
THESE CHECKLIST REQUIREMENTS MUST BE FOLLOWED IN ACCURATE DETAIL FOR FILING ACCEPTANCE

Three (3) use permit plans, per this checklist and the sample plan sheet shown; one Planning Office compatibility/appearance review package (see Page 4 Recommendation Form), and a fee of \$100.00 payable to Baltimore County, Maryland are required for filing the application. **If a Public Hearing (i.e., Variance and/or Special Hearing) is required, an additional fee of \$500.00 will be required.** Due to the necessity of a detailed review of the materials, you must contact 410-887-3391 for a filing appointment for this use permit.

Provide the following information on an **engineer scaled drawing** at a 1"=50' or larger scale.

1. Owner's name, and if the applicant is not the owner, the applicant's name, date, address, daytime phone number with Email address, and the address of the property under this use permit review.
2. Title and Number of Beds Proposed: "Use permit plan for Assisted Living Facility (ALF I or II) for a Maximum of (# of beds) Beds". Street vicinity map with site indicated, north arrow, scale of drawing (must be an engineer's scale and legible), election district, property outline, and dimensions in feet, the square footage of the lot and the current zoning of the property per the official zoning map.
3. Location on the property, use and the dimensioned footprint of the ground floor area and gross floor area (all floors) of each structure on the lot in square feet. Show and label a minimum of 10% of the lot as "open space". Show the method of open space calculation (Lot sq ft. x .10= _____ sq. ft. of open space).
4. A. Parking calculations based on the number of beds proposed indicating 1 parking space for each 3 beds (round-up all numbers). Note that all parking and maneuvering will be paved with a durable, dustless surface (such as asphalt or concrete and will be permanently striped. Indicate the location and dimension of all parking and maneuvering areas. Each parking space must be 8-1/2 feet x 18 feet, and must be shown and dimensioned on the site plan.
B. Parking spaces must be shown to comply with the following: **10 feet from all lot lines other than an alley that does not abut the front or rear yard of a residentially used property. All parking and delivery areas must be in the side or rear yard only (behind the front wall of the dwelling).** Contact the zoning office for questions. **THIS STANDARD MUST BE CLEARLY SHOWN. PUBLIC HEARINGS ARE REQUIRED FOR ANY CONFLICTS.**
5. A. Note on the plan: "This building has not been originally constructed to accommodate elderly housing or an assisted living facility. The building has not been constructed in the past 5 years. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred. No additions are proposed to exceed this limit for 5 years from the date of this application.
B. Where compliance with note 5.A. cannot be stated, the use permit application may not be accepted for filing or a public hearing may be required. The zoning office should be contacted for further information.
6. Note on the plan: **THE APPLICANT IS AWARE & CERTIFIES THAT 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, PURSUANT TO SECTION 432A.1.A.3, BCZR.**
7. Class II ALF's must be shown to be located on a principal arterial street on the plan.
8. Note on the plan that any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.
9. Include signatures, printed names (and dates) of those responsible for the accuracy of the information in this application.
10. Note on the plan: **THE APPLICANT IS AWARE & CERTIFIES THAT A BUILDING PERMIT FOR THE INSTALLATION AND INSPECTION OF AN "AUTOMATIC SPRINKLER SYSTEM" FOR THE PRINCIPAL BUILDING ON THE PROPERTY WILL BE REQUIRED, PRIOR TO THE OPERATION AND OCCUPANCY OF AN ASSISTED LIVING FACILITY (ALF I, II OR III), PURSUANT TO THE BALTIMORE COUNTY BUILDING CODE, SECTION 308 AND/OR SECTION 310.** (Contact the Building Plans Review Office at 410-887-3987 for more information about automatic sprinkler system requirements).
11. **For more than 4 beds, density calculations must be shown on the site plan based on the particular zone's minimum lot area requirements for each density or dwelling unit used. See the chart below:**

Density	
1-4 beds	Not required
5-8 beds	2 density lots required
9-12 beds	3 density lots required
13-15 beds	4 density lots required



ARTICLE 1B - DENSITY RESIDENTIAL (D.R.) ZONES

§ 1B02.3. - Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
 2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the one in which it is located; or
 5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.
- C. Development standards for small lots or tracts.
1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40



D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.
- E. Notwithstanding any provision of these regulations to the contrary, the bulk regulations and building setback requirements applicable to an approved development plan for a condominium regime shall be the only bulk regulations and building setback requirements applicable to a subsequent conversion of the entire condominium regime, or a portion thereof, to individual lots of record, so long as the approved condominium regime is located on a lot, tract, or parcel zoned D.R.3.5, D.R.5.5, D.R.10.5, and/or D.R.16 that is within the Chesapeake Bay Critical Area.

[Bill Nos. 78-2010; 71-2011]

ARTICLE 1 - GENERAL PROVISIONS

SECTION 100 - Zones and Districts; Boundaries

§ 100.3. - Change in present zone designations.

The zones as created in Section 100.1 change the present zone designations as follows:

- A or B Residence to R.6 Zone
- C Residence to R.A. Zone
- D Residence to R.G. Zone
- E Commercial to B.L. Zone
- F Light Industrial to M.L. Zone
- G Heavy Industrial to M.H. Zone



ARTICLE 1B - DENSITY RESIDENTIAL (D.R.) ZONES

§ 1B01.2. - General density, bulk, building separation, open space and other height and area standards and regulations.

A. Density controls.

1. Application of maximum density standards to tract in one zone. The maximum gross residential density permitted in any one D.R. Zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract.
2. Application to tract divided by zone boundary. In D.R.10.5, D.R. 16 or in any nonresidential zone which allows residential development, wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. Zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Section 1B02.2 in the zone within which that portion lies and totaling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone.



ZONING COMMISSIONER'S POLICY MANUAL

SECTION 101

Acreage, Gross Residential: The Residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of existing or recorded boundary streets (maximum 60-foot right of way) to which the subdivision has right of access,





ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

BALTIMORE COUNTY ZONING HEARING OUTLINE

GENEVIEVE'S HEART ASSISTED LIVING, LLC

4024 CARTHAGE ROAD

JUNE 21, 2019

2019-0307-SPHA

I. INTRODUCTION

1. Justin Williams – Rosenberg Martin Greenberg, LLP
2. DeMarco and Tanya Hicks – Genevieve's Heart Assisted Living, LLC
3. This is a petition requesting special hearing and variance approval to permit the use of the Property at 4024 Carthage Road as a Class I Assisted-Living Facility containing 5 beds.
4. The subject property is shown on the Site Plan submitted in this case.

i. Exhibit 1 – Zoning Hearing Plan for Variance and Special Hearing

II. EXISTING CONDITIONS/BACKGROUND

1. Zoning Classification: D.R.5.5

i. Exhibit 2 – Zoning Map

2. The Property is located in the Randallstown area of Baltimore County in an older residential subdivision known as Stoneybrook North, which was approved by the Baltimore County Planning Board in 1965. As indicated on the aerial, and will be discussed below, there are several existing assisted-living facilities in close proximity at 3933 Chaffey Road, and 4001 and 4003 Starbrook Road.

i. Exhibit 3 – Google Earth Aerial

ii. Exhibit 4 – Subdivision Plat for Stoneybrook North

3. The Property has a lot area per the State Department of Assessments and Taxation of 9,435 SF±, and is improved with a rancher-style 2,280-SF± single-family home with a finished basement. Built in 1965, the home was recently renovated in advance of when Demarco and Tanya Hicks purchased the Property in October 2018.

i. Exhibit 5 – SDAT Sheet for the Property

ii. Exhibit 6 – Photos of the Property

4. At the time the Hickses acquired the Property, there was a shed in the side-yard of the Property. Historic aerial images show that the shed has been there since at least 2002.

i. Exhibit 7 – Google Earth Aerial (December 2002)

5. In 2013, the nearby assisted-living facility located at 3933 Chaffey Road received variance approvals from the Administrative Law Judge to permit parking in the front yard and a reduced side yard setback.

i. Exhibit 8 – Order and Opinion – Case No. 2013-271-A

III. GENEVIEVE’S HEART ASSISTED LIVING

1. The applicant is a venture started by Mr. and Mrs. Hicks to operate an assisted-living facility. Lt. Hicks is a commander in the Maryland Transportation Authority Police department. Mrs. Hicks’ has a background of working in the school system and as a daycare provider.
2. Named for Mrs. Hicks’ mother, the Hicks recently completed the 80-hour manager course that is required by the State Office of Health Care Quality (OHCQ) within the MD Department of Health for the management and operation of an assisted-living facility.

i. Exhibit 9 – Beyond Care Certification

3. As indicated on the OHCQ website, an Assisted Living Program (ALP) is a housing option for people with disabilities or for adults who cannot live independently. ALPs offer a wide variety of options, levels of care, and diversity of services. They may provide assistance with meal preparation, household chores, managing medications, and dressing or bathing. People who live in assisted living programs generally have less complicated health and assistance needs than people in nursing homes. This housing option enables seniors to remain in a home-like setting in their communities and promotes their independence and dignity.
- i. Across the County, according to estimates from the US Census Bureau, there are 133,000 residents 65 years and over or 16% of the population. Within the 21133 Zip Code, which includes the subject property, there are nearly 5,092 residents 65 years and over, or 14.3% of the population. However, there are only 159 licensed assisted-living facilities beds available in the 21133 zip code. Accordingly, there is going to be a need to cater to an aging population.

ii. Exhibit 10 – Census Data

iii. **Exhibit 11 – Licensed Assisted-Living Facility Data for 21133 Zip Code**

4. Genevieve's Heart plans to hire 2-3 employees to provide care to the proposed 5 residents of the facility; but no more than 2 will be working at any one time.
 - i. While the State regulations for ALPs do not contain specific staffing ratios, a staffing plan must be submitted to OHCQ which demonstrates that there will be on-site staff sufficient in number and qualifications to meet the 24-hour scheduled and unscheduled needs of the residents.

IV. SITE PLAN/REQUESTED RELIEF

1. As indicated on the Site Plan, for purposes of the Baltimore County Zoning Regulations, the Genevieve's Heart Assisted Living facility will be a Class I Assisted-Living Facility. An assisted-living program which:
 - i. Is located in a structure which was built at least five years before the date of application;
 - ii. Was not enlarged by 25 percent or more of ground floor area within the five years before the date of application; and
 - iii. Which accommodates fewer than eight resident clients.
2. Pursuant to §409.6, assisted-living facilities must provide at least 1 useable off-street parking space for each 3 beds. Accordingly, 2 parking spaces are proposed to be provided for the 5 beds proposed.
3. No exterior changes to the Property are proposed in connection with the use of the Property as an assisted-living facility; however, certain zoning relief is necessary in connection with the proposal to use the Property as a Class I Assisted-Living Facility.
4. Zoning Relief Requested:
 - i. Special Hearing:
 1. Section 409.4.C permits the Administrative Law Judge to approve a drive aisle that varies from the width specified in the BCZR for parking facilities. The Property's existing driveway is proposed to be used without changes, however, its width of 10' requires the ALJ's approval.
 2. Section 101.1 provides that the density for assisted-living facilities shall be calculated at 0.25 for each bed. As described below, the zoning staff had a discrepancy regarding how to determine the available density for the Property.

ii. Variance:

1. Section 432A.1.A.3 mandates that an assisted-living facility be located 1,000' from another property with an existing assisted-living facility. A review of State records indicate that there are several assisted-living facilities in close proximity, the closest of which being located on property that is approximately 204' from 4024 Carthage Road, thus a variance is required.
2. Section 400.1 mandates that an accessory building be located in the rear yard; however, when the property was purchased, an existing shed was located in the side yard. To bring the shed into compliance, a variance is requested to permit its location in the side yard.

V. VARIANCE – LEGAL STANDARDS

1. The Hickses would testify that the Property meets the standard for granting the necessary variances under Section 307.1 of the BCZR and the test in *Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).
2. Legal standards:

BCZR Section 307.1 authorizes the Administrative Law Judge to “grant variances ... from sign regulations ... in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.”

3. Uniqueness/Special Circumstances:

A review of the historic and current aerial photos show not only that the shed has been a long-standing site condition, but that the entire subdivision has been in place for decades. The design and age of the subdivision make create a special circumstance as well. While the nearby assisted-living facilities are technically within 1,000 feet of the subject property as the crow flies, none are on the same street; in fact the Applicants were surprised to learn there were other assisted-living facilities in close proximity as they aren't visible from the Property.

The uniqueness of the nearby property at 3933 Chaffey Road, which is used as an assisted-living facility, was found in Case No. 2013-0271-A when the Administrative Law Judge approved variances related to parking for the facility.

See Exhibit 8 – Case No. 2013-0271-A

4. Practical Difficulty or Hardship:

The special circumstances present at the Property work in concert to create a practical difficulty for Genevieve's Heart because the Applicants would be unable to operate an assisted living facility on the Property and would be forced to remove a shed that has been present on the Property for decades, or move it into the rear yard which will reduce the rear yard open space that is required to be provided for assisted-living facility residents.

5. Spirit and Intent:

The granting of these variances is in harmony with the purpose of the Zoning Regulations. The regulations requiring accessory buildings to be located in the rear property are intended to limit visual clutter and impact on neighboring property owners. Here, a large tree is located between the shed and adjacent property owner. Moreover, the shed has been located on the Property for over a decade without incident.

The regulations for spacing of assisted-living facilities are similarly intended to protect against over-clustering of facilities in close proximity to each other. Here, the facilities in close proximity are on different blocks. The nature of the ALF residents, elderly individuals who need assistance with day-to-day tasks, is such that there will not be deleterious effects on the community by having a facility within 204 feet of another.

6. Without Injury to Public Health, Safety, and General Welfare:

The granting of the variances will not cause any injury to the public health, safety, or general welfare. As stated above, the shed and nearby assisted-living facilities have been present for years without impacting the community.

Assisted-living facilities are intended to provide a way for seniors to remain in a home-like setting in their communities and promotes their independence and dignity. As there are many seniors in the Randallstown community attempting to age in place, it is the interest of public health, safety, and general welfare to grant the variance to permit another facility to open.

VI. SPECIAL HEARING – DRIVEWAY WIDTH

1. The Zoning Regulations do not provide a legal standard for approval of 10-foot wide driveway; however, the existing width will provide for the safe and efficient circulation and maneuvering of vehicles.
2. Very little traffic is anticipated to be generated by the facility and it has approximately 79 feet of frontage on Carthage Road, so there is sufficient on-street parking directly in front of the Property to account for occasional guest parking.

3. Accordingly, maintaining the existing driveway width is more appropriate than mandating that the Applicants add pervious surface to the Property.

VII. SPECIAL HEARING – DENSITY CALCULATION:

1. Per Section 101.1 of the BCZR, the density for assisted-living facilities shall be calculated at 0.25 for each bed. The Applicants request that the Administrative Law Judge determine that there is sufficient density to accommodate 5 beds on the Property.

i. Exhibit 12 – Section 101.1 of the BCZR

2. The County's Zoning Use Permit Checklist for Assisted Living Facilities supplies a table showing the density calculations for ALFs, which states that for 5-8 beds, 2 density lots are required; however, that table was not established by legislation. This is counter to instruction in Section 101.1 providing for density to be calculated at 0.25 for each bed.

i. Exhibit 13 – Use Permit Checklist

3. Instead, the development standards for small lots or tracts contained in §1B02.3 should be used. The Property is within a "recorded residential subdivision approved by the Baltimore County Planning Board and has been ... improved in accordance with the approved subdivision plan." As the Stoneybrook North subdivision plat was signed by the Planning Board Director on May 24, 1965. See §1B02.3.A.1.

i. Exhibit 14 – Section 1B02.3 of the BCZR

ii. See Exhibit 3 – Subdivision Plat for Stoneybrook North

4. Per §1B02.3.B, the minimum standards for net area with respect to each use in a development described in Subsection A.1, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board. In 1965, the Stoneybrook North development was zoned R-6. Per §100.3.A, "zones heretofore classified as R.6 are now D.R.5.5."

i. Exhibit 15 – Historic Zoning Map

ii. Exhibit 16 – Section 100.3.A of the BCZR

5. The minimum net lot area per dwelling unit in the R-6 Zone, as well as in the current D.R.5.5 Zone, is 6,000 SF per unit. Per the SDAT Sheet, the Property contains 9,435 SF and thus, the Property has 1.57 density units available ($9,435 \text{ SF} \div 6,000 \text{ lot area per DU} = 1.57 \text{ density units}$), which would permit the 5 beds proposed.

i. See Exhibit 14 – Section 1B02.3 of the BCZR

ii. **See Exhibit 5 – SDAT Sheet**

6. The alternative way to calculate density of the Property would be to use the “maximum gross residential density” table in § 1B02.2, which calls for 5.5 dwelling units per acre (or one dwelling unit per 7,920 SF). I believe this is inappropriate, as §1B01.2.A.1 states that “[t]he maximum gross residential density permitted in any one D.R. Zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract.” However, the gross residential density of the Property would be permit approximately 1.47 density units.

i. **Exhibit 17 – Section 1B01.2.A of the BCZR**

7. Per the Zoning Commissioner’s Policy Manual, the calculation of “acreage, gross residential” is done by adding the “residentially zoned acreage within the perimeter of the subdivision proposed for residential development, plus not more than half the width of existing or recorded boundary streets (maximum 60-foot right of way) to which the subdivision has access.”

i. **Exhibit 18 – Zoning Commissioner’s Policy Manual Excerpt**

8. Accordingly, if we were to calculate the “gross residential density” of the Property, it should include half of the width of Carthage Road, which per the subdivision plat is 60’ wide. The math isn’t perfect because the Carthage Road frontage has a slight curve, but multiplying the 76.77’ frontage of 4024 Carthage Road with the additional 30’ width of Carthage Road that can be included in “gross residential density” adds approximately 2,303 SF of additional area. Combining that with the “net area” of 9,345 SF equals 11,648 SF of “gross area.” Dividing this gross area by the “maximum gross residential density” if 7,920 SF per density unit works out to 1.47 density units ($11,648 \text{ SF} \div 7,920 \text{ lot area per DU} = 1.47$), which permits the 5 proposed beds.

VIII. CONCLUSION

For these reasons, we respectfully request that the variance and special hearing requests be granted. Given the need for such facilities, it is in the public interest to grant the zoning relief necessary for the proposed facility to operate on the Property.

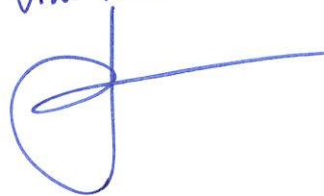
Exhibit 19 – Hearing Outline

4819-4810-1274, v. 1





8/12/19. ZAC case # 19-0307 4024 Carthage Road.
 Owners discussed proposed fence to be installed in lieu of vegetative screen w/ planning
 (Ngone Seye Disp), was ok, and I was fine w/ fence as well.
 Fence has been install per pictures. - Jim Hermann - Landscape Architect

 8/12/19



8-12-19

Zoning Case #19-0307

To Whom it May Concern:

RE: ZONING CASE NO. 2019-0307-SPHA.

As per the recommendation of the Baltimore County Department of Planning we have installed 24 feet of wood fencing as screening between our driveway/parking pad and the rear yard of the property located at 3445 Chaffey Rd.

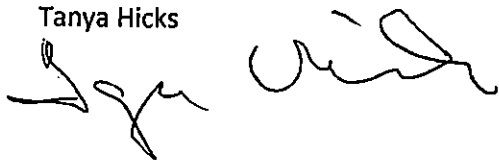
Additionally, we have installed a 4ft x 8ft wide apron in the shape of a triangle. This apron is connected to the driveway and it allows two vehicles to be parked in the driveway and maneuver in and out of the space without riding across the grass or any unpaved surfaces.

Respectfully submitted,

DeMarco Hicks



Tanya Hicks



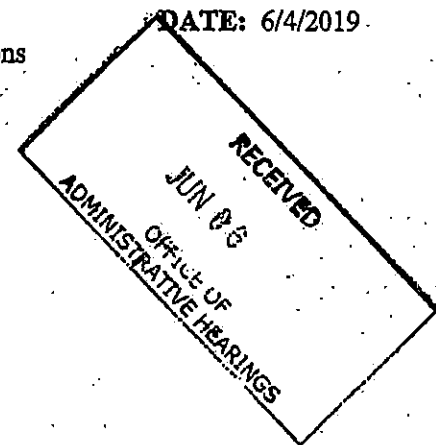
6-21

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-307



INFORMATION:

Property Address: 4024 Carthage Road
Petitioner: Demarco Hicks, Tanya Hicks
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

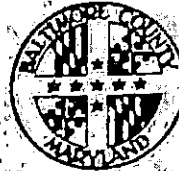
The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should approve the use of a 10-foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I (ALF I) to contain five beds. The Department has also reviewed the petition for variance to permit an ALF I to be located within approximately 204 feet, 409 feet and 415 feet from other properties with assisted living facilities in lieu of the required 1,000 foot setback and to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard.

A site visit was conducted on May 16, 2019.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

- To prevent erosion and unsightly conditions, petitioners must demonstrate to the satisfaction of the ALJ that the parking spaces may be accessed without driving over grassed areas. In the event they cannot, the 10 wide driveway must be widened sufficiently to provide access entirely on paved surfaces.
- Install vegetative screening to the type and count as determined by the Baltimore County Landscape Architect adjacent to the parking area and intervening between the subject site and 3945 Chaffey Road
- Submit a compatibility finding to the contact person listed below, pursuant to Section 32-4-402 of the Baltimore County Code.

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 12 day of August, 2019, that Genevieve's Heart Assisted Living located at 4024 Cottage Rd should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: 4 Bed Room Assisted Living Facility

182689 inf. Mum
Permit (or Receipt) Number Director, Permits, Approvals and Inspections

Planner's Initials CF

BALTIMORE COUNTY, MARYLAND

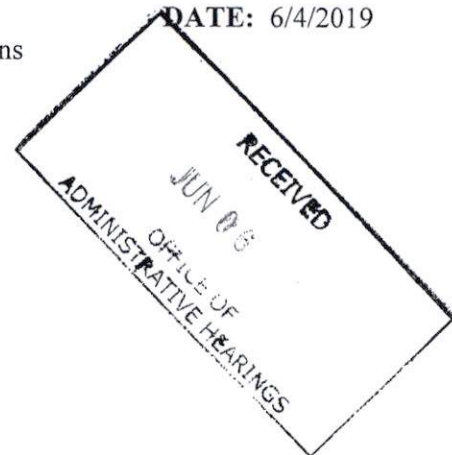
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-307

DATE: 6/4/2019



INFORMATION:

Property Address: 4024 Carthage Road
Petitioner: Demarco Hicks, Tanya Hicks
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should approve the use of a 10-foot wide driveway to access required parking spaces and the calculation of density to permit the proposed Assisted Living Facility I (ALF I) to contain five beds. The Department has also reviewed the petition for variance to permit an ALF I to be located within approximately 204 feet, 409 feet and 415 feet from other properties with assisted living facilities in lieu of the required 1,000 foot setback and to permit an existing shed to remain in the side yard in lieu of the requirement that it be located in the rear yard.

A site visit was conducted on May 16, 2019.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

- To prevent erosion and unsightly conditions, petitioners must demonstrate to the satisfaction of the ALJ that the parking spaces may be accessed without driving over grassed areas. In the event they cannot, the 10 wide driveway must be widened sufficiently to provide access entirely on paved surfaces.
- Install vegetative screening to the type and count as determined by the Baltimore County Landscape Architect adjacent to the parking area and intervening between the subject site and 3945 Chaffey Road
- Submit a compatibility finding to the contact person listed below, pursuant to Section 32-4-402 of the Baltimore County Code.

ORDER RECEIVED FOR FILING

Date

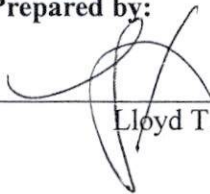
6/24/19

By

sen

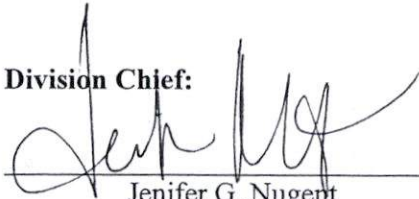
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



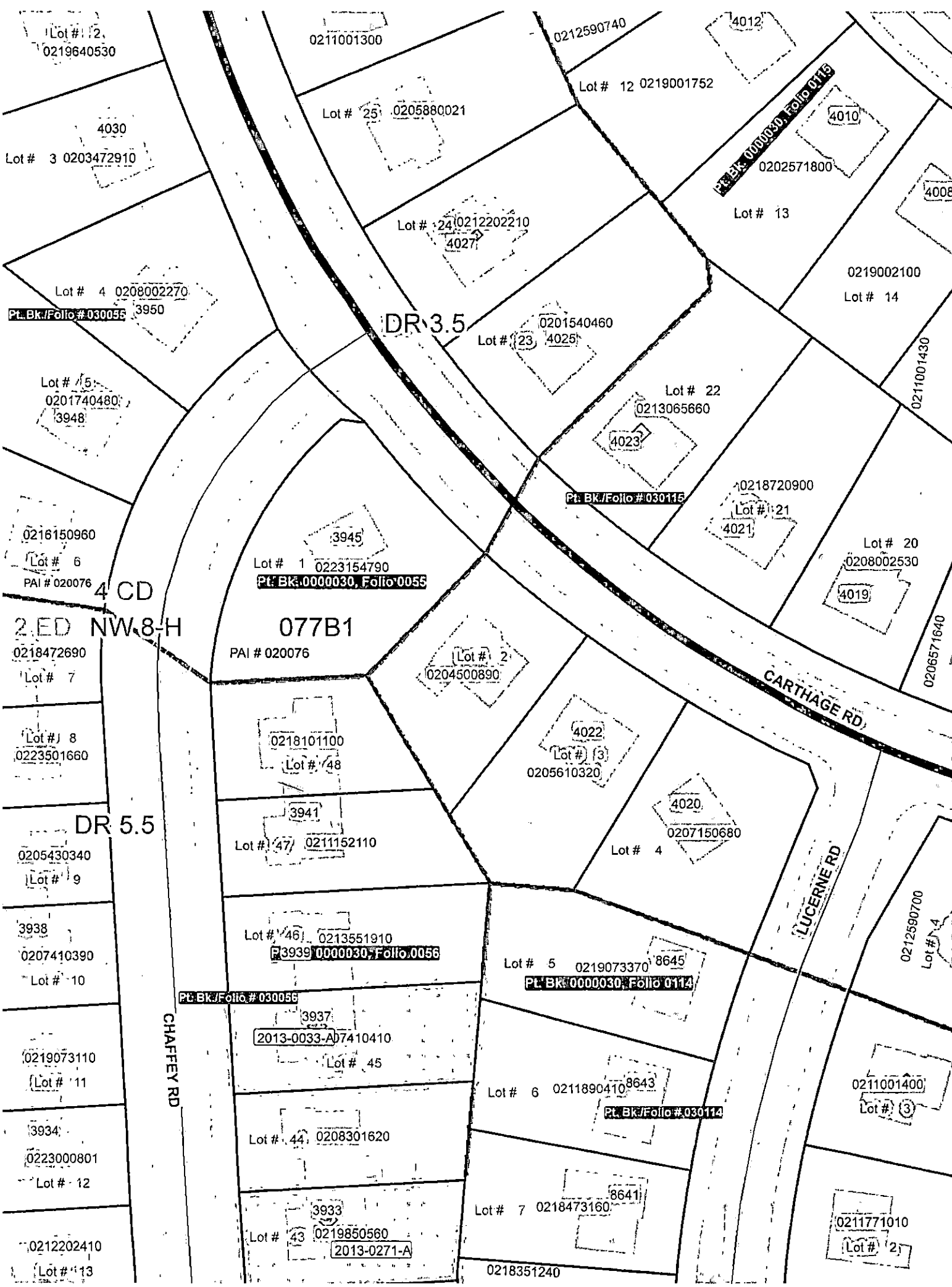
Jenifer G. Nugent

CPG/JGN/LTM/

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Justin A. Williams, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 6/24/19
By sen



Lot # 12
0219640530

4030

Lot # 3 0203472910

Lot # 4 0208002270
Pt. Bk./Folio # 030055 3950

Lot # 5
0201740480
3948

0216150960
Lot # 6
PAI # 020076

4 CD
2 ED NW 8-H

0218472690
Lot # 7

Lot # 8
0223501660

DR 5.5

0205430340
Lot # 9

3938
0207410390
Lot # 10

0219073110
Lot # 11

3934
0223000801
Lot # 12

0212202410
Lot # 13

0211001300

Lot # 25 0205880021

Lot # 24 0212202210
4027

Lot # 4 0208002270
Pt. Bk./Folio # 030055 3950

Lot # 5
0201740480
3948

0216150960
Lot # 6
PAI # 020076

4 CD
2 ED NW 8-H

0218472690
Lot # 7

Lot # 8
0223501660

DR 5.5

0205430340
Lot # 9

3938
0207410390
Lot # 10

0219073110
Lot # 11

3934
0223000801
Lot # 12

0212202410
Lot # 13

0211001300

Lot # 25 0205880021

Lot # 24 0212202210
4027

Lot # 4 0208002270
Pt. Bk./Folio # 030055 3950

Lot # 5
0201740480
3948

0216150960
Lot # 6
PAI # 020076

4 CD
2 ED NW 8-H

0218472690
Lot # 7

Lot # 8
0223501660

DR 5.5

0205430340
Lot # 9

3938
0207410390
Lot # 10

0219073110
Lot # 11

3934
0223000801
Lot # 12

0212202410
Lot # 13

0212590740

Lot # 12 0219001752

4012

4010

0202571800

Lot # 13

0219002100
Lot # 14

0211001430

0206571640

Lot # 20
0208002530
4019

0218720900
Lot # 21
4021

Pt. Bk./Folio # 030115

Lot # 22
0213065660
4023

0201540460
Lot # 23 4025

DR 3.5

077B1

PAI # 020076

Lot # 1 0223154790
Pt. Bk./Folio # 000030, Folio 0055

3945

Lot # 2
0204500890

4022
Lot # 3
0205610320

4020
0207150680
Lot # 4

Lot # 5 0219073370 8645
Pt. Bk./Folio # 000030, Folio 0114

Lot # 6 0211890410 8643
Pt. Bk./Folio # 030114

Lot # 7 0218473160 8641

0218351240

0212590740

Lot # 12 0219001752

4012

4010

0202571800

Lot # 13

0219002100
Lot # 14

0211001430

0206571640

Lot # 20
0208002530
4019

0218720900
Lot # 21
4021

Pt. Bk./Folio # 030115

Lot # 22
0213065660
4023

0201540460
Lot # 23 4025

DR 3.5

077B1

PAI # 020076

Lot # 1 0223154790
Pt. Bk./Folio # 000030, Folio 0055

3945

Lot # 2
0204500890

4022
Lot # 3
0205610320

4020
0207150680
Lot # 4

Lot # 5 0219073370 8645
Pt. Bk./Folio # 000030, Folio 0114

Lot # 6 0211890410 8643
Pt. Bk./Folio # 030114

Lot # 7 0218473160 8641

0218351240

CARTHAGE RD

LUCERNE RD

0211001400
Lot # 3

0211771010
Lot # 2

ZONING HEARING PLAN FOR VARIANCE AND SPECIAL HEARING

4024 Carthage RD
Randallstown, MD 21133

OWNERS: Demarco Notex Hicks

Tanya Michelle Hicks

ADDRESS: 10103 Village Green Dr.

Woodstock, MD 21163

PHONE 443-621-5423

APPLICANT: Genevieve's Heart Assisted Living, LLC

SUBDIVISION NAME: Stoneybrook North

LOT No.: 2

BLOCK: H

SECTION: 2

PLAT BOOK NO: 2

FOLIO NO.: 115

10 DIGIT TAX 0204500890

DEED REFERENCE NO.: 40761/439

LOT SIZE 9,345 SF

ZONING MAP: 0077B1

ZONE DR 5.5

ELECTION DISTRICT: 2

COUNCIL DISTRICT: 4

PARKING: 1 SPACE FOR EACH 3 BEDS

2 PARKING SPACES PROPOSED

EXISTING FLOOR AREA

1st floor 1,280 SQ FT

BASEMENT: 960 SQ FT

EXISTING DRIVEWAY: 613 SQ FT

OPEN SPACE: 0.10 x LOT AREA (9,435)

=945 SF. OPEN SPACE

5 BEDS = DENSITY/AREA CALCULATIONS

AVAILABLE DENSITY: 9,435 SF/6,000 (DR 5.5)=1.55

PROPOSED DENSITY: 5 BEDS x .25=1.25

THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO CONSTRUCTION, RELOCATION (EXTERIOR) CHANGES OR ADDITIONS OF (25% OR MORE IN GROUND FLOOR AREA AS OF FOR 5 YEARS BEFORE THE DATE OF THIS APPLICATION) TO THE EXTERIOR OF THE BUILDING HAVE OCCURRED, NO ADDITIONS ARE PROPOSED TO EXCEED THIS LIMIT FOR 5 YEARS FROM THE DATE OF THIS APPLICATION.

HISTORIC: NO

IN CBCA: NO

IN FLOOD PLAN: NO

WATER IS: PUBLIC

SEWER IS: PUBLIC

PRIOR HEARING: NO

CURRENT OUTSTANDING VIOLATIONS: NO

SIGNS WILL COMPLY WITH SECTION 450 B.C.Z.R.

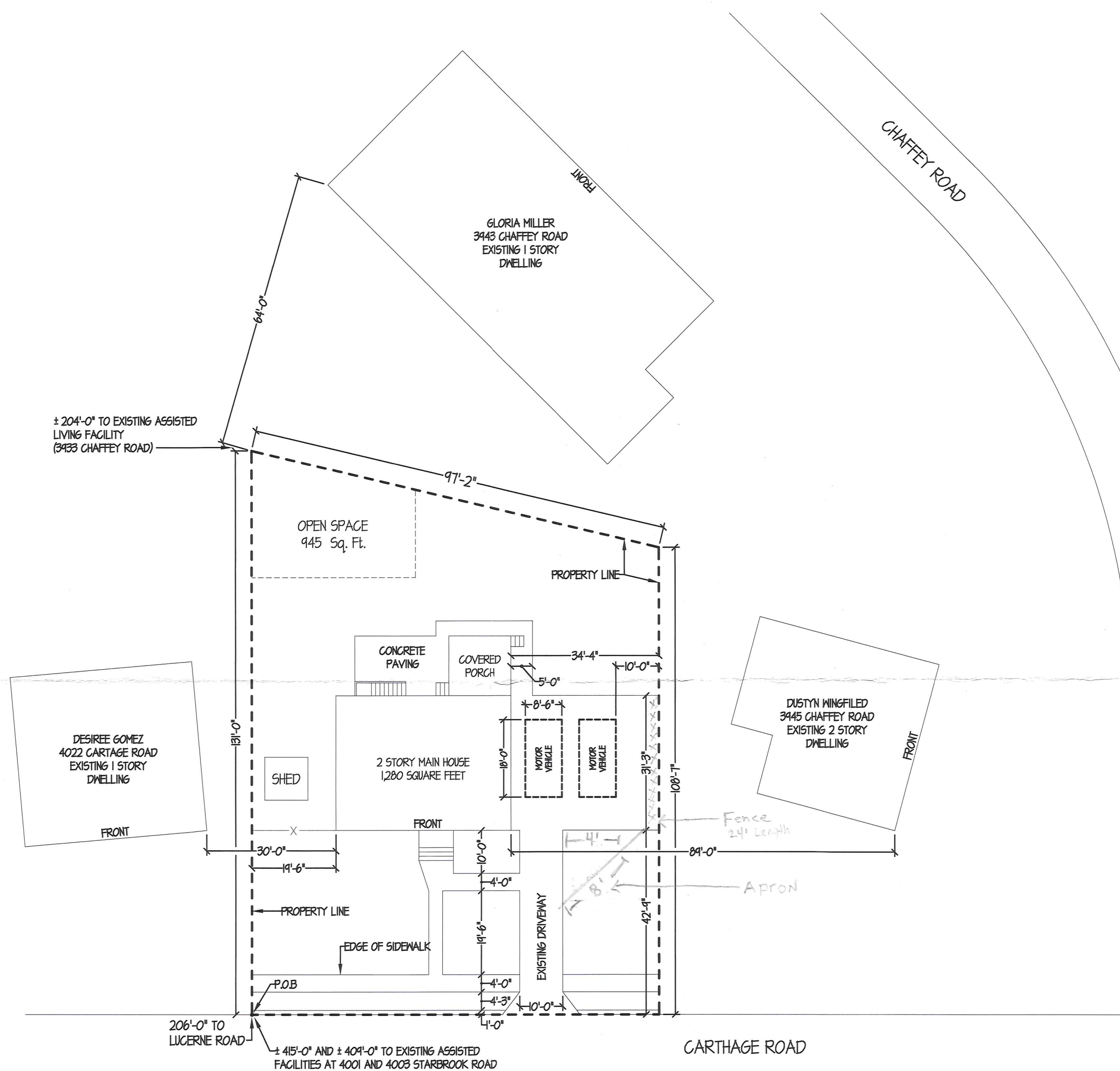
THE UNDERSIGNED APPLICANTS ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN

DEMARCO HICKS

TANYA HICKS

THE APPLICANT IS AWARE AND CERTIFIES THAT IN A D.R. ZONE, AN ASSISTED LIVING FACILITY 1 OR 2 IS NOT PERMITTED WITHIN 1,000 FEET OF ANOTHER PROPERTY WITH AN EXISTING ASSISTED-LIVING FACILITY 1 OR 2 OR ANOTHER PROPERTY FOR WHICH AN APPLICATION FOR A USE PERMIT HAS BEEN FILED FOR AN ASSISTED-LIVING FACILITY 1 OR 2, PURSUANT TO SECTION 432.1.A.3, BCZR.

THE APPLICANT IS AWARE AND CERTIFIES THAT A BUILDING PERMIT FOR THE INSTALLATION AND INSPECTION OF AN "AUTOMATIC SPRINKLER SYSTEM" FOR THE PRINCIPAL BUILDING ON THE PROPERTY WILL REQUIRED, PRIOR TO THE OPERATION AND OCCUPANCY OF AN ASSISTED LIVING FACILITY (ALF 1, 2 OR 3), PURSUANT TO THE BALTIMORE COUNTY CODE, SECTION 308 AND/OR SECTION 310.



SITE PLAN
Scale: 1"=20'-0"

VICINITY MAP
NOT TO SCALE

8-12-19

4024 Carthage Road
Randallstown, Md 21133
ALF 1, 5 BEDS

2019-0307-SPHA