

IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 19-481-A

\* \* \* \* \*

**FINAL ORDER ON REMAND FROM THE CIRCUIT COURT**

This matter comes before this Board on appeal filed by Nicholas Chavez, Jr., Contract Purchaser and Petitioner, from a decision of the Administrative Law Judge dated December 10, 2019, in which the Petition for Variance to permit an Assisted Living Facility within 1,000 feet of another property with an Assisted Living Facility was denied. This Board heard this matter and issued a decision dated November 4, 2020 wherein the Petition for Variance was again denied. The matter was timely appealed by the Petitioners to the Circuit Court for Baltimore County, where the Court issued an Order dated July 1, 2021, remanding this matter to the Board of Appeals to determine if:

the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as ‘an existing assisted living facility I or II’ within the meaning of Baltimore County Zoning Regulations §432.A.1.A(3).

In keeping with the Circuit Court’s Order and in the interest of judicial economy, on February 9, 2022 this Board sent correspondence directing the Office of Zoning Review to review this matter and make the above referenced written determination. On February 14, 2022, this Board received a reply to our letter from Zoning Supervisor, Jeffrey Perlow. (See attached correspondence.) In light of this correspondence, a public deliberation was held by the Board via Webex on April 7, 2022.

In the prior hearing of this matter before the Board it was determined that the Petitioner's request for variance did not meet the requirements of "uniqueness" and "practical difficulty" as set forth in the court's holding in *Cromwell v. Ward*, 102 Md.App. 691 (1995). The Board's finding in that regard was not the subject of the Circuit Court's remand, thus the Board's ruling on this issue remains unchanged. The catalyst of the Circuit Court's remand addressed solely whether "the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility;" thus, requiring the Petitioners to seek variance relief in the first place. It is worthy of note that this issue was never brought forth before the Board nor before the ALJ, previously. Additionally, neither the Board nor the ALJ would require such a factual finding due to the fact a petitioner's "Request for *Variance*" concedes the fact that *variance* relief is actually necessary. Nonetheless, by reason of the Circuit Court Order, this Board sought out the assistance of the Office of Zoning to clarify the issue at hand.

As explained by Mr. Perlow's letter, the address of "2010 Northland Road" does not exist. However, there is a Group Home at 2110 Northland Road that is *not* subject to BCZR §432.A.1.A(3). Furthermore, the finding by the Zoning Review Office that the Petitioners' property *does* fall under the purview of BCZR §432.A.1.A(3) is based on its 1,000 feet proximity to a lawfully operated Assisted Living Facility located at 6307 Carlynn Avenue. (See attached correspondence and map.)

Based on the information provided by Mr. Perlow and on the Board's previous determination that the requested variance relief did not meet the criteria found in *Cromwell*, the Petitioners request for variance relief is DENIED.

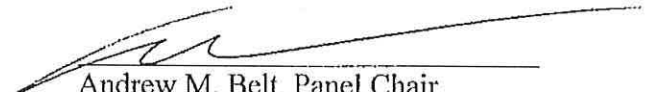
**IT IS THEREFORE**, this 10<sup>th</sup> day of May, 2022, by the Board of Appeals of Baltimore County,



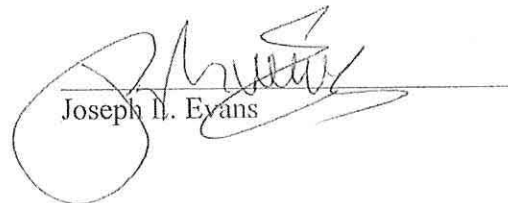
**ORDERED** that the requested Variance to permit an Assisted Living Facility at 2100 Northland Road, within 1,000 feet of another property with an Assisted Living Facility is **DENIED**.

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

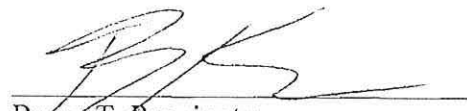
**BOARD OF APPEALS OF  
BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



Joseph H. Evans



Bryan T. Pennington



## Board of Appeals of Baltimore County

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

May 10, 2022

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Mr. Chavez and Kinsler:

Enclosed please find a copy of the Final Order on Remand from the Circuit Court issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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

Very truly yours,

A handwritten signature in blue ink that reads "Sunny Cannington" with a stylized flourish at the end.

Krysundra "Sunny" Cannington  
Administrator

### Enclosure

c: Micah C. Wainwright, MST  
Office of People's Counsel  
Paul Mayhew, Managing Administrative Law Judge  
Stephen Lafferty, Director/Department of Planning  
C. Pete Gutwald, Director/PAI  
Nancy C. West, Assistant County Attorney/Office of Law  
James R. Benjamin, Jr., County Attorney/Office of Law

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis  
James Sheetz  
Renae Mayfield





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May 10, 2022

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

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Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

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Very truly yours,

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Krysundra "Sunny" Cannington  
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TOWSON, MARYLAND 21204  
410-887-3180  
FAX: 410-887-3182

February 16, 2022

### **NOTICE OF SECOND DELIBERATION ON REMAND FROM CIRCUIT COURT FOR BALTIMORE COUNTY**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
19-481-A 2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

*In accordance with the Order dated July 1, 2021 by the Circuit Court for Baltimore County, a public deliberation has been*

**ASSIGNED FOR: APRIL 7, 2022, AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html).**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

Notice of Second Deliberation on Remand from Circuit Court for Baltimore County  
In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case number: 19-481-A  
February 16, 2022  
Page 2

c. Legal Owner  
Contract Purchaser

: Tony Kinsler  
: Nicholas Chavez, Jr.

Protestants

: Charles and Debbie Neet, Kim Alexander, Theresa  
Holmes, Adam Allen, Elizabeth Goldsby, Jocelyn  
Gillis

Office of People's Counsel  
Paul M. Mayhew, Managing Administrative Law Judge  
Stephen Lafferty, Director/Department of Planning  
C. Pete Gutwald, Director/Department of PAI  
James R. Benjamin, Jr., County Attorney  
Nancy C. West, Assistant County Attorney





## Board of Appeals of Baltimore County

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February 16, 2022

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

Enclosed please find a copy of the response received from Mr. Perlow, Chief of the Zoning Review Office.

Please be advised that the Board will hold another public deliberation to review the enclosed and make a final determination with regard to the remand from the Circuit Court for Baltimore County. That deliberation is scheduled for April 7, 2022 at 9:00 a.m. using Webex. A copy of the Notice has been enclosed for your convenience.

Very truly yours,

A handwritten signature in blue ink that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
**Administrator**

Enclosure

c: Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis



JOHN A. OLSZEWSKI, JR.  
County Executive

C. PETE GUTWALD, AICP, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

February 14, 2022

Andrew M. Belt, Panel Chairman  
Board of Appeals of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Avenue  
Towson, Maryland 21204



RE: In the matter of Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case # 19-481-A (Variance on property located at 2100 Northland Road)  
Order on Remand from the Circuit Court for Baltimore County

Dear Mr. Belt:

I am replying to your February 9, 2022 letter regarding the above referenced matter. Based upon the documents provided therein, my review of Baltimore County databases, Baltimore County Geographic Information System (GIS) maps, and Maryland State Assisted Living Facility (ALF) records the following has been determined:

1. The Circuit Court for Baltimore County erroneously identified 2010 Northland Road as being the existing Assisted Living Facility (ALF) generating the requirement restricting new or proposed ALF's from being located within 1000 feet of an existing ALF. The existing ALF that actually generates this 1000 feet proximity restriction is located at 6307 Carlynn Avenue and is licensed by the State as "Curtis Manor ALF", State License # 03AL0730 (see attached Microsoft Excel sheet and Word sheet generated from the State's ALF licensing web page. The erroneously identified 2010 Northland Road does not even exist as an address in Baltimore County as confirmed by the two attached GIS map of Northland Road. Perhaps the Protestants were referring to the property at "2110" Northland Road, as indicated by their **"one on the same block"** testimony before the Administrative Law Judge (ALJ), but that property is not licensed by the State as an ALF. 2110 Northland Road could possibly be licensed as a "Group Home" or "Alternative Living Unit" with the State, but those type of uses are exempt from local zoning ordinances, pursuant to COMAR and the Annotated Code of Maryland.
2. Therefore, based on the above information and the attached documents, the new/proposed ALF to be located on the subject property at 2100 Northland Road is, in fact, located within 1000 feet proximity of another existing ALF at 6307 Carlynn Avenue.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey Perlow, Zoning Supervisor  
Zoning Review Office, P.A.I.





**2100 Northland Road - Subject Property**

**088B3**

**NW 2-F**

**NW 3-E**

**NW 2-E**

**DR 1**

**DR 5.5**

**DR 1 NC**

**PAI # 010047**

**PAI # 010047**

**PAI # 018001**

**PAI # 018001**

**PAI # 010013**

**PAI # 010013**



0113550270

**License # 03AL0730**  
**Curtis Manor ALF**  
**6307 Carlynn Avenue**  
**Generating 1000' Proximity**  
**Circle**

CARLYNN AVE

1935

2006-0191-A

0106100471

Lot # 1

1933

Lot # 2

0119271920

6307

NW 2-F

088A3

DR 5.5

1 CD

1 ED

6305

UP-2016-0020AL

0119580450

Lot # 3

0101350570

Lot # 2

0118351900

6303

Lot # 3

Lot # 3

0118351901

Lot # 5

0116003020

Lot # 5

Lot # 5

0113753680

Lot # 7

0123750871

Lot # 6

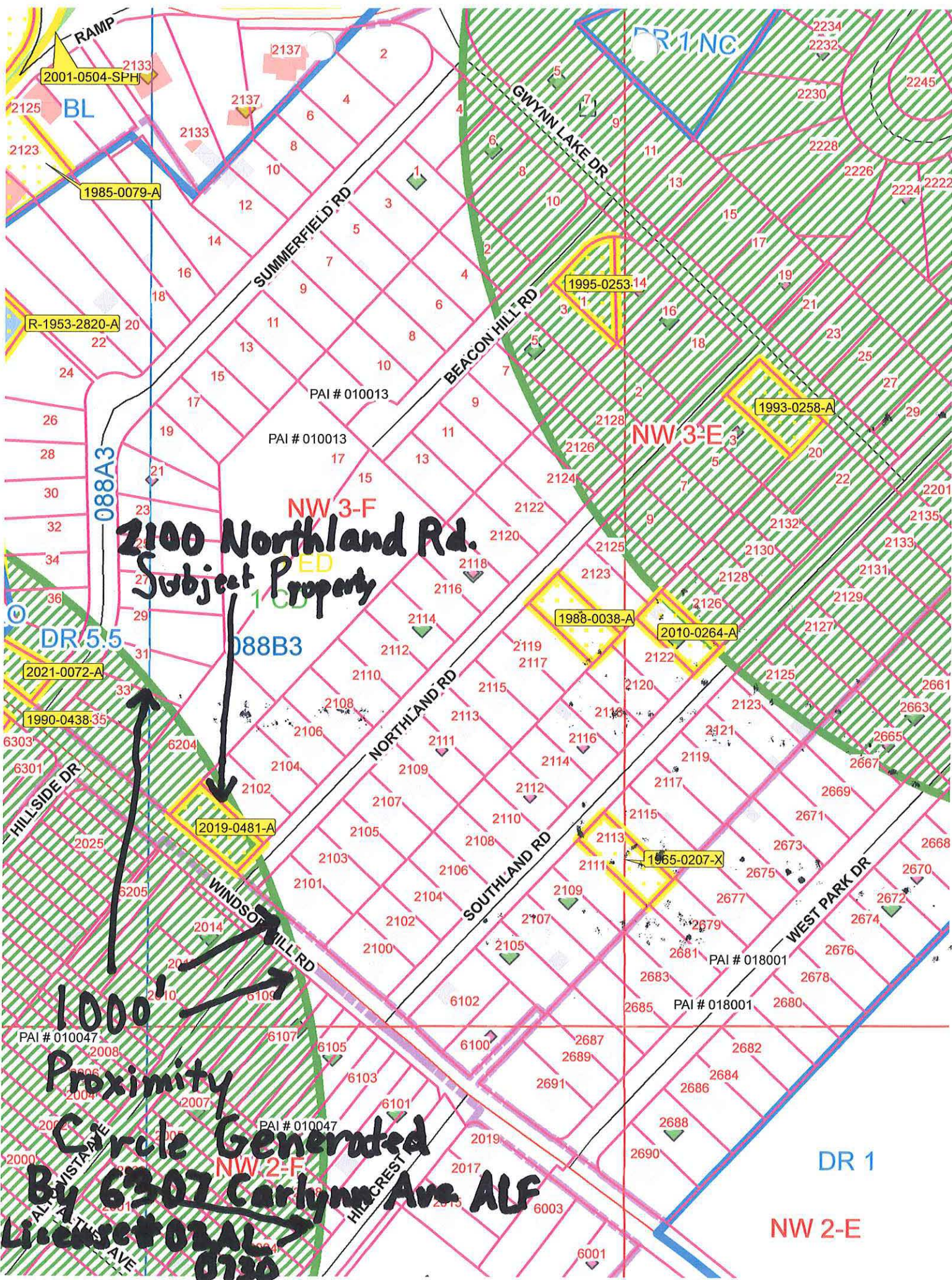
0108006000

0103474530

Lot # 4

1928

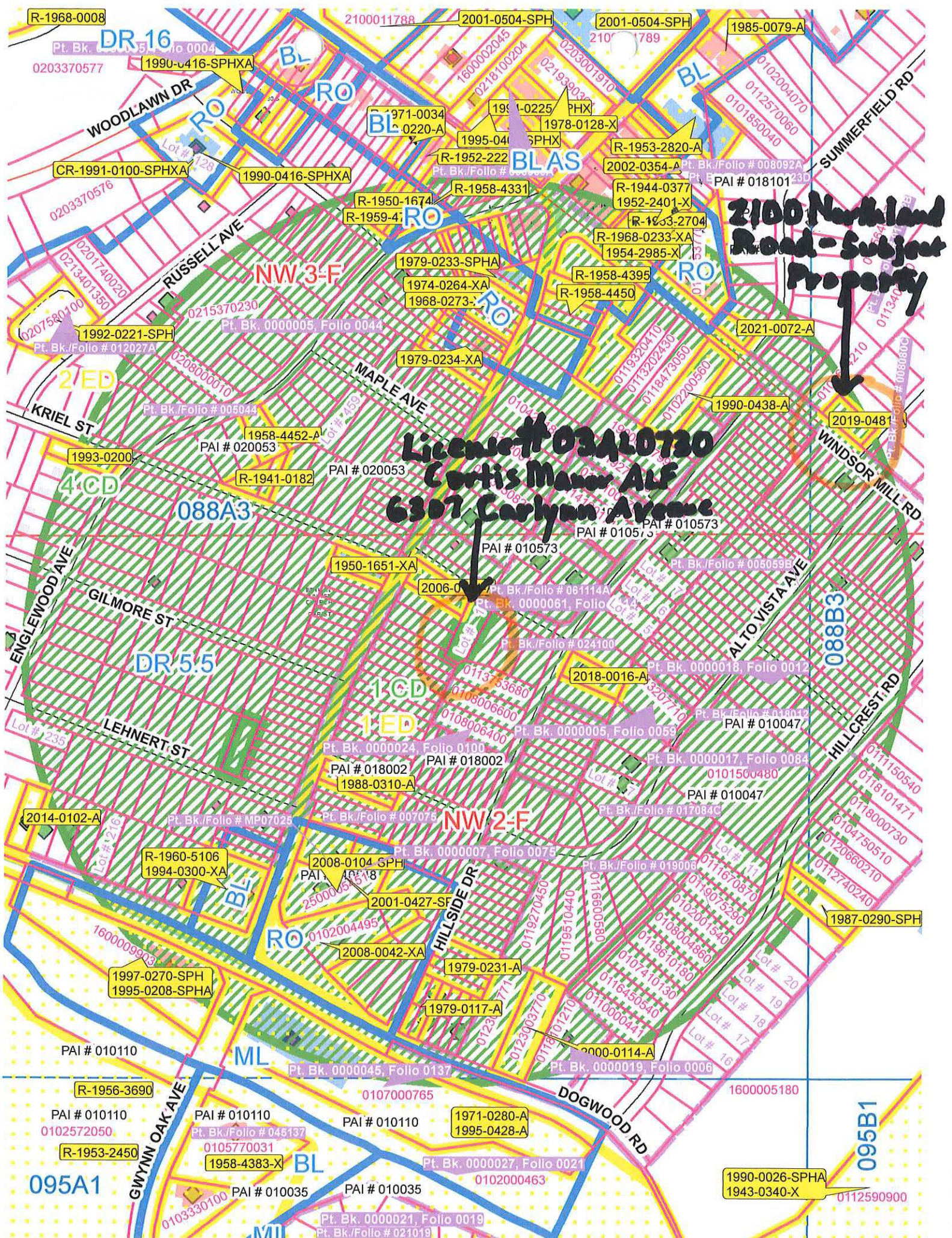












**2100 Northland  
Road - Subject  
Property**

**License # 03460730  
Curtis Manor ALF  
6307 Carlynn Avenue**



**Commonwealth Senior Living At Cockeysville 2**

10883 York Rd  
Cockeysville, MD 21030  
Phone: (410) 638-2400  
16 Beds  
License #: 03AL1210  
---

**Crystal Manor Assisted Living, Inc**

5610 Gwynndale Avenue  
Baltimore, MD 21207  
Phone: (410) 281-2566  
4 Beds  
License #: 03AL1061  
Waiver

**Curtis Manor Alf**

6307 Carlynn Avenue  
Baltimore, MD 21207  
Phone: (410) 977-3726  
3 Beds  
License #: 03AL0730  
Waiver

**Dee's Assisted Living**

3712 Chatham Rd #b  
Baltimore, MD 21215  
Phone: (410) 462-5026  
3 Beds  
License #: 30AL3549  
---

**Denise Holley Assisted Living**

1406 Bellona Avenue  
Lutherville, MD 21093  
Phone: (410) 339-5443  
3 Beds  
License #: 03AL228  
---

**Divine Connections Alf**

5509 Anthony Avenue, Baltimore Md  
Baltimore, MD 21206  
Phone: (410) 873-6520  
4 Beds  
License #: 30AL3915  
---

**Doris's Place Llc**

3302 Leighton Avenue  
Baltimore, MD 21215  
Phone: (410) 805-6381  
4 Beds  
License #: 03AL1230  
---

**Dulaney Valley Assisted Living At Hunt Valley**

10815 Powers Avenue  
Cockeysville, MD 21030  
Phone: (410) 303-0575  
15 Beds  
License #: 03AL1099-D  
Waiver

**Dulaney Valley Assisted Living Inc**

5001 Carroll Manor Road  
Baldwin, MD 21013  
Phone: (410) 303-0575  
10 Beds  
License #: 03AL1062-E  
Waiver

**Eden Care**

6900 Schissler Avenue  
Woodlawn, MD 21207  
Phone: (443) 889-7459  
7 Beds  
License #: 03AL1200-A  
---

**Edenwald**

800 Southerly Road  
Towson, MD 21286  
Phone: (410) 339-6000  
88 Beds  
License #: 03AL618-J  
---

**Elements Of Rescue Living**

1228 Sheridan Ave  
Baltimore, MD 21239  
Phone: (443) 759-2203  
5 Beds  
License #: 30AL3738-A  
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|           |                                               |                                   |              |    |       |                |           |            |                           |                          |
|-----------|-----------------------------------------------|-----------------------------------|--------------|----|-------|----------------|-----------|------------|---------------------------|--------------------------|
| Baltimore | Comforts At Catonsville, Llc (the)            | 1306 Lincoln Woods Drive          | Catonsville  | MD | 21228 | (410) 747-6830 | 4 Waiver  | 03AL1033   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Comforts Of Home (the)                        | 9101 Bengal Road                  | Randallstown | MD | 21133 | (443) 857-5230 | 4 Waiver  | 03AL1059   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Comforts Of Home 2 (the)                      | 4 Marbledale Court                | Reisterstown | MD | 21136 | (443) 857-5230 | 4 Waiver  | 03AL1131   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Comforts Of Home Iii                          | 9917 Liberty Road                 | Randallstown | MD | 21133 | (443) 857-5230 | 5 ---     | 03AL1197   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Comfy Home Care Ii, Llc                       | 16 Betlou James Place             | Baltimore    | MD | 21207 | (917) 561-9908 | 3 Waiver  | 03AL1194   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Commonwealth Senior Living At Cockeysville 1  | 10881 York Rd                     | Cockeysville | MD | 21030 | (410) 683-2400 | 16 ---    | 03AL1226   | Licensed from: 12/20/2019 | Assisted Living Programs |
| Baltimore | Commonwealth Senior Living At Cockeysville 2  | 10883 York Rd                     | Cockeysville | MD | 21030 | (410) 638-2400 | 16 ---    | 03AL1210   | Licensed from: 12/20/2019 | Assisted Living Programs |
| Baltimore | Crystal Manor Assisted Living, Inc            | 5610 Gwynndale Avenue             | Baltimore    | MD | 21207 | (410) 281-2566 | 4 Waiver  | 03AL1061   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Curtis Manor Alf                              | 6307 Carlynn Avenue               | Baltimore    | MD | 21207 | (410) 977-3726 | 3 Waiver  | 03AL0730   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Dee's Assisted Living                         | 3712 Chatham Rd #b                | Baltimore    | MD | 21215 | (410) 462-5026 | 3 ---     | 30AL3549   | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Denise Holley Assisted Living                 | 1406 Bellona Avenue               | Lutherville  | MD | 21093 | (410) 339-5443 | 3 ---     | 03AL228    | Licensed from: 07/01/2018 | Assisted Living Programs |
| Baltimore | Divine Connections Alf                        | 5509 Anthony Avenue, Baltimore Md | Baltimore    | MD | 21206 | (410) 873-6520 | 4 ---     | 30AL3915   | Licensed from: 12/08/2020 | Assisted Living Programs |
| Baltimore | Doris's Place Llc                             | 3302 Leighton Avenue              | Baltimore    | MD | 21215 | (410) 805-6381 | 4 ---     | 03AL1230   | Licensed from: 10/05/2020 | Assisted Living Programs |
| Baltimore | Dulaney Valley Assisted Living At Hunt Valley | 10815 Powers Avenue               | Cockeysville | MD | 21030 | (410) 303-0575 | 15 Waiver | 03AL1099-D | Licensed from: 07/01/2018 | Assisted Living Programs |





## Board of Appeals of Baltimore County

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

February 9, 2022

Jeffery Perlow  
Zoning Review Office  
County Office Building  
111 W. Chesapeake Avenue, Room 124  
Towson, Maryland 21204

RE: In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A  
Order on Remand from the Circuit Court for Baltimore County

Dear Mr. Perlow:

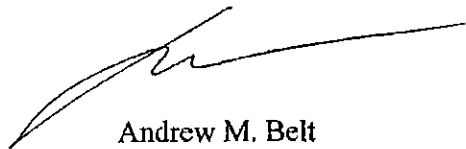
Attached please find in regard to the above-referenced matter, the December 10, 2019 Opinion and Order of the Administrative Law Judge, the November 4, 2020 Opinion and Order of the Board of Appeals, and the July 01, 2020 Order of Remand from the Circuit Court for Baltimore County. After a public deliberation on the Circuit Court's Order for Remand, the Board of Appeals is remanding this matter to the Zoning Review Office in keeping with Circuit Court's Order, instructing us to ascertain whether the assisted living facility currently operating at 2010 Northland Road is a permitted facility in compliance with Maryland and Baltimore County regulations.

In both the hearing before the ALJ and the Board of Appeals, the issue as to whether the facility at 2010 Northland Road was a licensed facility was never raised by the Petitioner. As the case came before both the ALJ and Board of Appeals as Petition for Variance pursuant to § 432.A.1.A(3) of the B.C.Z.R., (to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility) the necessity for such variance was assumed. In the interest of judicial economy, it would be greatly appreciated if your office could inform the Board of Appeals as to whether 2010 Northland Road facility is licensed and in compliance with law. If it is ascertained that the facility at 2010 Northland Road is in compliance, further proceedings will be scheduled before this Board to issue a final decision in keeping with that information. If it is determined that this facility is not in compliance, please inform the Board as to whether it is still your contention that variance relief is still required by the Petitioner.



Please contact our office if you have any questions or concerns regarding this matter.

Best Regards,

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

Andrew M. Belt

AMB/klc

Enclosures



IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 19-481-A

\* \* \* \* \*

**ORDER ON REMAND FROM THE CIRCUIT COURT**

This matter comes before this Board on appeal filed by Nicholas Chavez, Jr., Contract Purchaser and Petitioner, from a decision of the Administrative Law Judge dated December 10, 2019, in which the Petition for Variance to permit an Assisted Living Facility within 1,000 feet of another property with an Assisted Living Facility was DENIED.

**WHEREAS**, the Board heard this matter and issued a decision dated November 4, 2020 wherein the Petition for Variance was DENIED. This matter was appealed to the Circuit Court for Baltimore County.

**WHEREAS**, the Circuit Court for Baltimore County issued an Order dated July 1, 2021 remanding this matter to the Board of Appeals to determine if:

the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as ‘an existing assisted living facility I or II’ within the meaning of Baltimore County Zoning Regulations §432.A.1.A(3).

**WHEREAS**, attached please find a letter directing the Office of Zoning Review to review this matter and make the above referenced written determination.

**WHEREAS**, this Order is not final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. The Board will reconvene a public deliberation to discuss the Office of Zoning Review’s determination and issue a final ruling.

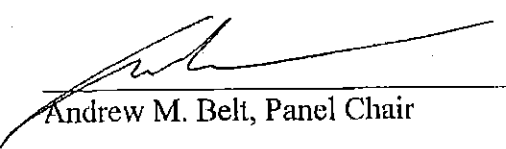


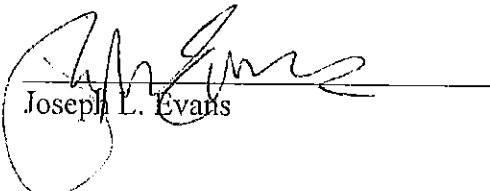
IT IS THEREFORE, this 9<sup>th</sup> day of February, 2022, by the Board of Appeals of Baltimore County,

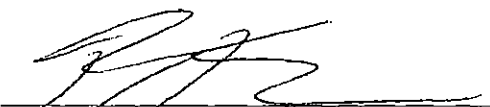
**ORDERED** that Office of Zoning Review shall make determination as to whether:

the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as 'an existing assisted living facility I or II' within the meaning of Baltimore County Zoning Regulations §432.A.1.A(3).

**BOARD OF APPEALS OF  
BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew M. Belt, Panel Chair

  
\_\_\_\_\_  
Joseph L. Evans

  
\_\_\_\_\_  
Bryan T. Pennington





## Board of Appeals of Baltimore County

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February 9, 2022

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

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

Pursuant to the enclosed, this Order is not final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. This matter will be held open on the Board's docket until such time as a final opinion can be issued.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
**Administrator**

### Enclosure

c: Office of People's Counsel  
Paul Mayhew, Managing Administrative Law Judge  
Stephen Lafferty, Director/Department of Planning  
C. Pete Gutwald, Director/PAI  
Nancy C. West, Assistant County Attorney  
James R. Benjamin, Jr., County Attorney

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis



## **Tammy Zahner**

---

**From:** Chavez Enterprises <enterpriseschavez@gmail.com>  
**Sent:** Wednesday, October 27, 2021 12:27 PM  
**To:** Tammy Zahner  
**Subject:** Re: Board of Appeals case

**CAUTION:** This message from enterpriseschavez@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.

Thank you .I have it

On Wed, Oct 27, 2021 at 12:24 PM Tammy Zahner <[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)> wrote:

Mr. Chavez:

Attached is a copy of the hearing notice mailed on Monday.

Please let us know if you have any questions.

**Tammy A. Zahner, Legal Secretary**

**Board of Appeals for Baltimore County**

**The Jefferson Building, Suite 203**

**105 W. Chesapeake Avenue**

**Towson, Maryland 21204**

**[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)**

**(410) 887-3180**

**(410) 887-3182 Fax**

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## Board of Appeals of Baltimore County

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

October 25, 2021

### **NOTICE OF DELIBERATION** **ON REMAND FROM CIRCUIT COURT** **FOR BALTIMORE COUNTY**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
19-481-A 2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

*In accordance with the Order dated July 1, 2021 by the Circuit Court for Baltimore County, a public deliberation has been*

**ASSIGNED FOR:** **JANUARY 12, 2022, AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html).**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

Notice of Deliberation on Remand from Circuit Court for Baltimore County

In the matter of: Tony Kinsler - Legal Owner

Nicholas Chavez, Jr. - Contract Purchaser

Case number: 19-481-A

October 25, 2021

Page 2

c. Legal Owner  
Contract Purchaser

: Tony Kinsler  
: Nicholas Chavez, Jr.

Protestants

: Charles and Debbie Neet, Kim Alexander, Theresa  
Holmes, Adam Allen, Elizabeth Goldsby, Jocelyn  
Gillis

Office of People's Counsel

Paul M. Mayhew, Managing Administrative Law Judge

Stephen Lafferty, Director/Department of Planning

C. Pete Gutwald, Director/Department of PAI

James R. Benjamin, Jr., County Attorney

Nancy C. West, Assistant County Attorney





**CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND**

401 Bosley Avenue, P.O. Box 6754

Towson, MD 21285-6754

Main: 410-887-2601 Fax: 410-887-3062

**Case Number:**

**C-03-CV-20-004314**

**Other Reference Numbers:**

**IN THE MATTER OF NICHOLAS CHAVEZ, JR.**

**ORDER**

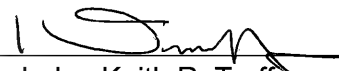
On July 1, 2021, the court heard argument on the Petitioner's request for judicial review of the November 4, 2020 Decision of the Baltimore County Board of Appeals denying Petitioner's request for a variance to permit the operation of an assisted living facility at 2100 Northland Road, within 1000 feet of another existing assisted living facility located at 2010 Northland Road.

Pursuant to MD. RULE 7-209, and for the reasons stated on the record at the conclusion of the hearing, the court remands this matter to the Baltimore County Board of Appeals for a determination as to whether the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as "an existing assisted-living facility I or II" within the meaning of *Baltimore County Zoning Regulations* §432.A.1.A(3).

It is so ORDERED.

July 1, 2021

Date

  
\_\_\_\_\_  
Judge Keith R. Truffer

Entered: Clerk, Circuit Court for  
Baltimore County, MD  
July 1, 2021

Case Search

Circuit Court of Maryland

**Case Information**

Court System: **Circuit Court For Baltimore County - Civil**  
Location: **Baltimore County Circuit Court**  
Case Number: **C-03-CV-20-004314**  
Title: **In the Matter of Nicholas Chavez, Jr.**  
Case Type: **Appeal - Administrative Agency**  
Filing Date: **12/03/2020**  
Case Status: **Open**

**Other Reference Numbers**

Administrative Agency: **19-481-A**

**Involved Parties Information****Petitioner**

Name: **Chavez, Nicholas Jr.**  
Address: **2100 Northland Road**  
City: **GWYNN OAK** State: **MD** Zip Code: **21207**

**Administrative Agency**

Name: **Baltimore County Board Of Appeals**  
Address: **105 West Chesapeake Avenue**  
City: **Towson** State: **MD** Zip Code: **21204**

**Aliases**

Business: **County Board of Appeals for Baltimore County**

**Court Scheduling Information**

| Event Type                      | Event Date | Event Time | Court Location        | Court Room                  | Result |
|---------------------------------|------------|------------|-----------------------|-----------------------------|--------|
| Hearing - Administrative Appeal | 07/01/2021 | 09:00:00   | CC03 - Judge Calendar | Assignment - Civil Non-Jury |        |

**Document Information**

File Date: **12/03/2020**  
Filed By:  
Document Name: **Complaint / Petition**  
Comment: **CC: Board of Appeals for Baltimore County.**

File Date: **12/10/2020**  
Filed By:



Document Name: **Certificate of Compliance**  
Comment: **Certificate of Compliance**

---

File Date: **12/30/2020**  
Filed By:  
Document Name: **Returned Paper Filing Status Notice - MDEC Action**  
Comment: **Response to Petition returned to 21207 Community Members. Missing Certificate of Service.**

---

File Date: **01/06/2021**  
Filed By:  
Document Name: **Returned Paper Filing Status Notice - MDEC Action**  
Comment:

---

File Date: **01/08/2021**  
Filed By:  
Document Name: **Returned Paper Filing Status Notice - MDEC Action**  
Comment:

---

File Date: **01/15/2021**  
Filed By:  
Document Name: **Returned Paper Filing Status Notice - MDEC Action**  
Comment: **certificate of service**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Transcript and Record**  
Comment: **Record of Proceedings**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Transcript and Record**  
Comment: **Transcript 3-12-2020**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Transcript and Record**  
Comment: **Petitioners' Exhibits**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Transcript and Record**  
Comment: **Protestants' Exhibits**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Transcript and Record**  
Comment: **OAH Exhibits**

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Administrative Agency Record Received**  
Comment:

---

File Date: **02/03/2021**  
Filed By:  
Document Name: **Notice of Record Issued**

---

## Comment:

*This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland Rules, or because of the practical difficulties inherent in reducing a case record into an electronic format.*



## Donna Mignon

---

**From:** Tammy Zahner  
**Sent:** Tuesday, May 11, 2021 3:57 PM  
**To:** Donna Mignon  
**Subject:** RE:  
**Attachments:** Kinsler 19-481-A Opinion.pdf

Donna,

The Board's Opinion is attached. This case is on appeal to the Circuit Court, but no hearing has been held yet. The record was just filed February 3<sup>rd</sup>.

Let me know if I can provide any more information.

Tammy A. Zahner, Legal Secretary  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)  
(410) 887-3180  
(410) 887-3182 Fax

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---

**From:** Donna Mignon <[dmignon@baltimorecountymd.gov](mailto:dmignon@baltimorecountymd.gov)>  
**Sent:** Tuesday, May 11, 2021 2:59 PM  
**To:** Tammy Zahner <[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)>  
**Subject:** FW:

Hi Tammy,  
This had been a long day. I sent this to the wrong Tammy.  
See below. Thank you.

---

**From:** Donna Mignon  
**Sent:** Tuesday, May 11, 2021 2:38 PM  
**To:** 'Martin, Tammy' <[TMartin@wtplaw.com](mailto:TMartin@wtplaw.com)>; Krysundra Cannington <[kcannington@baltimorecountymd.gov](mailto:kcannington@baltimorecountymd.gov)>  
**Subject:**

Good Afternoon Ladies,

I need some help. We had a case that we heard back in 2019 – case number 2019-0481-A which was denied and then came up to the Board of Appeals. We n My further understanding is that it went the Circuit Court, case number, C-03-CV-20-004314.

Can you please send me the Orders for Judge Mayhew to review. Thank you so much.

Donna Mignon, Legal Assistant  
Baltimore County Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204  
410-887-3868



§ 432A.1. - Permitted zones; conditions for use.

- A. An assisted-living facility is permitted in the D.R., R.O., R.O.A., R.A.E., B.R., B.M. and OR-2 Zones as follows:
1. An assisted-living facility I is permitted by use permit.
  2. An assisted-living facility II is permitted by use permit if it has frontage on a principal arterial street.
  3. In a D.R. Zone, an assisted-living facility I or II is not permitted within 1,000 feet of another property with an existing assisted-living facility I or II or another property for which an application for a use permit has been filed for an assisted-living facility I or II.

[Bill No. 45-2017 <sup>[2]</sup>]

4. An assisted-living facility III is permitted in a D.R.16, R.A.E., R.O., R.O.A., B.L. Zone in the Pikesville Commercial Revitalization District, or B.M. Zone by use permit. An assisted-living facility III is permitted in the OR-2 Zone by special exception and is limited by the use, area and bulk regulations of the D.R.10.5 Zone. A facility located in an R.O. Zone is also subject to review by the design review panel for compatibility with surrounding uses.

[ Bill No. 47-2019 ]

5. Housing for the elderly is permitted by right in R.A.E. Zones.
- B. Except for the signs permitted by Section 450, no other signs or displays of any kind visible from the outside are permitted.
- C. Off-street parking shall be provided in accordance with Section 409 and subject to the following conditions, but no parking structure is permitted except for a residential garage as defined in Section 101.
1. Parking shall be set back at least ten feet from the property line, except that if the property line abuts an alley, no setback is required if the alley does not abut the front or rear yard of a residentially used property.
  2. Parking and delivery areas shall be located in the side or rear only.
  3. At least ten percent of the lot shall be used to provide useable, contiguous and private open space.
- D. An assisted-living facility is subject to a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code in accordance with this paragraph. A compatibility study is required for all assisted-living facility projects located in the D.R., R.O., R.O.A., O.R.-2, or R.A.E. Zone. For assisted-living facility projects located in the B.L., B.M., or B.R. Zone, a compatibility study is required only for projects that are not otherwise subject to review by the design review panel.

[ Bill No. 47-2019 ]

- E. An assisted-living facility located in a County historic district is also subject to review by the



## Board of Appeals of Baltimore County

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

February 3, 2021

Micah C. Wainwright, MST  
Good Steward Accounting & Tax  
5-A Gwynns Mills Court  
Owings Mills, Maryland 21117

RE: Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A

Dear Mr. Wainwright:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

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

Sincerely,

A handwritten signature in cursive script, reading "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

Enclosure

c: Tony Kinsler  
Nicholas Chavez, Jr.  
Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Jocelyn Gillis  
Adam Allen  
Elizabeth Goldsby  
James Sheetz  
Renae Mayfield



**BALTIMORE COUNTY, MARYLAND**  
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Chris Leary

From: Tammy Zahner, Legal Secretary

Date: December 28, 2020

Re: In the matter of: *Tony Kinsler – Legal Owner*  
*Nicholas Chavez, Jr. – Contract Purchaser*  
Case No.: 19-481-A

---

Enclosed is a recording from the above referenced case. The Board members who sat on this case are Andrew M. Belt, Chair; Kendra Randall Jolivet, took Exhibits; and Joseph L. Evans, operated CourtSmart.

I have enclosed a copy of the Address list for your convenience. The Petitioners and Protestants both appeared *pro se* at the hearing before the Board.

Mr. Wainwright is representing the Petitioners in the appeal, is requesting the transcript and is responsible for the cost. Please contact him with the estimated cost, and required deposit, if any. His contact information is below.

The Board hearing lasted approximately 2 hours. This case is on appeal to the Circuit Court, and the original transcript is to be returned to the Board no later than January 29, 2021.

Please let us know if you have any questions or need additional information.

Thank you,



Tammy Zahner

Micah C. Wainwright, MST  
Good Steward Accounting & Tax  
5-A Gwynns Mills Court  
Owings Mills, MD 21117  
(410) 327-9032  
[micah@stewardmail.com](mailto:micah@stewardmail.com)

## **Tammy Zahner**

---

**From:** Tammy Zahner  
**Sent:** Monday, December 28, 2020 1:13 PM  
**To:** 'Micah Wainwright'  
**Subject:** Chavez Transcript

Dear Mr. Wainwright:

Please be advised that we have sent the recording of the Chavez hearing to:

Christine Leary  
3129 Hiss Avenue  
Baltimore, MD 21234  
(443) 622-4898  
[Crleary1@comcast.net](mailto:Crleary1@comcast.net)

Ms. Leary has been instructed to contact you upon receipt of the recording. She will be able to provide you with the estimated cost, and required deposit.

I have advised her of the January 29, 2021 due date.

Please direct all payments and questions regarding the transcript to Ms. Leary.

Please let us know if you have any questions.

Sincerely,

**Tammy A. Zahner, Legal Secretary**  
**Board of Appeals for Baltimore County**  
**The Jefferson Building, Suite 203**  
**105 W. Chesapeake Avenue**  
**Towson, Maryland 21204**  
**[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)**  
**(410) 887-3180**  
**(410) 887-3182 Fax**

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## Tammy Zahner

---

**From:** Appeals Board  
**Sent:** Tuesday, December 22, 2020 8:55 AM  
**To:** 'Micah Wainwright'  
**Subject:** RE: Board of Appeals Case No.: 19-481-SPH

Mr. Wainwright:

I will get the information together and send to the typist in the next few days.  
I will e-mail you her contact information once the recording has been sent. It will be next week at the latest.

Thank you.

**Tammy A. Zahner, Legal Secretary**  
**Board of Appeals for Baltimore County**  
**The Jefferson Building, Suite 203**  
**105 W. Chesapeake Avenue**  
**Towson, Maryland 21204**  
**[tzahner@baltimorecountymd.gov](mailto:tzahner@baltimorecountymd.gov)**  
**(410) 887-3180**  
**(410) 887-3182 Fax**

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---

**From:** Micah Wainwright <[micah@stewardmail.com](mailto:micah@stewardmail.com)>  
**Sent:** Tuesday, December 22, 2020 8:46 AM  
**To:** Appeals Board <[appealsboard@baltimorecountymd.gov](mailto:appealsboard@baltimorecountymd.gov)>  
**Cc:** Chavez Enterprises <[enterpriseschavez@gmail.com](mailto:enterpriseschavez@gmail.com)>; [sequoiafowlkes@aol.com](mailto:sequoiafowlkes@aol.com)  
**Subject:** Re: Board of Appeals Case No.: 19-481-SPH

**CAUTION:** This message from [micah@stewardmail.com](mailto:micah@stewardmail.com) originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good Morning Tammy,

And thank you for such a quick response. Yes, I am representing Mr. Chavez (copied on this email thread) and you have my authority to proceed.

In what time frame can we expect to get the copy? I just want to keep track of when we might need to follow up (if necessary).

Thanks again,  
Micah

## Get Outlook for iOS

---

**From:** Appeals Board <appealsboard@baltimorecountymd.gov>  
**Sent:** Tuesday, December 22, 2020 7:43:16 AM  
**To:** Micah Wainwright <micah@stewardmail.com>  
**Subject:** RE: Board of Appeals Case No.: 19-481-SPH

Good Morning,

Thank you for your e-mail. I assume you are representing Mr. Chavez in his appeal of the Board's decision.

If we have your authority to order the transcript, we will send the recording to one of our qualified typists. We will provide her with the due date and your contact information, and will provide you with her information. She will provide the original transcript to the Board upon completion, and will provide you with a copy.

Please let us know if we have your authority to order the transcript, and let us know if you have any questions.

Sincerely,

**Tammy A. Zahner, Legal Secretary**  
**Board of Appeals for Baltimore County**  
**The Jefferson Building, Suite 203**  
**105 W. Chesapeake Avenue**  
**Towson, Maryland 21204**  
***tzahner@baltimorecountymd.gov***  
**(410) 887-3180**  
**(410) 887-3182 Fax**

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---

**From:** Micah Wainwright <micah@stewardmail.com>  
**Sent:** Monday, December 21, 2020 5:03 PM  
**To:** Appeals Board <appealsboard@baltimorecountymd.gov>  
**Cc:** sequoiafowlkes@aol.com; Chavez Enterprises <enterpriseschavez@gmail.com>  
**Subject:** Board of Appeals Case No.: 19-481-SPH

|                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Good Afternoon,

We are in receipt of the notice regarding ordering a recording of the hearing for the purpose of transcribing. We would like to understand the process for ordering the transcript and are open to guidance in obtaining a qualified transcriptionist.

Per the notice, we need to have this transcript to the Board of Appeals no later than January 29, 2021.

We patiently await your response. Thank you!

Good Success,

**Micah C. Wainwright, MST**

Managing Partner

5-A Gwynns Mills Court

Owings Mills, MD 21117

Phone: (410) 327-9032

Fax: 1-844-578-3927



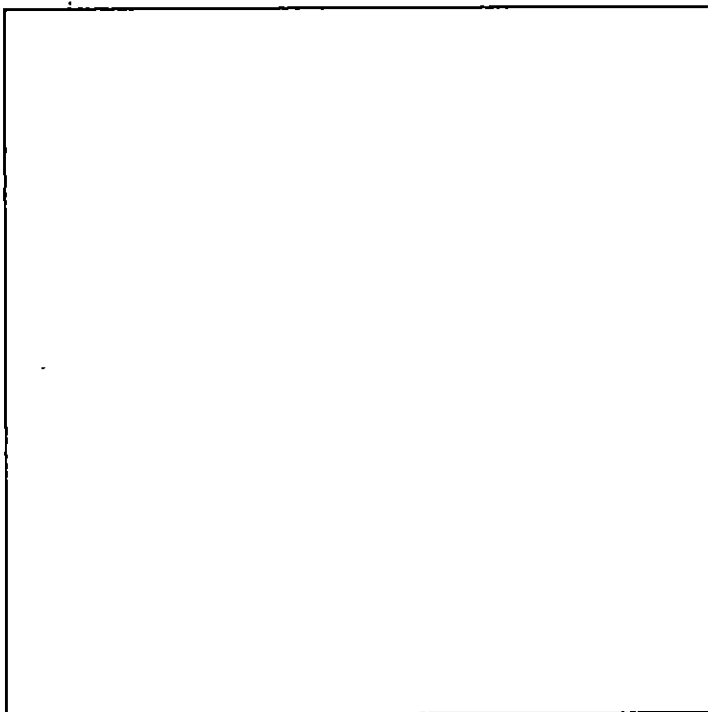
[Web Site](#)



[Uncle Sam's Wife Tells All](#)



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[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)

## Case Information

C-03-CV-20-004314 | In the Matter of Nicholas Chavez, Jr.

|                   |                         |             |
|-------------------|-------------------------|-------------|
| Case Number       | Court                   |             |
| C-03-CV-20-004314 | Baltimore County        |             |
|                   | Circuit Court           |             |
| File Date         | Case Type               | Case Status |
| 12/03/2020        | Appeal - Administrative | Closed      |
|                   | Agency                  |             |

## Party

Petitioner  
Chavez, Nicholas, Jr.

Administrative Agency  
Baltimore County Board Of Appeals

## Events and Hearings

12/03/2020 Complaint / Petition ▼

Complaint / Petition



12/10/2020 Certificate of Compliance ▼

Certificate of Service

12/30/2020 Returned Paper Filing Status Notice - MDEC Action ▼

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

01/06/2021 Returned Paper Filing Status Notice - MDEC Action ▼

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

01/08/2021 Returned Paper Filing Status Notice - MDEC Action ▼

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

01/15/2021 Returned Paper Filing Status Notice - MDEC Action ▼

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

02/03/2021 Transcript and Record ▼

Transcript and Record

02/03/2021 Transcript and Record ▼

Transcript and Record

02/03/2021 Transcript and Record ▼

Transcript and Record

02/03/2021 Transcript and Record ▼

Transcript and Record

02/03/2021 Transcript and Record ▼

Transcript and Record

02/03/2021 Administrative Agency Record Received

02/03/2021 Notice of Record Issued ▼

CC-CV-013 NOTICE OF RECORD RECEIVED (Md. Rule 7-206(f))



05/28/2021 Memorandum

Memorandum

07/01/2021 Hearing - Administrative Appeal ▼

Original Type

Hearing - Administrative Appeal

BACC-V-021 EXPEDITED APPEAL - ADMINISTRATIVE AGENCY  
DECISIONS

BACC-V-021 EXPEDITED APPEAL - ADMINISTRATIVE AGENCY  
DECISIONS

Judicial Officer

Truffer, Keith R.

Hearing Time

9:00 AM

Result

Concluded / Held

07/01/2021 Hearing Sheet ▼

Hearing Sheet

Judicial

Officer

Truffer, Keith

R.

07/01/2021 Order ▼

ORDER of Remand

Judicial

Officer

Truffer, Keith

R.

07/02/2021 Miscellaneous Document

**Documents**

Complaint / Petition

Certificate of Service

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

MDJ-006 REJECTED AND RETURNED PAPER FILING STATUS NOTICE  
- MDEC ACTION

Transcript and Record

Transcript and Record

Transcript and Record

Transcript and Record

Transcript and Record

CC-CV-013 NOTICE OF RECORD RECEIVED (Md. Rule 7-206(f))

BACC-V-021 EXPEDITED APPEAL - ADMINISTRATIVE AGENCY  
DECISIONS

BACC-V-021 EXPEDITED APPEAL - ADMINISTRATIVE AGENCY  
DECISIONS

Memorandum

ORDER of Remand

Hearing Sheet

Document - Trial

9/14/2021

Mr. Chavez

443-657-3311

- Calling to get the status of  
his case. It was  
remanded to the Board.

9/17- Not sure I realized this  
was remanded. Can I please  
have this file?





**CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND**  
401 Bosley Avenue, P.O. Box 6754  
Towson, MD 21285-6754  
Main: 410-887-2601 Fax: 410-887-3062

**Case Number:** C-03-CV-20-004314  
**Other Reference Numbers:**

**IN THE MATTER OF NICHOLAS CHAVEZ, JR.**

**ORDER**

On July 1, 2021, the court heard argument on the Petitioner's request for judicial review of the November 4, 2020 Decision of the Baltimore County Board of Appeals denying Petitioner's request for a variance to permit the operation of an assisted living facility at 2100 Northland Road, within 1000 feet of another existing assisted living facility located at 2010 Northland Road.

Pursuant to MD. RULE 7-209, and for the reasons stated on the record at the conclusion of the hearing, the court remands this matter to the Baltimore County Board of Appeals for a determination as to whether the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as "an existing assisted-living facility I or II" within the meaning of *Baltimore County Zoning Regulations* §432.A.1.A(3).

It is so ORDERED.

July 1, 2021  
Date

  
Judge Keith R. Truffer

Entered: Clerk, Circuit Court for  
Baltimore County, MD  
July 1, 2021



**CIRCUIT COURT FOR BALTIMORE COUNTY,  
MARYLAND**

401 Bosley Avenue, P.O. Box 6754  
Towson, MD 21285-6754

Main: 410-887-2601  
Fax: 410-887-3062

**To:** BALTIMORE COUNTY BOARD OF APPEALS  
105 WEST CHESAPEAKE AVENUE  
TOWSON MD 21204



**Case Number:** C-03-CV-20-004314  
**Other Reference Number(s):**

**IN THE MATTER OF NICHOLAS CHAVEZ, JR.**

Date: 4/30/2021

**EXPEDITED APPEAL – ADMINISTRATIVE AGENCY DECISIONS**

The above case has been assigned to the **EXPEDITED APPEAL TRACK**. Should you have any questions concerning this Scheduling Order, please contact the DCM Office at (410) 887-3233 or Civil Assignment at (410) 887-2660. **You must notify the Civil Assignment Office in writing (fax number: 410-887-3234) within 15 days of receipt of this order as to any conflicts with the following dates:**

**SCHEDULING ORDER**

- |                                            |            |
|--------------------------------------------|------------|
| 1. Petitioner's Memorandum is due by.....  | 05/31/21   |
| 2. Hearing is.....                         | 07/01/2021 |
| Start Time: :07/01/2021 09:00 AM; Hon.TBA; |            |

**NOTICE TO ALL PARTIES:** The Respondent's Memorandum is due 30 days after the Petitioner's Memorandum is filed. The Petitioner's Reply is due 15 days after the Respondent's Memorandum is filed. Please see Maryland Rule 7-207 for more information.

4/30/2021

Date

Ruth Ann Jakubowski  
Administrative Judge

**Postponement Policy:** No postponement of dates under this Order will be approved, except for undue hardship or emergency situations. All requests for postponement must be submitted in writing, with a copy to all parties/attorneys involved. The Administrative Judge must approve all requests for postponement.

**Settlement Conference (Room 507):** All parties, attorneys, and corroborating witnesses **MUST** attend the Settlement Conference in person. Failure to attend may result in sanctions by the Court. (Call (410) 887-2920 for more information.)

**Voluntary Dismissal:** Per Md. Rule 2-506, after an answer or Motion for Summary Judgment is filed, a plaintiff may dismiss an action without leave of Court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

**Special Assistance Needs:** If you need of an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410) 887-2660, or use the Court's TDD line, (410) 887-3081, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

**Court Costs:** All court costs **MUST** be paid on the date of Settlement Conference or Trial.

cc: Nicholas Chavez, Jr.





## Board of Appeals of Baltimore County

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

February 3, 2021

Micah C. Wainwright, MST  
Good Steward Accounting & Tax  
5-A Gwynns Mills Court  
Owings Mills, Maryland 21117

RE: Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A

Dear Mr. Wainwright:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

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

Sincerely,

A handwritten signature in cursive script, reading "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

### Enclosure

c: Tony Kinsler  
Nicholas Chavez, Jr.  
Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Jocelyn Gillis  
Adam Allen  
Elizabeth Goldsby  
James Sheetz  
Renae Mayfield

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF:  
NICHOLAS CHAVEZ, JR.

FOR JUDICIAL REVIEW OF THE OPINION OF  
THE BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204

CIVIL ACTION  
NO.: C-03-CV-20-004314

IN THE MATTER OF:  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER  
Petitioners for Variance on the Property  
located at 2100 Northland Road

1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 19-481-A

\* \* \* \* \*

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

**TO THE HONORABLE, THE JUDGE OF SAID COURT:**

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
OF BALTIMORE COUNTY**

September 30, 2019 Petition for Variance filed by Tony Kinsler – Legal Owner, and Nicholas Chavez, Jr. – Contract Purchaser pursuant to Section 432.A.1.A.(3) of the

In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
 Board of Appeals Case No.: 19-481-A  
 Circuit Court Civil Action No.: C-03-CV-20-004314

Baltimore County Zoning Regulations to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an Assisted Living Facility.

October 9, 2019 Entry of Appearance filed by People’s Counsel for Baltimore County.

October 30, 2019 Notice of Zoning Hearing

November 15, 2019 Certificate of Posting

November 15, 2019 Certificate of Publication in newspaper.

November 25, 2019 ZAC Comments

November 30, 2019 Certificate of Posting

December 5, 2019 Administrative Law Judge convened for a hearing.

December 10, 2019 Opinion and Order issued by the Administrative Law Judge wherein the Petition for Variance pursuant to Section 432.A.1.A.(3) of the Baltimore County Zoning Regulations to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an ALF was DENIED.

December 23, 2019 Notice of Appeal filed by Nicholas Chavez, Jr.

December 24, 2019 Appeal received by the Board.

January 17, 2020 Notice of Assignment issued by the Board.

March 12, 2020 Board convened for a Hearing.

*Exhibits submitted at Hearing before the Board of Appeals:*

Petitioners’ Exhibit No.

1A-1B – Expense Report and Bank Statements

Protestants’ Exhibit No.

1A-1F – Photos from witness Jocelyn Gillis

2A-2B – Concentration of Assisted Living Facilities in Baltimore County, Maryland

2C – Baltimore Sun article on concentration of group homes

IDENTIFICATION ONLY



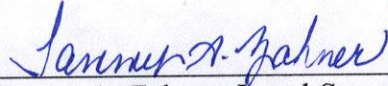
In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
 Board of Appeals Case No.: 19-481-A  
 Circuit Court Civil Action No.: C-03-CV-20-004314

3A-3C – Photos from witness Renae Mayfield re: 2110 Northland  
 4A-4D – Letters from 2100 Northland neighbors

|                   |                                                                                                                                                                                                                                                                            |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| July 7, 2020      | Board convened for Public Deliberation.                                                                                                                                                                                                                                    |
| November 4, 2020  | Opinion and Order issued by the Board wherein the Request for Variance pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility was DENIED. |
| December 2, 2020  | Petition for Judicial Review filed in the Circuit Court for Baltimore County by Nicholas Chavez, Jr., Petitioner.                                                                                                                                                          |
| December 7, 2020  | Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.                                                                                                                                                         |
| December 10, 2020 | Certificate of Compliance sent to all parties and interested persons.                                                                                                                                                                                                      |
| December 28, 2020 | Protestants' Response to Petition for Judicial Review received by the Board via certified mail.                                                                                                                                                                            |
| December 29, 2020 | Letter to Clerk of the Circuit Court for Baltimore County from the Board forwarding the Response to Petition for Judicial Review received by the Board from the Protestants in error.                                                                                      |
| January 4, 2021   | Protestants' Response to Petition for Judicial Review received by the Board via certified mail.                                                                                                                                                                            |
| January 5, 2021   | Letter to Clerk of the Circuit Court for Baltimore County from the Board forwarding the Response to Petition for Judicial Review received by the Board from the Protestants in error.                                                                                      |
| January 5, 2021   | Letter to Protestants from Board advising all correspondence, responses, petitions, etc. must be filed with the Circuit Court for Baltimore County as the Board no longer has jurisdiction.                                                                                |
| February 3, 2021  | Transcript of testimony filed.                                                                                                                                                                                                                                             |
| February 3, 2021  | Record of Proceedings filed in the Circuit Court for Baltimore County.                                                                                                                                                                                                     |

In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A  
Circuit Court Civil Action No.: C-03-CV-20-004314

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



---

Tammy A. Zahner, Legal Secretary  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3180  
[appealsboard@baltimorecountymd.gov](mailto:appealsboard@baltimorecountymd.gov)



In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A  
Circuit Court Civil Action No.: C-03-CV-20-004314

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of February, 2021 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, MD 21207

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, MD 21207

Micah C. Wainwright, MST  
Good Steward Accounting & Tax  
5-A Gwynns Mills Court  
Owings Mills, MD 21117

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

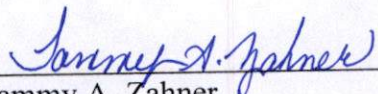
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

James Sheetz  
2101 Northland Road  
Baltimore, MD 21207

Renae Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

  
\_\_\_\_\_  
Tammy A. Zahner





## Board of Appeals of Baltimore County

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

January 5, 2021

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheetz  
2101 Northland Road  
Baltimore, MD 21207

Renae Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Circuit Court Civil Action No.: C-03-CV-20-004314  
Board of Appeals Case No.: 19-481-SPH

Dear Protestants:

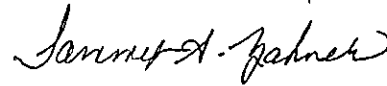
As you are aware, the above-referenced case has been appealed to the Circuit Court for Baltimore County. Accordingly, all correspondence, responses, petitions, etc. are to be filed directly with the Circuit Court for Baltimore County at:

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204  
(410) 887-2601

In the matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Circuit Court Civil Action No.: C-03-CV-20-004314  
Board of Appeals Case No.: 19-481-SPH  
Page 2

The Board of Appeals no longer has jurisdiction over this matter. I have forwarded your responses to the Circuit Court for appropriate action.

Sincerely,



Tammy A. Zahner  
Legal Secretary

Multiple Original Cover Letters  
taz  
Enclosure

c: Micah C. Wainwright, MST  
Tony Kinsler  
Nicholas Chavez, Jr.



## Board of Appeals of Baltimore County

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

January 5, 2021

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: C-03-CV-20-004314

Dear Sir/Madam Clerk:

Enclosed please find Responses to the Petition for Judicial Review in the above-referenced matter. These responses were addressed to our agency, in error. We are forwarding to you for the appropriate action.

Thanking you in advance for your prompt attention.

Sincerely,

A handwritten signature in cursive script that reads "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

taz  
Enclosure

c: Micah C. Wainwright, MST (with enclosures)  
Tony Kinsler (with enclosures)  
Nicholas Chavez, Jr. (with enclosures)  
Charles and Debbie Neet  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Kim Alexander  
Jocelyn Gillis  
James Sheets  
Rena Mayfield



From: Community Member residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

Being a community member of Baltimore County Maryland, living in the 21207 zip code area and who was a party to the agency proceedings in the above matter is submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Rena Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

Sincerely,  
21207 Community Member

A handwritten signature in cursive script, appearing to read "Rena Mayfield", is written over a horizontal line.

From: Community Members residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract  
Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

We the below community members of Baltimore County Maryland, living in the 21207 zip code area and who were parties to the agency proceedings in the above matter are submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

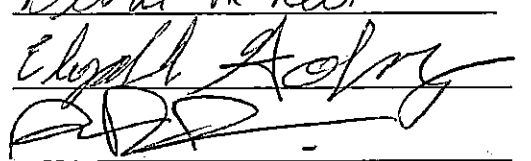
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

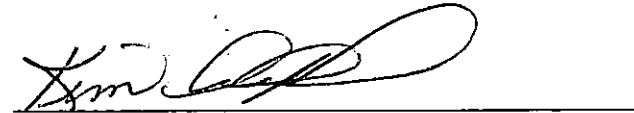
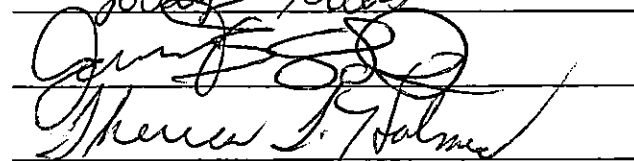
Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

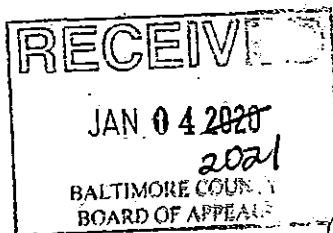
James Sheets  
2101 Northland Road  
Baltimore, MD 21207

Sincerely,  
21207 Community Members

  
Debbie M. Neet  
Elizabeth Goldsby  


  
Jocelyn Gillis  
  
Theresa I. Holmes

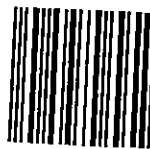
21207 Community Members  
2106 Northland Rd  
Baltimore, MD 21207



Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building, 2nd Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204



1000



21204

U.S. POSTAGE PAID  
FCM LETTER  
WINDSOR MILL, MD  
21244  
DEC 23, 20  
AMOUNT

**\$6.95**

R2304M112925-9







## Board of Appeals of Baltimore County

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

December 29, 2020

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: C-03-CV-20-004314

Dear Sir or Madam:

Enclosed please find a Response to the Petition for Judicial Review in the above-referenced matter. This response was addressed to our agency, in error. We are forwarding the response to you for the appropriate action.

Thanking you in advance for your prompt attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

taz  
Enclosure

c: Micah C. Wainwright, MST (with enclosure)  
Tony Kinsler (with enclosure)  
Nicholas Chavez, Jr. (with enclosure)  
Charles and Debbie Neet  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Kim Alexander  
Jocelyn Gillis  
James Sheets

From: Community Members residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

We the below community members of Baltimore County Maryland, living in the 21207 zip code area and who were parties to the agency proceedings in the above matter are submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

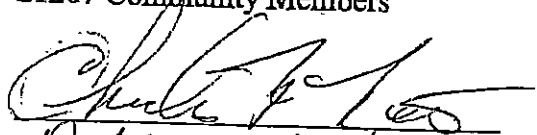
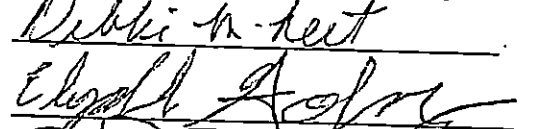
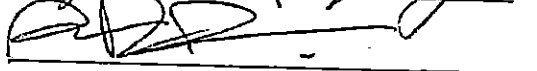
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

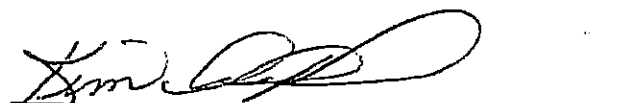
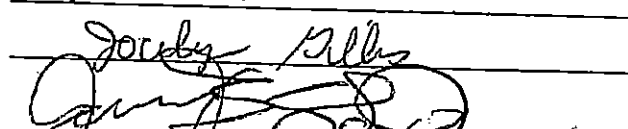
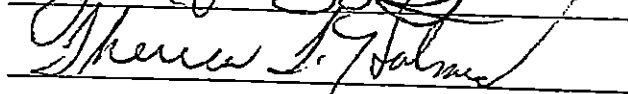
Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheets  
2101 Northland Road  
Baltimore, MD 21207

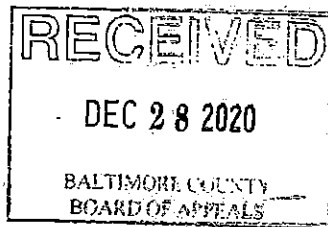
Sincerely,  
21207 Community Members

  
Debbie Neet  
  


  
Jocelyn Gillis  
  


21207 Community Members  
2106 Northland Rd  
Baltimore, MD 21207

BALTIMORE MD 212  
23 DEC 2020 PM 6-L



Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building, 2<sup>nd</sup> Floor, Suite 203  
105 West Chesapeake Ave  
Towson, MD 21204  
21204-471153

This case is on appeal to the Circuit Court for Baltimore County. All future correspondence should be directed to:

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, MD 21204  
(410) 887-2601

The Board of Appeals no longer has jurisdiction over this matter.

From: Community Members residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract  
Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

We the below community members of Baltimore County Maryland, living in the 21207 zip code area and who were parties to the agency proceedings in the above matter are submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

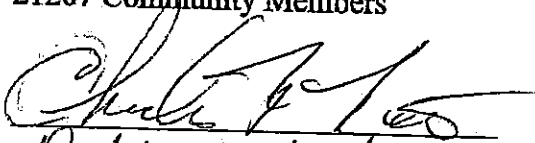
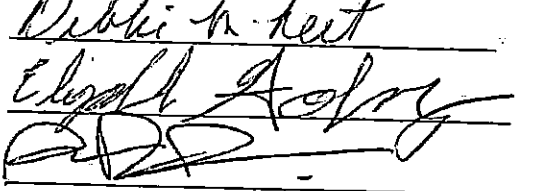
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

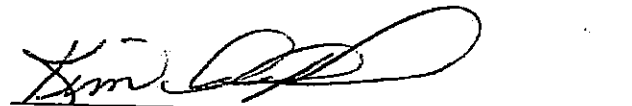
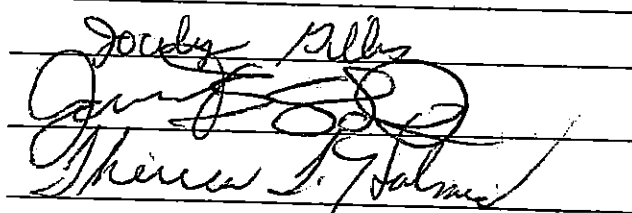
Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheets  
2101 Northland Road  
Baltimore, MD 21207

Sincerely,  
21207 Community Members

  
Debbie Neet  
Elizabeth Goldsby  


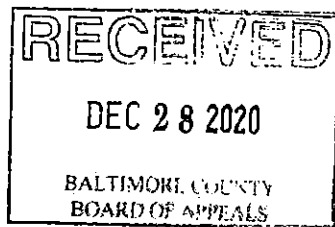
  
Jocelyn Gillis  
  
Theresa Holmes



21207 Community Members  
2106 Northland Rd  
Baltimore, MD 21207

BALTIMORE MD 212

23 DEC 2020 PM 6-L



Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building, 2<sup>nd</sup> Floor, Suite 203  
105 West Chesapeake Ave  
Towson, MD 21204  
21204-471153

This case is on appeal to the Circuit Court for Baltimore County. All future correspondence should be directed to:

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, MD 21204  
(410) 887-2601

The Board of Appeals no longer has jurisdiction over this matter.

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF:  
NICHOLAS CHAVEZ, JR.

FOR JUDICIAL REVIEW OF THE OPINION OF  
THE BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204

IN THE MATTER OF:  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER  
Petitioners for Variance on the Property  
located at 2100 Northland Road

12<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 19-481-SPH

\* \* \* \* \*

**CERTIFICATE OF COMPLIANCE**

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, MD 21207

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, MD 21207

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr., Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH  
Circuit Court Civil Action No.: C-03-CV-20-004314

2

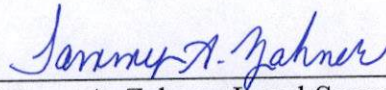
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

**I HEREBY CERTIFY** that on this 10<sup>th</sup> day of December, 2020, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.



---

Tammy A. Zahner, Legal Secretary  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3180  
[appealsboard@baltimorecountymd.gov](mailto:appealsboard@baltimorecountymd.gov)



## Board of Appeals of Baltimore County

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

December 10, 2020

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, Maryland 21207

RE: Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Messrs. Chavez and Kinsler:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Nicholas Chavez, Jr., in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on December 7, 2020. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Nicholas Chavez, Jr., having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

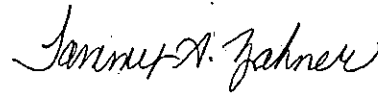
Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.



**Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than JANUARY 29, 2021 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.**

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner  
Legal Secretary

Duplicate Original Cover Letter  
Enclosure

c: Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis



**IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MD**  
**401 Bosley Avenue, Towson, MD 21204**

PETITION OF Nicholas Chavez, Jr.  
(Name of person appealing agency decision.)  
2100 Northland Road  
Gwynn Oak, MD 21207  
(Address of person appealing agency decision.)

Circuit Court  
Case #:  
C-03-CV-20-4314

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
Board of Appeals of Baltimore County  
(Name and address of the agency making the decision.)

IN THE CASE OF Nicholas Chavez  
(Name of person appealing agency decision.)

v.

Board of Appeals of Baltimore County  
(Name of the agency.)

AGENCY CASE # 19-481-A  
(Agency's Case Number.)

**PETITION FOR JUDICIAL REVIEW**

PETITIONER Nicholas Chavez, Jr., pursuant to Maryland Rule  
§7-202, hereby requests judicial review the decision rendered on November 4, 2020  
(Date Agency Decision was made.)  
by Board members: Andrew Belt; Joseph Evans, and William McComas  
(Name and appeal department of Administrative Judge who made the final decision.)

on behalf of Board of Appeals of Baltimore County in the above captioned matter. Petitioner  
(Decision making Agency)  
was a party to the agency's proceedings

(Signature of petitioner)

Nicholas Chavez, Jr.  
(Petitioner's Name)  
2100 Northland Road  
Gwynn Oak, MD 21207  
(Petitioner's Address)  
667-444-1717  
(Petitioner's Telephone Number)

**FILED DEC 02 2020**



**CIRCUIT COURT FOR BALTIMORE COUNTY,  
MARYLAND**

401 Bosley Avenue, P.O. Box 6754  
Towson, MD 21285-6754

Main: 410-887-2601  
Fax: 410-887-3062



**To:** BALTIMORE COUNTY BOARD OF APPEALS  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MD 21204

**Case Number:**  
**Other Reference Number(s):**

**C-03-CV-20-004314**

**IN THE MATTER OF NICHOLAS CHAVEZ, JR.**

IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER AND  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
12<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 19-481-A

\* \* \* \* \*

### OPINION

This matter comes before the Baltimore County Board of Appeals as de novo appeal from a December 10, 2019 decision from the Administrative Law Judge denying a Petition for Variance filed by Petitioners Tony Kinsler, Legal Owner and Nichols Chavez, Jr., Contract Purchaser of the subject property. The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an ALF. A hearing was held before this Board in March 12, 2020 with Nichols Chavez, Jr. and Michael Wainwright appearing on behalf of Petitioner’s, *pro se* and numerous community members appearing as Protestants, with Adam Allen, sitting at the trial table, *pro se*. A public deliberation was held on July 7, 2020.

Petitioner, Nichols Chavez and his business partner, Michael Wainwright testified in support of his petition, explaining that they intended to operate an Assisted Living Facility (ALF) for elderly citizens at the subject property. Mr. Wainwright explained that he had prior experience with ALF’s in the past and expressed his intention for the ALF at issue to serve senior citizens, rather than mentally disabled persons who were being served at the ALF already on the subject street. Mr. Wainwright explained his belief that they would be providing a service to the community that allows elderly persons to stay in a residential setting. He further explained that



the number of residents at the proposed facility would be extremely limited due to the four bedroom size of the home and other State regulations. Mr. Wainwright also testified that these residents would not generate additional traffic in that they would not have their own vehicles at the facility.

Protestants, local community members Adam Allen, Charles Neet, and Jocelyn Gillis provided photographs of the subject property and the street on which it is located. Mr. Allen and Ms. Gillis explained that there is already an ALF within 1000 ft. of the subject property and many more throughout the community. The Protestants testified as to their concerns regarding parking, traffic and congestion as well as the accessibility of emergency vehicles on an already narrow street. Finally, they testified as to their concerns that the clustering of such facilities in their community may have a detrimental effect on property values.

The subject property is 8,296 square feet in size and is zoned DR 5.5. While the Board finds that Mr. Chavez and Mr. Wainwright possess the best of intentions in planning to operate a quality ALF at the subject property, this Board must evaluate the Petitioner's request for variance relief through the tenets of the court's opinion *Cromwell v. Ward* which requires the following:

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

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

In the matter of: Tony Kinsler –Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No: 19-481-A

Although the Petitioners appeared pro se, the Board questioned the Petitioners as to how their property was unique in keeping with *Cromwell*. Other than expressing the “unique” quality of care they intended to provide in a “unique,” retreat-like setting, the Petitioners were unable to articulate any geographical features which might apply in the *Cromwell* analysis. The testimony and photographic evidence provided by the Protestants illustrated that the subject property is not unique from other houses on the street. While this Board finds that the Petitioners were convincing in expressing their desire to start a quality ALF, their request for variance relief falls short in satisfying the *Cromwell* requirements.

THEREFORE the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an ALF, is DENIED.

**ORDER**

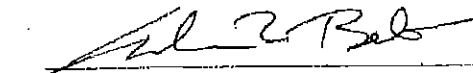
Therefore, it is this 4th day of November, 2020 by the Board of Appeals of Baltimore County

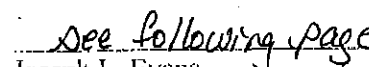
**ORDERED** the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an Assisted Living Facility, is **DENIED.**

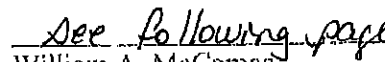
In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew M. Belt, Panel Chair

  
\_\_\_\_\_  
Joseph L. Evans

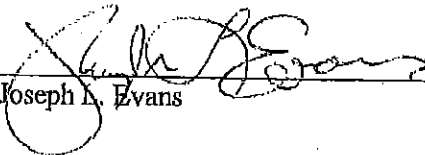
  
\_\_\_\_\_  
William A. McComas

In the matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

  
Joseph A. Evans

see following page  
William A. McComas



In the matter of: Tony Kinsler - Loyal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

see previous page  
Joseph L. Evans

William A. McComas  
William A. McComas



## Board of Appeals of Baltimore County

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

November 4, 2020

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

### Enclosure

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

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis

**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser

19-481-A

**DATE:** July 7, 2020

**BOARD/PANEL:** Andrew M. Belt, Panel Chair  
William A. McComas  
Joseph L. Evans

**RECORDED BY:** Tammy A. Zahner, Legal Secretary

**PURPOSE:** To deliberate the following:

1. Petition for Variance pursuant to BCZR § 432.A.1.A.(3) to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.
2. Is the property unique pursuant to the conditions set forth in *Cromwell v. Ward*, and if it is, will failure to grant the Variance present a practical difficulty or undue hardship?

**PANEL MEMBERS DISCUSSED THE FOLLOWING:**

**DISCUSSION**

- The Board held a full evidentiary hearing, with both the Petitioner and community Protestants appearing *pro se*.
- The Board heard testimony from the Petitioner about its plan to operate an Assisted Living Facility to be located in a residential house on a residential street.
- The Protestants testified there is another Assisted Living Facility already located on the street, and there are several in the neighborhood. They are concerned about increased traffic.
- The Board noted that BCZR § 432.A.1.A.(3) does not permit an Assisted Living Facility to be located within 1,000 ft. of another Assisted Living Facility. The statutory interpretation of this law is to prevent the clustering of facilities.
- The Board discussed the uniqueness requirement of *Cromwell*. Petitioner testified more to the uniqueness of the proposed use, not to the uniqueness of the property. The community testified that the property is similar to others in the neighborhood. The Board found no evidence in the record to demonstrate uniqueness.
- The Board briefly discussed the practical difficulty or undue hardship standard of *Cromwell*. Although they do not need to make a finding of hardship, it was noted any hardship was self-imposed.

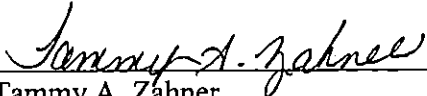
**CONCLUSION:** After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance.

In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: 19-481-A  
Minutes of Deliberation

2

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

Respectfully Submitted,

  
\_\_\_\_\_  
Tammy A. Zahner





## Board of Appeals of Baltimore County

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

June 4, 2020

### **NOTICE OF DELIBERATION**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
19-481-A 2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

*This matter having been heard and concluded on March 12, 2020, a public deliberation has been*

**ASSIGNED FOR: JULY 7, 2020, AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html).**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

c. Legal Owner  
Contract Purchaser

: Tony Kinsler  
: Nicholas Chavez, Jr.

Protestants

: Charles and Debbie Neet, Kim Alexander, Theresa Holmes, Adam Allen, Elizabeth Goldsby, Jocelyn Gillis

Office of People's Counsel  
C. Pete Gutwald, Director/Department of Planning  
James R. Benjamin, Jr., County Attorney

Paul M. Mayhew, Managing Administrative Law Judge  
Michael D. Mallinoff, Director/PAI  
Nancy C. West, Assistant County Attorney

## Board of Appeals

## Exhibit List

Case No.: 19-481-A Case Name: Tony Kinoler

Party: Petitioner(s) Date: 3/12/20

[illegible]

# Board of Appeals

## Exhibit List

Case No.: 19-481-A

Case Name: Tony Kinsler

Party: Protestant(s)

Date: 3/12/20

| Exhibit No.            | Description                                                     | ID Only                |
|------------------------|-----------------------------------------------------------------|------------------------|
| ✓ 1A-1F                | Photos from Witness Jocelyn Gillis                              |                        |
| ✓ 2A-2B                | Concentration of Assisted Living Facilities in Baltimore Co. MD |                        |
| ✓ ID only 2C           | Baltimore Sun article on concentration of facilities            | ✓                      |
| ✓ 3A-3C                | Photos from Witness Renae Mayfield re: 2110 Northland           |                        |
| ✓ ID 4A-4D             | Letters from <sup>2100</sup> Northland neighbors                | ✓                      |
|                        |                                                                 |                        |
|                        |                                                                 |                        |
|                        |                                                                 |                        |
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|                        |                                                                 |                        |
|                        |                                                                 |                        |
|                        |                                                                 |                        |
|                        |                                                                 |                        |
| VERIFIED BY: <u>KC</u> |                                                                 | DATE: <u>3/13/2020</u> |



## Business Advantage

P.O. Box 15284  
Wilmington, DE 19850

### Customer service information

☎ 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

✉ Bank of America, N.A.  
P.O. Box 25118  
Tampa, FL 33622-5118

JUST LIKE HOME ASSISTED LIVING, INC  
8303 LIBERTY RD  
WINDSOR MILL, MD 21244-3125

## Your Business Investment Account

for January 1, 2020 to January 31, 2020

Account number: 4460 4257 4019

**JUST LIKE HOME ASSISTED LIVING, INC**

### Account summary

|                                           |                   |
|-------------------------------------------|-------------------|
| Beginning balance on January 1, 2020      | \$5,439.13        |
| Deposits and other credits                | 0.06              |
| Withdrawals and other debits              | -2,350.00         |
| Service fees                              | -0.00             |
| <b>Ending balance on January 31, 2020</b> | <b>\$3,089.19</b> |

# of deposits/credits: 1

# of withdrawals/debits: 2

# of days in cycle: 31

Average ledger balance: \$3,418.16

Average collected balance: \$3,418.16

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$0.06.



#### BANK OF AMERICA BUSINESS ADVANTAGE

### Dreading the shredding?

Go paperless — you'll have security without the hassle of storing and shredding old statements. View your statements online any time.

You can enroll today by logging in to Online Banking at **bankofamerica.com/SmallBusiness** and clicking on **Profiles & Settings** (in the upper right, next to Sign Out).

ARWY4MJB | SSM-04-19-0138.0



## Deposits and other credits

| Date                             | Description     | Amount |
|----------------------------------|-----------------|--------|
| 01/31/20                         | Interest Earned | 0.06   |
| Total deposits and other credits |                 | \$0.06 |

## Withdrawals and other debits

| Date                               | Description                                                  | Amount      |
|------------------------------------|--------------------------------------------------------------|-------------|
| 01/03/20                           | Online Banking transfer to CHK 6620 Confirmation# 5108518343 | -1,850.00   |
| 01/14/20                           | Online Banking transfer to CHK 6620 Confirmation# 3397877306 | -500.00     |
| Total withdrawals and other debits |                                                              | -\$2,350.00 |

## Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 01/01 | 5,439.13     | 01/14 | 3,089.13     | 01/31 | 3,089.19     |
| 01/03 | 3,589.13     |       |              |       |              |



## Bank of America Business Advantage

## Guaranteed next-day or 3-day delivery of direct bank-to-bank transfers

Pay individuals, vendors and suppliers who bank at other financial institutions — right from Online Banking. Just log in and click the **Transfers | Send** tab, then select **Send Money to Someone or a Business**.

Fees apply to wires and certain transfers. See the Online Banking Service Agreement at [bankofamerica.com/serviceagreement](http://bankofamerica.com/serviceagreement) for details. Data connection required for online and mobile transfers. Wireless carrier fees may apply.

ARFXPB7J | SSM-02-19-0704.8

**Project Expense Report**  
**2100 Northland Road**  
**(Assisted Living Facility Investment)**

**Budget Burn Rate As of January 20, 2020**

|                                             |                  |
|---------------------------------------------|------------------|
| Initial Investment                          | 56,606.12        |
| Additional Investment for Sprinkler Balance | 5,000.00         |
| <b>Total Investment</b>                     | <b>61,606.12</b> |
| Costs To Date                               | 58,471.89        |
| <b>Cash On Hand</b>                         | <b>3,134.23</b>  |

**Expenses**

|                             |                  |
|-----------------------------|------------------|
| License Fee to JLH          | 13,000.00        |
| Rent                        | 20,350.00        |
| Security Deposit            | 1,850.00         |
| Utilities                   | 3,150.00         |
| Lawn Care                   | 160.00           |
| Furniture                   | 10,322.89        |
| Hearing Fee (for Zoning)    | 500.00           |
| Signage for Hearing         | 139.00           |
| Down Payment for Sprinklers | 9,000.00         |
| <b>Total Expenses</b>       | <b>58,471.89</b> |

**Petitioner**  
**CBA Exhibit**

1A



P.O. Box 15284  
Wilmington, DE 19850

JUST LIKE HOME ASSISTED LIVING, INC  
8303 LIBERTY RD  
WINDSOR MILL, MD 21244-3125

## Business Advantage

### Customer service information

☎ 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

✉ Bank of America, N.A.  
P.O. Box 25118  
Tampa, FL 33622-5118

## Your Business Investment Account

for December 1, 2019 to December 31, 2019

Account number: 4460 4257 4019

**JUST LIKE HOME ASSISTED LIVING, INC**

### Account summary

|                                            |                   |
|--------------------------------------------|-------------------|
| Beginning balance on December 1, 2019      | \$7,439.03        |
| Deposits and other credits                 | 0.10              |
| Withdrawals and other debits               | -2,000.00         |
| Service fees                               | -0.00             |
| <b>Ending balance on December 31, 2019</b> | <b>\$5,439.13</b> |

# of deposits/credits: 1

# of withdrawals/debits: 1

# of days in cycle: 31

Average ledger balance: \$6,019.67

Average collected balance: \$6,019.67

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$4.27.

### Bank of America Business Advantage

## What's on your mind?

Business owners like you can join the Bank of America® Advisory Panel to help us understand what you like and don't like. Enter code **SBDD** at [bankofamerica.com/AdvisoryPanel](https://bankofamerica.com/AdvisoryPanel) to learn more and join.

Inclusion on the Advisory Panel subject to qualifications.

SSM-01-19-2128D1 | ARG377KX

## Deposits and other credits

| Date                             | Description     | Amount |
|----------------------------------|-----------------|--------|
| 12/31/19                         | Interest Earned | 0.10   |
| Total deposits and other credits |                 | \$0.10 |

## Withdrawals and other debits

| Date                               | Description                                                  | Amount      |
|------------------------------------|--------------------------------------------------------------|-------------|
| 12/10/19                           | Online Banking transfer to CHK 6620 Confirmation# 1398830821 | -2,000.00   |
| Total withdrawals and other debits |                                                              | -\$2,000.00 |

## Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 12/01 | 7,439.03     | 12/10 | 5,439.03     | 12/31 | 5,439.13     |

Your  
Digital  
TipBank of America **Business Advantage**Sign up for online alerts today<sup>1</sup>

Stay up to date on your balances, and receive alerts when transactions have posted and when your payments are due.

Log in or enroll at [bankofamerica.com/SmallBusiness](https://bankofamerica.com/SmallBusiness) and click on **Alerts** in the Activity Center.

<sup>1</sup>You may elect to receive alerts via text or email. Bank of America does not charge for this service but your mobile carrier's message and data rates may apply. Delivery of alerts may be affected or delayed by your mobile carrier's coverage. You must be enrolled in Online Banking.

ARJ5TCBJ | SSM-02-19-0703.B





## Board of Appeals of Baltimore County

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

January 17, 2020

### **NOTICE OF ASSIGNMENT**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
19-481-A 2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

**ASSIGNED FOR:** **MARCH 12, 2020, AT 10:00 A.M.**

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

#### **NOTICE:**

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

For further information, including our inclement weather policy, please visit our website [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html)

**Krysundra Cannington,  
Administrator**

Notice of Assignment

In the matter of: Tony Kinsler - Legal Owner

Nicholas Chavez, Jr. - Contract Purchaser

Case number: 19-481-A

January 17, 2020

Page 2

c. Legal Owner  
Contract Purchaser

Protestants

: Tony Kinsler  
: Nicholas Chavez, Jr.

: Charles and Debbie Neet, Kim Alexander,  
Theresa Holmes, Adam Allen, Elizabeth Goldsby,  
Jocelyn Gillis

Office of People's Counsel

Paul M. Mayhew, Managing Administrative Law Judge

C. Pete Gutwald, Director/Department of Planning

Michael D. Mallinoff, Director/PAI

James R. Benjamin, Jr., County Attorney

Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
LAWRENCE M. STAHL  
*Administrative Law Judge*

December 24, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

RE: **APPEAL TO BOARD OF APPEALS –**  
Petition for Variance  
Case No. 2019-0481-A  
Property: 2100 Northland Road



Dear Mr. Chavez:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 23, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew".  
PAUL M. MAYHEW

Managing Administrative Law Judge  
for Baltimore County

PMM/sln

c: Baltimore County Board of Appeals  
Peter Max Zimmerman, People's Counsel for Baltimore County

Page 2

2100 Northland Road

Case No.: 2019-0481-A

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207

Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207

Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207

Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207

Jocelyn Gillis, 2102 Northland Road, Baltimore, Maryland 21207



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

No. 174847

Date: 12/23/19

PAID RECEIPT

BUSINESS ACTUAL TIME PMO  
 12/24/2019 12/23/2019 14:25:09 3

REC WSD3 WALKIN CAM  
 >> RECEIPT # 045741 12/23/2019 OFLN

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|--------------|----------|---------|--------|
| 001  | 800  | 000  |          | 10150           |              |          |         | 300.00 |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |

Det. S 528 ZONING VERIFICATION  
 CR NO. 174847

Recpt Tot \$ 300.00  
 300.00 CK .00 CA  
 Baltimore County, Maryland

Total: 300.00

Rec From: Nicholas Chavez Jr

For: 2019-0481-A  
2100 Northland Rd  
CH# 1094

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

## **APPEAL**

**Petition for Variance  
(2100 Northland Road)  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Tony Kinsler  
Contract Purchaser: Nicholas Chavez, Jr.  
Case No. 2019-0481-A**

Petition for Variance (September 30, 2019)

Zoning Description of Property

Certificate of Posting – November 15, 2019 (Richard Hoffman)

Newspaper Advertisement – (The Daily Record) – November 15, 2019

Notice of Zoning Hearing – October 30, 2019

People's Counsel Entry of Appearance – October 9, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Site Plan
2. Plat of Subdivision

Protestant(s) Exhibits-

1. Letter of Protest
2. Letter of Protest
3. Letter of Protest
4. Map showing density of ALF's
5. Photos of Emergency Equipment

Miscellaneous (Not Marked as Exhibits)- SDAT-Real Property Search

Administrative Law Judge Order and Letter (Denied- December 10, 2019)

Appeal from Mr. Nicholas Chavez, Jr. December 23, 2019



**IN RE: PETITION FOR VARIANCE**

(2100 Northland Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Tony Kinsler

*Legal Owner*

Nicholas Chavez, Jr.

*Contract Purchaser*

Petitioners

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0481-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Tony Kinsler, legal owner, and Nicholas Chavez, Jr., contract purchaser of the subject property ("Petitioners"). The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF. A site plan was marked as Petitioners' Exhibit 1.

Petitioner, Nicholas Chavez appeared in support of the petition. There were numerous Protestants in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP").

The Petitioner explained at length his desire to operate an Assisted Living Facility (ALF) for elderly persons at this location. He testified that he has signed a three year lease with an option to purchase the property. The Protestants voiced opposition to the proposed ALF for a variety of reasons. First and foremost they pointed out that there are already numerous ALFs in the neighborhood, including one on the same block as this proposed ALF. They also described extreme traffic and parking congestion. They explained that when emergency vehicles are called to this block they completely block ingress and egress for the residents on the block due to the extremely narrow street. They expressed understandable concern that if an ALF for elderly

RECEIVED FOR FILING

12/10/19

MS

citizens were allowed to open on the block that there would likely be an increase in the number of medical emergency responses. Finally, they expressed concern about falling property values due to the influx of ALFs and rental units in the neighborhood.

The subject property is 8,296 square feet in size and is zoned DR 5.5.

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

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

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

The property in question is virtually identical to the other properties on the street and was developed at the same time. As such the property is not unique. Therefore, although I recognize and regret the hardship that a denial of the requested variance will cause the Petitioner, it cannot be granted. Furthermore, even if Petitioner could satisfy both prongs of this legal analysis, the variance would not be appropriate because another ALF on this block would not be within the spirit and intent of the BCZR. Finally, the requested relief would, in my view, also be injurious to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 10th day of December, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF, be and is hereby DENIED.

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

PMM:slh

ORDER RECEIVED FOR FILING

Date 12/10/19  
By sen 2

  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County





JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
LAWRENCE M. STAHL  
*Administrative Law Judge*

December 10, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

RE: Petition for Variance  
Case No. 2019-0481-A  
Property: 2100 Northland Road

Dear Mr. Chavez:

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

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

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM: sln  
Enclosure

c:

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207  
Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207  
Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207  
Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207  
Jocelyn Gillis 2102 Northland Road, Baltimore, Maryland 21207

PLEASE PRINT CLEARLY

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

Case No.: 2019-0481-A 2100 Northland  
Road

Exhibit Sheet

Petitioner/Developer

Protestants

Sen  
12/10/19

|        |                     |                                   |
|--------|---------------------|-----------------------------------|
| No. 1  | Site Plan           | Letter of Protest                 |
| No. 2  | Plat of Subdivision | Letter of Protest                 |
| No. 3  |                     | Letter of Protest                 |
| No. 4  |                     | Map showing density<br>of ALF's   |
| No. 5  |                     | Photos of Emoncorry/<br>Equilmoor |
| No. 6  |                     |                                   |
| No. 7  |                     |                                   |
| No. 8  |                     |                                   |
| No. 9  |                     |                                   |
| No. 10 |                     |                                   |
| No. 11 |                     |                                   |
| No. 12 |                     |                                   |





JOHN A. OLSZEWSKI, JR.  
County Executive

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

November 25, 2019

Nicholas Chavez Jr.  
2100 Northland Road  
Baltimore MD 21207

RE: Case Number: 2019-0481-A, 2100 Northland 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 September 30, 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

12-5-19

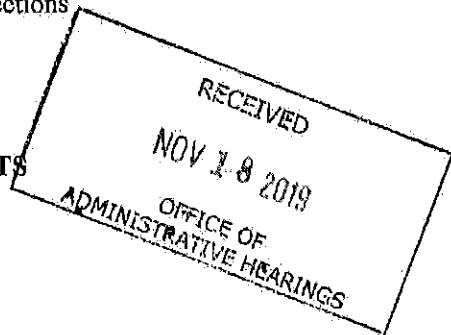
## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**DATE:** 11/15/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 19-481



**INFORMATION:**

**Property Address:** 2100 Northland Road  
**Petitioner:** Tony Kinsler  
**Zoning:** DR 5.5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for a variance from Section 432.A.1.A (3) of the Baltimore County Zoning Regulations (BCZR) to permit an assisted living facility I to be located within 1000 feet from another property with an assisted living facility.

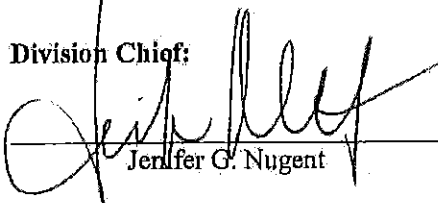
The subject property is zoned DR 5.5 and is located in the Woodlawn area. The applicant is proposing an assisted living facility for a maximum of four beds and two parking spaces to be located in the rear yard. The applicant plans to use an existing 10' driveway to access the parking area. The property is overall in good condition.

The Department of Planning has no objection granting the request, subject to the following conditions:

1. Demonstrate to the satisfaction of the administrative law judge that there is enough maneuvering area to easily access and exit the two proposed parking spaces.
2. Screen the parking area and driveway from the adjacent property (2102 Northland Road).
3. Per BCZR §432.A.1, submit a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code to the contact person listed below.

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

**Division Chief:**

  
Jennifer G. Nugent

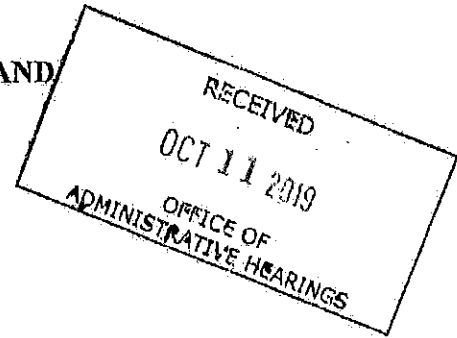
CPG/JGN

c: Ngone Seye Diop  
Tony Kinsler  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

12-5-19 10 AM

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**TO:** Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

**FROM:** Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

**DATE:** October 11, 2019

**SUBJECT:** DEPS Comment for Zoning Item # 2019-0481-A  
Address 2100 Northland Road  
(Kinsler Property)

Zoning Advisory Committee Meeting of **October 4, 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: 10/2/19

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

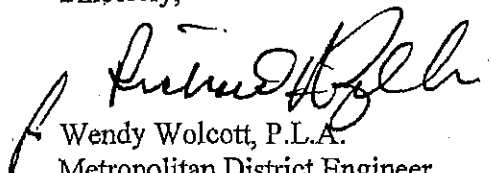
Dear Ms. Lewis:

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. 2019-0481-A

*Special Variance  
Tony Knister  
2100 Northland 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



P.O. Box 15284  
Wilmington, DE 19850

JUST LIKE HOME ASSISTED LIVING, INC  
8303 LIBERTY RD  
WINDSOR MILL, MD 21244-3125

## Business Advantage

### Customer service information

☎ 1.888.BUSINESS (1.888.287.4637)

🌐 bankofamerica.com

🏦 Bank of America, N.A.  
P.O. Box 25118  
Tampa, FL 33622-5118

## Your Business Investment Account

for January 1, 2019 to January 31, 2019

Account number: 4460 4257 4019

**JUST LIKE HOME ASSISTED LIVING, INC**

### Account summary

|                                           |                    |
|-------------------------------------------|--------------------|
| Beginning balance on January 1, 2019      | \$44,606.89        |
| Deposits and other credits                | 0.74               |
| Withdrawals and other debits              | -1,550.00          |
| Service fees                              | -0.00              |
| <b>Ending balance on January 31, 2019</b> | <b>\$43,057.63</b> |

# of deposits/credits: 1

# of withdrawals/debits: 2

# of days in cycle: 31

Average ledger balance: \$43,408.52

Average collected balance: \$43,408.52

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$0.74.

Bank of America **Business Advantage**

LIFE / BETTER CONNECTED®

Your Digital  
Tip of the  
Month

### Guaranteed bank-to-bank transfers

Pay individuals, vendors and suppliers who bank at other financial institutions — right from Online Banking.  
Just log in and click the **Transfers I Send** tab, then select **Send Money to Someone or a Business**.

**Petitioner**  
**CBA Exhibit**

ARH98YHQ | SSM-03-18-0013.B



## Deposits and other credits

| Date                                    | Description     | Amount        |
|-----------------------------------------|-----------------|---------------|
| 01/31/19                                | Interest Earned | 0.74          |
| <b>Total deposits and other credits</b> |                 | <b>\$0.74</b> |

## Withdrawals and other debits

| Date                                      | Description                                                  | Amount             |
|-------------------------------------------|--------------------------------------------------------------|--------------------|
| 01/07/19                                  | Online Banking transfer to CHK 6620 Confirmation# 1188640845 | -1,450.00          |
| 01/23/19                                  | Online Banking transfer to CHK 6620 Confirmation# 2126670140 | -100.00            |
| <b>Total withdrawals and other debits</b> |                                                              | <b>-\$1,550.00</b> |

## Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 01/01 | 44,606.89    | 01/23 | 43,056.89    | 01/31 | 43,057.63    |
| 01/07 | 43,156.89    |       |              |       |              |

Bank of America **Business Advantage**

LIFE / BETTER CONNECTED®

## What's on your mind?

Business owners like you can join the Bank of America® Advisory Panel to help us understand what you like and don't like. Enter code **SBDD** at [bankofamerica.com/AdvisoryPanel](https://bankofamerica.com/AdvisoryPanel) to learn more and join.

Inclusion on the Advisory Panel subject to qualifications.

SSM-04-18-0052.D1 | ARHKGJ65

| LEGEND                  |   |
|-------------------------|---|
| EX. STORM DRAIN INLET   | □ |
| EX. CONCRETE            | ▨ |
| EX. GAS VALVE           | ⊗ |
| EX. WATER VALVE         | ⊕ |
| EX. SEWER MANHOLE       | ⊙ |
| EX. WATER METER         | ⊗ |
| EX. STORM DRAIN MANHOLE | ⊙ |

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.

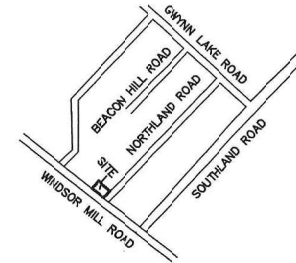
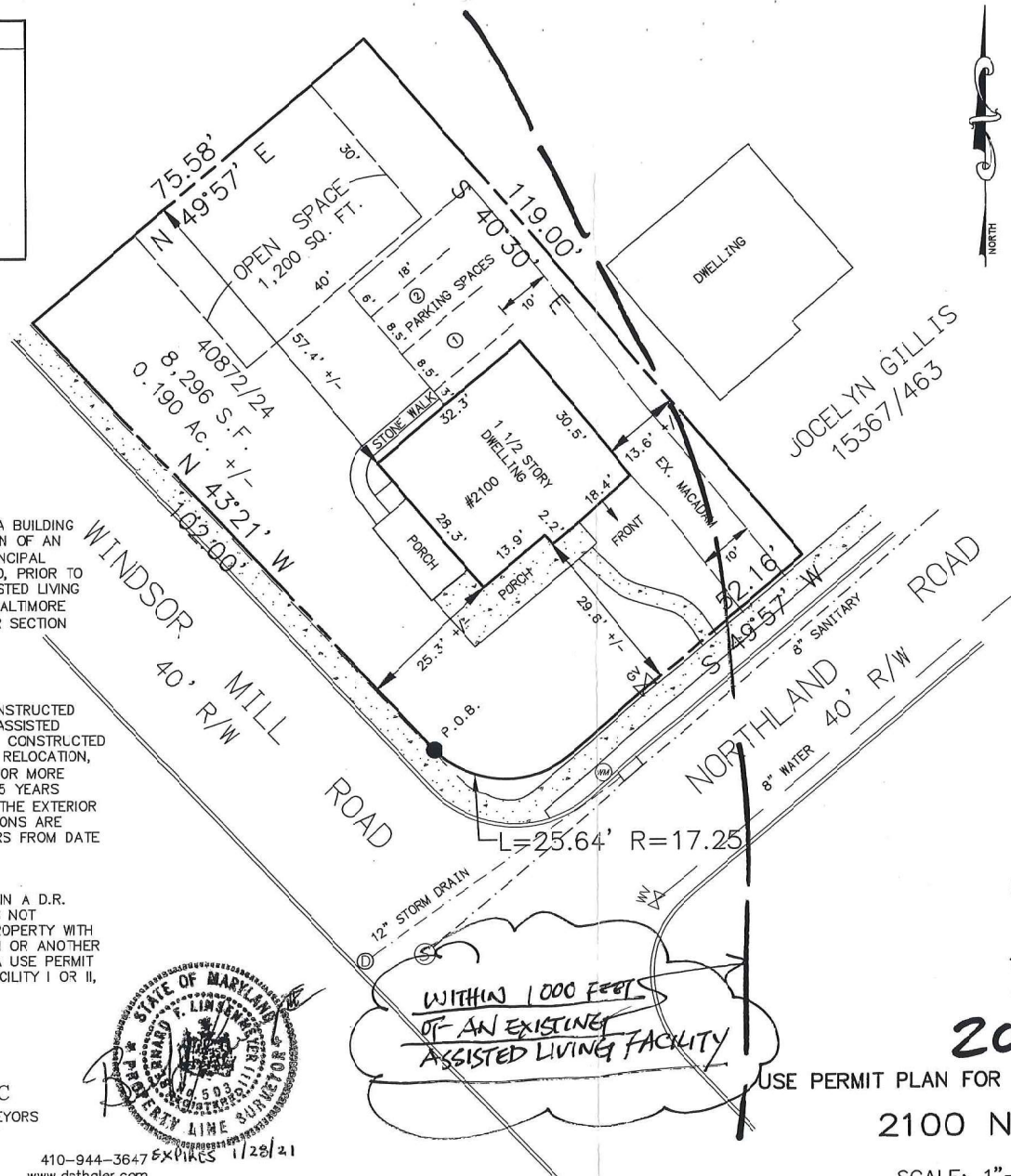
THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF 5 YEARS BEFORE 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 DATE OF THIS APPLICATION.

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.

**DSThaler & ASSOC., LLC**

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS  
LANDSCAPE ARCHITECTS & LAND PLANNERS  
7115 AMBASSADOR ROAD  
P.O. BOX 47428  
BALTIMORE, MARYLAND 21244-7428

410-944-3647  
www.dsthaler.com



OWNER  
TONY KINSLER  
2100 NORTHLAND ROAD  
BALTIMORE, MD, 21207

OPERATOR  
NICHOLAS H. CHAVEZ JR.  
238 S. DALLAS CT.  
BALTIMORE, MD 21231

EXISTING FLOOR AREA

830 S.F. - 1ST FL. - 2 BEDROOM  
480 S.F. - 2ND FL. - 2 BEDROOM  
BASEMENT STORAGE  
1310 TOTAL S.F.

ZONING - DR 5.5  
ZONING MAP NW3F

OPEN SPACE = 1 X 8296 S.F. = 830 S.F.  
PARKING - 1 SPACE PER 3 BEDS  
2 SPACES REQUIRED

PLAN FOR ZONING  
CASE NO.

PETITIONER'S

EXHIBIT NO. 1

TAX ACCOUNT # 0119717150  
1st ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

**2019-0481-A**

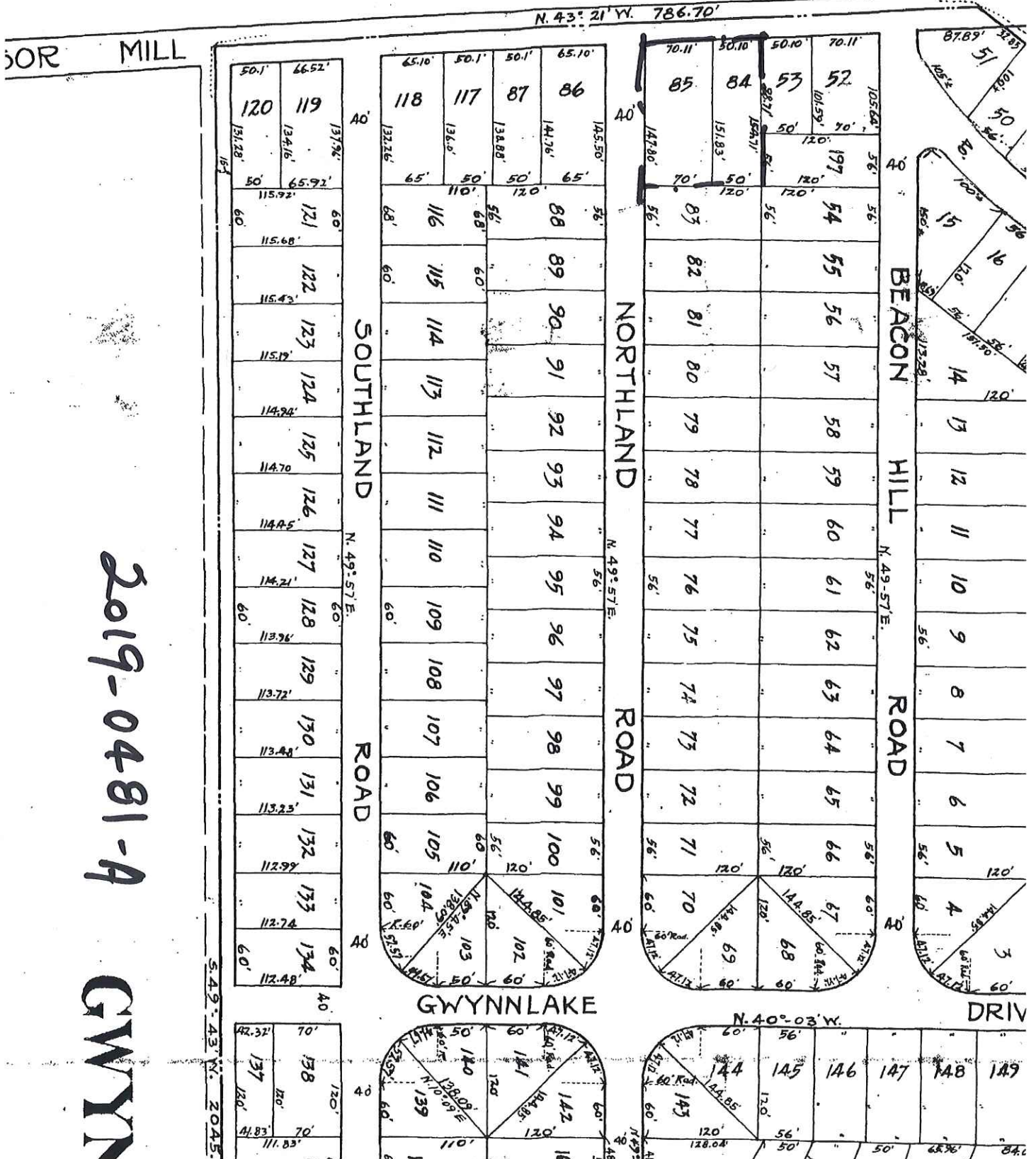
USE PERMIT PLAN FOR ALF1 FACILITY FOR MAXIMUM OF 4 BEDS  
2100 NORTHLAND ROAD

SCALE: 1"=20' DATE: 08-23-19

WITHIN 1000 FEET  
OF AN EXISTING  
ASSISTED LIVING FACILITY

# PETITIONER'S

EXHIBIT NO. 2



2019-0481-A

Gwynn



2105 Northland Road  
Baltimore, MD 21209

December 3, 2019

Baltimore County Court  
105 W. Chesapeake Ave  
Jefferson Bldg. / Room 205  
Towson, MD 21204

PROTESTANT' S

EXHIBIT NO. 1

RE: 2100 Northland Rd. Variance to permit an Assisted Living Facility within 1000 feet of another facility. Case # 2019-0481

To Whom It May Concern:

I reside at 2105 Northland Rd., which is in close proximity to the subject property. I am unable to attend the December 5<sup>th</sup> hearing; however I would like to voice my concerns.

1) I believe that one Assisted Living Facility meeting the needs of their population in this block is sufficient.

2) Parking in the immediate area of the subject property is already limited. Additional vehicles parking in this area will cause even more congestion to this narrow street where parking is already limited.

3) Visitors and staff of subject facility will bring in an influx of traffic coming and going to what is currently a quiet, stable, family community.

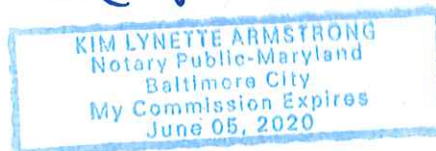
If you have any questions please do not hesitate to contact me at 410-944-6498

Sincerely,

*Theresa T. Holmes*

Theresa T. Holmes

*Kim Lynette Armstrong*



12/3/19

Statement of Jocelyn Gillis Address: 2102 Northland Road

Collectively, we have been residence on this block for nearly 100 years, and we moved into this neighborhood for quaint residential living. 2102 Northland Road has been my primary residence for 22 years. We are all home owners and I feel that these businesses are coming to take over the neighborhood.

I was aware of the shared driveway when I moved in and had hoped, on the positive side, to generally expect the costs of maintenance and repair to be shared between me and the 2100 owner. This has not been the case.

In 2005, due for maintenance, I discussed repaving the driveway with the owner. We agreed that I would get estimates which would have offered a discount if we both had it done at the same time. Ultimately, we did not come to an agreement and I individually had my driveway resurfaced in June of 2005.

I have experienced negative aspects of sharing a driveway which could have been avoided or eliminated altogether by having a clear set of rules governing the shared property by the owner to the tenants. Since there is no written rules or common understanding between me and the owner, the multiple tenants who have lived there have created uncomfortable disagreements due to the limited parking and the amount of space needed to enter and swing out of the driveway onto the street. Driveway sharing consideration is not common knowledge. My drive way has been blocked so I could not get in to park and had to park on the street. I have had people park in the driveway over the line which has caused an accident. I have had people knock on my door asking me to move my car so that they could maneuver using my driveway to get out of the other drive way. I have come home and had people parked in my driveway, and my car has been hit several times from cars that have been parked in the neighbor's driveway. And now with this Zoning hearing, I have looked on the zoning website and I see that that may be an issue with the drawing delineation on line and I have questions concerning what the county has on line.

The amount of cars that are parked on the block from the existing Assisted Living facility, causes my neighbors that are closer to the facility at 2110 to park further down the street. And when my neighbors have visitors, because there is no parking in front or close to their homes, they have to park in front of my house. Another example, is due to the amount of cars that are parked at the current facility, when it snows and I go out to shovel my driveway and a space in front of my door for visitors, the snow plow comes along from the top end of the block and move the snow right back in the space that I had just cleared. They have gone as far as piling the snow on the sidewalk in front of my house because of the parking. Having another facility within 5 houses of each other will cause further continue these issues there by putting a strain on the community residence and stress on their lives.

We are human, and the fact of such lopsided sharing something necessary to both mine and the neighbor's comfort and convenience cannot be allowed. An assisted living facility means visitors, cars and parking frustrations.

- Impacts my property value and resale value
- I have grandchildren, nieces, nephews and, friends who visit. (I am sure any residents living at 2100 will have visitors too)

Is the business zoned before it is in operation?

This is a hearing for zoning, so does that mean that the business in not currently in operation?

Why wasn't the community neighbors made aware of this business being operated in a residential neighborhood?

What type of Assisted Living Facility will this be?

**PROTESTANT' S**

EXHIBIT NO. 2



If it is for the elderly, what legal measures are in place to keep elderly people from wondering off from the property?

Joelyn Tillis

Statement of KIMBERLEY **ALEXANDER, 2104 NORTHLAND RD**

I appreciate to opportunity to express my opinions regarding the Zoning Notice Public Hearing for;

Case# 2019-0481-A (Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility)

I applaud the young man for taking steps to establish a business that seems to be designed to help fill social needs. So, my comments relate to me being a 17 year resident of Northland Road with a very high number of primary resident property owners who take generally pride in considerations for each other and being good neighbors.

My position is not against the business but, that 2100 Northland Road is not a viable location to grant a variance for the following reason and many open questions;

**Primary Reason:**

2100 is at the intersection of Windsor Mill Road and Northland Road. There is a stop sign at that intersection.

1. Parking

- a. Maryland Code of Transportation, Section 21-1003 (o) includes the statement that a vehicle may not park within 30 feet on the approach to a stop sign.

Parking is permitted on both sides of the street. The amount of curb space from the 2100 drive way to the stop sign basically allows for one parked vehicle.

**PROTESTANT' S**

EXHIBIT NO.

3

When vehicles are parked on both sides, or, within the 30 feet, entering and exiting Northland has limited visibility and creates a hazard.

**Open Questions that must be seriously considered:**

1. What was the evidence and justification presented in the request to justify zoning relief?
  - a. What is the lease agreement principal resident requirement for a tenant to have a business at a rented property?
2. The variance is for an Assisted Living Facility, what is the business Chartered for and the scope of that licensure? (I could not find this information)
3. Is the business in good standing with state regulations?
4. How is staffing addressed?
5. Have there been any complaints from neighbors in any other locations the business operates or has operated?
6. What is the vetting process or the criteria for the residents who will be living here? (do they drive or have cars?)
7. I have not been able to determine the State of Maryland's definition of an Assisted Living Facility (can that be provided today?)
  - a. Maximum number of residents (what is a resident and their level of independence?)
  - b. Will medical services be provided here?

Thank you for considering the impact on the community and entering these questions into the Hearing records. It's my understanding that a decision will be made within 45 days of this hearing, is that correct? How will we know what the outcome will be?

# Concentration of Assisted Living Facilities in Baltimore County, Maryland

2

## Legend

 County Boundary

 ZIP Codes

 2100 Northland Road  
Licensed Group Home Density

 Sparse  
Dense

Note: Density based on locations of 205 licensed Assisted Living Providers  
(<https://health.maryland.gov/ohca/docs/Provider-Listings/Excel/ALP-EXCEL.xls>)

PROTESTANT'S

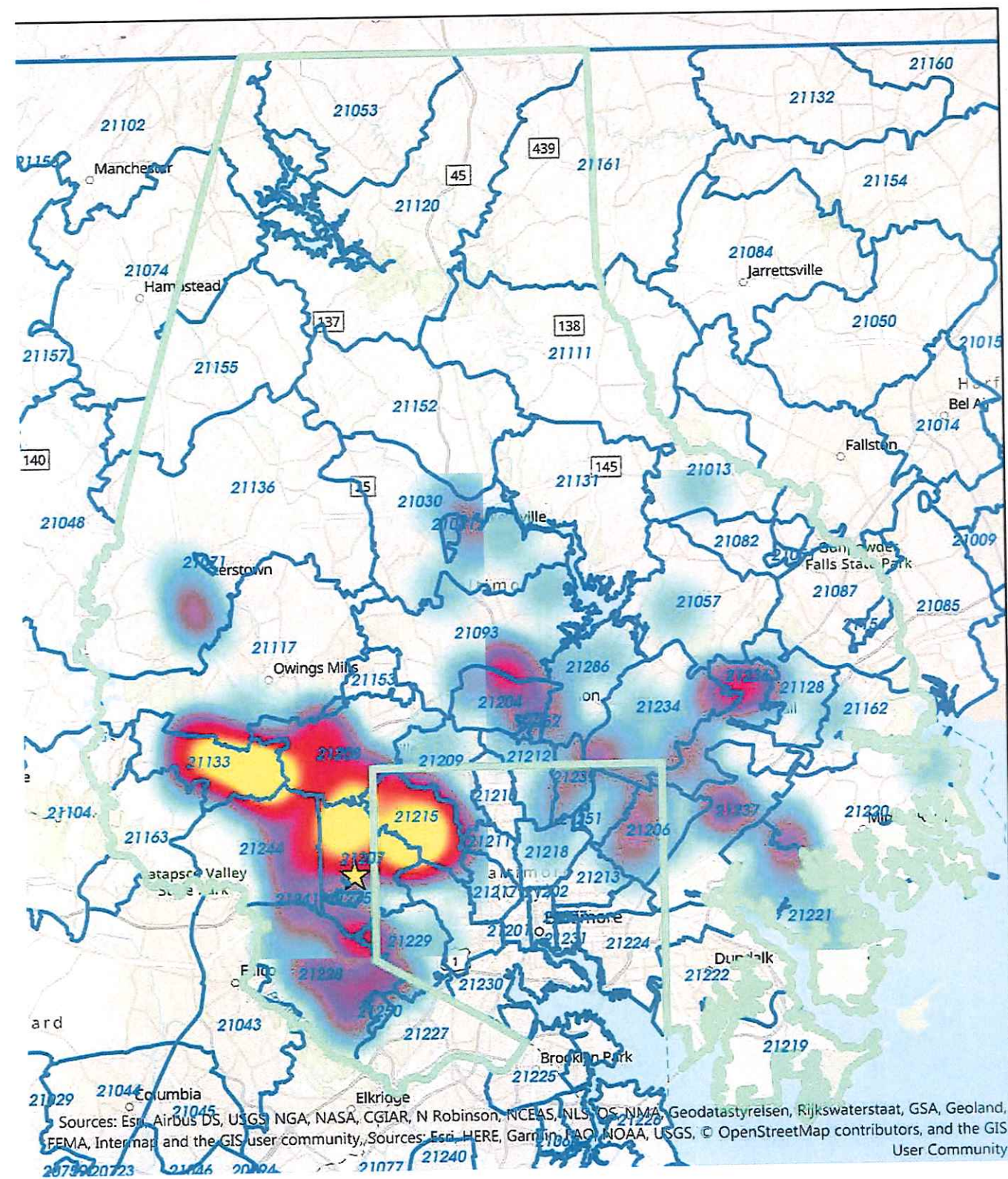
EXHIBIT NO. 4

0 2.5 5 10 Miles

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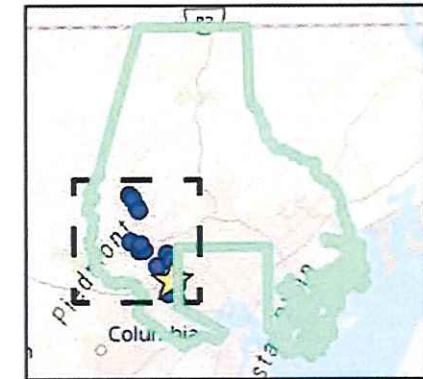


Cartographer: -A-  
Date: 12.04.2019





# Concentration of Assisted Living Facilities Center on Institutions and Alternatives



Vicinity Map  
1 inch equals 21 miles

## Legend

County Boundary

ZIP Codes

★ 2100 Northland Road

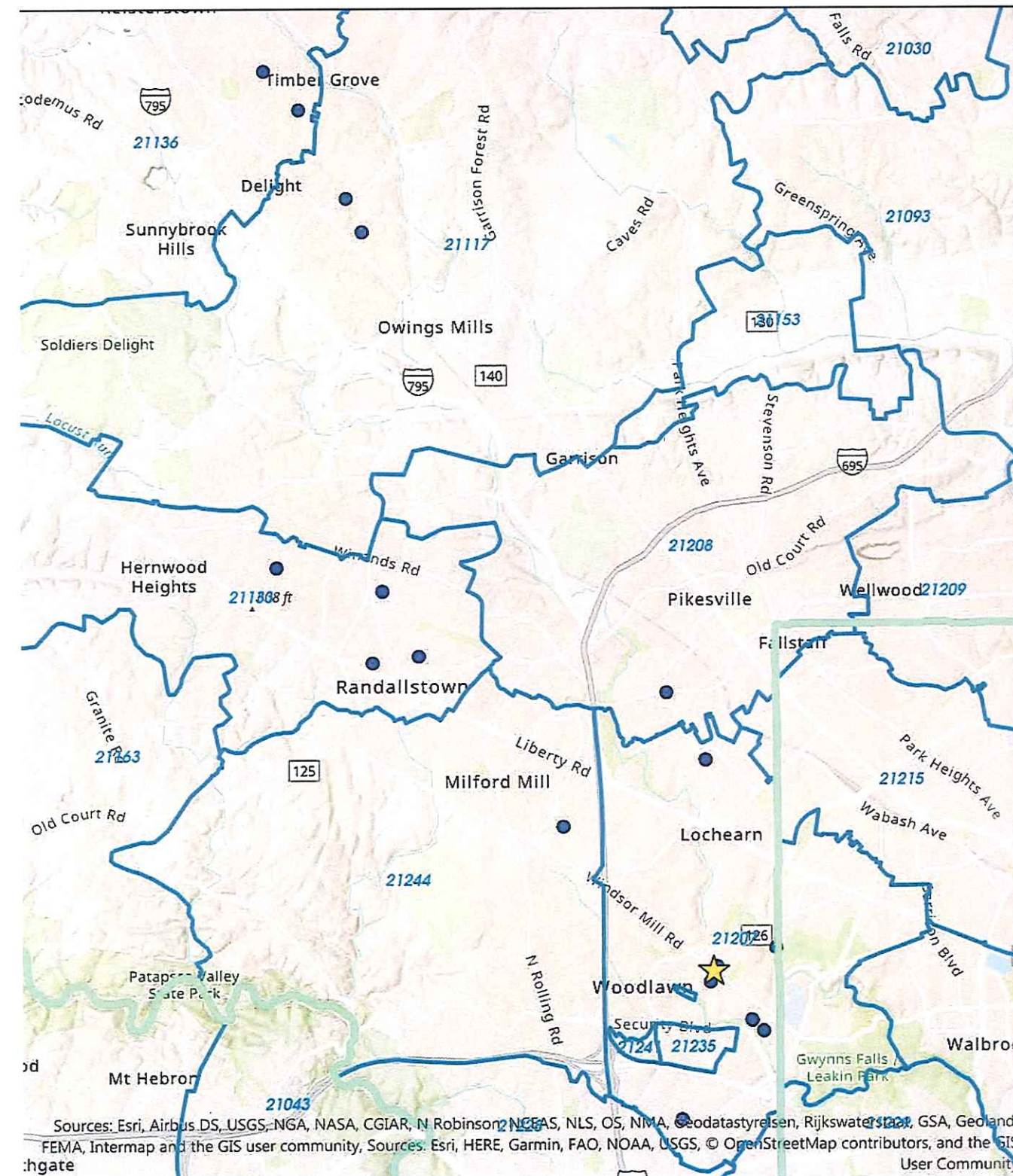
● Nat'l Center on Institutions and Alternatives Properties\*

\*Note: All 21 properties are zoned SFD.

0 0.75 1.5 3 Miles



Cartographer: -A-  
Date: 12.04.2019







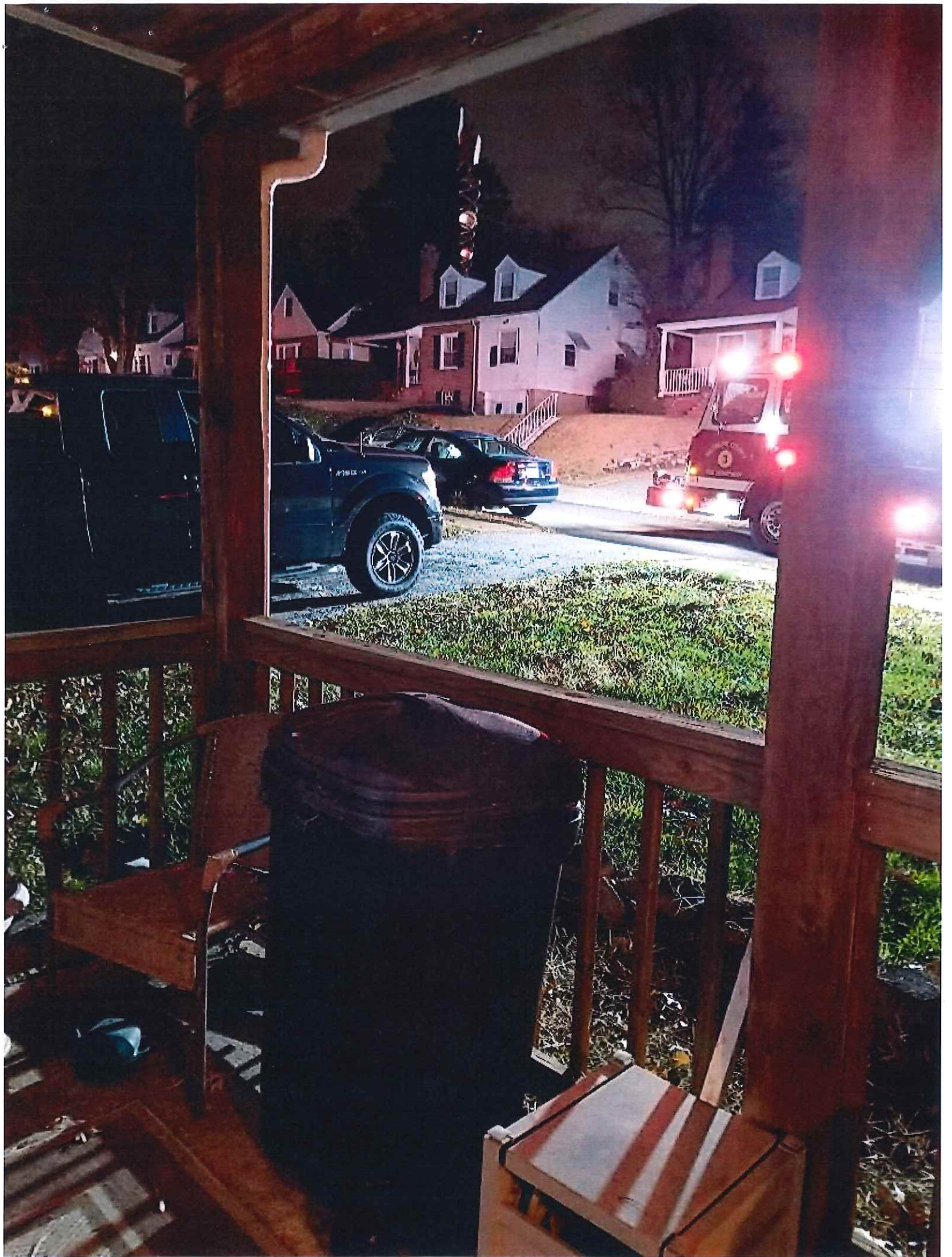
PROTESTANT' S

EXHIBIT NO. 5





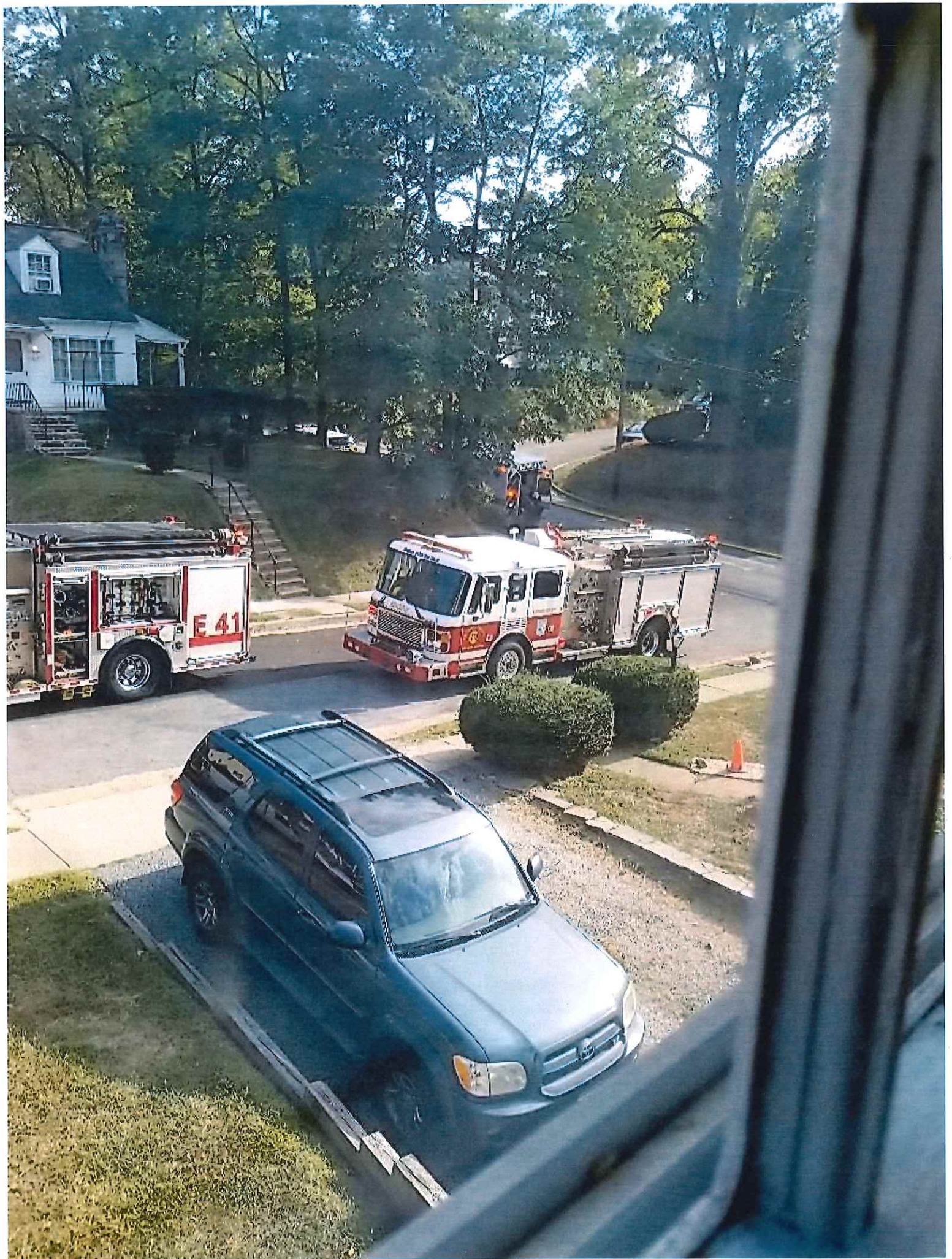




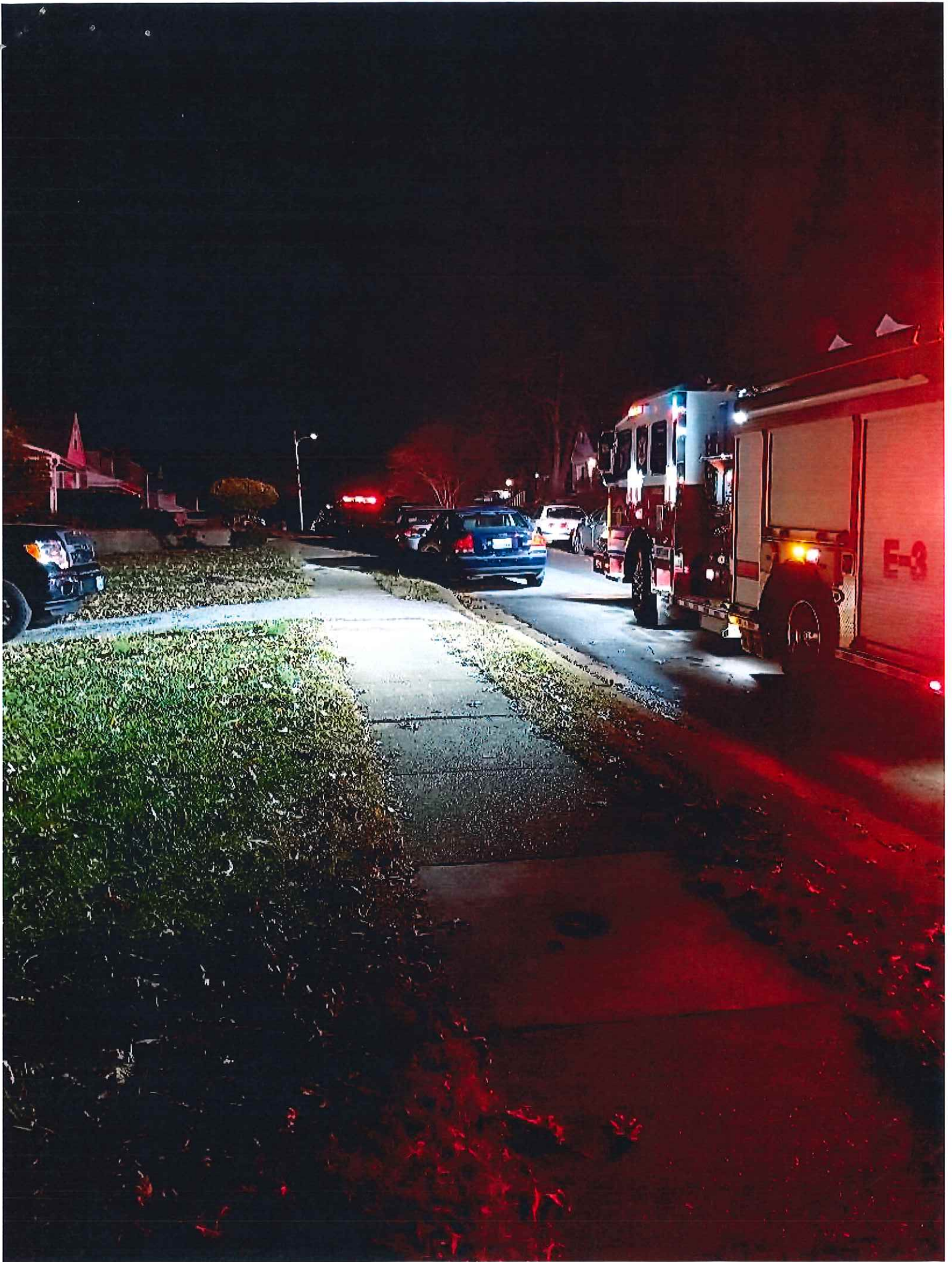








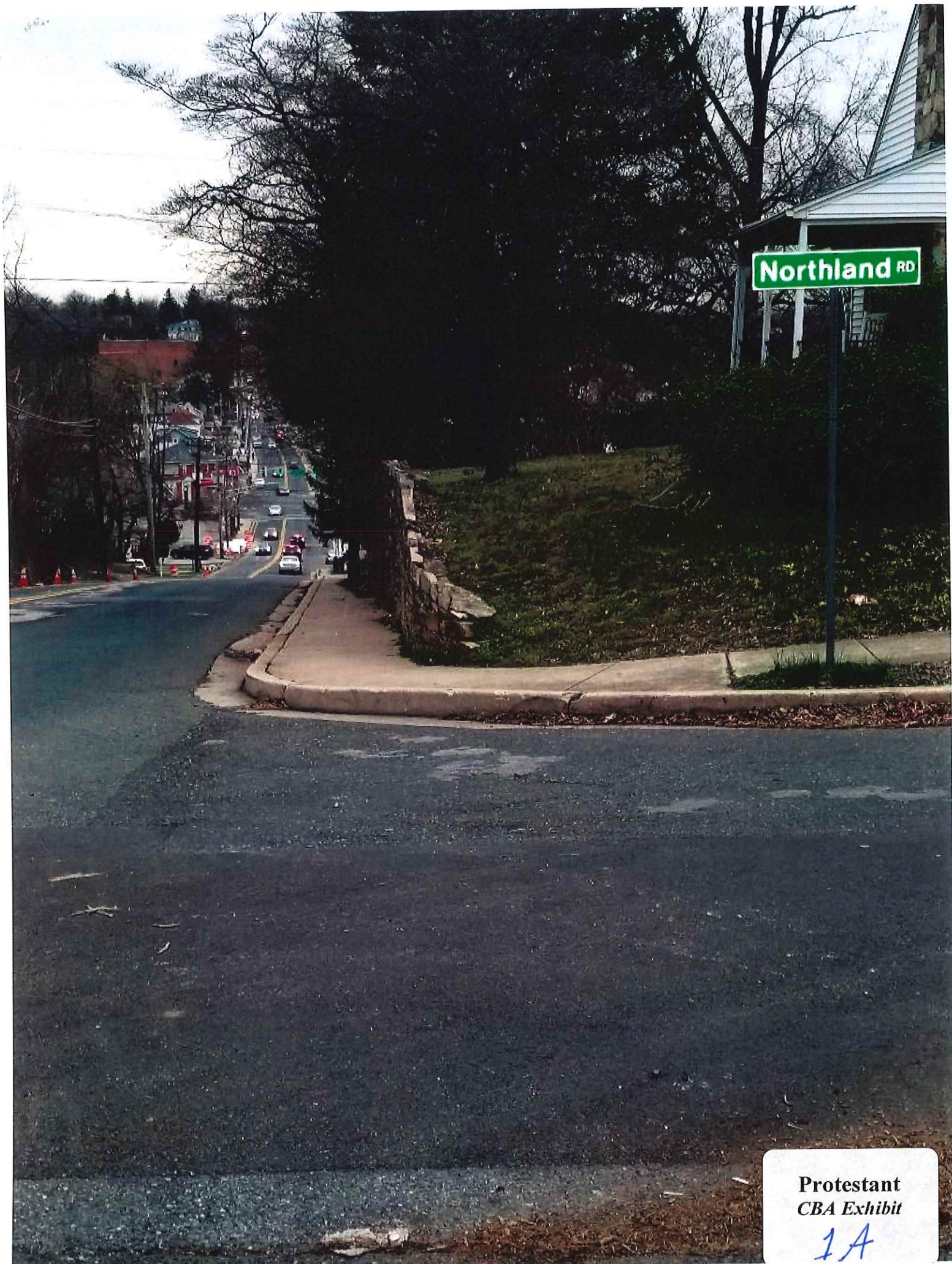












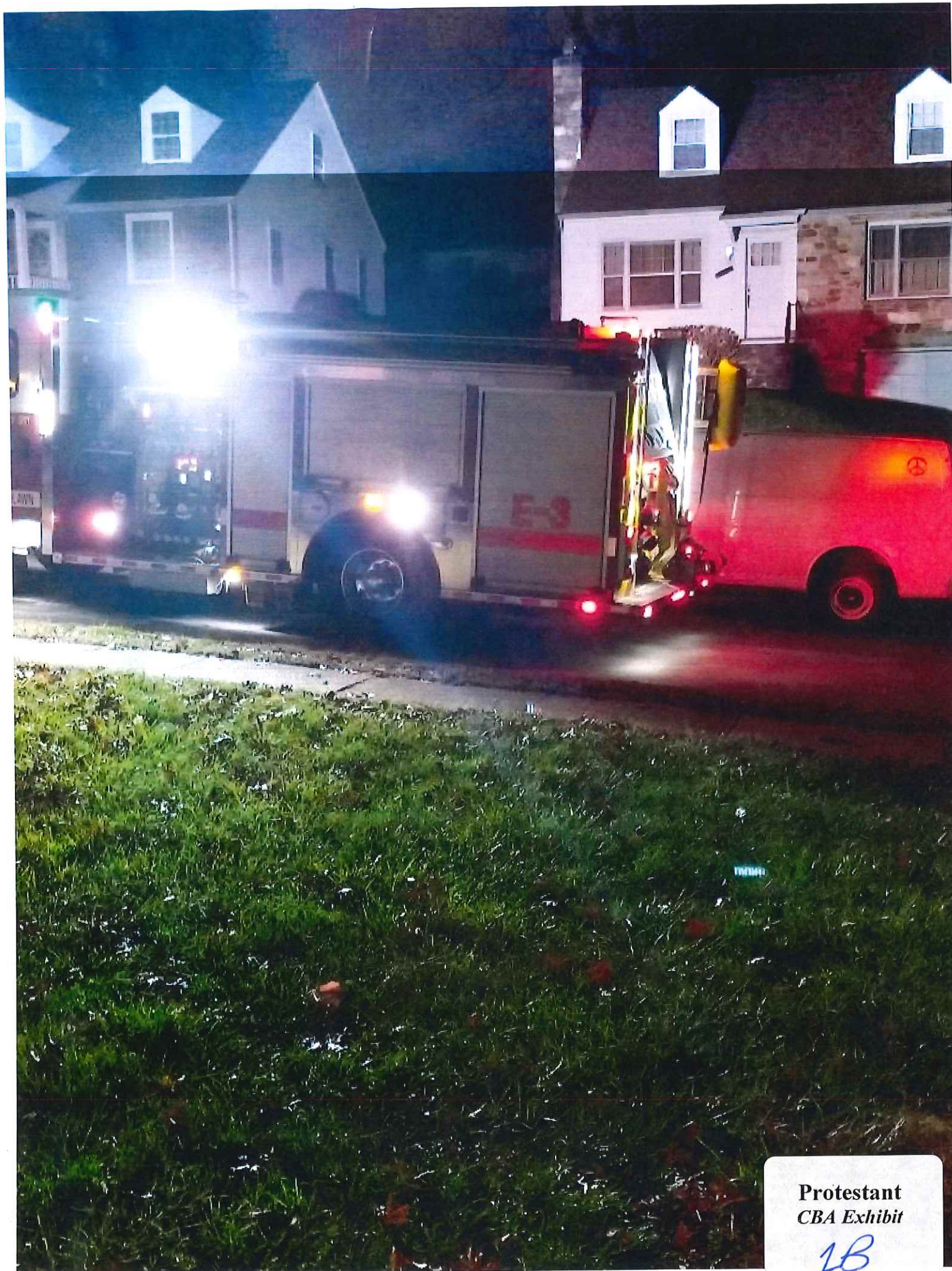
Protestant  
CBA Exhibit

1A





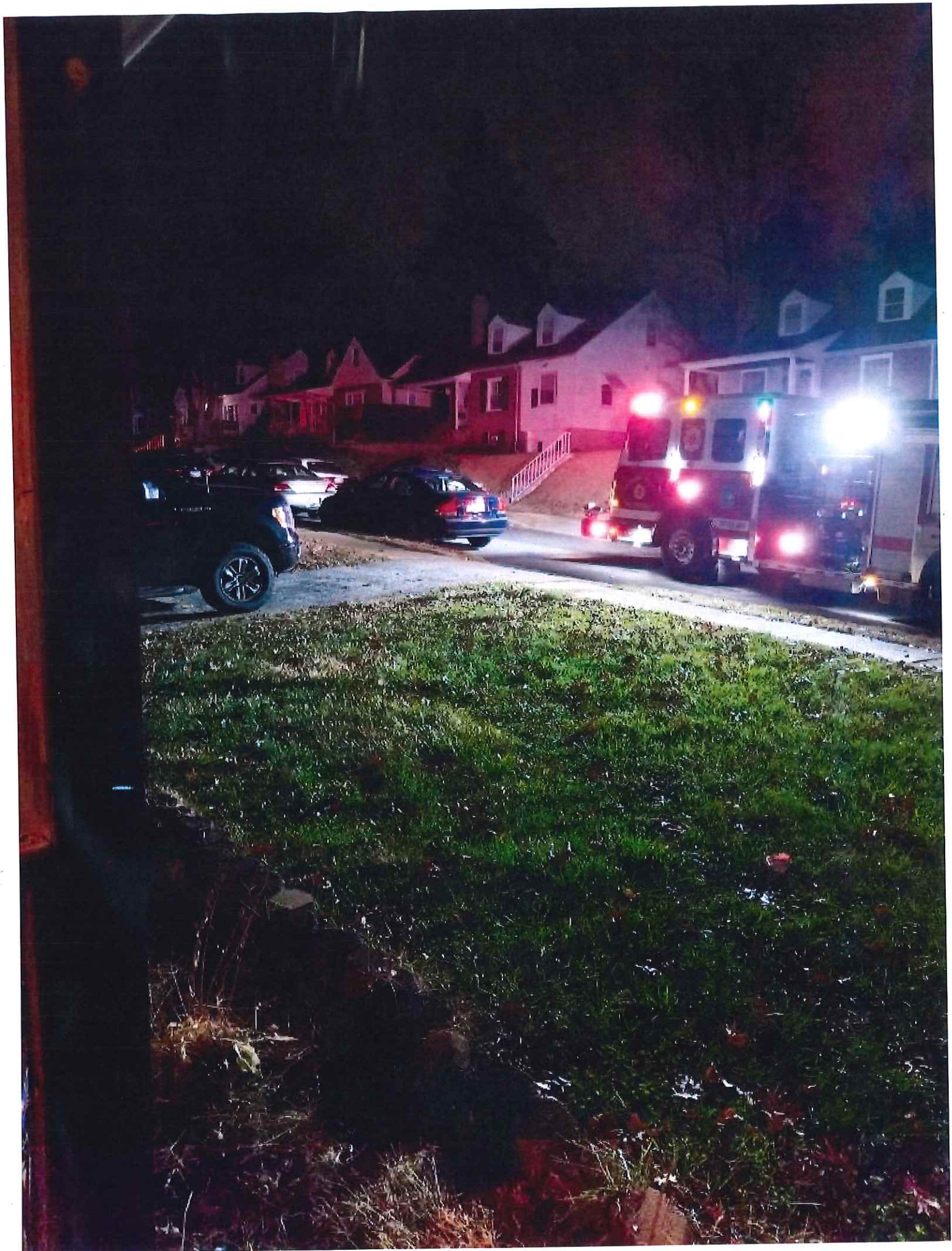




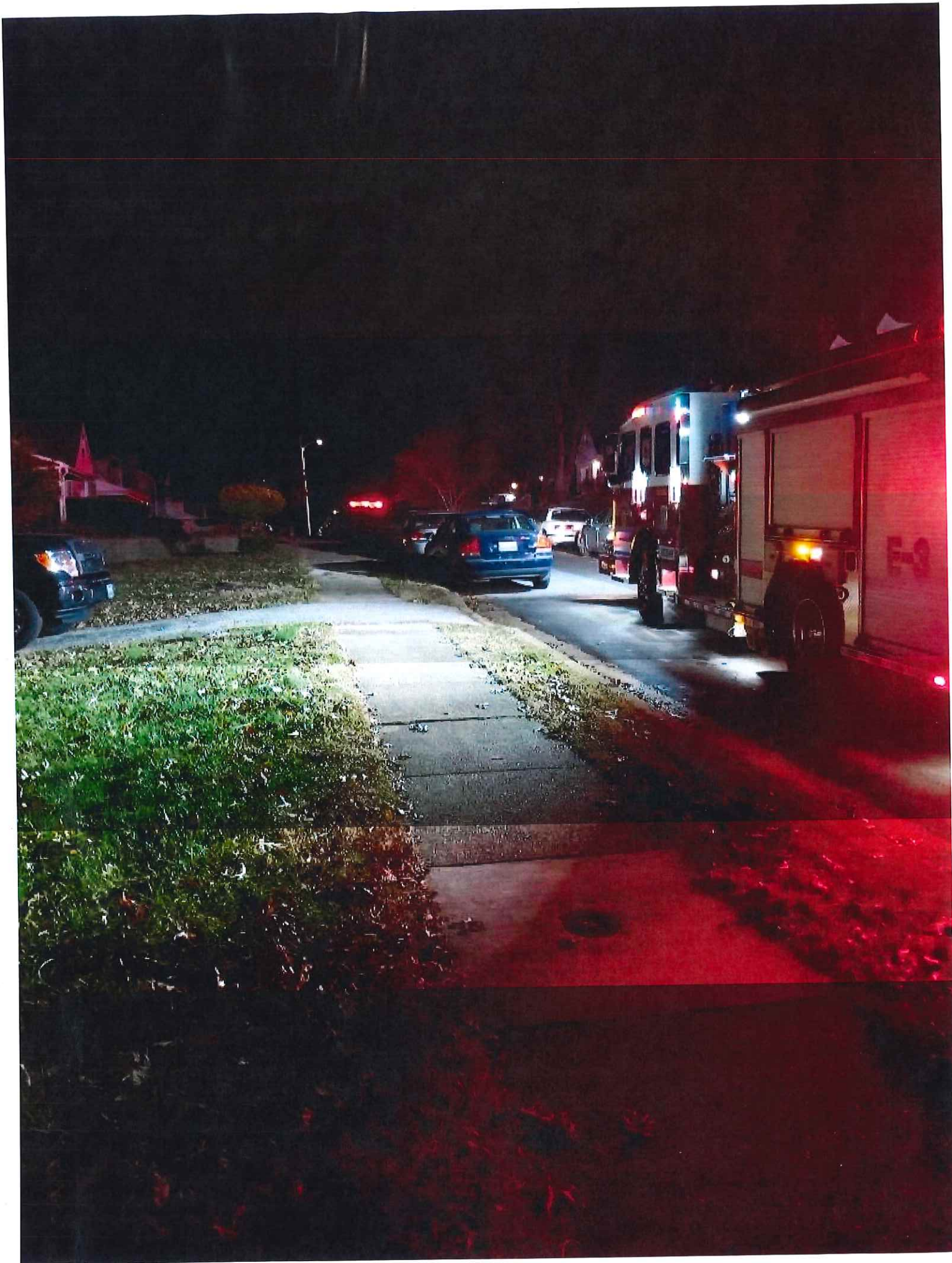
Protestant  
CBA Exhibit

1B





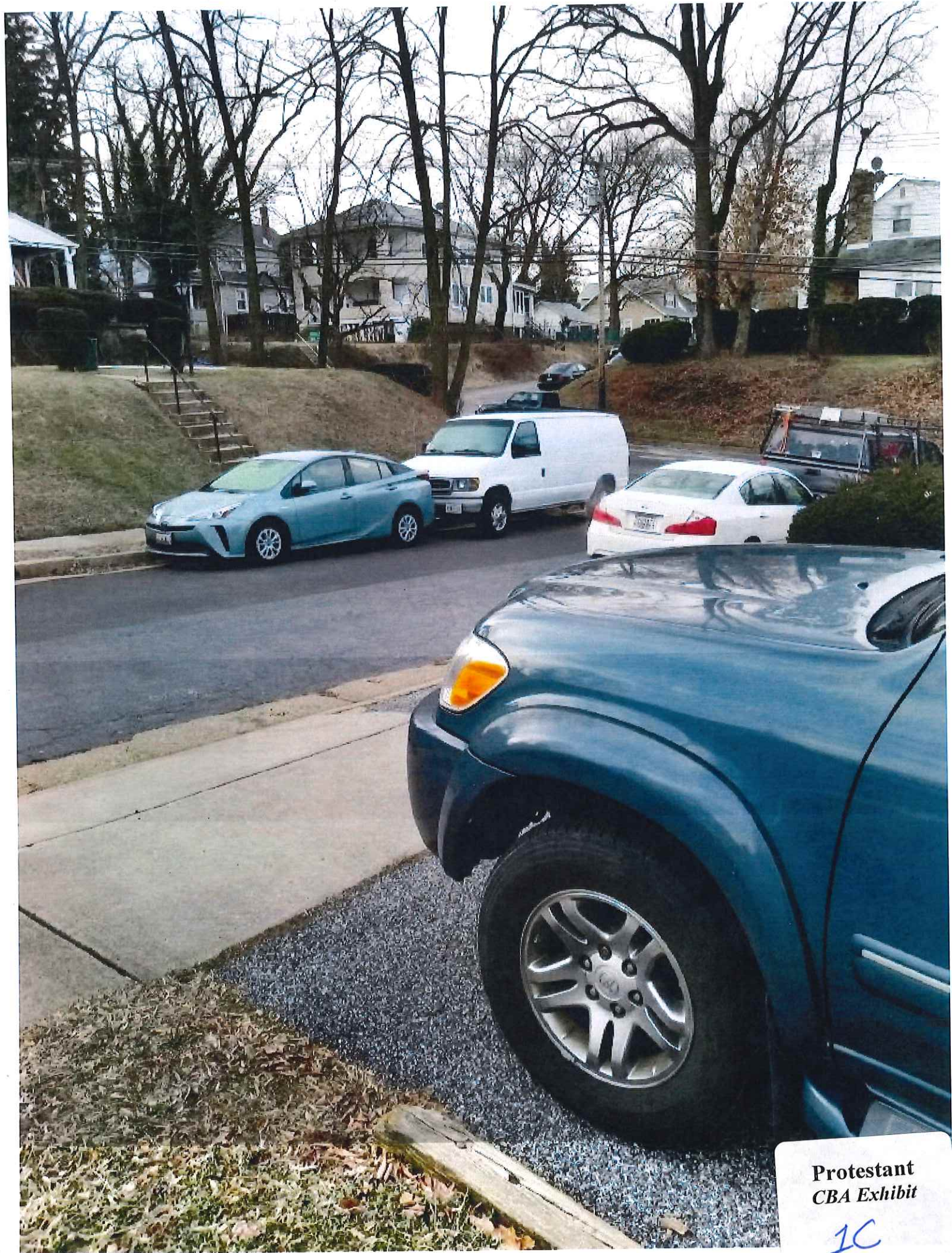












Protestant  
CBA Exhibit

1C

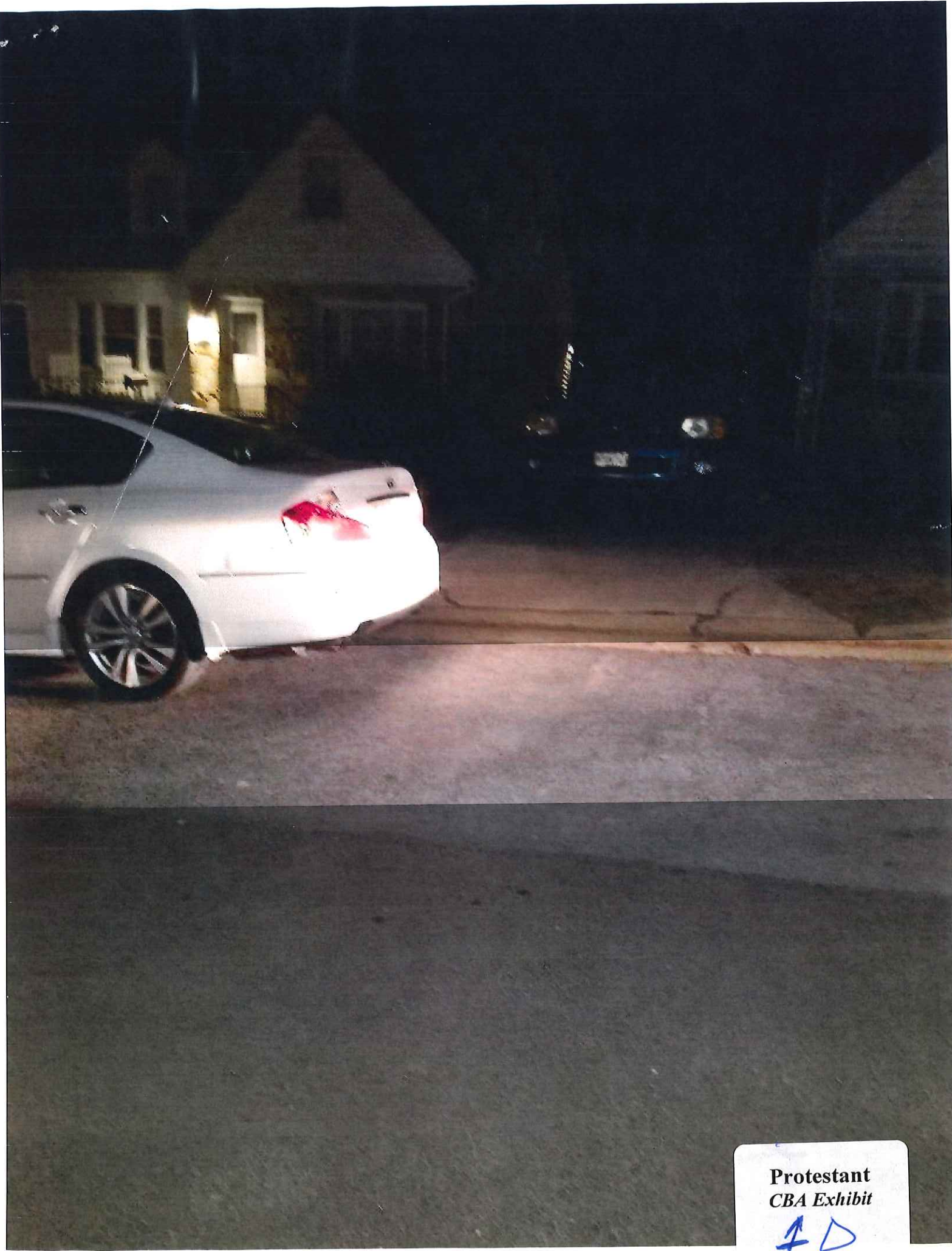








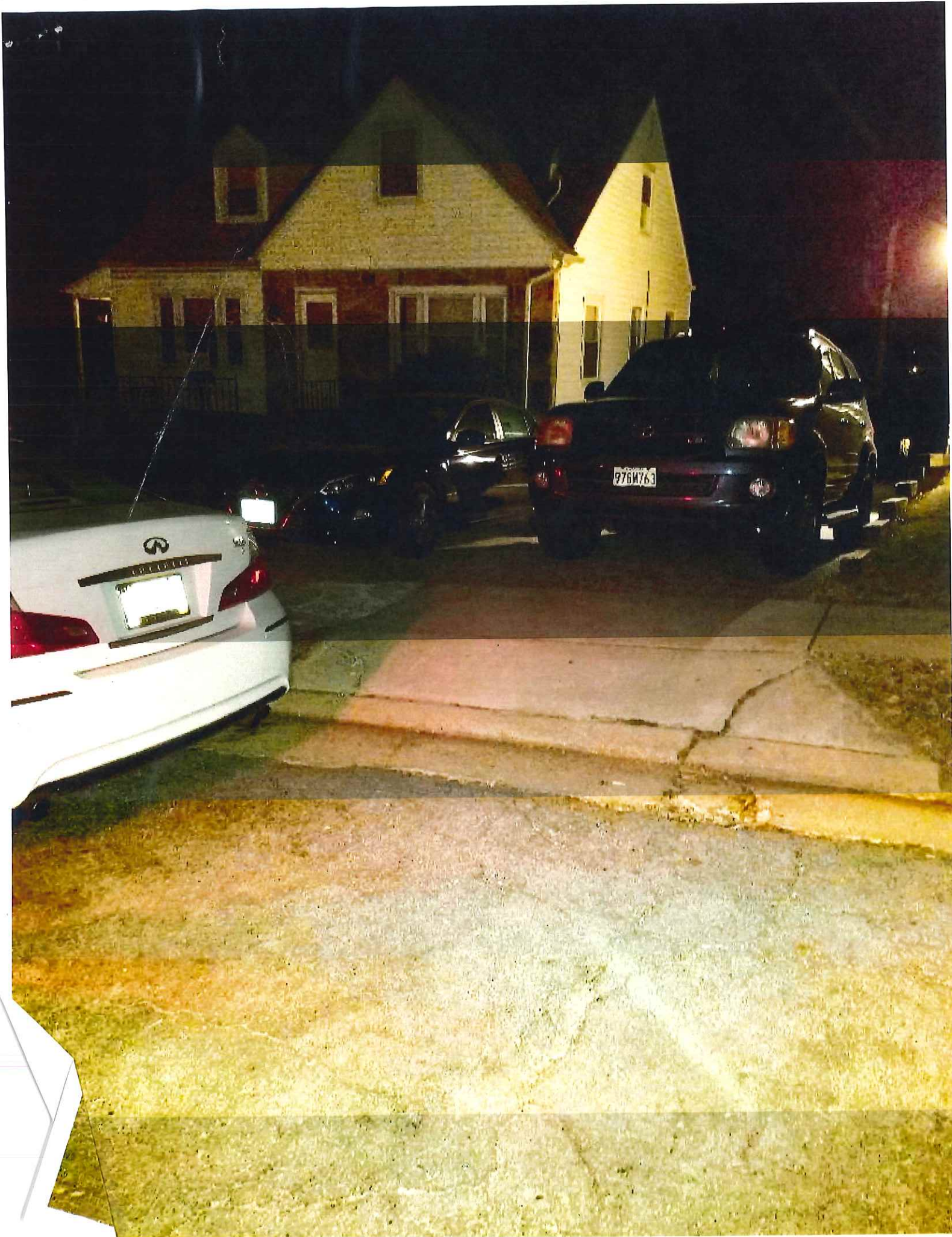




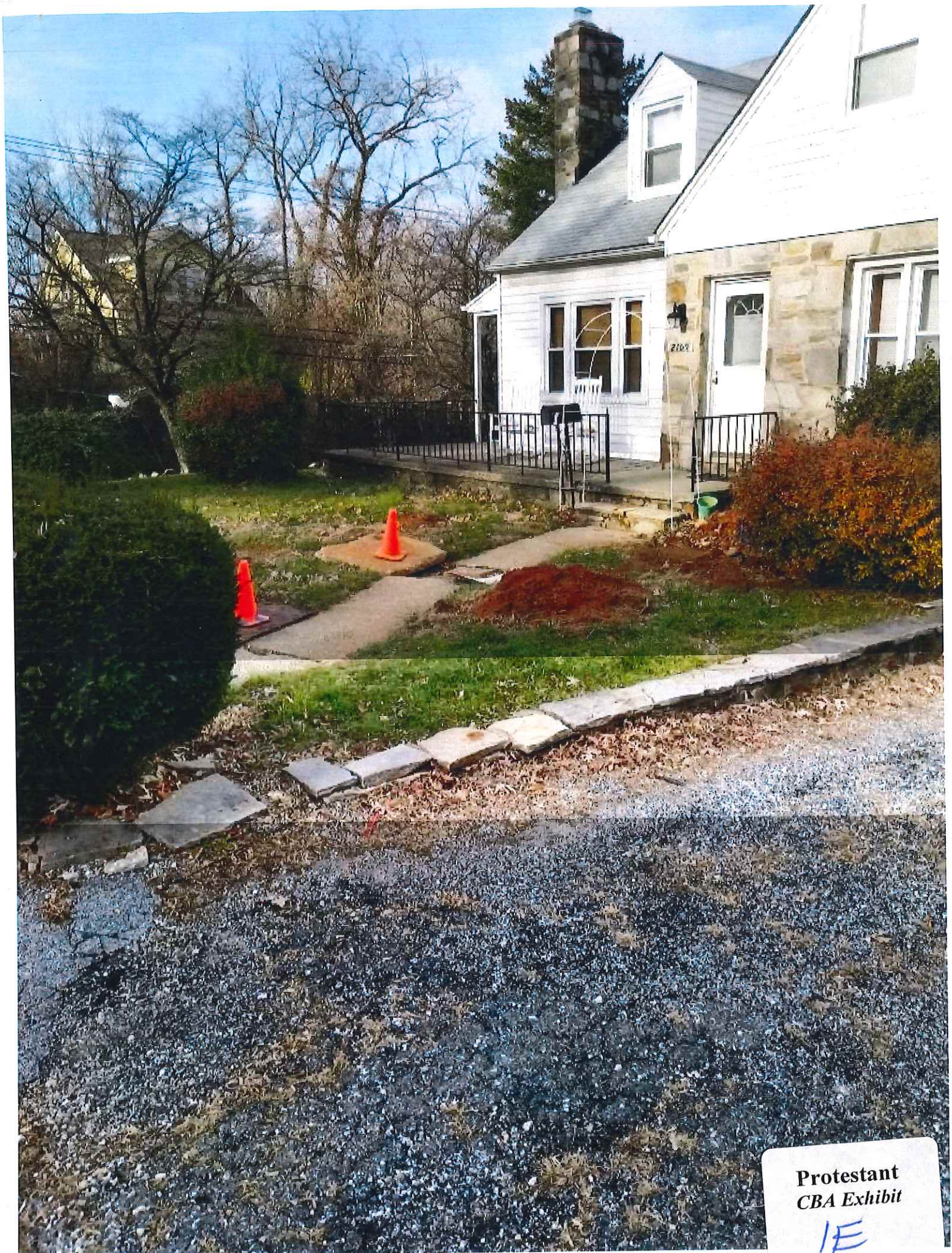
Protestant  
CBA Exhibit

4 D









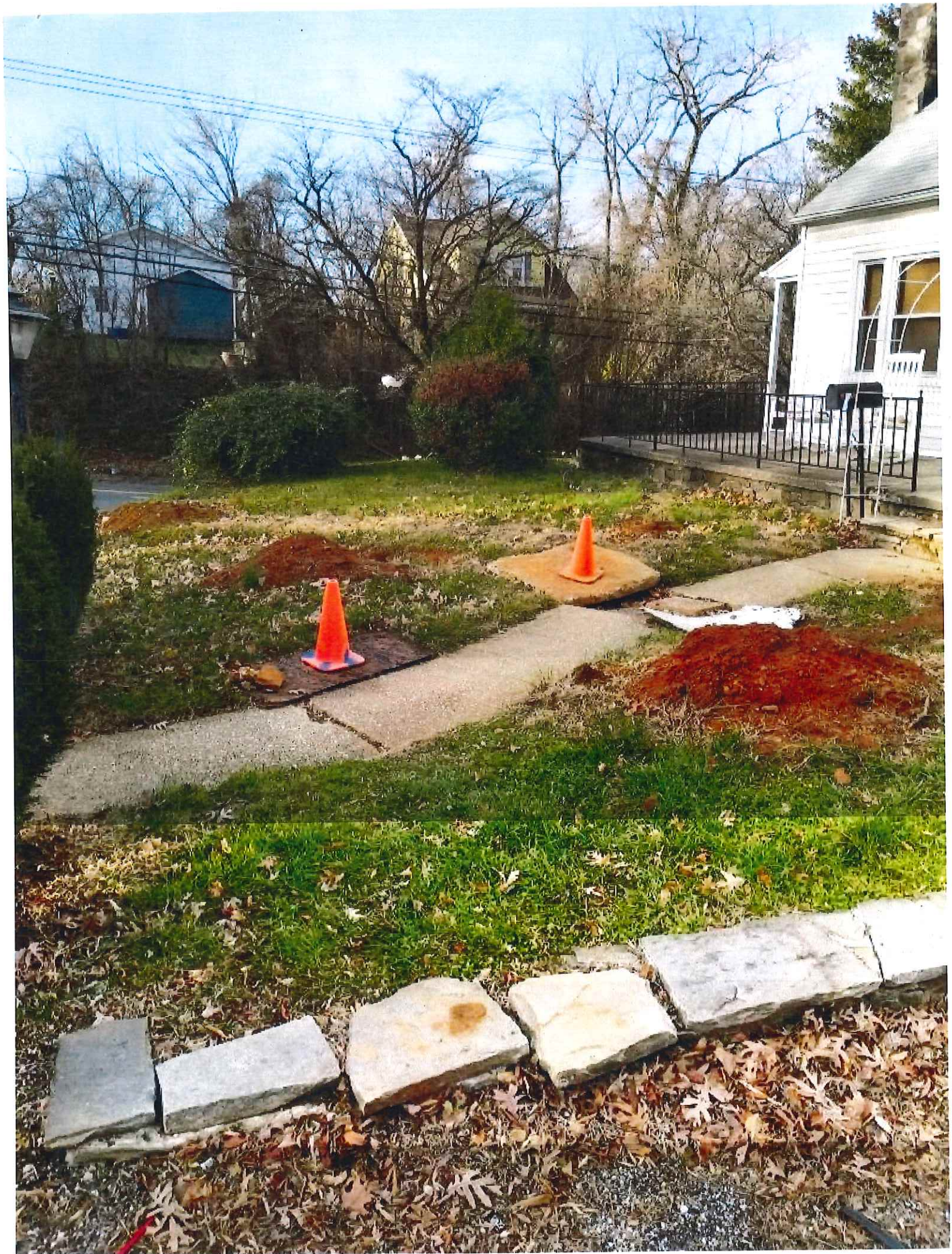
Protestant  
CBA Exhibit

1E

















Protestant  
CBA Exhibit

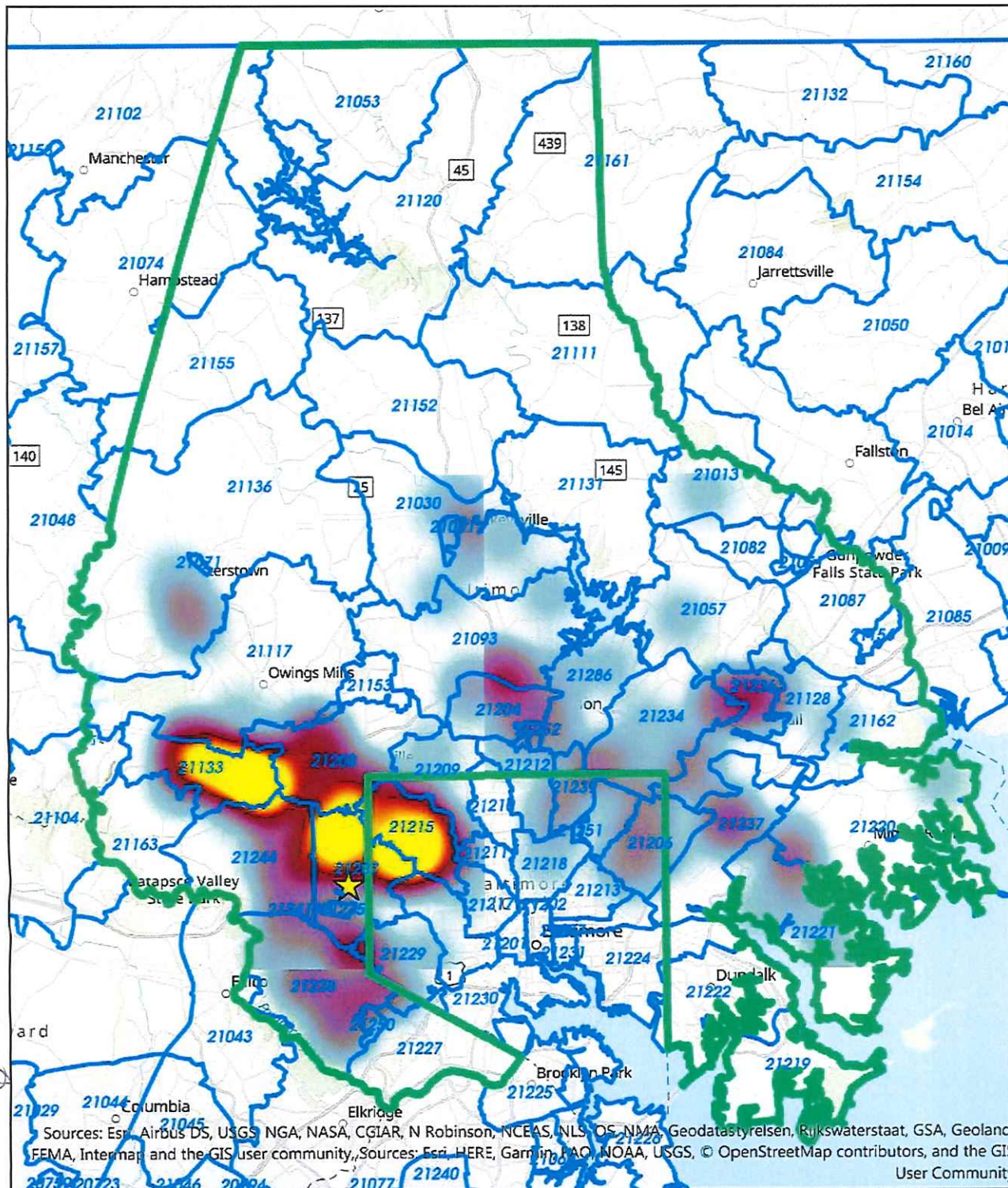
1F







# Concentration of Assisted Living Facilities in Baltimore County, Maryland



## Legend

County Boundary

ZIP Codes

★ 2100 Northland Road  
Licensed Group Home Density

Sparse

Dense

Note: Density based on locations of 205 licensed Assisted Living Providers (<https://health.maryland.gov/ohcq/docs/Provider-Listings/Excel/ALP-EXCEL.xls>)

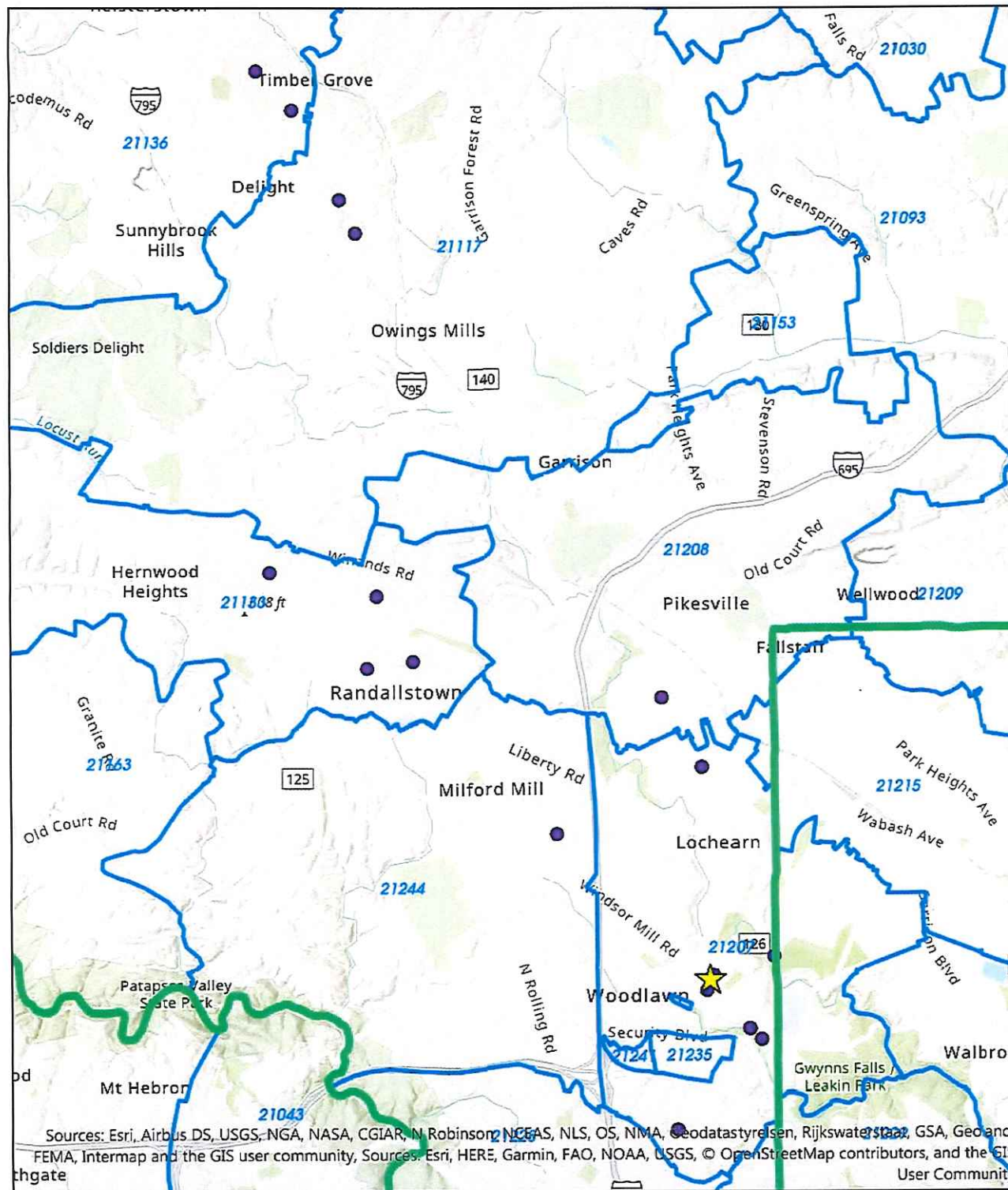
0 2.5 5 10 Miles

Cartographer: -A-  
Date: 12.04.2019

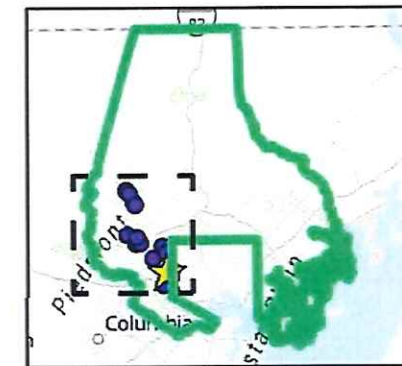
Protestant  
CBA Exhibit

24





## Concentration of Assisted Living Facilities Center on Institutions and Alternatives



Vicinity Map  
1 inch equals 21 miles

### Legend

▬ County Boundary

▬ ZIP Codes

★ 2100 Northland Road

● Nat'l Center on Institutions and Alternatives Properties\*

\*Note: All 21 properties are zoned SFD.

0 0.75 1.5 3 Miles

Cartographer: -A-  
Date: 12.04.2019

Protestant  
CBA Exhibit

2B





**Balto. County has the most group homes; Highest concentration is in west side's older neighborhoods; 'Fair distribution' urged; Operators say they try to avoid clustering treatment centers**

Dail Willis and Liz Atwood  
THE BALTIMORE SUN

<https://www.baltimoresun.com/news/bs-xpm-1999-04-11-9904110234-story.html>

Pub Date 4/11/1999, Accessed 3/10/2020

Baltimore County's ZIP code 21244 stretches from the bustling Beltway to rolling hills and farms along the Patapsco River and Brice Run, but its population is clustered in the older neighborhoods that flank Interstate 695.

Something else is clustered in those west-side neighborhoods: group homes serving a statewide population of troubled teens and disabled adults. ZIP code 21244 includes 63 state-licensed group homes, the highest concentration of such facilities in the state.

✂ More than a quarter of Maryland's 1,300 group homes are in Baltimore County, according to state licensing records. Baltimore County has twice as many group homes as any other jurisdiction in the state and more than the city of Baltimore and Anne Arundel, Carroll and Howard counties combined.

✂ The concentration of group homes erodes property values and discourages revitalization of older neighborhoods, residents say. Transient juveniles, many with special education needs, strain resources at some neighborhood schools.

✂ Residents of Baltimore County's west side -- joined by those from older neighborhoods in other counties -- have launched a campaign to change the laws and policies they say are to blame.

"It's so wrong to concentrate your largest amount of group homes in communities struggling for community conservation and preservation," said Ella White Campbell, director of the Liberty Road Community Council.

✂ Residents of Randallstown, Pikesville, Woodlawn and Gwynn Oak have long grumbled about group homes clustered in their neighborhoods. This year, their resentment turned to anger when a well-to-do Worthington Valley community blocked the opening of a group home there and questioned whether a site under consideration on the county's west side might be more appropriate.

"Let's have a fair distribution," said William Obrecht, a Woodlawn community activist.

The agencies that license and use group homes, and the people who operate them, say the clustering is the result of the federal Fair Housing Act, market forces and a state commitment to residential -- rather than institutional -- treatment. The attributes that attract individual buyers to

**Protestant  
CBA Exhibit**

2 C

the west side -- spacious and affordable houses on quiet residential streets -- also appeal to operators of group homes .

### **Affordable houses**

"If you look at those areas, there are big houses, affordable houses," said Walter G. R. Wirsching, assistant secretary for programs in the Department of Juvenile Justice, which places adolescents in group homes rented or purchased by private operators.

"You can buy an enormous house -- five bedrooms, a living room, a dining room, basement, a decent yard -- for under \$100,000," he said. "You look for houses that have the kind of size in other locations, you're looking at a lot of increased cost."

\* Baltimore County's older communities on the west side have other features that make them attractive to operators of homes for adults. Neighborhoods are safe and close to public transportation, shopping and jobs.

\* The state's policy is to use residential treatment whenever possible, but Wirsching and others acknowledge that the policy is unpopular in neighborhoods where group homes are located.

"People see it as government infringement on their rights," said Nancy Slaterbeck, resource development coordinator for the Governor's Office of Children, Youth and Families.

### **Added demands on schools**

Residents also object to juvenile homes on the west side because of the added demands on schools.

School records don't distinguish between juveniles in group homes and those in foster care. About 1,000 students who are not living with their parents are enrolled in county schools, said Baltimore County schools spokesman Charles Herndon.

One problem is transience. Many of those 1,000 students arrive after the start of the school year or leave in the middle of it, Herndon said. Many are not counted in the county's enrollment figures, which determine state funding. Some need special education.

"We have to kind of scramble to find the appropriate resources," Herndon said. "It's a problem across the system and particularly on the west side."

### **Fair Housing Act**

Even if state officials wanted to direct group home operators out of one area and into another, federal law prevents it.



"Under the Fair Housing Act amendments of 1998, you cannot steer people away from a certain area," Slaterbeck said. "The law was put in because people with disabilities could not live in communities. No community wanted them."

The state does not operate group homes directly. It pays private companies, which rent or buy the homes, to provide those services. The majority of those facilities care for the mentally ill, developmentally disabled and troubled juveniles.

Fearful of increased crime, residents are wary and often hostile when such facilities are proposed for their communities.

Reports of disturbances are rare. Four years ago, neighbors of a group home in Catonsville complained that teen-age boys there were not being supervised. Vandalism and rock-throwing by group home residents have prompted complaints in several Woodlawn neighborhoods.

Group home operators acknowledge community fears, and many avoid clustering their homes wherever they can.

"For years, we have made a concerted effort not to locate a new home where we already have a home," said [Stephen Morgan](#), executive director of the Baltimore Association for Retarded Citizens, which operates 60 homes for developmentally disabled adults in Baltimore and Baltimore County.

David H. Wamsley, director of eMERGE, which serves developmentally disabled adults, said he tries to open homes in areas where the clients have relatives or friends. His group looks for amenities such as yards and accessible transportation.

"We absolutely believe if we want to be part of a community, we don't create this concentration which will lead to segregation whether we want it to or not," Wamsley said.

The number of group homes needed for disabled adults is declining as the state emphasizes treatment programs that encourage more independent living, said Diane McComb, director of the Maryland Association of Community Services, which represents businesses that provide services to the developmentally disabled.

Senate Bill 588, which would order state agencies to find treatment facilities in Maryland for juveniles instead of sending them out of state, is likely to lead to an increase in the number of group homes for juveniles in coming years.

### **Councilman criticizes policy**

County Council Chairman [Kevin B. Kamenetz](#), a Democrat who represents the west side of the county, where the homes are concentrated, said the state should reverse that policy.

"Balancing the factor of the inconvenience of the relatives of these children and the impact on the surrounding neighbors, I have to side with the surrounding neighborhood," he said. "Almost

half of the homes for juvenile offenders [in Baltimore County] are in my district. This is poor policy on the part of the state."

Kamenetz faults federal and state law for failing to consider the impact of such homes on a community. The inflexible application of the federal Fair Housing Act, which prevents local and state governments from regulating the location of group homes, should be reconsidered, he said. "There should be geographic balance."

### **'Change the mind-set'**

About a month ago, Campbell and residents in other neighborhoods with large concentrations of group homes formed a group urging changes in federal, state and local laws.

She also wants the state to encourage alternatives to group homes and require agencies that license homes to better coordinate where they are located.

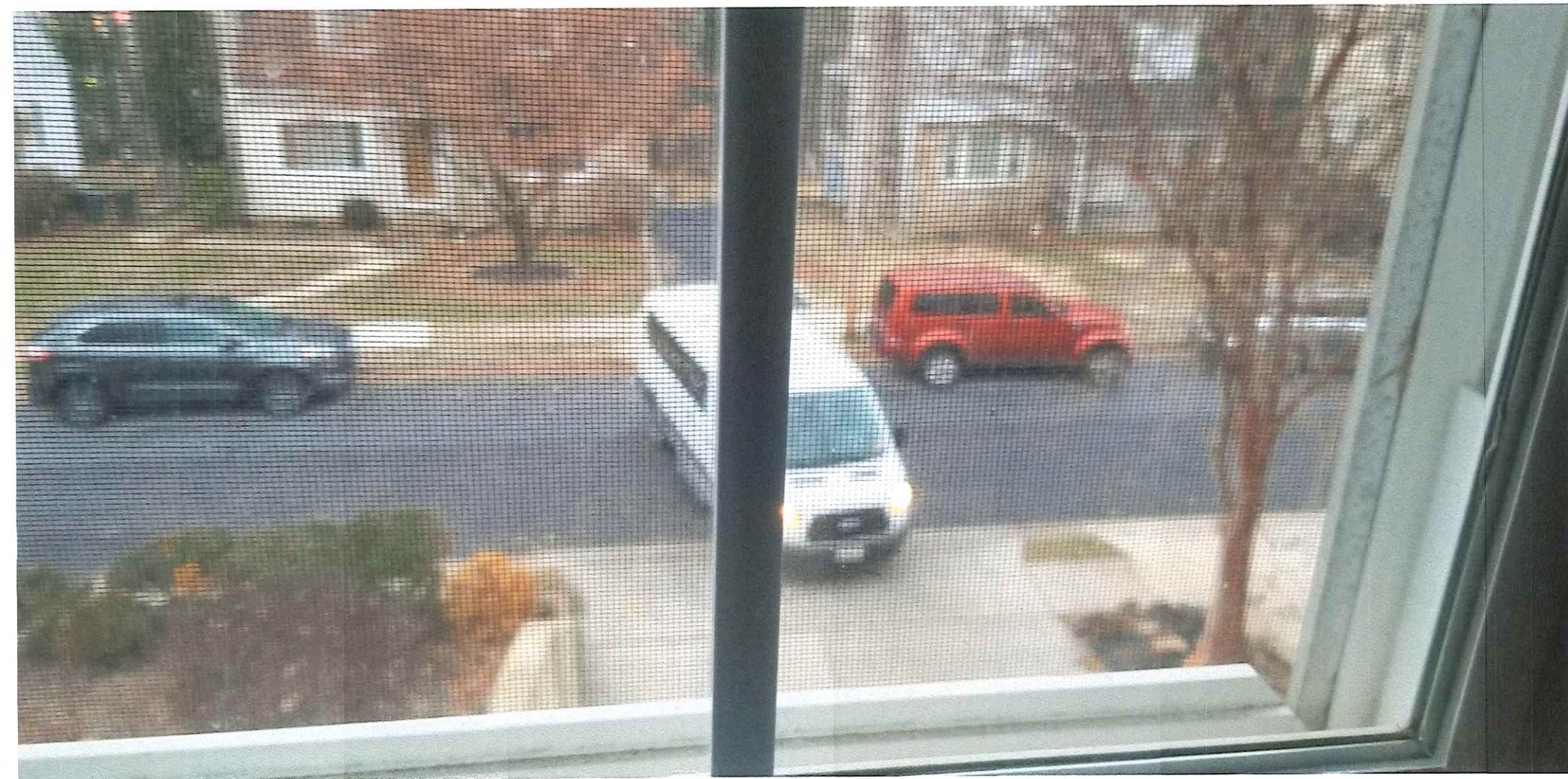
"We're looking to change the mind-set in the state so that the state starts thinking of a myriad of ways to solve the problem," Campbell said.

Copyright © 2020, [The Baltimore Sun](#), a Baltimore Sun Media Group publication | [Place an Ad](#)



(A)

(12) the group home using <sup>our</sup> a driveway to turn about or back into the driveway.



Protestant  
CBA Exhibit

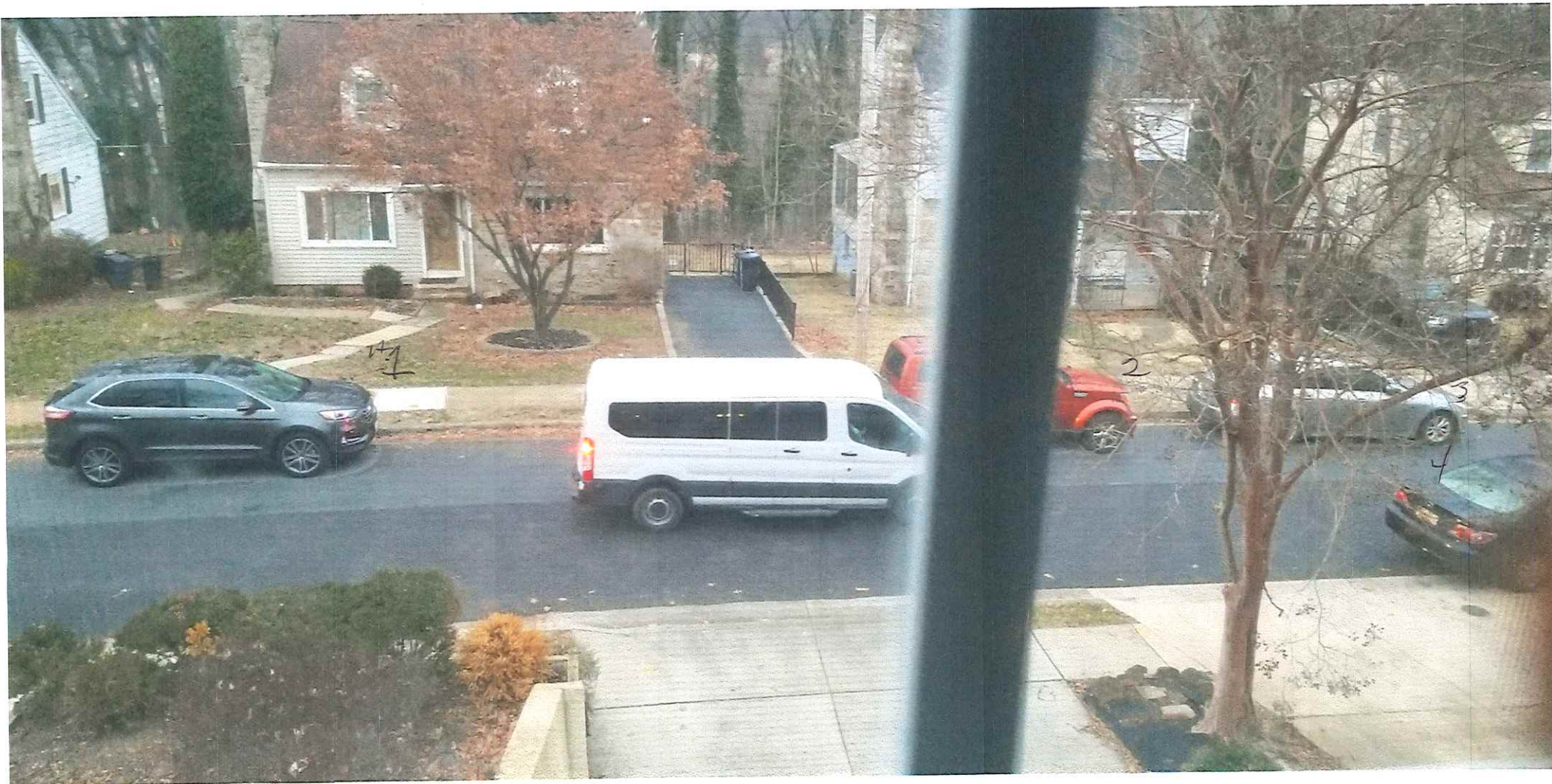
3A

R



① ② I Live across the Street from this first group home.

① Andre + Renae mayfield 2111 Northland Rd. often maintain 4 staff vehicles at 1 time



Protestant  
CBA Exhibit

3B

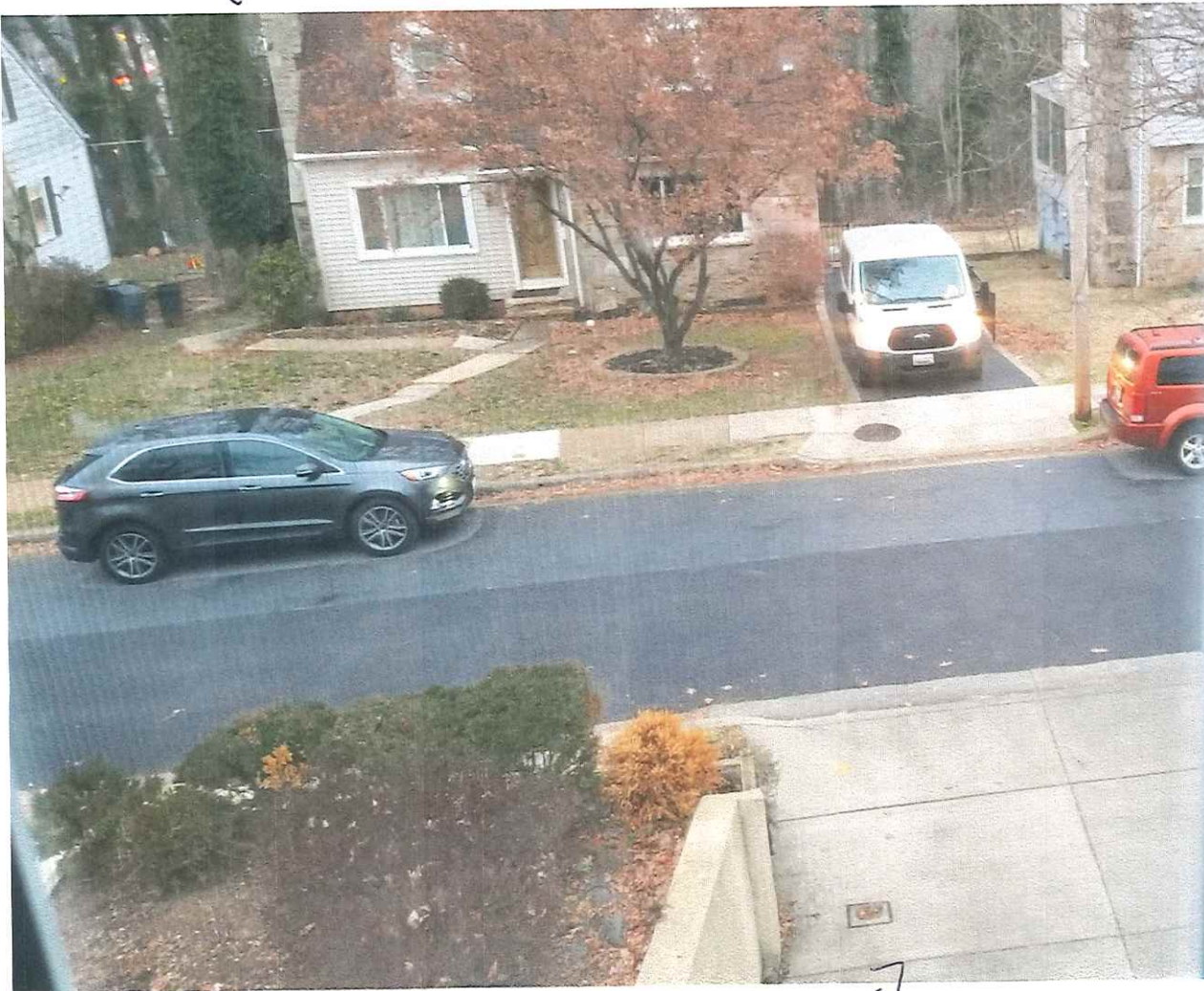
R



②

Staff  
vehicles  
↓

①



my  
Driveway  
2111



④

Protestant  
CBA Exhibit

BC



Date: Wed, March 11, 2020  
From: **Alexander, Kimberley**  
**2104 Northland Road**

Subject: Case # 2019-0481-A  
Petition for Variance

Statement of KIMBERLEY ALEXANDER, Address: 2104 NORTHLAND ROAD

I am unable to attend in person and am requesting that my written concerns in this matter are added to the record for consideration.

Case# 2019-0481-A (Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility)

Of the 7 principle residence property owners closest to 2100 Northland, I am the most recent at 17 years. I consider us fortunate that pride in ownership reflects well in our mutual respect and personal responsibilities for the neighborhood.

As I stated at the initial hearing, my position is not against the business but, that 2100 Northland Road is not a viable location to grant a variance for.

Primary Reason:

2100 is at the intersection of Windsor Mill Road and Northland Road. There is a stop sign at that intersection.

1. Parking

a. Section 21-1003 (o) includes the statement that a vehicle may not park within 30 feet on the approach to a stop sign. Parking is permitted on both sides of the street. The amount of curb space from the 2100 drive way to the stop sign basically allows for one parked vehicle. When vehicles are parked on both sides, or, within the 30 feet, entering and exiting Northland has limited visibility.

This appears to have been considered and addressed in the initial decision. I am requesting that the following concerns be added to the record for considerations in the Appeal determination.

**Protestant**  
**CBA Exhibit**

4A



Concerns;

**According to the SDAT Real Property site, 2100 Northland continues to be listed as the Principle residence of Tony Kinsler (attached).**

Shouldn't this be corrected before a variance can be requested on behalf of Mr. Chavez and his business?

**Mr. Chavez has a three year lease with the option to purchase.**

Since the buyer isn't obligated to purchase the property under this type of agreement, I am very concerned that granting a variance would permanently change the property use type. I can think of factors that could adversely affect Mr. Chavez's intended future transaction (i.e.; purchase price agreement).

**Just Like Home Assisted living Inc.: D12949889 - According to the online Maryland.gov Business Search (attached) is not in good standing.**

Understanding there can be any number of reasons, this is also a cause for concern.

Thank you for considering the impact on the community and taking these concerns and questions into consideration.



X. Alexander

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                             | View GroundRent Redemption               | View GroundRent Registration                                                    |
|----------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------|
| Special Tax Recapture: None                                          |                                          |                                                                                 |
| <b>Account Identifier:</b> District - 01 Account Number - 0119717150 |                                          |                                                                                 |
| Owner Information                                                    |                                          |                                                                                 |
| <b>Owner Name:</b>                                                   | KINSLER TONY                             | <b>Use:</b> RESIDENTIAL                                                         |
| <b>Mailing Address:</b>                                              | 2100 NORTHLAND RD<br>BALTIMORE MD 21207- | <b>Principal Residence:</b> YES                                                 |
|                                                                      |                                          | <b>Deed Reference:</b> /40872/ 00024                                            |
| Location & Structure Information                                     |                                          |                                                                                 |
| <b>Premises Address:</b>                                             | 2100 NORTHLAND RD<br>BALTIMORE 21207-    | <b>Legal Description:</b> PT LT 84 & 85<br>2100 NORTHLAND RD<br>GWYNN LAKE PARK |
| <b>Map:</b>                                                          | <b>Grid:</b>                             | <b>Parcel:</b>                                                                  |
| 0088                                                                 | 0021                                     | 0385                                                                            |
| <b>Neighborhood:</b>                                                 | <b>Subdivision:</b>                      | <b>Section:</b>                                                                 |
| 1030039.04                                                           | 0000                                     |                                                                                 |
| <b>Block:</b>                                                        | <b>Lot:</b>                              | <b>Assessment Year:</b>                                                         |
|                                                                      | 84                                       | 2019                                                                            |
| <b>Plat No:</b>                                                      | <b>Plat Ref:</b> 0008/ 0080              |                                                                                 |
| <b>Town:</b> None                                                    |                                          |                                                                                 |
| <b>Primary Structure Built</b>                                       | <b>Above Grade Living Area</b>           | <b>Finished Basement Area</b>                                                   |
| 1944                                                                 | 1,494 SF                                 | 400 SF                                                                          |
| <b>Property Land Area</b>                                            | <b>County Use</b>                        |                                                                                 |
| 8,296 SF                                                             | 04                                       |                                                                                 |
| <b>Stories</b>                                                       | <b>Basement</b>                          | <b>Type</b>                                                                     |
| 1 1/2                                                                | YES                                      | STANDARD UNIT                                                                   |
| <b>Exterior</b>                                                      | <b>Quality</b>                           | <b>Full/Half Bath</b>                                                           |
| SIDING/                                                              | 3                                        | 2 full                                                                          |
| <b>Garage</b>                                                        | <b>Last Notice of Major Improvements</b> |                                                                                 |
| 1 Attached                                                           |                                          |                                                                                 |
| Value Information                                                    |                                          |                                                                                 |
|                                                                      | <b>Base Value</b>                        | <b>Value</b>                                                                    |
|                                                                      |                                          | As of                                                                           |
|                                                                      |                                          | 01/01/2019                                                                      |
| <b>Land:</b>                                                         | 58,500                                   | 64,800                                                                          |
| <b>Improvements</b>                                                  | 118,000                                  | 136,200                                                                         |
| <b>Total:</b>                                                        | 176,500                                  | 201,000                                                                         |
| <b>Phase-In Assessments</b>                                          |                                          |                                                                                 |
|                                                                      |                                          | As of                                                                           |
|                                                                      |                                          | 07/01/2019                                                                      |
|                                                                      |                                          | As of                                                                           |
|                                                                      |                                          | 07/01/2020                                                                      |
| <b>Land:</b>                                                         |                                          |                                                                                 |
| <b>Improvements</b>                                                  |                                          |                                                                                 |
| <b>Total:</b>                                                        |                                          |                                                                                 |
| <b>Preferential Land:</b>                                            | 0                                        | 0                                                                               |
| Transfer Information                                                 |                                          |                                                                                 |
| <b>Seller:</b> KINSLER TONY                                          | <b>Date:</b> 11/14/2018                  | <b>Price:</b> \$0                                                               |
| <b>Type:</b> NON-ARMS LENGTH OTHER                                   | <b>Deed1:</b> /40872/ 00024              | <b>Deed2:</b>                                                                   |
| <b>Seller:</b> KINSLER TONY                                          | <b>Date:</b> 01/26/2005                  | <b>Price:</b> \$0                                                               |
| <b>Type:</b> NON-ARMS LENGTH OTHER                                   | <b>Deed1:</b> /21327/ 00701              | <b>Deed2:</b>                                                                   |
| <b>Seller:</b> TYE GEORGE W,JR                                       | <b>Date:</b> 03/18/2002                  | <b>Price:</b> \$125,000                                                         |
| <b>Type:</b> ARMS LENGTH IMPROVED                                    | <b>Deed1:</b> /16212/ 00606              | <b>Deed2:</b>                                                                   |
| Exemption Information                                                |                                          |                                                                                 |
| <b>Partial Exempt Assessments:</b>                                   | <b>Class</b>                             |                                                                                 |
| <b>County:</b>                                                       | 000                                      | 0.00                                                                            |
| <b>State:</b>                                                        | 000                                      | 0.00                                                                            |
| <b>Municipal:</b>                                                    | 000                                      | 0.00 0.00                                                                       |
| <b>Special Tax Recapture:</b>                                        | None                                     |                                                                                 |
| Homestead Application Information                                    |                                          |                                                                                 |
| <b>Homestead Application Status:</b> No Application                  |                                          |                                                                                 |
| Homeowners' Tax Credit Application Information                       |                                          |                                                                                 |
| <b>Homeowners' Tax Credit Application Status:</b> No Application     |                                          |                                                                                 |
| <b>Date:</b>                                                         |                                          |                                                                                 |



## JUST LIKE HOME ASSISTED LIVING INC: D12949889

 **Notice**

Please be aware of an ongoing scam in which newly registered businesses are being instructed to send additional payment in order to obtain a Certificate of Status. Any 3rd party solicitation from a company attempting to represent the 'Maryland Secretary of State' via mail or email should be fully vetted before submitting additional payment information.

Trade Names Renewals are now available online up to 6 months prior to the Trade Name's expiration date. If the owner of the Trade Name is an LLC or Corporation, that LLC or Corporation must be in Good Standing with SDAT. Once logged in, click 'Start a New Filing' in your 'Online Filings' tab. Then, select 'Renew Trade Name' to see if you are eligible.

**Department ID Number:**

D12949889

**Business Name:**

JUST LIKE HOME ASSISTED LIVING INC

**Principal Office:**8303 LIBERTY ROAD  
WINDSOR MILL MD 21244**Resident Agent:**NICHOLAS CHAVEZ, JR.  
8303 LIBERTY RD  
WINDSOR MILL MD 21244**Status:**

REVIVED

**Good Standing:**THIS BUSINESS IS **NOT IN GOOD STANDING****Reason(s) Entity is NOT in Good Standing:**

Annual Report Due For 2019

**Business Type:**

CORPORATION

**Business Code:**

04 ORDINARY BUSINESS - NON-STOCK

**Date of Formation/ Registration:**

03/11/2009

**State of Formation:**

MD

Stock Status:

NONSTOCK

Close Status:

NO



## WHAT DOES IT MEAN THAT A BUSINESS ENTITY IS NOT IN GOOD STANDING OR FORFEITED?

**“Not in Good Standing”** means the business entity is not in compliance with one or more Maryland laws that apply to businesses and their responsibilities in this State. Only business entities that are active can have a good standing status, so a business that has been voluntarily terminated will also show “not in good standing” because it is no longer active.

The status can be returned to Good Standing by addressing the manner in which the business is out of compliance. If a business was voluntarily terminated, it cannot return to good standing because a voluntary termination is permanent.

The most common reasons that a business is not in good standing are

- A missing Annual Report and Business Personal Property Return, also called a Form 1
- A monetary penalty resulting from the late filing of a Form 1
- A check or other form of payment that was dishonored
- Not having an active resident agent
- An issue with the Maryland Office of the Comptroller
- An issue with the Maryland Department of Labor, Licensing and Regulation

For missing Annual Reports and Business Personal Property Returns, mail or hand deliver the Form 1 to our Baltimore office. Prior years' returns as well as the current year return, can usually be filed online at <https://egov.maryland.gov/businessesexpress>. A blank Form 1 is also available on our website under “Forms and Applications.”

For late filing fees, send a check or money order for the amount of the penalty to us or bring the payment to our Baltimore office. If mailing, include the MD SDAT identification number and either a cover letter, a copy of the penalty notice or a copy of the business entity's Personal Property tab from the business entity search on our website

Some late filing penalties are referred to Maryland's Central Collection Unit, (CCU). Once a penalty is referred for collections, it cannot be paid through SDAT. If this is the case, you must pay the penalty directly to CCU. If the business entity is in forfeiture, provide written proof of payment to CCU to SDAT at the time you file your revival or reinstatement paperwork.

For issues with the Maryland Office of the Comptroller, call 410-649-0633

For issues with the Maryland Department of Labor, Licensing and Regulation, call 410-767-2741

Filings can be made by mail or by visiting our Baltimore Office at 301 West Preston Street, Baltimore, Maryland 21201, Room 801. If you have further questions, please contact the Charter Legal Department by calling 410-767-1006 or e-mailing [SDAT.charterhelp@maryland.gov](mailto:SDAT.charterhelp@maryland.gov)

3/3/2020

To whom it may concern:

As a homeowner for over thirty years at 2109 Northland Road who appreciates living in a quiet neighborhood, I am writing in opposition to adding a second group home on my street. My opposition is also based on potential negative effects such as increased traffic congestion adding to an already problematic limited parking for current residents and loss of neighborhood and community character. The first group home was established right across the street from my home. Neither I nor any of my neighbors were informed about the formation of the group home at 2110 Northland Road.

Due to the non-transparency of the creation of the first group home in regards to informing the residents on the 2100 block of Northland Road we are having apprehensions against positioning another group home our street. Based on previous experience, we are not sure what will be the nature of the group home. Will it be a residence for those with disabilities, individuals with developmental challenges, and teens with behavioral problems or even worse recovering drug addicts and not to mention sex offenders? Will we have to deal with the employees of these group homes, not knowing if they too have a troubled past or just dealing with the day to day noise pollution of the employees arriving and departing from work? Also do we want to take that chance of disrupting playtime of the young children and grandchildren living on Northland Road?

We've adjusted to the first group home being on our street, we don't believe our street can afford to have another one. Please rethink putting another group home on our block.

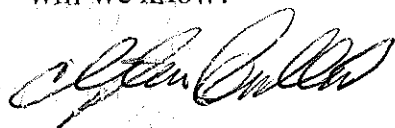
Sincerely,

Aaron Richardson

2109 Northland Road

Baltimore, Maryland 21207

Some group homes operate with little or no disruption to others living in the vicinity, how will we know?



September 29, 2022

Aaron Richardson  
Aaron Richardson

Protestant  
CBA Exhibit

4B



James "Tori" B Sheets, Jr

2101 Northland Rd

Gwynn Oak, Md 21207

3-11-20

To Whom it may concern,

I have lived across the street from 2100 Northland Rd. for 20+ years.

There has been traffic and parking issues with the assisted living facilities on our road.

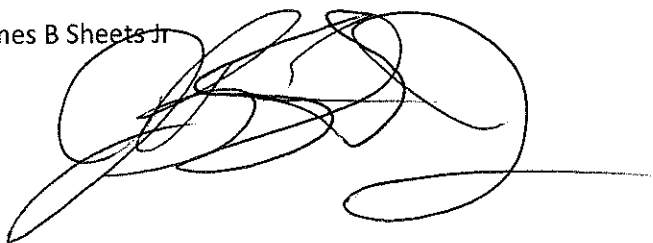
Several times in the past year I have had my vehicles hit, due way way too much traffic from the EXISTING assisted living facilities.

These vehicles create too much traffic, and the last thing Northland rd need is ANOTHER assisted living facility, which would effect the safety of the folks that live on Northland rd.

The folks that live on Northland rd deserve to have a say on this issue, i say NO MORE ASSISTED LIVING FACILITIES please

Yours truly,

James B Sheets Jr

A handwritten signature in black ink, appearing to be 'James B Sheets Jr', written over a horizontal line.

2105 Northland Rd.  
Baltimore MD 21207

March 11, 2020

Re: Appeal to Board of Appeals  
Petition for Variance for  
Property: 2100 Northland Rd.  
Case # 2019-0481-A

To Whom It May Concern:

I reside at 2105 Northland Rd. which is  
across the street from the subject facility.

I am still opposed to having this facility  
operate while already having an assisted  
living facility operating in this block.

In my letter to the Board dated Dec 3, 2019  
I explained in detail my viewpoint. And  
my feelings have not changed.

If you have any questions, please feel  
free to contact me at 410-944-6498.  
Thank you.

Protestant  
CBA Exhibit

4D

Sincerely  
Theresa Holmes

(4D)

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF:  
NICHOLAS CHAVEZ, JR.

FOR JUDICIAL REVIEW OF THE OPINION OF  
THE BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204

IN THE MATTER OF:  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER  
Petitioners for Variance on the Property  
located at 2100 Northland Road

1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 19-481-A

CIVIL ACTION  
NO.: C-03-CV-20-004314

\* \* \* \* \*

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE  
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

**TO THE HONORABLE, THE JUDGE OF SAID COURT:**

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND  
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
OF BALTIMORE COUNTY**

September 30, 2019 Petition for Variance filed by Tony Kinsler – Legal Owner, and Nicholas Chavez, Jr. – Contract Purchaser pursuant to Section 432.A.1.A.(3) of the



In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
 Board of Appeals Case No.: 19-481-A  
 Circuit Court Civil Action No.: C-03-CV-20-004314

Baltimore County Zoning Regulations to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an Assisted Living Facility.

October 9, 2019      Entry of Appearance filed by People’s Counsel for Baltimore County.

October 30, 2019      Notice of Zoning Hearing

November 15, 2019      Certificate of Posting

November 15, 2019      Certificate of Publication in newspaper.

November 25, 2019      ZAC Comments

November 30, 2019      Certificate of Posting

December 5, 2019      Administrative Law Judge convened for a hearing.

December 10, 2019      Opinion and Order issued by the Administrative Law Judge wherein the Petition for Variance pursuant to Section 432.A.1.A.(3) of the Baltimore County Zoning Regulations to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an ALF was DENIED.

December 23, 2019      Notice of Appeal filed by Nicholas Chavez, Jr.

December 24, 2019      Appeal received by the Board.

January 17, 2020      Notice of Assignment issued by the Board.

March 12, 2020      Board convened for a Hearing.

*Exhibits submitted at Hearing before the Board of Appeals:*

Petitioners’ Exhibit No.

1A-1B – Expense Report and Bank Statements

Protestants’ Exhibit No.

1A-1F – Photos from witness Jocelyn Gillis

2A-2B – Concentration of Assisted Living Facilities in Baltimore County, Maryland

2C – Baltimore Sun article on concentration of group homes  
 IDENTIFICATION ONLY

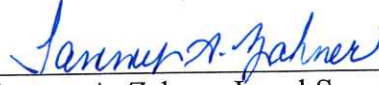
In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
 Board of Appeals Case No.: 19-481-A  
 Circuit Court Civil Action No.: C-03-CV-20-004314

3A-3C – Photos from witness Renae Mayfield re: 2110 Northland  
 4A-4D – Letters from 2100 Northland neighbors

|                   |                                                                                                                                                                                                                                                                            |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| July 7, 2020      | Board convened for Public Deliberation.                                                                                                                                                                                                                                    |
| November 4, 2020  | Opinion and Order issued by the Board wherein the Request for Variance pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility was DENIED. |
| December 2, 2020  | Petition for Judicial Review filed in the Circuit Court for Baltimore County by Nicholas Chavez, Jr., Petitioner.                                                                                                                                                          |
| December 7, 2020  | Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.                                                                                                                                                         |
| December 10, 2020 | Certificate of Compliance sent to all parties and interested persons.                                                                                                                                                                                                      |
| December 28, 2020 | Protestants' Response to Petition for Judicial Review received by the Board via certified mail.                                                                                                                                                                            |
| December 29, 2020 | Letter to Clerk of the Circuit Court for Baltimore County from the Board forwarding the Response to Petition for Judicial Review received by the Board from the Protestants in error.                                                                                      |
| January 4, 2021   | Protestants' Response to Petition for Judicial Review received by the Board via certified mail.                                                                                                                                                                            |
| January 5, 2021   | Letter to Clerk of the Circuit Court for Baltimore County from the Board forwarding the Response to Petition for Judicial Review received by the Board from the Protestants in error.                                                                                      |
| January 5, 2021   | Letter to Protestants from Board advising all correspondence, responses, petitions, etc. must be filed with the Circuit Court for Baltimore County as the Board no longer has jurisdiction.                                                                                |
| February 3, 2021  | Transcript of testimony filed.                                                                                                                                                                                                                                             |
| February 3, 2021  | Record of Proceedings filed in the Circuit Court for Baltimore County.                                                                                                                                                                                                     |

In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A  
Circuit Court Civil Action No.: C-03-CV-20-004314

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



---

Tammy A. Zahner, Legal Secretary  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3180  
[appealsboard@baltimorecountymd.gov](mailto:appealsboard@baltimorecountymd.gov)



In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-A  
Circuit Court Civil Action No.: C-03-CV-20-004314

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of February, 2021 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, MD 21207

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, MD 21207

Micah C. Wainwright, MST  
Good Steward Accounting & Tax  
5-A Gwynns Mills Court  
Owings Mills, MD 21117

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

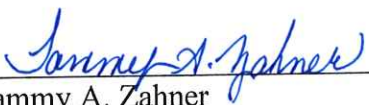
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

James Sheetz  
2101 Northland Road  
Baltimore, MD 21207

Renae Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

  
\_\_\_\_\_  
Tammy A. Zahner



## Board of Appeals of Baltimore County

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

January 5, 2021

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheetz  
2101 Northland Road  
Baltimore, MD 21207

Renae Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Circuit Court Civil Action No.: C-03-CV-20-004314  
Board of Appeals Case No.: 19-481-SPH

Dear Protestants:

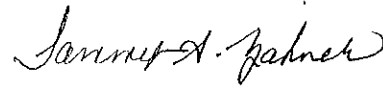
As you are aware, the above-referenced case has been appealed to the Circuit Court for Baltimore County. Accordingly, all correspondence, responses, petitions, etc. are to be filed directly with the Circuit Court for Baltimore County at:

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204  
(410) 887-2601

In the matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Circuit Court Civil Action No.: C-03-CV-20-004314  
Board of Appeals Case No.: 19-481-SPH  
Page 2

The Board of Appeals no longer has jurisdiction over this matter. I have forwarded your responses to the Circuit Court for appropriate action.

Sincerely,



Tammy A. Zahner  
Legal Secretary

Multiple Original Cover Letters  
taz  
Enclosure

c: Micah C. Wainwright, MST  
Tony Kinsler  
Nicholas Chavez, Jr.





## Board of Appeals of Baltimore County

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

January 5, 2021

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: C-03-CV-20-004314

Dear Sir/Madam Clerk:

Enclosed please find Responses to the Petition for Judicial Review in the above-referenced matter. These responses were addressed to our agency, in error. We are forwarding to you for the appropriate action.

Thanking you in advance for your prompt attention.

Sincerely,

A handwritten signature in cursive script that reads "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

taz

Enclosure

c: Micah C. Wainwright, MST (with enclosures)  
Tony Kinsler (with enclosures)  
Nicholas Chavez, Jr. (with enclosures)  
Charles and Debbie Neet  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Kim Alexander  
Jocelyn Gillis  
James Sheets  
Renae Mayfield

From: Community Member residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract  
Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

Being a community member of Baltimore County Maryland, living in the 21207 zip code area and who was a party to the agency proceedings in the above matter is submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Renae Mayfield  
2111 Northland Road  
Gwynn Oak, MD 21207

Sincerely,  
21207 Community Member

A handwritten signature in cursive script, appearing to read "Renae Mayfield", is written over a horizontal line.

From: Community Members residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract  
Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

We the below community members of Baltimore County Maryland, living in the 21207 zip code area and who were parties to the agency proceedings in the above matter are submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

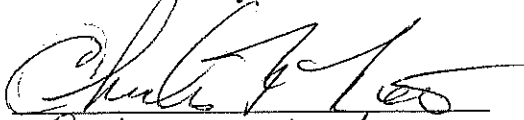
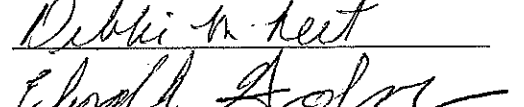
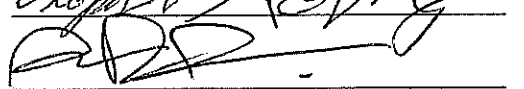
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

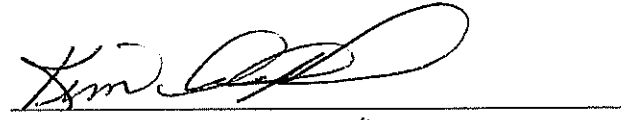
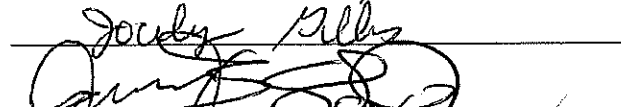
Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheets  
2101 Northland Road  
Baltimore, MD 21207

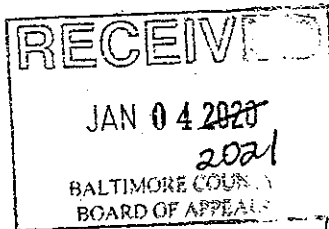
Sincerely,  
21207 Community Members

  
Debbie Neet  
  


  
Jocelyn Gillis  
  



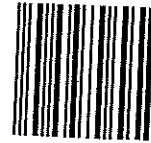

21207 Community Members  
2106 Northland Rd  
Baltimore, MD 21207



Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building, 2nd Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204



1000



21204

U.S. POSTAGE PAID  
FCM LETTER  
WINDSOR MILL, MD  
21244  
DEC 23, 20  
AMOUNT

**\$6.95**

R2304M112925-9





## Board of Appeals of Baltimore County

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

December 29, 2020

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, Maryland 21204

Re: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: C-03-CV-20-004314

Dear Sir or Madam:

Enclosed please find a Response to the Petition for Judicial Review in the above-referenced matter. This response was addressed to our agency, in error. We are forwarding the response to you for the appropriate action.

Thanking you in advance for your prompt attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tammy A. Zahner".

Tammy A. Zahner  
Legal Secretary

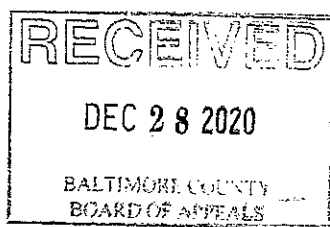
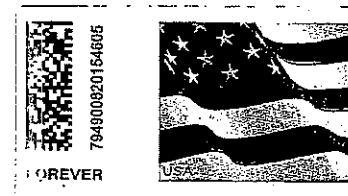
taz  
Enclosure

c: Micah C. Wainwright, MST (with enclosure)  
Tony Kinsler (with enclosure)  
Nicholas Chavez, Jr. (with enclosure)  
Charles and Debbie Neet  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Kim Alexander  
Jocelyn Gillis  
James Sheets

21207 Community Members  
2106 Northland Rd  
Baltimore, MD 21207

BALTIMORE MD 212

23 DEC 2020 PM 6-L



Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building, 2<sup>nd</sup> Floor, Suite 203  
105 West Chesapeake Ave  
Towson, MD 21204  
21204-471153

This case is on appeal to the Circuit Court for Baltimore County. All future correspondence should be directed to:

Clerk of the Court  
Circuit Court for Baltimore County  
401 Bosley Avenue  
Towson, MD 21204  
(410) 887-2601

The Board of Appeals no longer has jurisdiction over this matter.



From: Community Members residing in Baltimore County, Maryland, 21207

To: Circuit Court for Baltimore County  
Board of Appeals  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Ave.  
Towson, MD 21204

RE: Residents Response to the Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Circuit Court for Baltimore County:

We the below community members of Baltimore County Maryland, living in the 21207 zip code area and who were parties to the agency proceedings in the above matter are submitting this written intent to participate in the action for judicial review in accordance with Maryland Rules; RULE 7-204. RESPONSE TO PETITION.

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

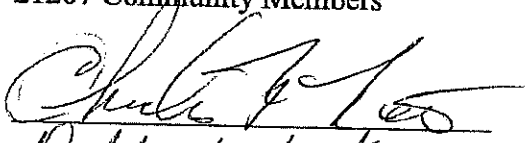
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

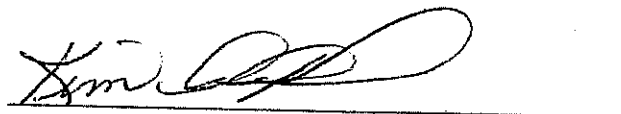
Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

James Sheets  
2101 Northland Road  
Baltimore, MD 21207

Sincerely,  
21207 Community Members

  
Debbie Neet  
Elizabeth Goldsby  
Adam Allen

  
Jocelyn Gillis  
James Sheets  
Theresa Holmes

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY

PETITION OF:  
NICHOLAS CHAVEZ, JR.

FOR JUDICIAL REVIEW OF THE OPINION OF  
THE BOARD OF APPEALS  
OF BALTIMORE COUNTY  
Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, MD 21204

IN THE MATTER OF:  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER  
Petitioners for Variance on the Property  
located at 2100 Northland Road

12<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 19-481-SPH

\* \* \* \* \*

**CERTIFICATE OF COMPLIANCE**

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, MD 21207

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, MD 21207

Charles and Debbie Neet  
2106 Northland Road  
Baltimore, MD 21207

Kim Alexander  
2104 Northland Road  
Gwynn Oak, MD 21207

In the Matter of: Tony Kinsler – Legal Owner and Nicholas Chavez, Jr., Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH  
Circuit Court Civil Action No.: C-03-CV-20-004314

2

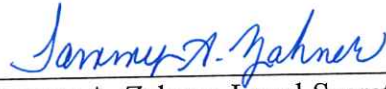
Theresa Holmes  
2105 Northland Road  
Baltimore, MD 21207

Jocelyn Gillis  
2102 Northland Road  
Baltimore, MD 21207

Adam Allen  
Elizabeth Goldsby  
2006 Alto Vista Avenue  
Gwynn Oak, MD 21207

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

**I HEREBY CERTIFY** that on this 10<sup>th</sup> day of December, 2020, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.



---

Tammy A. Zahner, Legal Secretary  
Board of Appeals for Baltimore County  
The Jefferson Building, Suite 203  
105 W. Chesapeake Avenue  
Towson, Maryland 21204  
(410) 887-3180  
[appealsboard@baltimorecountymd.gov](mailto:appealsboard@baltimorecountymd.gov)





## Board of Appeals of Baltimore County

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

December 10, 2020

Nicholas Chavez, Jr.  
2100 Northland Road  
Gwynn Oak, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Gwynn Oak, Maryland 21207

RE: Petition for Judicial Review  
Circuit Court Civil Action No.: C-03-CV-20-004314  
In the Matter of: Tony Kinsler – Legal Owner and  
Nicholas Chavez, Jr. – Contract Purchaser  
Board of Appeals Case No.: 19-481-SPH

Dear Messrs. Chavez and Kinsler:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Nicholas Chavez, Jr., in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on December 7, 2020. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

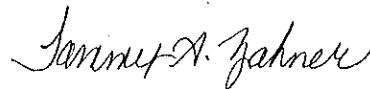
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Nicholas Chavez, Jr., having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

Courtsmart was the official record of the hearings before the Board. The disk(s) will be copied by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.

**Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than JANUARY 29, 2021 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.**

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner  
Legal Secretary

Duplicate Original Cover Letter  
Enclosure

c: Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis



**IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MD**  
**401 Bosley Avenue, Towson, MD 21204**

PETITION OF Nicholas Chavez, Jr.  
(Name of person appealing agency decision.)  
2100 Northland Road  
Gwynn Oak, MD 21207  
(Address of person appealing agency decision.)

Circuit Court  
Case #:

C-03-CV-20-4314

FOR JUDICIAL REVIEW OF THE DECISION OF THE  
Board of Appeals of Baltimore County  
(Name and address of the agency making the decision.)

IN THE CASE OF Nicholas Chavez  
(Name of person appealing agency decision.)

v.

Board of Appeals of Baltimore County  
(Name of the agency.)

AGENCY CASE # 19-481-A  
(Agency's Case Number.)

**PETITION FOR JUDICIAL REVIEW**

PETITIONER Nicholas Chavez, Jr., pursuant to Maryland Rule  
§7-202, hereby requests judicial review the decision rendered on November 4, 2020  
(Date Agency Decision was made.)

by Board members: Andrew Belt; Joseph Evans, and William McComas  
(Name and appeal department of Administrative Judge who made the final decision.)

on behalf of Board of Appeals of Baltimore County in the above captioned matter. Petitioner  
(Decision making Agency)

was a party to the agency's proceedings

(Signature of petitioner)

Nicholas Chavez, Jr.  
(Petitioner's Name)  
2100 Northland Road  
Gwynn Oak, MD 21207  
(Petitioner's Address)  
667-444-1717  
(Petitioner's Telephone Number)

**FILED DEC 02 2020**





**CIRCUIT COURT FOR BALTIMORE COUNTY,  
MARYLAND**

401 Bosley Avenue, P.O. Box 6754  
Towson, MD 21285-6754

Main: 410-887-2601  
Fax: 410-887-3062



**To:** BALTIMORE COUNTY BOARD OF APPEALS  
105 WEST CHESAPEAKE AVENUE  
TOWSON, MD 21204

**Case Number:**  
**Other Reference Number(s):**

**C-03-CV-20-004314**

**IN THE MATTER OF NICHOLAS CHAVEZ, JR.**



## Board of Appeals of Baltimore County

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

November 4, 2020

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" with a stylized flourish at the end.

Krysundra "Sunny" Cannington  
Administrator

### Enclosure

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

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis

IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER AND  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
12<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 19-481-A

\* \* \* \* \*

### OPINION

This matter comes before the Baltimore County Board of Appeals as de novo appeal from a December 10, 2019 decision from the Administrative Law Judge denying a Petition for Variance filed by Petitioners Tony Kinsler, Legal Owner and Nichols Chavez, Jr., Contract Purchaser of the subject property. The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an ALF. A hearing was held before this Board in March 12, 2020 with Nichols Chavez, Jr. and Michael Wainwright appearing on behalf of Petitioner’s, *pro se* and numerous community members appearing as Protestants, with Adam Allen, sitting at the trial table, *pro se*. A public deliberation was held on July 7, 2020.

Petitioner, Nichols Chavez and his business partner, Michael Wainwright testified in support of his petition, explaining that they intended to operate an Assisted Living Facility (ALF) for elderly citizens at the subject property. Mr. Wainwright explained that he had prior experience with ALF’s in the past and expressed his intention for the ALF at issue to serve senior citizens, rather than mentally disabled persons who were being served at the ALF already on the subject street. Mr. Wainwright explained his belief that they would be providing a service to the community that allows elderly persons to stay in a residential setting. He further explained that



the number of residents at the proposed facility would be extremely limited due to the four bedroom size of the home and other State regulations. Mr. Wainwright also testified that these residents would not generate additional traffic in that they would not have their own vehicles at the facility.

Protestants, local community members Adam Allen, Charles Neet, and Jocelyn Gillis provided photographs of the subject property and the street on which it is located. Mr. Allen and Ms. Gillis explained that there is already an ALF within 1000 ft. of the subject property and many more throughout the community. The Protestants testified as to their concerns regarding parking, traffic and congestion as well as the accessibility of emergency vehicles on an already narrow street. Finally, they testified as to their concerns that the clustering of such facilities in their community may have a detrimental effect on property values.

The subject property is 8,296 square feet in size and is zoned DR 5.5. While the Board finds that Mr. Chavez and Mr. Wainwright possess the best of intentions in planning to operate a quality ALF at the subject property, this Board must evaluate the Petitioner's request for variance relief through the tenets of the court's opinion *Cromwell v. Ward* which requires the following:

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

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

Although the Petitioners appeared pro se, the Board questioned the Petitioners as to how their property was unique in keeping with *Cromwell*. Other than expressing the “unique” quality of care they intended to provide in a “unique,” retreat-like setting, the Petitioners were unable to articulate any geographical features which might apply in the *Cromwell* analysis. The testimony and photographic evidence provided by the Protestants illustrated that the subject property is not unique from other houses on the street. While this Board finds that the Petitioners were convincing in expressing their desire to start a quality ALF, their request for variance relief falls short in satisfying the *Cromwell* requirements.

THEREFORE the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an ALF, is DENIED.

**ORDER**

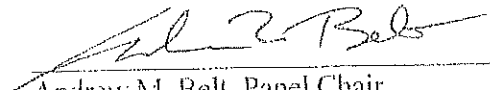
Therefore, it is this 4th day of November, 2020 by the Board of Appeals of Baltimore County

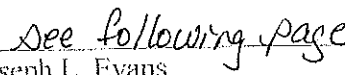
**ORDERED** the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an Assisted Living Facility, is **DENIED**.

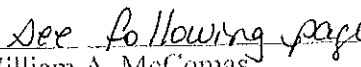
In the matter of: Tony Kinsler -Legal Owner  
Nicholas Chavez, Jr. Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
\_\_\_\_\_  
Andrew M. Belt, Panel Chair

  
\_\_\_\_\_  
Joseph L. Evans

  
\_\_\_\_\_  
William A. McComas

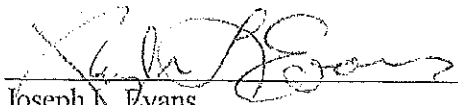


In the matter of: Tony Kinsler –Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

  
Joseph L. Evans

see following page  
William A. McComas

In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

see previous page  
Joseph L. Evans

William A. McComas  
William A. McComas

**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser

19-481-A

**DATE:** July 7, 2020

**BOARD/PANEL:** Andrew M. Belt, Panel Chair  
William A. McComas  
Joseph L. Evans

**RECORDED BY:** Tammy A. Zahner, Legal Secretary

**PURPOSE:** To deliberate the following:

1. Petition for Variance pursuant to BCZR § 432.A.1.A.(3) to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.
2. Is the property unique pursuant to the conditions set forth in *Cromwell v. Ward*, and if it is, will failure to grant the Variance present a practical difficulty or undue hardship?

**PANEL MEMBERS DISCUSSED THE FOLLOWING:**

**DISCUSSION**

- The Board held a full evidentiary hearing, with both the Petitioner and community Protestants appearing *pro se*.
- The Board heard testimony from the Petitioner about its plan to operate an Assisted Living Facility to be located in a residential house on a residential street.
- The Protestants testified there is another Assisted Living Facility already located on the street, and there are several in the neighborhood. They are concerned about increased traffic.
- The Board noted that BCZR § 432.A.1.A.(3) does not permit an Assisted Living Facility to be located within 1,000 ft. of another Assisted Living Facility. The statutory interpretation of this law is to prevent the clustering of facilities.
- The Board discussed the uniqueness requirement of *Cromwell*. Petitioner testified more to the uniqueness of the proposed use, not to the uniqueness of the property. The community testified that the property is similar to others in the neighborhood. The Board found no evidence in the record to demonstrate uniqueness.
- The Board briefly discussed the practical difficulty or undue hardship standard of *Cromwell*. Although they do not need to make a finding of hardship, it was noted any hardship was self-imposed.

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

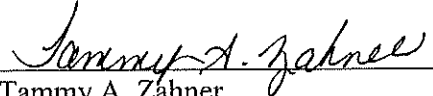


In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No.: 19-481-A  
Minutes of Deliberation

2

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

Respectfully Submitted,

  
\_\_\_\_\_  
Tammy A. Zahner



## Board of Appeals of Baltimore County

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

June 4, 2020

### **NOTICE OF DELIBERATION**

**IN THE MATTER OF:** Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
19-481-A 2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

*This matter having been heard and concluded on March 12, 2020, a public deliberation has been*

**ASSIGNED FOR: JULY 7, 2020, AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html).**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

c. Legal Owner  
Contract Purchaser

: Tony Kinsler  
: Nicholas Chavez, Jr.

Protestants

: Charles and Debbie Neet, Kim Alexander, Theresa Holmes, Adam Allen, Elizabeth Goldsby, Jocelyn Gillis

Office of People's Counsel  
C. Pete Gutwald, Director/Department of Planning  
James R. Benjamin, Jr., County Attorney

Paul M. Mayhew, Managing Administrative Law Judge  
Michael D. Mallinoff, Director/PAI  
Nancy C. West, Assistant County Attorney



## Board of Appeals of Baltimore County

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

January 17, 2020

### **NOTICE OF ASSIGNMENT**

**IN THE MATTER OF:**

19-481-A

Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
2100 Northland Road  
1<sup>st</sup> Election District; 1<sup>st</sup> Councilmanic District

Re: Petition for Variance pursuant to § 432.A.1.A.(3) of the BCZR to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility.

12/10/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

**ASSIGNED FOR:**

**MARCH 12, 2020, AT 10:00 A.M.**

**LOCATION:**

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

**NOTICE:**

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

For further information, including our inclement weather policy, please visit our website [www.baltimorecountymd.gov/Agencies/appeals/index.html](http://www.baltimorecountymd.gov/Agencies/appeals/index.html)

**Krysundra Cannington,  
Administrator**



Notice of Assignment

In the matter of: Tony Kinsler - Legal Owner

Nicholas Chavez, Jr. - Contract Purchaser

Case number: 19-481-A

January 17, 2020

Page 2

c. Legal Owner  
Contract Purchaser

Protestants

: Tony Kinsler  
: Nicholas Chavez, Jr.

: Charles and Debbie Neet, Kim Alexander,  
Theresa Holmes, Adam Allen, Elizabeth Goldsby,  
Jocelyn Gillis

Office of People's Counsel

Paul M. Mayhew, Managing Administrative Law Judge

C. Pete Gutwald, Director/Department of Planning

Michael D. Mallinoff, Director/PAI

James R. Benjamin, Jr., County Attorney

Nancy C. West, Assistant County Attorney



JOHN A. OLSZEWSKI, JR.  
County Executive

PAUL M. MAYHEW  
Managing Administrative Law Judge  
LAWRENCE M. STAHL  
Administrative Law Judge

December 24, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207



RE: **APPEAL TO BOARD OF APPEALS –**  
Petition for Variance  
Case No. 2019-0481-A  
Property: 2100 Northland Road

Dear Mr. Chavez:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 23, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew".  
PAUL M. MAYHEW

Managing Administrative Law Judge  
for Baltimore County

PMM/sln

c: Baltimore County Board of Appeals  
Peter Max Zimmerman, People's Counsel for Baltimore County

Page 2

2100 Northland Road

Case No.: 2019-0481-A

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207

Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207

Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207

Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207

Jocelyn Gillis, 2102 Northland Road, Baltimore, Maryland 21207



No. 174847  
Date: 12/23/10

Date: 12/20/10

# PAGE TWO

| BUSINESS  | ACTUAL     | TIME    | END |
|-----------|------------|---------|-----|
| 3/24/2017 | 12/13/2017 | 1452:00 | 3   |

NEW YORK, N.Y. (AP) —

3. 528 TRAINING VERIFICATION  
01. 075917

Receipt for \$200.00  
STATIONER

William C. Murphy, Her/land

[illegible]

Total: 2711.40

Rec: Nicholas Chaves, Jr  
From:

For: 2019-0481-A 0 0

200 Algebra 1 Answer Key

0.11 11/14

## DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
VALIDATION**

## **APPEAL**

**Petition for Variance  
(2100 Northland Road)  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Tony Kinsler  
Contract Purchaser: Nicholas Chavez, Jr.  
Case No. 2019-0481-A**

Petition for Variance (September 30, 2019)

Zoning Description of Property

Certificate of Posting – November 15, 2019 (Richard Hoffman)

Newspaper Advertisement – (The Daily Record) – November 15, 2019

Notice of Zoning Hearing – October 30, 2019

People's Counsel Entry of Appearance – October 9, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Site Plan
2. Plat of Subdivision

Protestant(s) Exhibits-

1. Letter of Protest
2. Letter of Protest
3. Letter of Protest
4. Map showing density of ALF's
5. Photos of Emergency Equipment

Miscellaneous (Not Marked as Exhibits)- SDAT-Real Property Search

Administrative Law Judge Order and Letter (Denied- December 10, 2019)

Appeal from Mr. Nicholas Chavez, Jr. December 23, 2019





JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
LAWRENCE M. STAHL  
*Administrative Law Judge*

December 10, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

RE: Petition for Variance  
Case No. 2019-0481-A  
Property: 2100 Northland Road

Dear Mr. Chavez:

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

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

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM: sln  
Enclosure

c:

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207  
Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207  
Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207  
Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207  
Jocelyn Gillis 2102 Northland Road, Baltimore, Maryland 21207



**IN RE: PETITION FOR VARIANCE**

(2100 Northland Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Tony Kinsler

*Legal Owner*

Nicholas Chavez, Jr.

*Contract Purchaser*

Petitioners

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2019-0481-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Tony Kinsler, legal owner, and Nicholas Chavez, Jr., contract purchaser of the subject property (“Petitioners”). The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) within 1,000 ft. of another property with an ALF. A site plan was marked as Petitioners’ Exhibit 1.

Petitioner, Nicholas Chavez appeared in support of the petition. There were numerous Protestants in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”).

The Petitioner explained at length his desire to operate an Assisted Living Facility (ALF) for elderly persons at this location. He testified that he has signed a three year lease with an option to purchase the property. The Protestants voiced opposition to the proposed ALF for a variety of reasons. First and foremost they pointed out that there are already numerous ALFs in the neighborhood, including one on the same block as this proposed ALF. They also described extreme traffic and parking congestion. They explained that when emergency vehicles are called to this block they completely block ingress and egress for the residents on the block due to the extremely narrow street. They expressed understandable concern that if an ALF for elderly

RECEIVED FOR FILING

12/10/19

SEN

citizens were allowed to open on the block that there would likely be an increase in the number of medical emergency responses. Finally, they expressed concern about falling property values due to the influx of ALFs and rental units in the neighborhood.

The subject property is 8,296 square feet in size and is zoned DR 5.5.

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

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

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

The property in question is virtually identical to the other properties on the street and was developed at the same time. As such the property is not unique. Therefore, although I recognize and regret the hardship that a denial of the requested variance will cause the Petitioner, it cannot be granted. Furthermore, even if Petitioner could satisfy both prongs of this legal analysis, the variance would not be appropriate because another ALF on this block would not be within the spirit and intent of the BCZR. Finally, the requested relief would, in my view, also be injurious to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this **10th** day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF, be and is hereby DENIED.

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

PMM:slh

ORDER RECEIVED FOR FILING

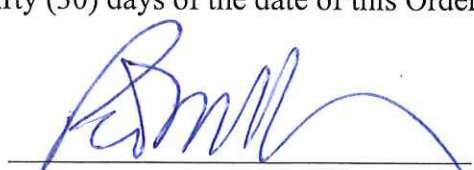
Date

12/10/19

By

slh

2

  
PAUL M. MAYHEW

Managing Administrative Law Judge  
for Baltimore County

PLEASE PRINT CLEARLY.

CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

PETITIONER'S SIGN-IN SHEET

[illegible]



CASE NAME \_\_\_\_\_  
CASE NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

[illegible]

# CERTIFICATION OF POSTING

RE: Case No. 2019-0481-A

Petitioner: Nicholas Chavez, Jr.

Hearing Date: 12/5/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204



This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_

2100 Northland Road – Windsor Mill Road side (1 of 2)

2100 Northland Road – NE side, front of property (2 of 2)

on 11/15/19 and re-photographed on 11/30/19

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Hoffman", followed by the date "11/30/19".

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

## Certification of Posting

Case No 2019-0481-A



2100 Northland Road – Windsor Mill Road side (1 of 2)

*Richard E. Hoffman* 11/30/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



## Certification of Posting

Case No 2019-0481-A



2100 Northland Road – NE side, front of property (2 of 2)

 11/30/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



JOHN A. OLSZEWSKI, JR.  
County Executive

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

November 25, 2019

Nicholas Chavez Jr.  
2100 Northland Road  
Baltimore MD 21207

RE: Case Number: 2019-0481-A, 2100 Northland 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 September 30, 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

12-5-19

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**DATE:** 11/15/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 19-481



**INFORMATION:**

**Property Address:** 2100 Northland Road  
**Petitioner:** Tony Kinsler  
**Zoning:** DR 5.5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for a variance from Section 432.A.1.A (3) of the Baltimore County Zoning Regulations (BCZR) to permit an assisted living facility I to be located within 1000 feet from another property with an assisted living facility.

The subject property is zoned DR 5.5 and is located in the Woodlawn area. The applicant is proposing an assisted living facility for a maximum of four beds and two parking spaces to be located in the rear yard. The applicant plans to use an existing 10' driveway to access the parking area. The property is overall in good condition.

The Department of Planning has no objection granting the request, subject to the following conditions:

1. Demonstrate to the satisfaction of the administrative law judge that there is enough maneuvering area to easily access and exit the two proposed parking spaces.
2. Screen the parking area and driveway from the adjacent property (2102 Northland Road).
3. Per BCZR §432.A.1, submit a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code to the contact person listed below.

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

**Division Chief:**

  
\_\_\_\_\_  
Jennifer G. Nugent

CPG/JGN

c: Ngone Seye Diop  
Tony Kinsler  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



12-5-19 10 AM

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0481-A  
Address 2100 Northland Road  
(Kinsler Property)

Zoning Advisory Committee Meeting of **October 4, 2019**.

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

Reviewer: Steve Ford

Date: 10/2/19

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. **2019-0481-A**

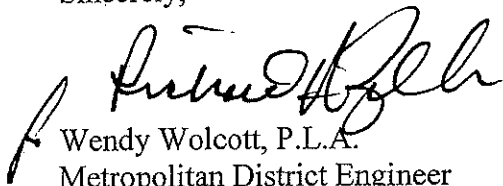
*Special Variance*

*Tony Krusler*

*2100 Northland 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**

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

11/15/2019

Order #: 11811788  
 Case #: 2019-0481-A  
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0481-A



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: 2019-0481-A**

North corner of the intersecting streets between Northland Road and Windsor Mill

1st Election District - 1st Councilmanic District

Legal Owners: Tony Kinsler

Contract Purchaser/Lessee: Nicholas Chavez, Jr.

Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility.

Hearing: Thursday, December 5, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

n15



## CERTIFICATION OF POSTING

RE: Case No. 2019-0481-A

Petitioner: Nicholas Chavez, Jr.

Hearing Date: 12/5/19

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)  
were posted conspicuously on the property located at \_\_\_\_\_

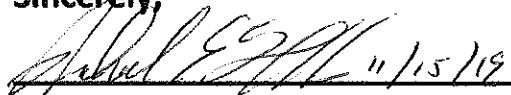
2100 Northland Road – Windsor Mill Road side (1 of 2)

2100 Northland Road – NE side, front of property (2 of 2)

2100 Northland Road – Enlargement of sign wording

\_\_\_\_\_ on 11/15/19

Sincerely,

 11/15/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

## Certification of Posting

Case No 2019-0481-A



2100 Northland Road – Windsor Mill Road side (1 of 2)



Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

## Certification of Posting

Case No 2019-0481-A



2100 Northland Road – NE side, front of property (2 of 2)

*Richard E. Hoffman* 11/15/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360





JOHN A. OLSZEWSKI, JR.  
County Executive

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

October 30, 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: 2019-0481-A**

2100 Northland Road

North corner of the intersecting streets between Northland Road and Windsor Mill

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Tony Kinsler

Contract Purchaser/Lessee: Nicholas Chavez, Jr.

Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility.

Hearing: Thursday, December 5, 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 "Michael Mallinoff".

Michael Mallinoff  
Director

MM:kl

C: Tony Kinsler, Nicholas Chavez, Jr., 2100 Northland Road, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 15, 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.

RE: PETITION FOR VARIANCE \* BEFORE THE OFFICE  
2100 Northland Road; N Corner of intersecting  
streets between Northland Rd & Windsor Mill Rd\* OF ADMINISTRATIVE  
1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts  
Legal Owner(s): Tony Kinsler \* HEARINGS FOR  
Contract Purchaser(s): Nicholas Chavez, Jr.  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2019-481-A

\* \* \* \* \*

### ENTRY OF APPEARANCE

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

*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

OCT 09 2019

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9<sup>th</sup> day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Tony Kinsler & Nicholas Chavez, 2100 Northland Road, Baltimore, Maryland 21207, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



# PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:  
 Address 2100 Northland road which is presently zoned DR 5.5  
 Deed References: 40872100024 10 Digit Tax Account # 0119717150  
 Property Owner(s) Printed Name(s) Tony Kinsler

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

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

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

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

3. ☒ a Variance from Section(s) 432.A.1.A(3) OF BCZR TO PERMIT AN ASSISTED-LIVING FACILITY I WITHIN 1,000 FEET OF ANOTHER PROPERTY WITH AN ASSISTED-LIVING FACILITY

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 THE 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:

Nicholas Chavez Jr.  
 Name- Type or Print

Nich Chavez Jr  
 Signature

2100 Northland rd. Balto. md. 21  
 Mailing Address City State

21207 / 443657 3311 / enterpriseschavez@gmail.com  
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

CASE NUMBER

2019-0481-A

Filing Date

930, 19

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2100 Northland rd. Balto. md.  
 Mailing Address City State

21207 / 440-299-1000 /  
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Do Not Schedule Dates:

Reviewer

REV. 10/4/11



**Property Description for 2100 Northland Road, Baltimore, MD 21207**

On the north-west side of Northland Road, which is 40 feet wide, and north corner of the intersection streets between Northland Road and Windsor Mill Road.

Being Lot numbers 84 and 85, as recorded by record plat no. 8, folio 80, containing a land area of 8,296 square feet, as located in 1<sup>st</sup> Election District, and 1<sup>st</sup> Councilmanic District.

2019-0481-A

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                         |          | View GroundRent Redemption                |                  | View GroundRent Registration                                             |                                   |
|--------------------------------------------------|----------|-------------------------------------------|------------------|--------------------------------------------------------------------------|-----------------------------------|
| Tax Exempt: None                                 |          | Special Tax Recapture: None               |                  |                                                                          |                                   |
| Exempt Class: None                               |          |                                           |                  |                                                                          |                                   |
| Account Identifier:                              |          | District - 01 Account Number - 0119717150 |                  |                                                                          |                                   |
| Owner Information                                |          |                                           |                  |                                                                          |                                   |
| Owner Name:                                      |          | KINSLER TONY                              |                  | Use: RESIDENTIAL                                                         |                                   |
| Mailing Address:                                 |          | 2100 NORTHLAND RD<br>BALTIMORE MD 21207-  |                  | Principal Residence: YES                                                 |                                   |
|                                                  |          |                                           |                  | Deed Reference: /40872/ 00024                                            |                                   |
| Location & Structure Information                 |          |                                           |                  |                                                                          |                                   |
| Premises Address:                                |          | 2100 NORTHLAND RD<br>BALTIMORE 21207-     |                  | Legal Description: PT LT 84 & 85<br>2100 NORTHLAND RD<br>GWYNN LAKE PARK |                                   |
| Map:                                             | Grid:    | Parcel:                                   | Neighborhood:    | Subdivision:                                                             | Section:                          |
| 0088                                             | 0021     | 0385                                      | 1030039.04       | 0000                                                                     |                                   |
|                                                  |          |                                           |                  |                                                                          | Block:                            |
|                                                  |          |                                           |                  |                                                                          | 84                                |
|                                                  |          |                                           |                  |                                                                          | Lot:                              |
|                                                  |          |                                           |                  |                                                                          | 84                                |
|                                                  |          |                                           |                  |                                                                          | Assessment Year:                  |
|                                                  |          |                                           |                  |                                                                          | 2019                              |
|                                                  |          |                                           |                  |                                                                          | Plat No:                          |
|                                                  |          |                                           |                  |                                                                          | Plat Ref: 0008/0080               |
| Special Tax Areas: None                          |          |                                           | Town: None       |                                                                          |                                   |
|                                                  |          |                                           | Ad Valorem: None |                                                                          |                                   |
|                                                  |          |                                           | Tax Class: None  |                                                                          |                                   |
| Primary Structure Built                          |          | Above Grade Living Area                   |                  | Finished Basement Area                                                   |                                   |
| 1944                                             |          | 1,494 SF                                  |                  | 400 SF                                                                   |                                   |
|                                                  |          |                                           |                  | Property Land Area                                                       |                                   |
|                                                  |          |                                           |                  | 8,296 SF                                                                 |                                   |
|                                                  |          |                                           |                  | County Use                                                               |                                   |
|                                                  |          |                                           |                  | 04                                                                       |                                   |
| Stories                                          | Basement | Type                                      | Exterior         | Quality                                                                  | Full/Half Bath                    |
| 1 1/2                                            | YES      | STANDARD UNIT                             | SIDING/          | 3                                                                        | 2 full                            |
|                                                  |          |                                           |                  |                                                                          | Garage                            |
|                                                  |          |                                           |                  |                                                                          | 1 Attached                        |
|                                                  |          |                                           |                  |                                                                          | Last Notice of Major Improvements |
| Value Information                                |          |                                           |                  |                                                                          |                                   |
|                                                  |          | Base Value                                |                  | Value                                                                    |                                   |
|                                                  |          |                                           |                  | As of                                                                    |                                   |
|                                                  |          |                                           |                  | 01/01/2019                                                               |                                   |
|                                                  |          |                                           |                  | Phase-in Assessments                                                     |                                   |
|                                                  |          |                                           |                  | As of                                                                    |                                   |
|                                                  |          |                                           |                  | 07/01/2019                                                               |                                   |
|                                                  |          |                                           |                  | As of                                                                    |                                   |
|                                                  |          |                                           |                  | 07/01/2020                                                               |                                   |
| Land:                                            |          | 58,500                                    |                  | 64,800                                                                   |                                   |
| Improvements                                     |          | 118,000                                   |                  | 136,200                                                                  |                                   |
| Total:                                           |          | 176,500                                   |                  | 201,000                                                                  |                                   |
| Preferential Land:                               |          | 0                                         |                  | 184,667                                                                  |                                   |
|                                                  |          |                                           |                  | 192,833                                                                  |                                   |
|                                                  |          |                                           |                  | 0                                                                        |                                   |
| Transfer Information                             |          |                                           |                  |                                                                          |                                   |
| Seller: KINSLER TONY                             |          | Date: 11/14/2018                          |                  | Price: \$0                                                               |                                   |
| Type: NON-ARMS LENGTH OTHER                      |          | Deed1: /40872/ 00024                      |                  | Deed2:                                                                   |                                   |
| Seller: KINSLER TONY                             |          | Date: 01/26/2005                          |                  | Price: \$0                                                               |                                   |
| Type: NON-ARMS LENGTH OTHER                      |          | Deed1: /21327/ 00701                      |                  | Deed2:                                                                   |                                   |
| Seller: TYE GEORGE W,JR                          |          | Date: 03/18/2002                          |                  | Price: \$125,000                                                         |                                   |
| Type: ARMS LENGTH IMPROVED                       |          | Deed1: /16212/ 00606                      |                  | Deed2:                                                                   |                                   |
| Exemption Information                            |          |                                           |                  |                                                                          |                                   |
| Partial Exempt Assessments:                      |          | Class                                     |                  | 07/01/2019                                                               |                                   |
| County:                                          |          | 000                                       |                  | 0.00                                                                     |                                   |
| State:                                           |          | 000                                       |                  | 0.00                                                                     |                                   |
| Municipal:                                       |          | 000                                       |                  | 0.00 0.00                                                                |                                   |
|                                                  |          |                                           |                  | 0.00 0.00                                                                |                                   |
| Tax Exempt: None                                 |          | Special Tax Recapture: None               |                  |                                                                          |                                   |
| Exempt Class: None                               |          |                                           |                  |                                                                          |                                   |
| Homestead Application Information                |          |                                           |                  |                                                                          |                                   |
| Homestead Application Status: No Application     |          |                                           |                  |                                                                          |                                   |
| Homesteaders' Tax Credit Application Information |          |                                           |                  |                                                                          |                                   |

Homeowners' Tax Credit Application Status: No Application

Date:



## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                       |          | View GroundRent Redemption                |                  | View GroundRent Registration                                             |                                   |
|------------------------------------------------|----------|-------------------------------------------|------------------|--------------------------------------------------------------------------|-----------------------------------|
| Tax Exempt: None                               |          | Special Tax Recapture: None               |                  |                                                                          |                                   |
| Exempt Class: None                             |          |                                           |                  |                                                                          |                                   |
| Account Identifier:                            |          | District - 01 Account Number - 0119717150 |                  |                                                                          |                                   |
| Owner Information                              |          |                                           |                  |                                                                          |                                   |
| Owner Name:                                    |          | KINSLER TONY                              |                  | Use: RESIDENTIAL                                                         |                                   |
| Mailing Address:                               |          | 2100 NORTHLAND RD<br>BALTIMORE MD 21207-  |                  | Principal Residence: YES                                                 |                                   |
|                                                |          |                                           |                  | Deed Reference: /40872/ 00024                                            |                                   |
| Location & Structure Information               |          |                                           |                  |                                                                          |                                   |
| Premises Address:                              |          | 2100 NORTHLAND RD<br>BALTIMORE 21207-     |                  | Legal Description: PT LT 84 & 85<br>2100 NORTHLAND RD<br>GWYNN LAKE PARK |                                   |
| Map:                                           | Grid:    | Parcel:                                   | Neighborhood:    | Subdivision:                                                             | Section:                          |
| 0088                                           | 0021     | 0385                                      | 1030039.04       | 0000                                                                     |                                   |
|                                                |          |                                           |                  |                                                                          | Block:                            |
|                                                |          |                                           |                  |                                                                          | 84                                |
|                                                |          |                                           |                  |                                                                          | Lot:                              |
|                                                |          |                                           |                  |                                                                          | 84                                |
|                                                |          |                                           |                  |                                                                          | Assessment Year:                  |
|                                                |          |                                           |                  |                                                                          | 2019                              |
|                                                |          |                                           |                  |                                                                          | Plat No:                          |
|                                                |          |                                           |                  |                                                                          | Plat Ref:                         |
|                                                |          |                                           |                  |                                                                          | 0008/0080                         |
| Special Tax Areas: None                        |          |                                           | Town: None       |                                                                          |                                   |
|                                                |          |                                           | Ad Valorem: None |                                                                          |                                   |
|                                                |          |                                           | Tax Class: None  |                                                                          |                                   |
| Primary Structure Built                        |          | Above Grade Living Area                   |                  | Finished Basement Area                                                   |                                   |
| 1944                                           |          | 1,494 SF                                  |                  | 400 SF                                                                   |                                   |
|                                                |          |                                           |                  | Property Land Area                                                       |                                   |
|                                                |          |                                           |                  | 8,296 SF                                                                 |                                   |
|                                                |          |                                           |                  | County Use                                                               |                                   |
|                                                |          |                                           |                  | 04                                                                       |                                   |
| Stories                                        | Basement | Type                                      | Exterior         | Quality                                                                  | Full/Half Bath                    |
| 1 1/2                                          | YES      | STANDARD UNIT                             | SIDING/          | 3                                                                        | 2 full                            |
|                                                |          |                                           |                  |                                                                          | Garage                            |
|                                                |          |                                           |                  |                                                                          | 1 Attached                        |
|                                                |          |                                           |                  |                                                                          | Last Notice of Major Improvements |
| Value Information                              |          |                                           |                  |                                                                          |                                   |
|                                                |          | Base Value                                |                  | Value                                                                    |                                   |
|                                                |          |                                           |                  | As of 01/01/2019                                                         |                                   |
| Land:                                          |          | 58,500                                    |                  | 64,800                                                                   |                                   |
| Improvements                                   |          | 118,000                                   |                  | 136,200                                                                  |                                   |
| Total:                                         |          | 176,500                                   |                  | 201,000                                                                  |                                   |
| Preferential Land:                             |          | 0                                         |                  | 184,667                                                                  |                                   |
|                                                |          |                                           |                  | 192,833                                                                  |                                   |
|                                                |          |                                           |                  | 0                                                                        |                                   |
| Transfer Information                           |          |                                           |                  |                                                                          |                                   |
| Seller: KINSLER TONY                           |          | Date: 11/14/2018                          |                  | Price: \$0                                                               |                                   |
| Type: NON-ARMS LENGTH OTHER                    |          | Deed1: /40872/ 00024                      |                  | Deed2:                                                                   |                                   |
| Seller: KINSLER TONY                           |          | Date: 01/26/2005                          |                  | Price: \$0                                                               |                                   |
| Type: NON-ARMS LENGTH OTHER                    |          | Deed1: /21327/ 00701                      |                  | Deed2:                                                                   |                                   |
| Seller: TYE GEORGE W,JR                        |          | Date: 03/18/2002                          |                  | Price: \$125,000                                                         |                                   |
| Type: ARMS LENGTH IMPROVED                     |          | Deed1: /16212/ 00606                      |                  | Deed2:                                                                   |                                   |
| Exemption Information                          |          |                                           |                  |                                                                          |                                   |
| Partial Exempt Assessments:                    |          | Class                                     |                  | 07/01/2019                                                               |                                   |
| County:                                        |          | 000                                       |                  | 0.00                                                                     |                                   |
| State:                                         |          | 000                                       |                  | 0.00                                                                     |                                   |
| Municipal:                                     |          | 000                                       |                  | 0.00 0.00                                                                |                                   |
|                                                |          |                                           |                  | 0.00 0.00                                                                |                                   |
| Tax Exempt: None                               |          | Special Tax Recapture: None               |                  |                                                                          |                                   |
| Exempt Class: None                             |          |                                           |                  |                                                                          |                                   |
| Homestead Application Information              |          |                                           |                  |                                                                          |                                   |
| Homestead Application Status: No Application   |          |                                           |                  |                                                                          |                                   |
| Homeowners' Tax Credit Application Information |          |                                           |                  |                                                                          |                                   |

CHRISTINE R. LEARY  
LEGAL TRANSCRIPTIONIST  
3129 Hiss Avenue  
Baltimore, Maryland 21234  
(443) 622-4898  
Crleary1@comcast.net

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## INVOICE

January 11, 2021

TO: Micah C. Wainwright, MST  
Good Stewart Accounting & Tax  
5- Gwynns Mills Court  
Owings Mills, Maryland 21117



IN THE

Case No.: 19-481-A

MATTER OF

Hearing Date: 03/12/2020

TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER

Fee for preparation of transcripts = \$360.50

BALANCE DUE

\$360.50

*paid 1-21-2021  
CRL.*

*Payment should be made payable to "Christine R. Leary" and mailed to the above address.*

*Or use Venmo (@Christine111564) or CashApp (443-622-4898)*

1 -----  
2  
3 **IN THE MATTER OF:**

4  
5 **TONY KINSLER – LEGAL OWNER**  
6 **NICHOLAS CHAVEZ, JR. – CONTRACT PURCHASER**

7  
8 **CASE NUMBER: 19-481-A**  
9  
10 -----

11  
12 Hearing Date: March 12, 2020

13  
14 Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore  
15  
16 County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson,  
17  
18 Maryland 21204.

19  
20 **PANEL PRESIDING:**

21  
22 **ANDREW W. BELT, CHAIR**

23  
24 **KENDRA RANDALL JOLIVET, BOARD**

25  
26 **JOSEPH L. EVANS, BOARD**  
27

28  
29 **PRESENT ON BEHALF OF THE PARTIES:**  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

44 -----  
45  
46 Christine R. Leary  
47 crleary1@comcast.net  
48



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1 (ON RECORD - 10:02:09 AM)

2 MS. MCARTHUR: Okay, we're on the record.

3 CHAIR: All right. We're here for a regularly  
4 scheduled meeting of the Baltimore County Board of Appeals,  
5 case number 19-481, Tony Kinsler, Legal Owner, Nicholas Chavez,  
6 Jr., Contract Purchaser, 2100 Northland Road. This is a  
7 Petition for Variance of 432.8.1.A.Subsection 3 of the BCZR to  
8 permit an assisted living facility within one thousand feet of  
9 another. This was previously denied by the Administrative Law  
10 Judge on 12/10/2019. This is a de novo hearing and that's  
11 fancy talk for we start over and take new evidence and make an  
12 independent decision from that of the prior hearing.

13 The Petitioner in this case will be anyone who is  
14 here for Mr. Chavez or Mr. Kinsler. They will be occupying  
15 this table here. Do we have someone who wishes to occupy the  
16 table as the Petitioner? And identify yourselves for the  
17 record.

18 MR. WAINWRIGHT: Micah Wainwright.

19 CHAIR: Mr. Wainwright, would you spell your name for  
20 the record, sir?

21 MR. WAINWRIGHT: M-I-C-A-H, W-A-I-N-W-R-I-G-H-T.

22 CHAIR: All right. Mr. Wainwright, are you appearing  
23 pro se without counsel?

24 MR. WAINWRIGHT: Yes.

25 CHAIR: No lawyer today?

1 MR. WAINWRIGHT: Yes.

2 CHAIR: Okay. So, basically you are, I guess, going  
3 to be the representative for your side of the table. So,  
4 you're the one who's going to be asking the questions and I  
5 guess addressing the Court.

6 MR. WAINWRIGHT: Sure.

7 CHAIR: Anyone else who would like to testify will  
8 actually be sworn, and you can testify yourself as well, and  
9 would be subject to cross examination. As to this table --

10 MS. JOLIVET: Can I ask a question real quick?

11 CHAIR: Oh, sure.

12 MS. JOLIVET: What's your affiliation?

13 MR. WAINWRIGHT: We're partners in this endeavor.

14 MS. JOLIVET: You are partners? Okay.

15 MR. WAINWRIGHT: Yes.

16 MS. JOLIVET: What's your name, sir?

17 MR. CHAVEZ: Nicholas Chavez, Jr.

18 MS. JOLIVET: Thank you.

19 CHAIR: Sorry, that's an important thought.

20 MS. JOLIVET: Yes.

21 CHAIR: And the, this side of the table, I guess is  
22 for Protestants. I would gather that there is folks who were  
23 originally involved in the case as Protestants. There were Mr.  
24 and Mrs. Neet, a Ms. Alexander, Ms. Holmes, and Mr. Allen and a  
25 Ms. Gillis. Basically, the Protestants, there is, I guess, no



1 one representing the group as a whole. Is there someone who is  
2 going to represent the Protestants? As being their  
3 representative? There will be, there will be --

4 (INAUDIBLE TALKING)

5 CHAIR: We will, all testimony will be given under  
6 oath and will be subject to cross examination through the  
7 applicable rules of evidence for this Board. So, sir, if you  
8 could let us have your name and the spelling of your name, sir?

9 MR. ALLEN: Sure. My name is Adam Allen, last name  
10 is spelled A-L-L-E-N.

11 CHAIR: Thank you, Mr. Allen. All right. The way  
12 this hearing will be conducted, the Petitioner has the burden  
13 of proof, that means you go first. Basically, a witness will  
14 be called, that witness will take the stand, will be sworn. At  
15 that point in time, you can ask that witness questions and they  
16 will testify as to any germane information regarding your  
17 Petition. At the conclusion of that testimony, you will be  
18 subject to cross examination, I guess, only by Mr. Allen. And  
19 when I say cross examination, Mr. Allen, you can ask him any  
20 questions germane to the testimony that was just given. You'll  
21 have a time to state your piece and to testify on your own  
22 behalf. Okay? So, with that being said, is there any other  
23 matters that need to be addressed before we proceed?

24 MR. ALLEN: So, they speak first, you ask, you ask  
25 them questions and then we speak?

1 CHAIR: You will cross, I'll let you know when it's  
2 your turn.

3 MR. ALLEN: Please.

4 CHAIR: All right. Call your first witness.

5 MS. JOLIVET: You're going to get, I'm sorry, you're  
6 going to get to ask questions of their witnesses as well. So,  
7 when you say the order of things, as the witnesses go, you will  
8 get to ask questions of their witnesses before you present your  
9 case.

10 MR. ALLEN: But not right this instant.

11 MS. JOLIVET: Right.

12 CHAIR: Right.

13 MR. ALLEN: Hold off. Okay?

14 MS. JOLIVET: Yes.

15 CHAIR: After they do their case, --

16 MR. ALLEN: Sounds good.

17 CHAIR: -- you will then call your case and you will  
18 be, basically, the, the, the facilitator of your side. I'm  
19 sure you want to testify yourself, but you will also call the  
20 witnesses on your behalf. So, if there's other individuals  
21 from the community who would like to testify, you'll let us  
22 know what their names are and they'll come up and be sworn to  
23 testify as well.

24 MR. ALLEN: Okay and Mr. Kinsler is not here today  
25 and will not be here for these proceedings?

1 CHAIR: I have no idea. I, --

2 MR. ALLEN: We'll find out.

3 MR. EVANS: Yeah, but everyone will have an  
4 opportunity to speak your piece. Everyone will be given an  
5 opportunity. Okay?

6 MS. JOLIVET: Mr. Allen, do you want a glass of water  
7 as well?

8 MR. ALLEN: Yes, please.

9 MS. JOLIVET: All right.

10 MR. ALLEN: Thank you.

11 MS. JOLIVET: You're welcome.

12 CHAIR: And another point of this process, on the  
13 Protestants' side, Mr. Allen, you are the person who will  
14 address this Board. So, if there is things that someone wants  
15 you to ask or comment, they can slip you a note. We won't be  
16 responding to just folks in the gallery. So, not to say that  
17 we're being rude and ignoring you, that, we can't do that so.

18 MR. ALLEN: Okay. So, they'll be, so basically, you  
19 all will be coming up here, sit and talk to me and then I'll  
20 trans --

21 MS. JOLIVET: Or hand you notes.

22 CHAIR: Right, or hand you notes.

23 MR. ALLEN: Or hand me a note.

24 CHAIR: Yes.

25 MR. ALLEN: All right. Sounds good.



1 CHAIR: All right. Without any further delay. All  
2 right. Mr. Wainwright, would you like to call your first  
3 witness, sir?

4 MR. WAINWRIGHT: I suppose that would be me.

5 CHAIR: All right. Mr. Wainwright, let's do this.  
6 Why don't you come on up to the witness stand then. I want you  
7 to remain standing just for a moment while you're sworn, sir.

8 MR. EVANS: And I just want to also remind people to  
9 turn off your cell phones. Okay. Sir, do you swear and affirm  
10 under the penalties of perjury, that the testimony you are  
11 about to give is true and correct to the best of your knowledge  
12 and belief?

13 MR. WAINWRIGHT: Yes.

14 MR. EVANS: Can you state your name and give your,  
15 either your home or business address for the record, please?

16 MR. WAINWRIGHT: Sure. Micah Wainwright, business  
17 address 5-A Gwynns Mills Court.

18 MR. EVANS: I'm sorry, can you speak up?

19 MR. WAINWRIGHT: 5-A Gwynns Mills Court is the  
20 business address, it's in Owings Mills, Maryland.

21 MR. EVANS: Okay. All right. You can be seated.

22 MR. WAINWRIGHT: Okay.

23 MR. EVANS: Thank you.

24 CHAIR: And Mr. Wainwright, you said you are a  
25 partner with Mr. Chavez in this endeavor?

1 MR. WAINWRIGHT: Yes.

2 CHAIR: Okay. So, you are actually the folks who are  
3 going to purchase the 2100 Northland from Mr. Kinsler if this  
4 is approved?

5 MR. WAINWRIGHT: That's correct.

6 CHAIR: Okay, all right. You can go ahead, sir.

7 MR. WAINWRIGHT: Okay. So, I guess just to kind of  
8 build some context around how we came to this business model  
9 and just to give this body, this Board, just a glimpse as to  
10 who we are. I currently sit on the board with a transitional  
11 house. So, we're not new to the space of any type of group  
12 home situation and the trepidations that could arise from the  
13 community. We've had to overcome that before and the house  
14 that we have is 4017 Bonner Road. And that transitional home--

15 MR. EVANS: 4017 what?

16 MR. WAINWRIGHT: Bonner Road in West Baltimore.

17 MR. EVANS: Okay.

18 MR. WAINWRIGHT: And, you know, when you're dealing  
19 with people leaving recovery, of course the community would be  
20 in an uproar, so we, it was our job to make sure that we  
21 brought value to that neighborhood and brought value to that  
22 community and we're very involved in that community and with  
23 the church and we do all that we can to assist with that.

24 That being said, we do our due diligence to the best  
25 that we can to make sure that before we start spending money,

1 and I'm the CFO for this corporation, we don't go into anything  
2 without knowing that we're going to have at least a good chance  
3 of getting it through. And it was our understanding that the  
4 rule of having assisted living within a thousand feet of  
5 another at the time we started was not in effect as yet, at  
6 that time.

7           So, we proceeded. And, you know, we looked at the  
8 demographic. As an accountant, I also am a licensed insurance  
9 agent, specializing in final expense insurance. So, it's my  
10 job to understand what the landscape is for seniors. And we  
11 understand that there is a growing population of seniors. So,  
12 the existing assisted living on that block is not one that  
13 meets that demographic. It's for people with emotional  
14 disorders.

15           We want to actually focus on elders. We want to  
16 focus on seniors. Not only that, we have a rehabilitation  
17 center so it would be an assisted living as well as a  
18 rehabilitation center.

19           It was, the ruling prior to today, that if, if they  
20 were to open an assisted living, or allow us to have our  
21 assisted living, that it would be injurious to the public  
22 health, safety and general welfare. To my knowledge, and we  
23 have actually taken residents in this one so that it is not  
24 vacant, again, to show forth our concern and commitment to  
25 making sure that we add value to wherever we go.



1           We could have just stayed in our own residence and  
2 allowed that house to stay vacant for as long as it, as we've  
3 been there. We've not chosen to do that. Since we've been  
4 there over the last year, I have not seen an influx of  
5 emergency calls.

6           CHAIR: When you say we, who, who are you, --

7           MR. WAINWRIGHT: Myself and Mr. Chavez.

8           CHAIR: Okay. Brief information about the home.  
9 It's a single family home?

10          MR. WAINWRIGHT: Yes.

11          CHAIR: How many bedrooms are in the home?

12          MR. WAINWRIGHT: Four bedrooms.

13          CHAIR: Four bedrooms. How many bathrooms?

14          MR. WAINWRIGHT: Two.

15          CHAIR: And when was the last time it was occupied by  
16 just a residential setting prior to you moving in?

17          MR. WAINWRIGHT: That I don't know.

18          CHAIR: Okay and when did you purchase it?

19          MR. WAINWRIGHT: We didn't, well, we have the, the  
20 lease of option, March, last year.

21          CHAIR: All right. So, you, you're just renting at  
22 this point in time?

23          MR. WAINWRIGHT: Absolutely.

24          CHAIR: Okay and --

25          MR. EVANS: March, March of 2019?

1 MR. WAINWRIGHT: Nineteen, um hm.

2 MR. EVANS: Okay.

3 CHAIR: And you were just speaking that there was a,  
4 on Bonner there is a, another assisted living facility that  
5 deals with emotional disabled individuals?

6 MR. WAINWRIGHT: Oh, so, the one on Bonner, that's, I  
7 sit on the board for that one and --

8 CHAIR: Okay.

9 MR. WAINWRIGHT: -- that is a transitional house.

10 CHAIR: A transitional house?

11 MR. WAINWRIGHT: Yes, for recovering addicts.

12 CHAIR: Is that the house that's within a thousand  
13 feet of this house?

14 MR. WAINWRIGHT: No, the, I was just using that  
15 example for context.

16 CHAIR: Oh, okay.

17 MR. WAINWRIGHT: But where we are now, the one that's  
18 on the same block where we're proposing to open ours, that one  
19 is not for elders.

20 CHAIR: Okay.

21 MR. WAINWRIGHT: That one is for disabled, mentally  
22 disabled.

23 CHAIR: Just mentally disabled and that's on the same  
24 block, does that mean the same street?

25 MR. WAINWRIGHT: Yes.

1 CHAIR: And, and you can see this within a thousand  
2 feet?

3 MR. WAINWRIGHT: Yes.

4 CHAIR: Okay.

5 MR. WAINWRIGHT: But at the time that we set our eyes  
6 on this location, that rule was not in effect.

7 MS. JOLIVET: And when was that?

8 MR. WAINWRIGHT: That was last March 2019.

9 MS. JOLIVET: So, in March of 2019 --

10 MR. WAINWRIGHT: Yes.

11 MS. JOLIVET: -- it wasn't in effect?

12 MR. WAINWRIGHT: No, it was proposed for 2020.

13 CHAIR: And the type of facility that you will have  
14 re, rehabilitation for what, for whom, can you give me a little  
15 more description?

16 MR. WAINWRIGHT: Yeah, it's, it would be  
17 rehabilitation for anyone that may have suffered an accident  
18 that maybe they need help with mobility.

19 CHAIR: Okay.

20 MS. JOLIVET: So, can I ask, you said it wasn't in  
21 effect in March of 2019.

22 MR. WAINWRIGHT: Um hm.

23 MS. JOLIVET: But you knew that it was a possibility?

24 MR. WAINWRIGHT: Yeah, we, once we started putting  
25 the paperwork through, it came up later in discovery.



1 MS. JOLIVET: Okay.

2 MR. WAINWRIGHT: Yes.

3 MS. JOLIVET: Okay. And this was after you leased or  
4 before you leased?

5 MR. WAINWRIGHT: After we leased.

6 MS. JOLIVET: After you leased?

7 MR. WAINWRIGHT: Um hm.

8 MS. JOLIVET: Okay.

9 CHAIR: So, Mr. Wainwright, just to get to the --

10 MR. CHAVEZ: Oh, excuse me, I'm sorry for  
11 interrupting you but also the rehab is for dementia, so  
12 (inaudible).

13 MR. WAINWRIGHT: Um hm.

14 MS. JOLIVET: You mean, your, the (inaudible).

15 MR. CHAVEZ: Yeah, the re, it's also for dementia.

16 CHAIR: You'll have an opportunity to testify.

17 MS. JOLIVET: You'll get to testify, okay? I'm  
18 sorry, go ahead, Mr. Chair, I'm sorry.

19 CHAIR: Mr. Wainwright, so you were at the hearing  
20 before the Administrative Law Judge, correct?

21 MR. WAINWRIGHT: I was not.

22 CHAIR: Okay, all right. And you read the opinion  
23 because you just quoted it before.

24 MR. WAINWRIGHT: Yes.

25 CHAIR: Okay. So, there, there is parts of the

1 County and State that deals with basically how such a facility  
2 would be run, the occupancy, health and safety issues. We're  
3 not, we're not that Board.

4 MR. WAINWRIGHT: Okay.

5 CHAIR: Our Board here is we are looking at a zoning  
6 regulation, 432.A.1.A.3. As this Board's dealing with today,  
7 it is a law, okay? The, the opinion of the prior ALJ dealt  
8 with the issue of a variance, and a variance basically says you  
9 are varying from a zoning regulation. In order to vary from a  
10 zoning regulation, there is specific criteria that needs to be  
11 met or to be proven. So, while it's interesting, we have the  
12 background of what you want to do, we don't challenge the  
13 nobility of your cause, our interest is in the zoning portion.  
14 So, can you speak to that issue for this Board as to why you  
15 feel, and you understand that you say that you don't think  
16 maybe the law doesn't apply because you were making steps  
17 before it was an action. I don't know if that is true or not.  
18 But can you speak to the zoning situation as why you are  
19 entitled to zoning relief pursuant to the applicable law?

20 MR. WAINWRIGHT: That was really, you know, the, the  
21 biggest thing there is that, when, when we set our eyes on that  
22 location, there was nothing that would, that hindered us from  
23 moving forward. There was nothing that, you know, would  
24 suggest that hey, we, we could not move forward here. Even in  
25 speaking around with, with colleagues. But I saw the opinion

1 that said that, you know, the property is not unique. So, I  
2 don't know if, if you all could speak to why it's not unique.

3 I have an idea of why I think it's unique for a  
4 variance. I mean, this house sits on a hill. You know, for  
5 us, if we're trying to create an oasis for people in their  
6 retirement years, you know. If you look at it now, we've  
7 enhanced the curb appeal, we've got rocking chairs on there.  
8 So, it's, it's like a retreat. There's not another house on  
9 that block that looks like that, that would fit the cause and,  
10 and help us reach our target audience.

11 MR. EVANS: Are, are the, are the houses on the  
12 street single family homes?

13 MR. WAINWRIGHT: They're single family homes.

14 MR. EVANS: Okay.

15 MS. JOLIVET: How is it different?

16 MR. WAINWRIGHT: That's the only one that sits on the  
17 hill that way with, you know, pastures that green and it's got  
18 a big yard in the back. And that's kind of our business motto.  
19 It needs to be a retreat for people in their last years.

20 MR. EVANS: So, you, your home, your, your  
21 anticipated project here is for elderly people who are  
22 otherwise in good health?

23 MR. WAINWRIGHT: Yes, yes.

24 MR. EVANS: Is that --

25 MR. WAINWRIGHT: That's good, that's it.



1 MR. EVANS: -- that's what you're saying?

2 MR. WAINWRIGHT: Um hm.

3 MR. EVANS: Okay.

4 CHAIR: One more question, well, line of questioning.  
5 So, have you explored the requirements for other permitting,  
6 either local or state, other than this variance relief to run  
7 such a facility at that address?

8 MR. WAINWRIGHT: Ask that one more time, please?

9 CHAIR: Have you explored what licensing is required  
10 other than --

11 MR. WAINWRIGHT: Oh, yes, yes.

12 CHAIR: Okay and could you give me a summary, what  
13 type of things you have to pursue?

14 MR. WAINWRIGHT: So, we, after this, this is the  
15 first thing we need to do. Once we get finished this, then  
16 we'll have an inspection with the fire marshal and then we have  
17 an inspection with the assisted living board.

18 CHAIR: And what's the assisted living board?

19 MR. WAINWRIGHT: I'm trying to think. I think it's  
20 OCHQ.

21 CHAIR: Is that a State organization?

22 MR. WAINWRIGHT: Yes, it's a State organization.

23 CHAIR: Okay. So, prior to what you believe to be  
24 the law change, had you submitted any licensing requests or  
25 applications, either local or state, for the running of such a

1 facility at this address?

2 MR. WAINWRIGHT: No, because we, and I, I see your  
3 question now, bigger. So, we, we understand what we have to do  
4 and we have a timeline. This is the very first step. And so,  
5 we know after this, the very next step is to get the fire  
6 marshal and after the fire marshal then we go to the State  
7 Board and they come in and say hey, do you have beds, do you  
8 have things for their comfort, that sort of thing. The pro  
9 chromatic portion of it. But that's the last and final piece.

10 CHAIR: Okay. All right. Is there, and my questions  
11 aside, or our questions, do you have anything else that you'd  
12 like to tell us on this issue?

13 MR. WAINWRIGHT: Yes. We, we, we spent, we've  
14 invested a considerable amount in this and, you know, I just  
15 wanted to really press upon the Court that, you know, we do  
16 feel that our location is unique. This was not a fly by night  
17 decision, it, we did consider the trepidation of the community  
18 and it is our commitment to make sure that we work in concert  
19 with the community. With us having the intent to purchase, we  
20 want a return on our investment as well. So, we're very  
21 interested in the property value being high. And, and just the  
22 overall community staying valuable.

23 MR. EVANS: If, is the shape of a, the shape of the  
24 lot, how, how does that compare with the shapes, the shape of  
25 the other lots in the neighborhood?

1           MR. WAINWRIGHT: If we're looking at the shape of the  
2 lot, again, this one sits on the end, so it's got larger yard  
3 space.

4           MR. EVANS: Um hm.

5           MR. WAINWRIGHT: Which was, again, attractive to us.  
6 We've got an area in the back for additional parking. It's  
7 asphalt so we can have overflow vehicles. But we wouldn't have  
8 a need for overflow vehicles other than perhaps if the  
9 residents wanted to have family members over to visit, we could  
10 work out parking.

11          MR. EVANS: But is the shape of the lot, let's say,  
12 is it square or rectangular?

13          MR. WAINWRIGHT: I would say square.

14          MR. EVANS: And, and are the other lots on the, in  
15 that block, are they square or rectangular as well for the most  
16 part?

17          MR. WAINWRIGHT: I would say for the most part  
18 they're square. Our is a bigger square.

19          MR. EVANS: Um hm.

20          MR. WAINWRIGHT: But they're square.

21          MR. EVANS: Um hm, okay. And are the houses on these  
22 other lots, are, you said they're single family homes. Are  
23 they, yours is four bedroom, two baths. Do you know how large  
24 the other homes are?

25          MR. WAINWRIGHT: No.



1           MR. EVANS: Are they roughly the same? Do they  
2 appear, at least from the outside, to be roughly the same?

3           MR. WAINWRIGHT: They appear to be, yeah, some are  
4 smaller, some of the homes on that block are smaller.

5           MR. EVANS: Um hm.

6           MR. WAINWRIGHT: But they're, they're single family  
7 homes.

8           MR. EVANS: Okay, all right. And are they, is, is  
9 your, the home you're in, is that a two story, three story?

10          MR. WAINWRIGHT: Two story and, and we have a wrap  
11 around porch.

12          MR. EVANS: All right.

13          MR. WAINWRIGHT: I don't see many houses there with  
14 an actual wrap around porch.

15          MR. EVANS: Okay. But it's two, two floors?

16          MR. WAINWRIGHT: Yes.

17          MR. EVANS: Plus a basement or?

18          MR. WAINWRIGHT: Including a basement, yes.

19          MR. EVANS: Inc, so, there's a basement and one other  
20 floor?

21          MR. WAINWRIGHT: So, there's a basement and two  
22 stories above it.

23          MR. EVANS: Two, two stories above it, okay.

24          MR. WAINWRIGHT: Um hm.

25          MR. EVANS: And do the other houses on the block, are

1 they also two story homes of the same sort?

2 MR. WAINWRIGHT: They appear to be two story homes.

3 MR. EVANS: Okay, all right. Okay, thank you.

4 CHAIR: So, the, we have a law that requires a one  
5 thousand foot distance in access between these similar  
6 facilities. So, the, I guess I'm going to go out on a limb to  
7 say that the statutory intent, or the reason for this law, is  
8 so we don't cluster such facilities in certain neighborhoods.  
9 Meaning like some neighborhoods have five, while some  
10 neighborhoods have none. So, is there a reason in your mind  
11 from the property that you have that would make having your  
12 facility within another facility within the thousand feet less  
13 offensive than somewhere else? Meaning, is there something  
14 unique about your property that maybe makes it less noticeable,  
15 or less of an impact, that the thousand feet should somehow be  
16 waived because a unique characteristic of your property?

17 MR. WAINWRIGHT: The, if, if I'm hearing your  
18 question correctly (inaudible) thinking about and trying to  
19 interpret the intent as well, yeah, I would, I would guess the  
20 intent for such a law like that would be so they don't cluster  
21 or congest or anything like that. The property that we have,  
22 again, we have a long driveway and in the back we have an  
23 asphalt area where we could have additional parking. I would  
24 say that that would alleviate any burden of congestion.

25 CHAIR: When you say along driveway, would you opine

1 that the property in question is further off the road than  
2 other properties in the neighborhood?

3 MR. WAINWRIGHT: No, the property is not further off  
4 the road, but from what I can see our, our capacity to have  
5 parking is, is greater than some on that block.

6 CHAIR: Okay, all right. Any further comments in  
7 light of our questions or anything else you would like to add?

8 MR. WAINWRIGHT: At the moment, no.

9 CHAIR: All right. Sir, Mr. Allen, at this time it's  
10 your opportunity for cross examination. Now pro se litigants  
11 also sometimes get confused and think it's their test, time to  
12 testify. So they basically say things rather than ask  
13 questions. So, cross examination is, do you have any questions  
14 of this gentleman in light of the statements and testimony that  
15 he has just made?

16 MR. ALLEN: I have a couple.

17 CHAIR: Sure.

18 MR. ALLEN: First of all, I would wonder if, it  
19 sounds, first of all, my question is why is the legal owner not  
20 here, Mr. Kinsler? That's like first --

21 MR. CHAVEZ: He's not part of the business, --

22 MR. ALLEN: I'm sorry, I'm sorry, I didn't mean to  
23 address you.

24 MS. JOLIVET: No, Mr. Allen, don't, you don't have to  
25 address him. We'll take care of that. The questions are



1 directed to the witness and the witness has to answer.

2 MR. ALLEN: Sure.

3 MR. WAINWRIGHT: Because we have possession of the  
4 property.

5 MR. ALLEN: But you don't have ownership of the  
6 property.

7 MR. WAINWRIGHT: Does that answer your question?

8 MR. ALLEN: No. You, but you do not have ownership  
9 of the property? I'm just trying to make sure I understand.

10 MR. WAINWRIGHT: If your question is why he's not  
11 here, I don't know, but I'm trying to give you some context and  
12 say we have possession of the property.

13 MR. ALLEN: You're there and you're saying basically  
14 --

15 CHAIR: Well, let's, let's hold, hold up for just a  
16 second because we're digressing already on both sides.

17 MR. ALLEN: Okay.

18 CHAIR: So, the question is this. Do you know why  
19 the owner is not here, yes or no?

20 MR. WAINWRIGHT: No, I don't know why he's not here.

21 CHAIR: He does not know, sir. Next question.

22 MR. ALLEN: Okay. I would note that his presence was  
23 requested by the Court apparently so. Is, are you and Mr.  
24 Chavez part of a corporation?

25 MR. WAINWRIGHT: Yes.

1 MR. ALLEN: What is that corporation called?

2 MR. WAINWRIGHT: Just Like Home Assisted Living  
3 Incorporated.

4 MR. EVANS: I'm sorry?

5 MR. WAINWRIGHT: Just Like Home Assisted Living.

6 MR. EVANS: Just Like Home.

7 MR. ALLEN: Okay. Give me a second, I write slow.  
8 And are you in good standing?

9 MR. WAINWRIGHT: Yeah, we are in good standing.

10 MR. ALLEN: So, in other words, there's, all your  
11 fees are paid off at the State of Maryland?

12 MR. WAINWRIGHT: We are in good standing.

13 MR. ALLEN: Okay.

14 MR. EVANS: When, when were you incorporated?

15 MR. WAINWRIGHT: We were incorporated 2009.

16 MR. EVANS: Okay.

17 MR. WAINWRIGHT: Under a different name and we  
18 revised it last year under Just Like Home Assisted Living.

19 MR. EVANS: Okay, it was just a name change?

20 MR. WAINWRIGHT: Just a name change.

21 MR. EVANS: And is that the entity that operates your  
22 other home?

23 MR. WAINWRIGHT: No.

24 MR. EVANS: That's a different corporation?

25 MR. WAINWRIGHT: Different one.

1           MR. ALLEN: So, Just Like Home Assisted Living is,  
2 the purpose of this is to operate one house, this house,  
3 specifically?

4           MR. WAINWRIGHT: No.

5           MR. ALLEN: How many other houses are being operated  
6 by assisted, by Just Like Home Assisted Living?

7           MR. WAINWRIGHT: Two others.

8           MR. ALLEN: Where are they?

9           MR. WAINWRIGHT: In Baltimore City.

10          MR. ALLEN: Where in Baltimore City? Addresses? Do  
11 you, I mean, where in Baltimore, west side, north side, are  
12 they in Homeland, tell me where they are?

13          CHAIR: The, the question is fine. Do you know the  
14 addresses of your other facilities, sir?

15          MR. WAINWRIGHT: I do know the question, I do know  
16 that but I'm just trying to understand the relevance of the  
17 question.

18          CHAIR: Well, unfortunately, sir, the relevance of  
19 questions, we are the arbiter of whether or not it's relevant.

20          MR. WAINWRIGHT: Okay.

21          CHAIR: So, at this point in time, the question is,  
22 do you know the addresses of your other facilities?

23          MR. WAINWRIGHT: Yes, I do.

24          CHAIR: Okay. Can you tell us one?

25          MR. WAINWRIGHT: One address is 8303 Liberty Road.

1 CHAIR: And do you know the address of the other?

2 MR. WAINWRIGHT: The other one 2121 West Baltimore  
3 Street.

4

5 CHAIR: Great. If the questions go further then what  
6 we deem to be relevant, we'll, we'll jump in.

7 MR. WAINWRIGHT: I appreciate that.

8 MR. ALLEN: So, both of these addresses are west side  
9 Baltimore, correct? Liberty Road --

10 MR. WAINWRIGHT: I, I don't know, I don't know that,  
11 but you have the addresses, you can figure that out.

12 MR. ALLEN: And you have personally visited both of  
13 these places? You, you've actually inspected them and made  
14 sure that they're nice homes, oasis, as you call it?

15 MR. WAINWRIGHT: They're our homes, yes.

16 MR. ALLEN: Oasis and they're safe and they're some  
17 place that I, any of us would want our grandparents or our  
18 parents at?

19 MR. WAINWRIGHT: I don't know what you would want.

20 MR. ALLEN: But something you would want?

21 MR. WAINWRIGHT: Yeah, because we invest in it.

22 MR. ALLEN: Okay. Are you all also related to Just  
23 Like Home Assisted Living II, LLC?

24 MR. WAINWRIGHT: No, I'm not familiar with that  
25 organization.



1           MR. ALLEN: Okay. So, you're not familiar with 6210  
2 Walther Avenue in Baltimore?

3           MR. WAINWRIGHT: No, I'm not.

4           MR. ALLEN: Okay. Is there, I have a note here  
5 saying 2100 Northland Road is not registered with the State?  
6 It's not, it says here, according to this information that I  
7 have here, it says this business is not in good standing. The  
8 annual report was due for 2019 --

9           CHAIR: What is the question, sir? Is it Northland  
10 Road or is it Just Like Home --

11           MR. ALLEN: This is, I'm going back, I have left  
12 Northland Road. I am going to go to his statement that his  
13 business is in good standing. Where did this information come  
14 from?

15           VOICE: The State.

16           MR. ALLEN: SDAT?

17           VOICE: Yeah, SDAT.

18           MR. ALLEN: Okay. So, according to State records, it  
19 says here that the business is not in good standing.  
20 Department i.d. number delta 12949889, Just Like Home Assisted  
21 Living Incorporated, principal office 8303 Liberty Road, that's  
22 you?

23           MR. WAINWRIGHT: Yeah, yeah, that's our principal,  
24 yeah.

25           MR. ALLEN: Windsor Mill? Okay.

1           MR. WAINWRIGHT: We just did Articles, Articles of  
2 Revision last March so it, it takes a year for the good  
3 standing to fall off so if, if that's what SDAT is reporting  
4 we're probably within thirty days of not having that report in.

5           MR. ALLEN: So, the business is not in good standing  
6 currently because the, it says the reason the entity is not in  
7 good standing is the annual report is due for 2019.

8           MR. WAINWRIGHT: Well, we, we stay up on that, so  
9 we're, it's about time for that report to be in.

10          MR. ALLEN: But it's not in now.

11          MR. WAINWRIGHT: And the, if, if you have that there,  
12 I'm not going to dispute what the website says, but I know that  
13 each year we submit that report.

14          MR. ALLEN: But this is your corporation.

15          MR. WAINWRIGHT: This is our corporation, yes.

16          MR. ALLEN: But you can't --

17          MR. WAINWRIGHT: What's your question?

18          MR. ALLEN: -- tell me that this report has that you  
19 now are in good standing because I got proof that you aren't.

20          CHAIR: Mr. Wainwright, Mr. Allen evidently has  
21 possession of a document that infers that your corporation is  
22 not in good standing and that document is purported to come  
23 from SDAT. Do you believe that to be correct or incorrect?

24          MR. WAINWRIGHT: I don't believe that to be correct.  
25 However, what I will say is that it, it would not surprise me

1 if that is so because it would be due in April of, the 15<sup>th</sup> of  
2 April.

3 CHAIR: That's fine. We're going to move on.

4 MR. ALLEN: Fair enough.

5 MR. EVANS: You're saying it would be due in April of  
6 two, of 2020?

7 MR. WAINWRIGHT: Yeah, it's due, it's due this April.

8 MR. EVANS: Due next month, you're saying?

9 MR. WAINWRIGHT: Yes, yes.

10 MS. JOLIVET: But that would be for 2020, not for  
11 2019, right?

12 MR. WAINWRIGHT: For 2020, yeah. So, then, I don't,  
13 I can't, I can't attest to the voracity of his report then.

14 MR. EVANS: Okay.

15 MR. WAINWRIGHT: I don't know who created that.

16 MR. EVANS: All right, that's good. Thank you.

17 MR. ALLEN: Okay. You said that this house you want  
18 to make it an oasis, you said it sits on a hill. Why would  
19 that be important to your decision making as to putting in an  
20 elder care facility where you'd have people with mobility  
21 issues, people with dementia, why would putting a house on a  
22 hill be important to your consideration?

23 MR. WAINWRIGHT: That's what we like and that's what  
24 we want to promote for marketing.

25 MR. ALLEN: But if you've got people in power chairs

1 going up and I've got photos that will, that I can show that  
2 show just how steep that hill is, I mean, when you get on  
3 Northland Ave, when you get on Northland Road, it's pretty  
4 flat. But then you go down Windsor Mill and even if you go  
5 down the driveway of that house, at, at 2100, it's a steep  
6 driveway.

7 CHAIR: Mr. Allen, you're testifying, sir.

8 MR. ALLEN: I'm sorry.

9 CHAIR: So, so, --

10 MR. ALLEN: I'm sorry. I'm just, okay. So, all  
11 right.

12 CHAIR: So, ask him a question. Sir, is it true that  
13 the driveway to your house is a, is a steep slope?

14 MR. WAINWRIGHT: No, that's not true.

15 CHAIR: All right. You would not characterize it as  
16 such?

17 MR. WAINWRIGHT: I would not. I would not have  
18 invested \$58,000 in something that was a hazard to anyone's  
19 grandparent.

20 CHAIR: All right. Mr. Allen, you have an  
21 opportunity during your case to put forth photographs if you  
22 want to dispute the fact. But that's the testimony of Mr.  
23 Wainwright at this time.

24 MR. ALLEN: Okay. May I ask, let me see. You said  
25 that you are a licensed insurance agent for, and your specialty



1 is final expenses for seniors, correct?

2 MR. WAINWRIGHT: Correct.

3 MR. ALLEN: And you are with what agency for that?

4 Or are you an independent contractor?

5 MR. WAINWRIGHT: I have no agency.

6 MR. ALLEN: And you have a current license?

7 MR. WAINWRIGHT: Yes.

8 MR. ALLEN: Okay and right now, today, you and Mr.  
9 Chavez live at 2100 Northland? I've seen Mr. Chavez over  
10 there, actually I saw him a couple days ago when I walked my  
11 dog waved hi, he waved hi.

12 MS. JOLIVET: You testifying again?

13 MR. ALLEN: I'm done. I said, no, I'm just, I'm just  
14 making sure I understand --

15 MS. JOLIVET: Okay, okay.

16 MR. ALLEN: -- you are, you said you're in  
17 possession, you're physically there at the property right now,  
18 okay, all right.

19 MS. JOLIVET: I mean, your question was do they live  
20 there. Isn't that, wasn't that what your question was? Do the  
21 two of them live there?

22 MR. ALLEN: I would ask if they live there perm, like  
23 on a permanent basis, you get up, brush your teeth --

24 MS. JOLIVET: Let him answer. Go ahead.

25 MR. WAINWRIGHT: Yes.

1           MR. ALLEN: Okay. One of the other Protestants is  
2 asking if the insurance bus, if having an insurance business at  
3 the same time as owning an elder care facility would not be a  
4 conflict of interest because you want to be driving people  
5 toward your business and take insurance money from them to do  
6 that.

7           MR. WAINWRIGHT: I'm completely lost about the  
8 question. What's your question?

9           MR. ALLEN: You're an insurance broker?

10          MR. WAINWRIGHT: Okay.

11          MR. ALLEN: Okay. So, you, you want to own a place  
12 that houses seniors.

13          MR. WAINWRIGHT: Um hm.

14          MR. ALLEN: Your specialty is insurance issues for  
15 seniors.

16          MR. WAINWRIGHT: Okay.

17          MR. ALLEN: So, who's to say that you're not owning  
18 this just so that you can skim insurance money?

19          MR. WAINWRIGHT: I don't know who would even say  
20 that.

21          MR. ALLEN: I'm asking the question.

22          MR. WAINWRIGHT: What's the question?

23          MR. ALLEN: I'm saying, is that, that's where the  
24 conflict of interest is.

25          CHAIR: Sir, do you think there's a conflict of

1 interest?

2 MR. WAINWRIGHT: No.

3 CHAIR: There you go.

4 MR. ALLEN: That is the answer, all right.

5 CHAIR: He says no, all right. Any further questions  
6 of this witness?

7 MR. ALLEN: So, how many, so if you've got four  
8 bedrooms in the residence, correct? You said the house is a  
9 single family, it's four bedrooms, two bathrooms. So, I would  
10 assume you gentlemen are each in a bedroom, correct?

11 MR. WAINWRIGHT: Okay.

12 MR. ALLEN: I mean, is that yes or no?

13 MR. WAINWRIGHT: It's four bedrooms, we occupy at  
14 least two of the bedrooms that are there.

15 MR. ALLEN: Okay. So, you're not bunking up in a  
16 single bedroom? You're, and, you've got a room and he's got a  
17 room, --

18 MR. WAINWRIGHT: Correct.

19 MR. ALLEN: -- the two people, so you're talking  
20 about a maximum occupancy of two?

21 MR. EVANS: Two additional clients.

22 MR. ALLEN: Two elders, two clients.

23 MR. EVANS: Right.

24 MR. ALLEN: How many clients are you asking to put in  
25 there?

1           MR. WAINWRIGHT: So, we would be, we would be doing  
2 four.

3           CHAIR: So, it, it's your intention, if you got the  
4 relief requested, that you would no longer be a resident,  
5 you're basically just keeping it warm and keeping it in good  
6 repair until you use --

7           MR. WAINWRIGHT: Okay. If that's what the question  
8 is, then let me help you with that. So, we are investors. So,  
9 as far as the conflict of interest, we want to provide job  
10 opportunities for whomever. So, there would be a caretaker  
11 that would replace at least one of the bedrooms that the two of  
12 us occupy. Then I can go back to Owings Mills and Windsor Mill  
13 where my residence is and operate that business and just be an  
14 investor in this one and any other ones that we open up  
15 anywhere else.

16           MR. EVANS: So, you, you would have three clients?

17           MR. WAINWRIGHT: We, we would have four.

18           MS. JOLIVET: And so one in each bedroom?

19           MR. WAINWRIGHT: So, as long as the bedroom is at  
20 least a hundred and twenty square feet, and that's that third  
21 governing body that we have to get through, we'd have to  
22 demonstrate that, we can have two occupants in a bed, in a  
23 bedroom.

24           MS. JOLIVET: Okay.

25           MR. EVANS: I see, okay.



1 MS. JOLIVET: Two occupants as long as there's a  
2 hundred and --

3 MR. WAINWRIGHT: And twenty square feet.

4 MS. JOLIVET: Thank you.

5 MR. WAINWRIGHT: So, on that first level, we have two  
6 bedrooms on that first level. And if you can imagine two  
7 occupants in one bedroom, two in the other, that would be the  
8 four. And then you've got two bedrooms upstairs and one  
9 bedroom downstairs. So, it's plenty of space.

10 MR. EVANS: Okay.

11 MR. ALLEN: So, plenty of space and you'll have two  
12 supervisors there, correct?

13 MR. WAINWRIGHT: We haven't figured the staffing out  
14 yet because we have to get through logistics first.

15 MR. ALLEN: But, okay, you're, I mean, I'm just  
16 saying you're, you are talking about dementia and mobility  
17 issues. If Grandma needs to get up at 2:00 in the morning to  
18 pee or Grandpa is getting ready to bust down the door so that  
19 he can walk out onto Windsor Mill Road and fall down, you will  
20 have somebody there to make sure that doesn't happen all times,  
21 at all times, correct?

22 MR. WAINWRIGHT: It will be, we will be regulated by  
23 the State and we intend to follow all regulations, so it'll be  
24 man --

25 MR. ALLEN: That's not an answer. I'm asking you

1 directly, do you intend to have a caretaker there twenty-  
2 four/seven for one of those bedrooms or at least --

3 MR. WAINWRIGHT: I guess I need to answer that. Yes,  
4 yes, we will.

5 MR. ALLEN: Okay.

6 VOICE: They must, they must have.

7 MR. ALLEN: I, I would hope so, he just said. I'm  
8 done.

9 MR. EVANS: Okay, thank you.

10 CHAIR: So, Mr. Wainwright, do you have any further  
11 comments in light of the cross examination?

12 MR. WAINWRIGHT: No.

13 CHAIR: All right. You can step down, sir. So, Mr.  
14 Wainwright, do you have a next witness, sir?

15 MR. WAINWRIGHT: No, I think that's it for us.

16 CHAIR: All right, so you rest.

17 MR. EVANS: Good.

18 CHAIR: Okay. So, Mr. Allen, you can call your first  
19 witness then.

20 MR. ALLEN: Oh, dear. I guess my first witness,  
21 let's start off with Jocelyn Gillis. I also have several  
22 statements that will be read from other residents.

23 MR. EVANS: Okay. No, over here.

24 CHAIR: Just remain standing for a moment and be  
25 sworn.

1           MR. EVANS: Do you swear and affirm under the  
2 penalties of perjury, that the testimony you are about to give  
3 is true and correct to the best of your knowledge and belief?

4           MS. GILLIS: I do.

5           MR. EVANS: Can you state your name and address for  
6 the record, and can you spell your name also, please?

7           MS. GILLIS: Jocelyn Gillis, J-O-C-E-L-Y-N, Gillis,  
8 G-I-L-L-I-S, 2102 Northland Road and I'm located directly next  
9 door to 2100.

10          MR. EVANS: Okay. You can have a seat and can you  
11 speak into the microphone there if possible?

12          MS. GILLIS: Yes.

13          MR. EVANS: And some of us don't hear that well so,  
14 if you --

15          MS. GILLIS: Oh, I'm sorry.

16          MR. EVANS: -- can keep your voice up I, for one,  
17 would greatly appreciate it. Thank you.

18          CHAIR: Ms. Gillis, you live at 2102 so you're right  
19 next door?

20          MS. GILLIS: Yes, sir.

21          CHAIR: How long have you lived there?

22          MS. GILLIS: I've been there since 1997.

23          CHAIR: Nineteen ninety-seven, and were you familiar  
24 with the previous neighbors?

25          MS. GILLIS: Yes.

1 CHAIR: Who was the previous owner?

2 MS. GILLIS: The previous owner, when I first moved  
3 there, the, the house was vacant for like five years.

4 CHAIR: Okay.

5 MS. GILLIS: And then Mr. Kindsman (phonetic) bought  
6 the house. They lived there approximately four or five years  
7 and then they started renting the property. So, I've been  
8 dealing with renters for over the last twelve years.

9 CHAIR: All right. Are you familiar with the other  
10 assisted living facility that's on your block per se?

11 MS. GILLIS: Yes. That one snuck in on us. We just  
12 recently found out that it was, I just recently found out it  
13 was there. Some others knew that it was there.

14 CHAIR: Okay.

15 MS. GILLIS: But yes, I am very familiar with it.

16 MR. EVANS: What's, what's the address of that?

17 MS. GILLIS: 2110, 2110, it's five houses up the  
18 street.

19 CHAIR: Twenty-one ten, okay.

20 MS. GILLIS: Yes, 2110 Northland Road.

21 CHAIR: Okay. So, and, and you said you didn't  
22 notice it was there for some time?

23 MS. GILLIS: Um hm. Recently they bought two vans,  
24 which now you see that it's something going on up there. It's  
25 two vans on the street at all times. And a couple of weeks, in



1 January, they had an emergency situation that really stuck out  
2 because no one could get out of their house to go to work that  
3 morning because the whole block was blocked off.

4 CHAIR: Ms. Gillis, can I ask you to describe your  
5 home?

6 MS. GILLIS: I live in a single family home, it's  
7 five bedrooms, two baths.

8 MR. EVANS: Five bedrooms?

9 MS. GILLIS: Five bedrooms, yes.

10 CHAIR: And do you know what year it was built?

11 MS. GILLIS: No.

12 CHAIR: Okay. Is it an older home, newer home --

13 MS. GILLIS: It's an older home.

14 CHAIR: Okay and then do you have a driveway?

15 MS. GILLIS: Yes.

16 CHAIR: And how long is your driveway?

17 MS. GILLIS: Sheesh, I can fit four cars in my  
18 driveway.

19 CHAIR: Okay, four cars.

20 MS. GILLIS: Um hm.

21 CHAIR: Now, can you describe for me the, the grade  
22 of your driveway? I mean, the slope? Is it flat, are you  
23 uphill, downhill?

24 MS. GILLIS: It's sloped.

25 CHAIR: It goes down?

1 MS. GILLIS: It goes down, yes.

2 CHAIR: Okay. Now, how far is your property away  
3 from the street?

4 MS. GILLIS: Away from --

5 CHAIR: The frontage of --

6 MS. GILLIS: The front end?

7 CHAIR: Yes.

8 MS. GILLIS: Probably about, maybe twenty-five feet.

9 CHAIR: Okay. Now, the neighboring property, the  
10 house at issue, 2100 Northland Road, how far away is that from  
11 your house? Give the Board a little kind of estimate of how  
12 close the houses are together. You can use a point here in, in  
13 the courtroom if you'd like.

14 MS. GILLIS: Probably at that wall, at the wall. I  
15 mean, actually, it's probably shorter than that. Our car, our  
16 houses are separated by the, the width of the driveway.

17 CHAIR: Okay.

18 MS. GILLIS: And the driveway will hold two cars side  
19 by side. So, I would even say it wouldn't even be the wall per  
20 se. Somewhere (inaudible).

21 CHAIR: So, it's like, so it's like a joint driveway?

22 MS. GILLIS: Yes.

23 CHAIR: Theirs and then yours?

24 MS. GILLIS: We share, we share a driveway, yes.

25 CHAIR: But, but you share it, you share it?

1 MS. GILLIS: Yes, yes.

2 CHAIR: Okay. It is safe to say that the grade or  
3 the slope of the driveway for your home is the exact same for  
4 2100?

5 MS. GILLIS: Yes.

6 CHAIR: Okay. Now, the, the model or shape of the  
7 house at 2100, is it similar or different from your home?

8 MS. GILLIS: I would, it's, the same.

9 CHAIR: It is the same?

10 MS. GILLIS: It, mine is, mine is different because,  
11 like all the houses on the block are the same, same model,  
12 built by the same builders.

13 CHAIR: Okay.

14 MS. GILLIS: Mine is different because on my top  
15 floor, I have three bedrooms and a bath, where most of them  
16 only have two bedrooms and some of them have one bedroom.

17 CHAIR: Okay.

18 MS. GILLIS: So, mine is different than most.

19 CHAIR: Did you do an addition or was it just built  
20 differently?

21 MS. GILLIS: There was an addition, I, in my opinion,  
22 it was there when I moved in there.

23 CHAIR: I see.

24 MS. GILLIS: My house was an apartment.

25 CHAIR: I see.

1 MS. GILLIS: So, I had a kitchen area here, which is  
2 the master bedroom upstairs, a bathroom and two rooms here.  
3 And so, when you come into my house, being different, you can  
4 go straight up the steps or you can go into the living room  
5 area downstairs. But in most houses when you come in, you're  
6 coming into the living room.

7 CHAIR: Okay. So, it --

8 MS. GILLIS: To my knowledge.

9 CHAIR: In your, from your observation on your  
10 street, are you the only house, you think, that has that extra  
11 addition upstairs?

12 MS. GILLIS: Yes.

13 CHAIR: Okay. But from your observations, the rest  
14 of the house, or part of maybe an original development where  
15 the houses were pretty much similar?

16 MS. GILLIS: Yes.

17 CHAIR: Okay.

18 MS. GILLIS: All being when you come in it's living  
19 room, dining room, kitchen, two bedrooms and a bath on the  
20 ground floor.

21 CHAIR: And the way they sit, I'm sorry, and the way  
22 they sit on the road, do they all have the same like distance  
23 from the road?

24 MS. GILLIS: Yes.

25 CHAIR: Okay.



1 MS. GILLIS: Yes, they're all level on, on the front,  
2 yes.

3 CHAIR: And do they have, share similar, do you have  
4 a backyard or backyard area?

5 MS. GILLIS: Yes.

6 CHAIR: And is the acreage of those similar  
7 themselves?

8 MS. GILLIS: Some of them, yes. But some of them are  
9 a little more bigger. Like Ms. Kim on this side of me, her  
10 yard appears to be a little bigger than mine.

11 CHAIR: Okay.

12 VOICE: 2104.

13 MS. GILLIS: 2104, yes.

14 CHAIR: How about 2100? Is, is the rear area of that  
15 one bigger than yours or the same?

16 MS. GILLIS: It, in view, it appears to be the same.  
17 However, the difference in it is when you come down the  
18 driveway there are parking pads in the back. My yard is, for  
19 the most part, flat.

20 CHAIR: Okay.

21 MS. GILLIS: With a flower bed and their yard is flat  
22 and it has a hill for, like a raised area in their yard.

23 CHAIR: Okay.

24 MS. GILLIS: Because of the corner house.

25 CHAIR: And from your observation, the backyard of

1 2100 is that, is that similar to the other backyards in the  
2 development?

3 MS. GILLIS: Yes.

4 CHAIR: Okay, all right. Now, I'm sorry, I asked  
5 those questions, what else would you like to tell us about this  
6 Petition, ma'am?

7 MS. GILLIS: I, I support your business, I really do.  
8 But in the token of it being on my street, on, on our block,  
9 the parking is horrible. We live on a two way street and that  
10 corner is total congestion for me.

11 MR. ALLEN: She has pictures, by the way.

12 MS. GILLIS: Mr. Chavez doesn't use the driveway  
13 personally, he uses the street and depending on how he parks,  
14 if it's cars on the other side of the street, I have a problem  
15 getting out and it's just, not that I can't get out, it's just  
16 extra maneuvering for me in the morning.

17 Recently the, the people across the street just had  
18 their roof replaced and they had big (inaudible) truck like in  
19 their driveway and they had cars parked on both sides. Mr.  
20 Chavez and I had not left for the day yet, so he was parked, I  
21 was parked and then all of the crew was parked. And I had to  
22 maneuver to get out of the spot. So, that's just like a  
23 headache for us.

24 I have grandkids, you know, and, you know, for the  
25 most part I don't let them play in the yard because of the

1 traffic situation. We are right on the corner. If you come  
2 around that corner too fast you're going to hit somebody.

3 MR. EVANS: What, what's the cross street there?

4 MS. GILLIS: Windsor Mill Road.

5 MR. EVANS: Windsor Mill, okay.

6 MS. GILLIS: Um hm. So, I mean, it's, it's off of a  
7 main road and just coming around that corner, it's just, the  
8 parking is just horrible and because Mr. Chavez's property is  
9 right here on this stop sign, they can't, you know, literally  
10 park always, like put two cars in front of their house. So,  
11 when the assisted living facility up the street at 2110 is full  
12 to capacity, have a van in their driveway and a van on the  
13 street, and they have the employees that are there working, it  
14 pushes everybody else to park down the street, which takes up  
15 the parking in front of my house.

16 So, it's basically you move your car and you tell  
17 your guests to park in, you know, your parking lot, you know,  
18 in your, in your parking, driveway because they can't park in  
19 front of your house, you know. And if they park in front of  
20 your house, it causes a problem, you know. If I'm parked on,  
21 if I, I have a truck. If I park my truck on the street and the  
22 man across the street parks his van, he has a, like a, one of  
23 the fifteen passenger big size vans on the other street, trash  
24 man comes, they're going to knock somebody's window, their  
25 mirror off.

1           The gentleman across the street has had his mirror,  
2 in the last year, knocked off his car five times, you know,  
3 just from, because it's just the way it's parking. And Mr.  
4 Chavez can't say hey, when you park, make sure you stagger your  
5 car. It's, if they stagger the cars, we would be good. But if  
6 two cars are parked in front of my house, 2104 has a single car  
7 driveway. If it's two cars parked in front of my house and it'  
8 two cars parked in front of the house across the street, she  
9 can't cut to come out of her driveway. So, it's just, you  
10 know, so in front of my house you can't park two cars. You got  
11 to kind of park one just to be courteous to that person with  
12 their driveway.

13           CHAIR: Ms. Gillis, could I just stop you for just  
14 one second?

15           MS. GILLIS: Um hm.

16           CHAIR: Mr. Allen, could you please do me a favor?  
17 Take your pictures, and could you give them to these gentlemen  
18 here because they have to see them all before they're  
19 introduced. So, just to get that moving, let's move --

20           MR. ALLEN: Okay.

21           CHAIR: -- over all pictures to the gentlemen on the  
22 other side of the table here before we continue testimony.

23           MR. ALLEN: Okay.

24           CHAIR: I'm going to ask Ms. Gillis to continue her  
25 testimony, but you can start working on that because that's



1 going to be an issue, I think, in about one moment. I'm sorry,  
2 go ahead. What else? You were, you were telling us about the  
3 courteous parking and not blocking the, the neighbors' parking  
4 because of the driveway. What else you want to tell us?

5 MS. GILLIS: I mean, and that's just basically it.  
6 It's a, it's a two way street. So, I mean, I've had, when I  
7 come, when I come in, I come, usually come off the Windsor Mill  
8 side. So, when I come in, I pull in the driveway across the  
9 street and back into my driveway because there's no other way  
10 to maneuver it because the gentleman across the street, they  
11 have cars parked in their driveway and their driveway is not as  
12 long as ours because they live on the hillside, on that side,  
13 so they only have room for two cars in their garage, I mean, in  
14 the driveway. So, I have to maneuver to park my car, you know.

15 MR. EVANS: So, how, how wide is the street in terms  
16 of car widths?

17 MS. GILLIS: Three car widths.

18 MR. EVANS: Three car widths, like so if you, if you  
19 park, if there's a car on each side then one car can --

20 MS. GILLIS: Yes.

21 MR. EVANS: Got it, okay.

22 MS. GILLIS: You know, I mean, I've had incidents  
23 where, I mean, it's just so many cars and you just can't get in  
24 and then you're at a deadlock, it's like what are you going to  
25 do? So, you have no choice but to pull into someone's driveway

1 in order to turn around, or in order to park or anything like  
2 that.

3 MR. EVANS: Okay.

4 MS. GILLIS: So, I mean, that, that's just the total  
5 inconvenience for everybody that's involved, you know? I don't  
6 know what the new traffic pattern is going to be but lately, I  
7 mean, since we came to Court the first time, lately it's, it's  
8 three or four cars in the morning when I come out that are out  
9 there, you know. It doesn't bother me because I'm in my  
10 driveway, but it bothers me if there are cars on both sides and  
11 then I have to maneuver to get out and it's like, you know, all  
12 of this just to go to work every morning, you know.

13 And people are just not conscious of that. They're  
14 just not understanding that you can't, you can't block my  
15 driveway. I mean, I've had instances where I came out and  
16 because of the way Mr. Chavez was parked, I have to maneuver to  
17 get out of my driveway because in, in order not to hit his car,  
18 you know. And it, so it's just, it's just, it's a pain, you  
19 know. If the stop sign wasn't there, we were another house up,  
20 maybe it would be different, but it's not. It's, it's no room.

21 MR. EVANS: Okay.

22 CHAIR: (inaudible) are you finished looking at the  
23 first group of pictures there?

24 MR. WAINWRIGHT: Yes.

25 CHAIR: Could you give those back to Mr. Allen? Mr.

1 Allen, I'll let you take that first group of pictures and could  
2 you alphabetically put A, B, C, D just in order there so Ms.  
3 Jolivet can mark them, but at least we'll have some reference  
4 of what we're talking about?

5 MR. ALLEN: Sure.

6 CHAIR: So, this is going to be Protestants' one  
7 whatever, the first batch. But we'll just, we'll just get them  
8 marked up.

9 MS. JOLIVET: How many do you have?

10 MR. ALLEN: Many.

11 MS. JOLIVET: Are these all for this witness?

12 MR. ALLEN: No.

13 MS. JOLIVET: I need whatever, whatever ones you need  
14 for this witness.

15 MS. GILLIS: It's probably about four.

16 MR. ALLEN: Okay. (inaudible) and these. Thank you.  
17 Okay and if I can get my pen back (inaudible). Okay. Put them  
18 on the back, I guess?

19 MS. JOLIVET: I, I, I will number them. I don't,  
20 just, you can give them to me. I'll take care of that part of  
21 it.

22 MR. ALLEN: Okay. So, these and these and that, --

23 MS. GILLIS: And one on the table.

24 CHAIR: One on the table, sir, Mr. Allen?

25 MR. ALLEN: Hm?

1 CHAIR: She says there's one, you missed one.

2 MS. JOLIVET: I'll take the other ones. Let me, let  
3 me get started. Okay, thank you.

4 CHAIR: Ms. Gillis, while this is going on, is there  
5 anything further that you would like to add?

6 MS. GILLIS: No, that's about it.

7 CHAIR: Okay.

8 MR. ALLEN: And these are also yours?

9 MS. GILLIS: Um hm.

10 MR. ALLEN: (inaudible).

11 MS. JOLIVET: Thank you.

12 MR. ALLEN: There's a lot.

13 CHAIR: All right. Let the record reflect that  
14 several pictures are at this time being marked for  
15 identification. The Petitioners have reviewed the pictures at  
16 this time.

17 MR. ALLEN: And also, I, this might be a good time  
18 for the Petitioners to review this information, which talks  
19 about density.

20 CHAIR: Anything that's going to come in, they have  
21 to take a peek at.

22 MR. ALLEN: Does that include written statements, or  
23 can those just be read out?

24 MR. EVANS: Yes.

25 CHAIR: They, no, well, we're going to get to that



1 because we're not going to be reading them out, I'll tell you  
2 what we're going to do with them. But you can show them to the  
3 other side, yes.

4 MR. ALLEN: Okay.

5 MS. GILLIS: Mr. Allen? There's one more written  
6 statement on the seat where I was sitting, one, one pager.  
7 That one.

8 VOICE: This one?

9 MS. GILLIS: Just that one.

10 MR. ALLEN: Yep, this is your, this is your  
11 statement.

12 VOICE: (inaudible).

13 MR. ALLEN: Yeah, from Mr., from James (inaudible).

14 MS. JOLIVET: Okay. Mr. Allen, they've been marked  
15 1-A through 1-F.

16 CHAIR: Now, Mr. Allen, I'm going to give you a quick  
17 tutorial to make this move along. You can stay right up here.  
18 And you're going to show her a picture and say this is a  
19 photograph that's been marked as, hand it to her, and ask her  
20 if she can identify it.

21 MR. ALLEN: Okay.

22 CHAIR: Thank you.

23 MR. ALLEN: All right. This Protestant Exhibit 1-A,  
24 can you identify this and tell me what it is?

25 MS. GILLIS: This is just a picture of the corner of

1 Northland Road, just depicting how the height of the, the wall  
2 on the end of the house and this is a person by the wall just  
3 to show you the actual height.

4 CHAIR: And those pictures fairly and accurately  
5 depict what that area looks like at Windsor and Northland?

6 MS. GILLIS: Yes, sir.

7 CHAIR: And you, did you take the photos?

8 MS. GILLIS: Yes, sir.

9 CHAIR: Okay, great.

10 MR. ALLEN: And about how tall is the gentleman in  
11 the second photo?

12 MS. GILLIS: Probably about five six.

13 MR. ALLEN: All right. So, five and a half, so this  
14 is like an eight foot drop.

15 CHAIR: And Mr. Allen, the rules are, basically, when  
16 we have exhibits, we're supposed to have basically four copies  
17 up here and copies for them so we can all look at them. We're  
18 going to give you a little slack on that. But it would be nice  
19 if once, after you show the witness, show it to the gentlemen  
20 here in the Petitioners' chair so they can actually see what  
21 you're referring to and they know which one.

22 MR. ALLEN: Okay.

23 CHAIR: They don't have to keep it, you can just, so  
24 they can see what you're talking about, which picture.

25 MR. ALLEN: Okay.

1 CHAIR: All right.

2 MR. ALLEN: All right. So, --

3 CHAIR: Let's move on to the next one.

4 MR. ALLEN: And these are more photos of 1-B.

5 MS. GILLIS: Okay. So, 1-B just depicts, it depicts  
6 an emergency vehicle that was called out for 2110 Northland  
7 Road. And I'm standing in front of my house. So, this is just  
8 to demonstrate how from the house across the street, this is  
9 2102, this is 2103, from 2104 to 2106 up until 2110, it  
10 actually goes a little beyond, cannot leave. Nobody could  
11 move. So, in my thought, in my theory, if two emergency  
12 vehicles was called for in any event, how could, no, nobody  
13 could move. So, you know, basically, nobody can come down the  
14 street, because it's a two way street, and nobody could come up  
15 the street until this issue was resolved. So, it's just  
16 showing how from my house all the way up to a little beyond  
17 2110 the emergency vehicle was holding up the block. And they  
18 were out there probably be, about thirty minutes.

19 CHAIR: Show it to --

20 MR. EVANS: And that's all 1-B, that collection is  
21 all 1-B?

22 MS. GILLIS: Yes, sir.

23 MR. EVANS: Okay. Show those to Petitioner.

24 CHAIR: Petitioners there. All right, moving on to  
25 C.

1 MR. ALLEN: This is 1-C.

2 MS. GILLIS: 1-C. So, 1-C is just a recent depiction  
3 of, and it goes in order, I don't have a thing, how I come out  
4 in the morning to go to work and 2101 was having, I mean, 2100,  
5 2101 was having a roof replaced and --

6 VOICE: Extra hand.

7 MS. GILLIS: -- thank you. And the, the crane, the  
8 crane was in their driveway, which was blocking half of the  
9 street. You could see the delineation there. And I couldn't  
10 swing out to go that way because they also had, you know, they  
11 had the cones and all that. So, I'm coming out to come here,  
12 Mr. Chavez is here and these two cars are from 2101 and then  
13 this is one of the work trucks. So, in order for me to get  
14 out, it was either wait till Mr. Chavez left or maneuver your  
15 way out. So, I had to maneuver my way out at that point.

16 CHAIR: Okay, all right. If you could show those to  
17 the Petitioner, please. Or just leave them on the chair so  
18 they can (inaudible). Moving on to D.

19 MR. ALLEN: Here's D.

20 MS. GILLIS: Okay. D is just a depiction of, of a  
21 couple weeks ago we went out, I had, I had company and my  
22 company was parked in front of Mr. Chavez's house and my house  
23 and across the street, I had company. And when we wall came  
24 out, I couldn't leave because Mr. Chavez was over the mark, I  
25 would have hit his car if I had tried to leave out of the



1 driveway.

2 MR. ALLEN: And 1-E?

3 MS. GILLIS: 1-E is just, it was just depicting how  
4 Mr. Chavez, as far as going through this process, they had the  
5 yard dug up to have a system, a water system or something put  
6 in. And it's been like that for almost a year. And just the  
7 dangers of how like, you know, when the kids come over, I can't  
8 let them, because they roam in other people's yards, they do,  
9 and I don't want them to get hurt because the, the yard is that  
10 way.

11 So, I don't know when they started the process but  
12 the process has been almost a year and it was just, you know, I  
13 mean, just a complaint, you know. Why does something take this  
14 long? Especially being in the, in the, in the system like  
15 this, where they're right on the corner and it's trying to be  
16 a, a facility for elderly people, just the movement, they, they  
17 can't move. They can't move to do anything. People walk up  
18 and down this block because this is a main, this is a main  
19 thoroughfare. The dangers of this being uncovered, you know,  
20 with my kids being next door, I have to keep an eye on them. I  
21 just put them out in the back or tell them no, you can't go  
22 outside because I don't want them to come in the yard and get  
23 hurt. And I'm not, I mean, the, I've been dealing with this  
24 for a while, right? So, this has been like that for almost a  
25 year.

1 MR. EVANS: Okay.

2 MS. GILLIS: So, I don't know what, what took the  
3 process so long for them to get to this point, you know.

4 CHAIR: And we have F, is that where we are?

5 MS. JOLIVET: Yes.

6 MR. ALLEN: And these are F.

7 MS. GILLIS: Oh, F was just probably just a  
8 continuation, I'm sorry. This is just another view of E.

9 CHAIR: Okay, all right. And does that conclude the  
10 photographs for this witness, Mr. Allen?

11 MR. ALLEN: I believe so.

12 CHAIR: All right. Everyone can have a seat for a  
13 moment. Mr. Wainwright, the Petitioner is going to move that  
14 the pictures 1-A through 1-E of the collection is going to move  
15 into evidence. Do you have any --

16 MS. JOLIVET: 1-F.

17 CHAIR: -- 1-F, I'm sorry. Do you have any objection  
18 to their admission into evidence?

19 MR. WAINWRIGHT: I don't have any, no.

20 CHAIR: All right. They're so admitted as part of  
21 the record. So, you can move them up to us and Mr. Allen, you  
22 can go back to the trial table at this time. And Ms. Gillis,  
23 do you have any further testimony for us after the pictures,  
24 ma'am?

25 MS. GILLIS: No.

1 CHAIR: All right. Now, Mr. Wainwright, it is now  
2 your opportunity, if you have any cross examination questions  
3 of Ms. Gillis relevant to the testimony she has just provided.

4 MR. WAINWRIGHT: Okay, sure. Your, your last  
5 question was what took the process so long. So, the, this,  
6 until we get through this, we, we had to halt the sprinkler  
7 system installation, just to answer that. But to go to the top  
8 of your testimony, you've been a resident at that home since  
9 1997 you said?

10 MS. GILLIS: Yes.

11 MR. WAINWRIGHT: Okay and for twelve years you've  
12 been dealing with renters?

13 MS. GILLIS: Approximately twelve years, yes.

14 MR. WAINWRIGHT: Approximately. What's your  
15 experience been like with those renters?

16 MS. GILLIS: Terrible.

17 MR. WAINWRIGHT: It's been terrible.

18 MS. GILLIS: Yes. As far as the parking, it's, it's  
19 just been crazy. I've had incidents where they had a disabled  
20 car in their driveway and they would use my side of the  
21 driveway to park in the back on the parking pad and then when I  
22 came home and they had another car in the driveway, instead of  
23 having the person move so they can get around it, they knocked  
24 on my door for me to move my car. Or if I had guests and my  
25 driveway was occupied fully, they've knocked on my door to ask

1 me to move my car so they can get out of their driveway.

2 I've had incidents where they've had things delivered  
3 and they've hit my car and caused damage to my car and denied  
4 it. I've had instances where they have parked over the line on  
5 the driveway and you, you see how I park. I drive up and I  
6 back in. So, my vision is, I'm watching on my wall. So, I'm  
7 watching on my wall and they had a car over the length and I  
8 didn't see it and I hit their car.

9 MR. WAINWRIGHT: Um hm.

10 MS. GILLIS: Car, and our car is damaged, because I  
11 hit him really hard, you know, because I'm backing up.

12 MR. WAINWRIGHT: Um hm.

13 MS. GILLIS: So, I, it's, it's just been bad. It's  
14 been such where I was going to put a fence down. But I can't  
15 put a fence down because I'm not the only passenger in my car.  
16 So, if I put a fence down, then my other door doesn't work. I  
17 went to lengths as far as the little orange, little meshy tape,  
18 I'm going to put that down with some bricks. Well, I can't put  
19 that down because if somebody steps out of my car on that side,  
20 they could sprain their ankle, you know? So, it, it's been a  
21 lot.

22 MR. WAINWRIGHT: Um hm.

23 MS. GILLIS: I tried to get the driveway repaved.  
24 They, the owner refused to repave the driveway at the same time  
25 that I repaved my driveway and when it's time and we shovel the



1 snow, you know, they would shovel the snow so that they could  
2 get two cars in their driveway so where did they put the snow?  
3 In my driveway. So, now my driveway is full of ice.

4 CHAIR: I just want to interrupt you for just a  
5 second.

6 MS. GILLIS: Um hm.

7 MS. JOLIVET: I'm sorry (inaudible).

8 MS. GILLIS: No, it's fine.

9 MS. JOLIVET: Thank you.

10 CHAIR: All right. Okay. Any further questions,  
11 sir?

12 MR. WAINWRIGHT: Yes.

13 CHAIR: Okay.

14 MR. WAINWRIGHT: No, that, that was good. I'm just  
15 trying to get a picture of that and so, yes, I would agree,  
16 that would be a horrible experience. I've got to give you some  
17 context for the next question.

18 MS. GILLIS: Um hm.

19 MR. WAINWRIGHT: If, if we are not able to open the  
20 assisted living there, then we would, we, we'd have to go  
21 elsewhere. Mr. Kinsler will likely have Section 8 or somebody  
22 else there. But, you know, having business minded people  
23 there, it sounds like parking is the only issue. Once we're  
24 gone, we, we will make use of that driveway. Not only that,  
25 the residents don't park. So, is parking your only concern for

1 why you don't want the assisted living there?

2 MS. GILLIS: Well, it also brings down my property  
3 value. When I was going through trying to refinance my house  
4 at the end of 2018, you know, when the appraiser came through  
5 and he, he told me, he said, you know, this is going to  
6 decrease your property value and I'm like asking why. Well,  
7 you know, when people come through to look, like right now, we  
8 have people coming through, we just (inaudible) push everything  
9 through and you put your house on the market, that's an  
10 eyesore, speaking of the front yard. And I'm like, okay.

11 And knowing that there's an assisted living here and  
12 up the street, that's, you know, people are not more, people  
13 are more susceptible to buying, it's a residential  
14 neighborhood. But when you have businesses running in a  
15 residential neighborhood, people are not susceptible to buying  
16 a property. So, I put a halt on putting my house on the  
17 market, you know. Well it was a refinance or put it on the  
18 market. So, I, I just decided not to do it, you know. But at,  
19 at that point, it's like, you know, what do you do? You know,  
20 because I can't sell my house, it's not going to sell and it's  
21 not just you guys, you know, trying to do that. It's one up  
22 the street and who's going to come and look at my house?

23 MR. WAINWRIGHT: I would, would, would you think that  
24 perpetual renters, this has been twelve years where it's been  
25 rented, perpetual renters who have no concept about (inaudible)

1 appreciation of property, anything like that, would you think  
2 that Section 8 would be worse than an actual established  
3 business coming into force the appreciation of a property would  
4 be a better neighbor for you?

5 MS. GILLIS: Well, in the past, he's, he has rented  
6 to several people and in the past I've had very good neighbors.  
7 I've only had two people that were just the worst as far as the  
8 parking situations that I've explained. And one of them was  
9 there, they were there for a very long time, you know. So,  
10 most of the renters who have, who stay there, they stay there  
11 for at least a year or two. So, it's not so bad and they've  
12 been really good. I'm making the assumption that he uses a  
13 property management company.

14 MR. WAINWRIGHT: Um hm.

15 MS. GILLIS: And that, that's his people and they've  
16 been, actually been very good. I haven't had any problems out  
17 of my, my neighbors other than parking.

18 MR. WAINWRIGHT: But I'm think, I'm, I'm trying to  
19 address your property value concern. It will just continue to  
20 be rented, Mr. Kinsler is not coming back to occupy the home.

21 MS. GILLIS: Oh, yeah, we know that.

22 MR. WAINWRIGHT: Yeah. So, but we want to purchase  
23 it, so that would end the rental cycle. So, I was just trying  
24 to ascertain what you felt about having a neighbor that was a  
25 homeowner versus perpetual renters in the future.

1 MS. GILLIS: It would be fine to have a neighbor as a  
2 homeowner, you know.

3 MR. WAINWRIGHT: Um hm.

4 MS. GILLIS: The neighbors as homeowners that I have  
5 right now, they're good.

6 MR. WAINWRIGHT: Okay.

7 MS. GILLIS: You know, I'm just not looking at the  
8 business side of it.

9 MR. WAINWRIGHT: Um hm, um hm. The pictures of the  
10 emergency team, when were those pictures taken?

11 MS. GILLIS: In, when did we come to Court last? We  
12 came in --

13 MR. ALLEN: December.

14 MS. GILLIS: December, they were in December.

15 MR. WAINWRIGHT: In December?

16 MS. GILLIS: They were like the week before we came  
17 to Court the first time.

18 MR. WAINWRIGHT: And were they responding to an  
19 emergency at the current assisted living?

20 MS. GILLIS: Yes, sir.

21 MR. WAINWRIGHT: They were. How often do you have  
22 emergency personnel coming on that road?

23 MS. GILLIS: I'm not sure because I'm not there  
24 always all day. But some of the neighbors have told me about  
25 the responses that they've had, that, you know, they've had



1 incidents. A couple times my daughter has been coming, like  
2 she comes to my house sometimes in the morning and she's gotten  
3 held up because they had called in for help.

4 MR. WAINWRIGHT: Um hm. I, we've been there for  
5 about a year, we don't tend to see that many emergency  
6 responses. And they would, they would come for anybody, would  
7 you agree that they would come for anybody on that road?

8 MS. GILLIS: Yes, yes.

9 MR. WAINWRIGHT: Okay. Not just the assisted living.

10 MS. GILLIS: So, if, so that, that, those pictures  
11 were kind of just to depict that when they do come, how they  
12 hold up the road and nobody can leave. We had an incident  
13 prior to that, it was a house on Windsor Mill that caught on  
14 fire and the emergency, I think it was a four alarm fire,  
15 (inaudible) four houses came out and four houses had Windsor  
16 Mill locked and Northland Road locked and a couple of other  
17 blocks. And I had an emergency and I had to leave. I had to  
18 walk out of my house and walk down the street and have somebody  
19 come pick me up because I couldn't leave. I can't go and say  
20 hey, can you leave, I got to go, I got an emergency. That  
21 doesn't work. So, that was just to depict that nobody can  
22 move, nobody can get out.

23 MR. WAINWRIGHT: Um hm.

24 MS. GILLIS: And not to say that their emergency was  
25 more important than mine, but I had an emergency that I had to

1 get to and I wasn't able to, I couldn't even get out of my  
2 house because the trucks were literally in front of our house  
3 and those four houses on the corner, on this corner, we  
4 couldn't move.

5 MR. WAINWRIGHT: Could a collaborative approach work?  
6 Because I'm, I'm hearing parking is, is the issue, so if that's  
7 the only issue, could a collaborative approach work with the  
8 existing homeowners there to solve that problem within us?  
9 Rather than putting a halt on this, we've got a lot of money  
10 invested and if it's something we can fix, could you be open,  
11 could the neighbors be open to us collaboratively working  
12 together and solving the issue?

13 MS. GILLIS: Probably not, I would say no.

14 MR. WAINWRIGHT: Why not?

15 MS. GILLIS: Because it's still the business aspect  
16 on a residential neighborhood. I mean, I, I don't, I didn't, I  
17 didn't purchase my house because businesses operated on, on my  
18 street. I purchased --

19 MR. WAINWRIGHT: But it's a residential assisted  
20 living, so it's, it's a residence.

21 MS. GILLIS: Um hm.

22 MR. WAINWRIGHT: These would be their residence.

23 MS. GILLIS: Um hm. And, and just like the problems,  
24 you, you all don't foresee it now, but you're going to have  
25 people that come, that works, we have workers that drive their

1 cars and they need to park and things like that. I don't know  
2 if you've ever heard it, when they come, the people up the  
3 street, they come and park in front of my house. All I hear at  
4 midnight is boom, boom, boom, boom, that's waking me up.  
5 People slamming their doors, conversations and things like  
6 that. That, that's, that's a hinderance to me, you know,  
7 because if I have to get up in the morning and work, I don't  
8 want to be woke up at twelve, one o'clock in the morning every  
9 night just because somebody is coming to work and they're on  
10 their phone. Or they're playing their music loud. You know,  
11 those type of things.

12 Now, I mean, those things are out of your control as  
13 a, as an owner period because you're not there. You know, we  
14 can complain five hundred times, you can hire a new person five  
15 hundred times but you're still, it's a continuing cycle.

16 MR. WAINWRIGHT: That could be anybody, not just from  
17 that assisted living.

18 MS. GILLIS: It could be --

19 MR. WAINWRIGHT: Anybody can come and blast their  
20 music and nobody would be able to control --

21 MS. GILLIS: Exactly.

22 MR. WAINWRIGHT: -- okay.

23 MS. GILLIS: But, but anybody, right, but my  
24 complaint is that it's not anybody, it's the, it's them.

25 CHAIR: Ms. Gillis and Mr. Wainwright, just to

1 interject a point as to things that are relevant for our  
2 consideration, just, just for, to keep you focused.

3 MR. WAINWRIGHT: Okay.

4 CHAIR: Ms. Gillis is obviously a very affable lady.  
5 Even if she said you could do this and the law said you could  
6 not, she can't change it. So, the cross examination as to her  
7 personal opinions as to it, she stated her piece as to her  
8 concerns but as to, you know, the what about and what ifs, it's  
9 really not relevant because it's not within her power or  
10 purview to change such. So, I think we can abandon that area  
11 and move on to if there's anything germane to discuss.

12 MR. WAINWRIGHT: Okay, thank you.

13 CHAIR: All right. Anything further?

14 MR. ALLEN: I have no further questions.

15 CHAIR: Ms. Gillis, have you had your piece?

16 MS. GILLIS: Yes, sir. Thank you.

17 CHAIR: All right.

18 VOICE: Unless you have anything you'd like to add?

19 MS. GILLIS: No.

20 CHAIR: All right. You can step down. Next witness,  
21 sir.

22 MR. ALLEN: Let me see, would any of you like to  
23 speak or (inaudible)?

24 MS. JOLIVET: Ms. Gillis, I'm sorry, Mr. Allen, I  
25 just want to (inaudible). Thank you.



1 MS. GILLIS: Thank you.

2 CHAIR: And while you're doing that, Mr. Allen, let  
3 me, let me preface the next testimony by saying that testimony  
4 given is not given in a vacuum, meaning that everyone here  
5 heard the person before them. So, what I'm saying is, we are  
6 happy to hear from you all, but be conscious of what is  
7 previously being testified to. If you can add further light  
8 by, but mere repetition of the same doesn't help the fact  
9 finder any. I guess, if I can say that in any other more  
10 (inaudible) --

11 MR. ALLEN: No, no, no, that's fine. I mean, we can,  
12 there, there are other residents here who would like to talk.  
13 I would like to go ahead --

14 CHAIR: Okay.

15 MR. ALLEN: -- and speak my small piece.

16 CHAIR: Sure, and then one more further point. As I  
17 stated at the beginning, we are here on a zoning issue.

18 MR. ALLEN: Right.

19 CHAIR: And our zoning issue deals with the statute  
20 and what zoning law calls a variance.

21 MR. ALLEN: Speaks directly to.

22 CHAIR: And the variance speaks to issues of  
23 uniqueness and other things of that sort. Public safety,  
24 public issues of convenience that they're, you know, they're  
25 relative and relevant to a sorts, but I think Ms. Gillis has

1 done a fantastic job of basically educating the Board as to the  
2 nature of the neighborhood, the problems with the street and  
3 things of sorts, so that being said, we're happy to hear from  
4 all of you but that's what we already understand, so. Mr.  
5 Allen, we're eager to hear from you, sir.

6 MR. ALLEN: Sure.

7 CHAIR: So, come on up here and be sworn, sir.

8 MR. ALLEN: Okay.

9 MR. EVANS: Do you swear and affirm under the  
10 penalties of perjury, that the testimony you are about to give  
11 is true and correct to the best of your knowledge and belief?

12 MR. ALLEN: I do.

13 MR. EVANS: Can you state your name and address for  
14 the record, and spell your last name?

15 MR. ALLEN: My name is Adam Allen, last name spelled  
16 A-L-L-E-N. I live at 2006 Alto Vista Avenue, Gwynn Oak 21207.

17 MR. EVANS: Alta Vista?

18 MR. ALLEN: A-L-T-O, space, V-I-S-T-A.

19 MS. JOLIVET: You said in Gwynn Oak?

20 MR. ALLEN: Correct.

21 CHAIR: You can have a seat, Mr. Allen.

22 MR. EVANS: Okay, thank you.

23 CHAIR: Mr. Allen, how far is your house from this  
24 location?

25 VOICE: (inaudible).

1 MR. ALLEN: This is my wife (inaudible).

2 MR. EVANS: She's the one testifying in your place.

3 MR. ALLEN: Yes, and I want one of those.

4 VOICE: I know, I'm going to give everybody a piece.

5 MR. ALLEN: Yes, please. And I would like to have an  
6 exhibit admitted into evidence, which goes to the concentration  
7 and density of these, --

8 MS. JOLIVET: Thank you.

9 MR. ALLEN: -- of these assisted living facilities in  
10 Baltimore County.

11 CHAIR: All right. So, could you tell us what we're  
12 looking at, sir? What is this document?

13 MR. ALLEN: So, the first thing that you're looking  
14 at is a concentration of list, of assisted living facilities in  
15 Baltimore County, Maryland that I prepared.

16 MS. JOLIVET: (inaudible)?

17 MR. ALLEN: I have one here but I, I, I'll hand this,  
18 yeah, --

19 MS. JOLIVET: You want to give it back to me after,  
20 give it to me after you're done testifying?

21 MR. ALLEN: Yes, we can give that one to, back to you  
22 after we're testifying. I made four plus one for myself.

23 MS. JOLIVET: That's great, all right.

24 MR. ALLEN: So, this is a courtesy to them.

25 MS. JOLIVET: No, they need one, I would like, it's

1 good for them to have one.

2 MR. ALLEN: You can have it.

3 MS. JOLIVET: I'm just saying that because, yeah,  
4 because we, normally what we do, as Mr. Belt stated, is we  
5 normally have four for us, so that we have one for the file and  
6 one for each of us.

7 MR. ALLEN: This is the original.

8 MS. JOLIVET: Okay.

9 MR. ALLEN: We'll say this the original and these are  
10 all copies.

11 MS. JOLIVET: Thank you, appreciate it.

12 MR. ALLEN: Okay.

13 CHAIR: Mr. Allen, so I guess we'll call this 2, 2-A,  
14 is that what we're going to call --

15 MS. JOLIVET: That's correct.

16 CHAIR: So, let's start with 2-A. This is something  
17 that you have constructed, sir?

18 MR. ALLEN: Yes. And what I did was I got a map of  
19 the County and I superimposed onto it all the properties that,  
20 two hundred and five licensed assistant living providers from  
21 the Department of Health. So, these are locations of those two  
22 hundred and five assisted living providers at  
23 health.maryland.gov, the url that anyone can get this list is  
24 actually online.

25 CHAIR: And what do you want us to glean from your



1 visual, sir?

2 MR. ALLEN: What I want you to glean is the idea that  
3 there's already a density, a massive density of these kinds of  
4 assisted living facilities throughout this specific part of  
5 west Baltimore, okay? And this was actually drawn to my  
6 attention with the Baltimore Sun article, which is in the back  
7 of this. But, --

8 CHAIR: What is, what's the source data for this,  
9 sir? Where'd you get the, the, the data?

10 MR. ALLEN: The source data that I have here is from  
11 the State of Maryland for the polygon for the County. State of  
12 Maryland, I believe, for the zip codes.

13 CHAIR: Okay.

14 MR. ALLEN: The points have been rendered as a heat,  
15 as what we call a heat map. So, it just shows density and  
16 those are from the url that I put down there below.

17 CHAIR: Okay, all right. We'll start with this, with  
18 2-A. Gentlemen, as to 2-A, any objection to the admission of  
19 this document, for 2-A?

20 VOICE: (inaudible).

21 MR. ALLEN: It just basically shows that there's  
22 already a lot of assisted living houses in that zip code and  
23 you want to put one right near that area and make more density.

24 CHAIR: You'll have an opportunity --

25 MR. CHAVEZ: I'm not sure, I'm not sure for it to be

1 an objection or not, but when you do (inaudible) stuff like  
2 this, these are general. So, whether it's group home, whether  
3 it's like homes like Chimes, with, that deal with people with  
4 intellectual disabilities, all of them are grouped in one  
5 thing. So, the two hundred and five doesn't necessarily mean  
6 that there are two hundred and five elder facilities.

7 CHAIR: Well, first, well, two things. First of all,  
8 Mr. Wainwright has to make the objection just to keep it  
9 straight.

10 MR. CHAVEZ: Oh, oh, I'm sorry.

11 CHAIR: But for you, kudos, because it's a good  
12 argument. But that is a question that can be reserved for  
13 cross examination.

14 MR. CHAVEZ: Okay.

15 CHAIR: When you're questioning the gentleman about  
16 his presentation. As to the document itself --

17 MR. CHAVEZ: All right, thank you.

18 CHAIR: -- any objection to its admiss, on its face?

19 MR. CHAVEZ: Okay.

20 MR. WAINWRIGHT: Gotcha. Then, yeah, with that in  
21 mind, I, I would object to the point just that, you know, if  
22 it's something that could outline the one that, that we're  
23 proposing.

24 CHAIR: All right. Well, that's a good question.  
25 Sir, are you able to locate the actual facility on this map?

1 Or is this map not even used for the actual pinpoint?

2 MR. ALLEN: For the exact, for the location of the  
3 facility on this map? At this scale it would be difficult, the  
4 yellow star is 2100 Northland Road, so it shows --

5 CHAIR: For the limited purpose of giving this Board  
6 an idea how density of such facilities in the wide gamut of the  
7 definition, it's accepted. Exhibit 2-A. You will have,  
8 afforded the opportunity to cross examine and when it's your  
9 turn to question about the basis and the differences between  
10 the facilities. Moving on to 2-B, sir, what are we looking at?

11 MR. ALLEN: What we're looking at is the owner of the  
12 National Center of Institution and Alternative Properties.  
13 They're the ones who own the property at 2110, I believe. And  
14 all these properties are zoned SFD, single family dwelling, and  
15 they're all being used as assistant living facilities by this  
16 one. And you'll see that there are three right, that there's  
17 one over on Alto Vista, across the street on, from Windsor Mill  
18 Road. Then there's a star that shows 2100 Northland Road. And  
19 then you'll see the other assisted living facility up the  
20 street, up Northland Road from the one proposed at 2100  
21 Northland Road.

22 CHAIR: And just for clarification, this operator has  
23 nothing to do with these gentlemen, Petitioners?

24 MR. ALLEN: No.

25 CHAIR: This is just the other one that's on the

1 road?

2 MR. ALLEN: Yes, this is a, this is just show, this  
3 just shows that there are other, there's another living  
4 facility, there's another assisted living facility not only in  
5 very close proximity but also in close proximity to, there are  
6 other ones in that area too.

7 MS. JOLIVET: Right, can I ask you a question though?

8 MR. ALLEN: Um hm.

9 MS. JOLIVET: So, the testimony that we heard from  
10 Mr. Wainwright is that the other facility on Northland deals  
11 with emotional disorders, or individuals that are suffering  
12 with that?

13 MR. ALLEN: Correct.

14 MS. JOLIVET: And their proposed facility would deal  
15 with the elderly. Does that affect your opinion at all?

16 MR. ALLEN: Actually, it would make it even worse  
17 because I would assume that elder care facilities would need  
18 medical, much more readily than would need medical assistance,  
19 would need an ambulance. And if you bring an ambulance out in  
20 this County, in Baltimore County, you have a hook and ladder as  
21 well. They have, they don't, they, I have never seen them  
22 bring out just an ambulance, they also have a fire engine. So,  
23 that would effectively block that road for as long as it takes  
24 for the situation to be resolved. So, if anything, having an  
25 assisted care living, an elder care facility at that point in



1 that area would be worse than having one for developmentally  
2 disabled adults in the middle of the block.

3 MS. JOLIVET: Understood.

4 MR. ALLEN: But it would still be both bad.

5 MR. EVANS: Mr. Allen, on Exhibit 2-B, is it poss, is  
6 it possible to tell where Alta Vista is? I'm, I'm just having  
7 a little trouble getting oriented. I see the yellow star is  
8 2100 Northland Road.

9 MR. ALLEN: Alto Vista is directly across the street  
10 and slightly to the south of Northland. So, if you, if you're  
11 coming out of Northland getting onto Windsor Mill, you would  
12 take a short left and then an immediate right to get onto Alto  
13 Vista.

14 MR. EVANS: Okay, okay, okay.

15 MR. ALLEN: So, it's literally right across the  
16 street.

17 MR. EVANS: Gotcha, okay. Thank you.

18 MR. ALLEN: Same, same zip code, houses were built at  
19 roughly the same time, the 1950's. Our house was built in  
20 1950, single family bungalows, basically.

21 MR. EVANS: Okay.

22 CHAIR: Any objection as to 2-B?

23 MR. WAINWRIGHT: No.

24 CHAIR: All right. So admitted. Moving on to 2-C  
25 and I'm going to stop you right here. Is this a, a Sun paper

1 article?

2 MR. ALLEN: There's, there's a Sun paper article.

3 CHAIR: All right. So, I'm going to object for the  
4 Petitioners and the objection is going to be sustained. And  
5 the reason being, I, I know it's kind of heavy to think about.  
6 This, a, a newspaper article itself is basically the voice of  
7 someone who is not here. It is not a source material like a  
8 data base or some sort of treatise, it is a news report. News  
9 reports themselves are not admissible to prove the truth of the  
10 matter asserted. Therefore, it's a big old hearsay mess here.

11 MR. ALLEN: Um hm.

12 CHAIR: We never take articles from any type of news  
13 reporting because the evidence that we have to hear needs to be  
14 generated in here. This is a synopsis of evidence generated by  
15 someone else. So, consequently, the rules of evidence do not  
16 allow it. We will mark it for what's called identification,  
17 means we acknowledge that you brought it. But it will not be  
18 part of the evidentiary record. So, 2-C is admitted for i.d.  
19 only.

20 MR. ALLEN: Okay.

21 MR. EVANS: And just so we're clear, Mr. Allen, this  
22 article isn't about the Petitioners?

23 MR. ALLEN: No.

24 MR. EVANS: It's about group homes in general?

25 MR. ALLEN: It's about the, it's about the issue in

1 general.

2 MR. EVANS: Okay.

3 MR. ALLEN: It's about the issue that the two  
4 exhibits that I prepared kind of show that there's a lot of  
5 density --

6 MR. EVANS: Okay.

7 MR. ALLEN: -- in this part of the County and that  
8 this is an issue that has been going on since at least 1999.

9 CHAIR: Okay. So, let me stop you right there.  
10 That's the exact reason why we can't hear it, because we're not  
11 here to be swayed by the pressure of issues beyond the walls of  
12 the law. So, the issue is the statute and how this applies to  
13 it.

14 MR. ALLEN: Okay.

15 CHAIR: And I understand that you find it to be of  
16 greater purpose, I understand that. It's just not admissible  
17 in, in this forum. So, moving on. Next question, next  
18 testimony other than the article?

19 MR. ALLEN: I would, no, that's the only, that's the  
20 only, I, I did add that article in there and that's really it.  
21 I just wanted to show that the purpose of the statute was to  
22 avoid density, a piling on of assisted living facilities. This  
23 isn't about you all, in general, I love to see brothers working  
24 and, you know, I appreciate what you're trying to do, just  
25 we're going to pull the not in my neighborhood, not in my

1 backyard, because there's too many here.

2           There are just too many in this neighborhood, in this  
3 zip code, in this part of the County. If there was something  
4 else, you could move it some place else, that would be another  
5 issue. But especially, the whole purpose of the zoning  
6 ordinance is to make sure that we don't have a situation that  
7 we're in here arguing.

8           CHAIR: I'm going to hypothesize that you pretty much  
9 encapsulated and summarized the article in what you just said  
10 so pretty much your testimony is probably more beneficial than  
11 the article. That being said, you have an opportunity to cross  
12 examine Mr. Allen.

13           MR. WAINWRIGHT: Okay. The, the density that you  
14 have on here. If you had to attribute this density to  
15 anything, have you given any thoughts to why there are such a  
16 huge concentration of assisted livings?

17           MR. ALLEN: Racism.

18           MR. WAINWRIGHT: Oh.

19           MR. ALLEN: The article goes into how these, and I  
20 can say also that these are mostly African American  
21 neighborhoods. So, you're looking at larger houses, you're  
22 looking at things that you, you don't want to necessarily have  
23 to tear something down. It's much easier to rebuild something  
24 that's already there. So, these houses are easier to get then  
25 say in Towson. I noticed that this house isn't in Towson.



1 Well, you're not going to find a lot of these assisted living  
2 places in Towson because the residents of Towson have fought  
3 very hard to make sure that doesn't happen.

4           So, instead, if you're an operator who wants a  
5 residential living facility and you want to stealth it, this is  
6 a very important point about these residential, these assisted  
7 living facilities. This particular type, you want to make it  
8 as innocuous as possible. I would say that based on the, the  
9 photographs that I've seen, also having walked past the yard,  
10 it's not terribly innocuous, but the point is to make it  
11 innocuous, make it so that nobody sees it.

12           As a matter of fact, she was just saying that, Ms.  
13 Gillis was saying that, she didn't even really know that she  
14 had somebody operating across the street, you know, down the  
15 street from her until this came up. So, the whole purpose is  
16 to stealth it. And for that reason, you see a concentration of  
17 these properties where it's cheaper in the black areas of the  
18 County and when you do that, you bring down the property  
19 values, the operators, we're going to take that, I'm not  
20 taking, you know, not trying to bust on you. But you tear down  
21 the property values for the neighborhood when you do that.

22           MR. WAINWRIGHT: Okay. I guess I had that coming. I  
23 didn't, I didn't think we were going to go that way. But let  
24 me ask this question. Are you aware that the OACQ office, in  
25 other words, the State of Maryland, in effect, has made a

1 decision not to have its seniors institutionalized anymore, but  
2 rather have them in a residential environment? So, I would  
3 suggest that's the reason why you will see more assistant  
4 living in the residential context, because they want a  
5 different quality for their aging population.

6 MR. ALLEN: But why would you want that quality in my  
7 neighborhood? Why not put them in Towson? Why not find, why  
8 not find a property in Towson to do the same thing? I'm not  
9 saying that the service isn't needed. I'm saying, I agree with  
10 you that it is needed. I'm saying that at this place, with  
11 these conditions, it goes against the law, first of all. It  
12 shouldn't be there in the first place. But second of all, even  
13 if there was a law saying that you could have it there, there's  
14 proof that this is not the best site for this use as well. But  
15 mostly it's just because there's a ton of these things in our  
16 neighborhood.

17 MR. WAINWRIGHT: Okay. Well, my purpose for that  
18 question was to just offer some context since this is admitted  
19 into evidence. I don't have any more questions.

20 MR. ALLEN: And it's a, and it's a, and also, it's a  
21 general argument and I, and I do, and I did read that that the  
22 State was trying to get away from institutionalizing and put  
23 them into single family houses to make it more like home and  
24 also to take the onus off the State, then the State doesn't  
25 have to provide those beds, operators like you can provide

1 those beds. I'm, we're just saying not here. There's already  
2 one --

3 MR. WAINWRIGHT: Everybody's going to say that so we  
4 all need a fair chance to have an impartial body.

5 MR. ALLEN: That's why, that's why we're here.

6 MR. WAINWRIGHT: Yeah.

7 CHAIR: All right. Is there any more questions of  
8 the witness?

9 MR. WAINWRIGHT: No.

10 MR. EVANS: Mr. Allen, are, do you present, are you  
11 presently employed?

12 MR. ALLEN: Yes.

13 MR. EVANS: Where do you work?

14 MR. ALLEN: I work for a company called Tritech  
15 Engineering. We're civil engineers. I am a GIS specialist and  
16 a civil engineering technician.

17 MR. EVANS: This is a GIS map.

18 MR. ALLEN: Correct, very good.

19 MR. EVANS: Yeah.

20 CHAIR: That's why he knew how to do it.

21 MR. EVANS: That's, that's how come you knew how to  
22 do it, right?

23 MR. ALLEN: That's how, and that's how I knew where  
24 to get the data to put together a map that would make sense.

25 MR. EVANS: The data and, right. Okay, great. Thank

1 you.

2 CHAIR: You can step down. Thank you, sir.

3 MR. ALLEN: Thank you.

4 CHAIR: Next witness, Mr. Allen?

5 VOICE: Only if it's new information that Ms. Gillis  
6 and Adam haven't already --

7 CHAIR: All right, sir. If you could remain standing  
8 and be sworn sir.

9 MR. NEET: Sure. Charles Neet, N as in November-E-E-  
10 T, 2106 Northland Road, Baltimore County.

11 MR. EVANS: Do you swear and affirm under the  
12 penalties of perjury, that the testimony you are about to give  
13 is true and correct to the best of your knowledge and belief?

14 MR. NEET: Yes, I do.

15 MR. EVANS: Okay.

16 CHAIR: Thank you, Mr. Neet, sir. And you, you live  
17 on this street, Mr. Neet?

18 MR. NEET: Yes, I do, I live at 2106, three houses  
19 up.

20 CHAIR: And how long have you been there, sir?

21 MR. NEET: Twenty-five years plus.

22 CHAIR: All right and you heard the, the very  
23 detailed description of Ms. Gillis --

24 MR. NEET: Yes, I'm not going to elaborate into all  
25 the aforementioned crap, okay?



1 CHAIR: All right. What would you like to --

2 MR. NEET: Not that it's crap but. I'm not a very  
3 good orator.

4 CHAIR: I like the way you prefaced it with the  
5 aforementioned.

6 MS. JOLIVET: Right.

7 MR. EVANS: Right, very legalistic. Yeah, right.

8 CHAIR: Fantastic. What would you like to tell us,  
9 sir?

10 MR. NEET: Just that the emergency situation will  
11 become critical at times. Also, Windsor Mill is a forty-five  
12 degree slope down at this point. And Northland is about a  
13 thirty degree slope so foul weather, that's going to be a bad  
14 problem, parking situation is going to be a bad problem on that  
15 corner. Also, we've had instances where a car, well, one, one  
16 instance that I know of, a car came down Windsor, careened  
17 across their sidewalk, right up into the Plaintiffs, or the  
18 (inaudible) --

19 MS. JOLIVET: 2100 Northland?

20 MR. NEET: Right, 2100 Northland, right up to their  
21 porch, right up the, right up there, okay? They're not unique  
22 as far as the variance goes. They're not unique. Their hill,  
23 the entire north side of Northland Road are hills all the way  
24 from one end to another. So, they're not unique in that  
25 aspect, okay? They happen to be unique on our end.

1           Also, for senior citizens, now whether they be a  
2 little bit screwy upstairs or just senile, there's a twelve  
3 foot steep wall, eleven to twelve feet, that runs right next to  
4 where they brag about having a wrap around porch. Somebody  
5 could walk off that porch, take five or six steps, boom over.  
6 It's a, it's a drop, it's a sheer drop. Okay?

7           Now, there are pictures that will be shown to you  
8 shortly by another person here. The houses are, are all  
9 roughly the same, built between the late forties and early  
10 fifties. There might be a few differences. Some people have  
11 decks, some people have wrap around porches, we have a porch  
12 and that's it. We used to have an inground pool in the back so  
13 our yard is smaller than most.

14           Their yard, I wouldn't say they have the greatest  
15 yard for parking. They've got asphalt, which needs to be  
16 repaired and the front of their property, well, it's been  
17 almost a year and I haven't seen any efforts to make that a  
18 safer place. Now, before they dug that, they should have had a  
19 permit because that, that trench that was dug from the sidewalk  
20 up to the base of the home was for the installation of fire  
21 sprinklers. Okay? I don't know of any permit being posted for  
22 that but before that was dug, they should've had a permit and  
23 now that it's been stopped, that's just been left open and  
24 exposed.

25           Now, like, like, --

1                   VOICE: Ms. Gillis.

2                   MR. NEET: -- Ms. Gillis, okay. I, the formality  
3 here is killing me. Ms. Gillis said, she's got young children,  
4 okay? They could wander over there. We walk our dogs every  
5 day and have to restrain our dogs at the one picture you'll see  
6 on the curb where there's just a piece of plywood like this,  
7 over a hole dug into the grass knoll, grassy island there.

8                   I had some other things that, I was going to be short  
9 and succinct, but I can't remember them all right now. But one  
10 of them I would like to address to the Plaintiffs or whatever  
11 you want to call these guys, Mr. Chavez and Mr. Wainwright,  
12 they say they live there, permanent address. I would say, I  
13 would agree, disagree and say occasionally live there.

14                  Now, I saw Mr. Chavez's car there yesterday, I mean,  
15 this morning, but not yesterday. Now, we walk the dogs every  
16 day, every day, every morning. Maybe two to three days a week  
17 I'll see Mr. Chavez's car out there. I don't know what Mr.  
18 Wainwright drives and I have yet to see a light on at night.

19                  Now, I'm the watcher in the neighborhood. Everybody  
20 calls me the nosy guy, okay? I'm an ex-Marine and I'm always  
21 watching my six, okay? I never see lights on that house late  
22 at night. So, if somebody is living there permanently, they, I  
23 don't know, they must be reading by candlelight or watching TV  
24 by candlelight or whatever. That's, that's about all I can  
25 say, guys.

1 CHAIR: All right. Gentlemen, do you have any  
2 questions of Mr. Neet?

3 MR. WAINWRIGHT: Yes.

4 MR. NEET: Yeah.

5 MR. WAINWRIGHT: How long have you lived on  
6 Northland?

7 MR. NEET: Twenty-five plus.

8 MR. WAINWRIGHT: In twenty-five years, has anyone  
9 fallen off that hill?

10 MR. NEET: No, because hardly anybody's lived there  
11 that had kids.

12 MR. WAINWRIGHT: Okay.

13 MR. NEET: And, and nobody that, and let's face it,  
14 seniors are (inaudible), okay? You know, they, my wife's  
15 grandmother, we, we, she lived with us for four and a half  
16 years and we were diligent watching her. Two times in four and  
17 a half years, and my wife can attest to this, she got out of  
18 the house and people called us, neighbors called us, and said  
19 Mimi is down on Windsor in her bare feet. No coat on in the  
20 wintertime. So, now, now this is true, guys. This is true.  
21 Four, four times, four and a half years, twice. Now, that's  
22 with an elderly woman, eighty some years old, okay? This is  
23 the, these are the type of people you guys are going to be  
24 watching out for, right?

25 MR. CHAVEZ: That's (inaudible).



1 MR. NEET: That's a what?

2 MR. CHAVEZ: That's (inaudible).

3 MR. NEET: It's what?

4 MR. WAINWRIGHT: You've answered my question.

5 MR. NEET: Okay.

6 MR. WAINWRIGHT: I don't have any more questions.

7 CHAIR: Okay, thank you.

8 MR. NEET: You want to get me off the stand real  
9 quick?

10 MR. WAINWRIGHT: No, no, you've answered my question.  
11 Thank you.

12 MR. NEET: Okay.

13 MR. ALLEN: I got one question.

14 MR. NEET: All right, thank you.

15 MR. ALLEN: So, do you own, so --

16 CHAIR: Wait (inaudible).

17 MR. NEET: Oh.

18 MR. ALLEN: And you've been living there for how long  
19 again?

20 MR. NEET: Twenty-five years plus.

21 MR. ALLEN: You own or rent?

22 MR. NEET: Own.

23 MR. ALLEN: Okay, that's all I have.

24 CHAIR: All right. You can sit down, Mr. Neet. Mr.  
25 Allen, Mr. Allen, I'm going to take a five minute recess. In

1 that five minutes, what I want you to do for the Board is to  
2 corral what we have left and to organize any pictures so that  
3 they can be introduced in an expeditious fashion. So, we will  
4 be back in five minutes. When we come out here, we'll be ready  
5 to roll.

6 MR. ALLEN: Okay. We won't be reading these, we will  
7 be --

8 CHAIR: Let, let me tell you what's going to happen  
9 with those. For, for the same reason that the newspaper  
10 article doesn't come in but different, we accept those. We  
11 don't read them into the record, but they become part of the  
12 file and we give them the weight that they are to be given in  
13 light that they are not in person testimony but they will be  
14 become part of the record. So, they will be marked as an  
15 exhibit and made part of the record, but we will not be reading  
16 them in.

17 MR. EVANS: We won't, we won't be reading them out  
18 loud.

19 CHAIR: Out.

20 MR. ALLEN: But you will be reading them, you will be  
21 taking them into consideration?

22 MR. EVANS: Exactly.

23 CHAIR: We give the, the evidentiary weight that they  
24 are afforded.

25 MR. ALLEN: Okay. Then I can introduce these when we

1 come back.

2 CHAIR: Yes.

3 MR. WAINWRIGHT: Since you're (inaudible) process, I  
4 have a question. We have financial statements just to show our  
5 commitment in this endeavor. We'd like to submit that as  
6 evidence, if it's possible.

7 CHAIR: I, I can tell you this. At, at this point in  
8 time, it wouldn't be appropriate. But I could, the reason it's  
9 not is because it's not, it's not relevant in the least.

10 MR. WAINWRIGHT: That's fine.

11 CHAIR: I mean, there's folks who sit in your seat  
12 all the time, developers from here who, who could get out very  
13 large check ledgers and that's not something that we, we  
14 entertain.

15 MR. WAINWRIGHT: I got it.

16 CHAIR: So, I mean, you could do it but it, when we  
17 did our decision, that will be, we wouldn't be referring to it.

18 MR. WAINWRIGHT: Okay.

19 CHAIR: All right? We'll be back in five.

20 (RECORDING PAUSED - 11:41:14 AM)

21 (ON RECORD - 11:49:06 AM)

22 MR. EVANS: We're back on the record.

23 CHAIR: All right. Mr. Allen, next witness, sir?

24 MR. ALLEN: Yes. Next witness is Ms. Renae Mayfield.  
25 And these are the exhibits.

1 CHAIR: Ms. Mayfield, if you want to come up to the  
2 stand and be sworn, please.

3 MS. JOLIVET: Mr. Allen, I need the original back  
4 from that exhibit we talked about.

5 MR. ALLEN: Yes.

6 MS. JOLIVET: Thank you very much.

7 MR. ALLEN: Yes, ma'am.

8 MR. EVANS: Ms. Mayfield, do you swear and affirm  
9 under the penalties of perjury, that the testimony you're about  
10 to give is true and correct to the best of your knowledge and  
11 belief?

12 MS. MAYFIELD: Yes, I do.

13 MR. EVANS: Can you state your name, spell you first  
14 and last name, and give your address for the record, please?

15 MS. MAYFIELD: Renee Mayfield, R-E-N-A-E, M-A-Y-F-I-  
16 E-L-D.

17 MR. EVANS: Okay.

18 MS. MAYFIELD: 2111 Northland Road.

19 MR. EVANS: Thank you. Okay. You can be seated and  
20 just, as you've heard me say to other people, please keep your  
21 voice up and speak into the microphone, okay?

22 MS. MAYFIELD: Okay.

23 CHAIR: All right. Ms. Mayfield, you live on  
24 Northland as well.

25 MS. MAYFIELD: Yes.



1 CHAIR: How long have you been there, ma'am?

2 MS. MAYFIELD: Twenty years.

3 CHAIR: And you live on the other side of the street?

4 MS. MAYFIELD: Yes.

5 CHAIR: And how far is it, approximately, away from  
6 the house in question?

7 MS. MAYFIELD: It's maybe five houses on the other  
8 side, five houses away from the corner house.

9 CHAIR: And you're actually right across the street  
10 from the other assisted living facility?

11 MS. MAYFIELD: Yes.

12 CHAIR: All right. What, what would you like to tell  
13 us, ma'am?

14 MS. MAYFIELD: Well, in reference to the traffic  
15 situation with the, the facility across the street from me,  
16 like someone else said, it popped up and my neighbor sold the  
17 house and we didn't know they sold it to a corporation until  
18 the people started moving in.

19 But the thing is, this is an operating facility at  
20 this point. They're not operating yet, but, at 2100. But this  
21 one operates. They have two jumbo white vans. They have at  
22 least eight staff persons and there's usually two to four cars  
23 there for the staff at all times. They don't have a rear  
24 driving, they only have room for the van, one van and the other  
25 van parks on the street.

1           And so, they, they tend to use my driveway as a  
2 turnabout when they're coming out of their driveway for the van  
3 so they drive into my driveway and then they back out and go on  
4 their business. I have pictures that show, at the time I took  
5 these pictures, there were, the only cars parked on that side  
6 of the street between two houses was the staff cars and one on  
7 my side of the street.

8           So, parking, you know, for my house, we have one  
9 parking space on the street that we covet and then we have our  
10 driveway. Staff will block the driveway with their cars, you  
11 know, and you have to come out and ask to move your car, you're  
12 overextending into my driveway, things like that.

13           The other thing is all the houses are pretty much the  
14 same. My house was built in 1949 and I have five bedrooms and  
15 two and a half baths. And I think all of the lot sizes are  
16 pretty much around the same.

17           My house is on a hill too. The, the house on the  
18 other side of street are lower except for the 2100 house, which  
19 is elevated. But my house is elevated. I have a wall that has  
20 about a six foot drop into my driveway. So, there's no,  
21 nothing really unique about the other house.

22           The, but the traffic for the assisted living facility  
23 across the street from me is a problem with the noise and just  
24 with the emergency vehicles and the staffing and all of that.  
25 And the street just wasn't built to accommodate businesses.

1 So, that was my concern and I have my photos if you want to  
2 look at them.

3 CHAIR: All right.

4 VOICE: (inaudible)?

5 CHAIR: Yes, that would be fantastic, thank you.

6 MR. WAINWRIGHT: We've seen those, thank you.

7 VOICE: Okay. (inaudible).

8 MS. JOLIVET: Thank you.

9 CHAIR: All right. Let's take a moment and get them  
10 marked.

11 MS. JOLIVET: So, these are going to be 3-A, B and C?

12 MS. MAYFIELD: Um hm.

13 CHAIR: And while we're doing that, Mr. Wainwright,  
14 the financial documents that you spoke of before the break, do  
15 you have those with you here?

16 MR. WAINWRIGHT: Yes.

17 CHAIR: Could, could you show them to Mr. Allen,  
18 please? All right. Let's go to the first picture. What,  
19 what's the first picture marked at? What is our number?

20 MS. MAYFIELD: A, 3-A.

21 CHAIR: 3-A. Could you tell us about 3-A, ma'am?

22 MS. MAYFIELD: 3-A shows, I'm taking a picture from  
23 my upstairs window and the, the assisted living right, directly  
24 across the street from me, they have a white van, they have two  
25 white vans, but one of the vans uses my driveway that we just

1 had redone, by the way. And they use our driveway to pull out,  
2 pull out of their driveway across the street and they pull into  
3 our driveway and they back back out and, and reposition  
4 themselves so that they can go down the street to the, the  
5 right. In other words, they can't really get their van out of  
6 their driveway unless they come into my driveway.

7 MR. EVANS: Do those vans have back up beepers? Do  
8 they beep when they back up?

9 MS. MAYFIELD: No.

10 MR. EVANS: No?

11 MS. MAYFIELD: No.

12 MR. EVANS: Okay.

13 VOICES: No.

14 MR. EVANS: Yeah, I got it.

15 MS. MAYFIELD: I just hear them. My bedroom is right  
16 above the driveway so I hear them when they're coming in and it  
17 scares me because it's like somebody's just rushing into my  
18 driveway and I'm not expecting it.

19 MR. EVANS: All right.

20 CHAIR: Mr. Evans and I have sat on a case that went  
21 for days and days and we saw many videos about beeping trucks,  
22 so it is fresh in our minds, beeping trucks. All right. Tell  
23 us about the next picture, ma'am.

24 MS. MAYFIELD: The next picture just shows the van  
25 and four of the staff vehicles on the staff. One is in front



1 of their residence and the other, and there are two in front of  
2 the next door neighbor's residence, and then there's one next  
3 door, parked in my, overlapping my neighbor's driveway. And  
4 these are all from the business and it's, it's extended into my  
5 neighbor's driveway.

6 MS. JOLIVET: That's 3-B.

7 MS. MAYFIELD: 3-B.

8 CHAIR: Is there another picture?

9 MS. JOLIVET: 3-C?

10 MS. MAYFIELD: This, I just wanted to, this 3-C is  
11 just showing that all the houses pretty much look alike, it's  
12 just the elevation that might be different. And just showing  
13 the, the vehicles again, the van in the, actually in their  
14 driveway and how small their driveway is.

15 CHAIR: Mr. Wainwright, as to Exhibits 3-A through 3-  
16 C, any objection with the caveat the Board realizes that these  
17 are a depiction of another house and not yours.

18 MR. WAINWRIGHT: That would be the only objection.

19 CHAIR: Okay. They're, they're admitted for  
20 demonstrative purposes, just to give us an idea of the space of  
21 the driveways and the community itself. But we are aware that  
22 it is not your property.

23 MR. WAINWRIGHT: Okay.

24 CHAIR: Nor do you have white vans.

25 MR. WAINWRIGHT: Okay. But, you know, while we're on

1 that topic, again, that, that speaks to the type of facility  
2 that --

3 CHAIR: Why don't you wait till you cross examine?

4 MR. WAINWRIGHT: Okay.

5 CHAIR: Ms. Wainwright, do you have anything further?  
6 I mean, sorry, Ms. Mayfield.

7 MS. MAYFIELD: Oh, no, that was all.

8 CHAIR: All right. Now, Mr. Wainwright, any  
9 questions of Ms. Mayfield?

10 MR. WAINWRIGHT: The, just the point I was going to  
11 make, I guess this is my time to do it now. The, if we're  
12 going to admit that for demonstrative purposes, I would say,  
13 you know, we don't have a need for a van because our people are  
14 retired. They don't have a need to go to programs such as the  
15 one that is run by that facility.

16 CHAIR: All right. Any further questions of this  
17 witness?

18 MR. WAINWRIGHT: I don't have any further questions,  
19 thank you.

20 CHAIR: All right. Thank you, Ms. Mayfield. You can  
21 step down. Mr. Allen, do you have further questions?

22 MR. ALLEN: Yes, and I, yes.

23 CHAIR: Okay.

24 MR. ALLEN: And how long again have you owned your  
25 property on Northland?

1 MS. MAYFIELD: Twenty years.

2 MR. ALLEN: Twenty-eight years?

3 MS. MAYFIELD: Twenty years.

4 MR. ALLEN: Twenty years.

5 MS. MAYFIELD: Um hm.

6 MR. ALLEN: That's a long time.

7 MS. MAYFIELD: Um hm.

8 MR. ALLEN: Thank you.

9 MR. WAINWRIGHT: I'm sorry, I do, I do have a  
10 question.

11 CHAIR: Okay.

12 MR. WAINWRIGHT: Are you aware that assisted livings  
13 that have mental disorders require more staff and maybe that  
14 could be why the parking is congested from that house?

15 MS. MAYFIELD: I know that they require twenty-four  
16 staffing.

17 MR. WAINWRIGHT: Um hm, um hm.

18 MS. MAYFIELD: Just as the assisted living facilities  
19 for elderly do.

20 MR. WAINWRIGHT: But they would have more staff than  
21 the one that we're proposing.

22 MS. MAYFIELD: Depends on the number of people, I  
23 think.

24 MR. WAINWRIGHT: Um hm, yeah. Ours require one  
25 staff.

1 MS. MAYFIELD: One staff person?

2 MR. WAINWRIGHT: One staff person, um hm. It would  
3 be multiple people but at one time it would be one person.

4 CHAIR: Mr. Wainwright, you're testifying.

5 MR. WAINWRIGHT: Oh.

6 CHAIR: I know, it's the things we tend to do being a  
7 slick lawyer. Lawyers do that all the time. Okay, any further  
8 questions?

9 MR. WAINWRIGHT: No.

10 CHAIR: All right. Thank you, you can step down.

11 MS. MAYFIELD: Okay.

12 CHAIR: Next witness?

13 MR. ALLEN: I think I, I don't think I have any more  
14 witnesses.

15 CHAIR: Let's deal with the letters.

16 MR. ALLEN: The letters are from Theresa Holmes, and  
17 these are a property, let me see, Kimberly Alexander has owned  
18 her property there at 21, let me see, where is she at?

19 CHAIR: Well, let's just do this. How many letters  
20 do we have, sir?

21 MR. ALLEN: Four.

22 CHAIR: We have four letters?

23 MR. ALLEN: Yep.

24 CHAIR: Let's have them marked collectively.

25 MS. JOLIVET: 4-A through D.

1 CHAIR: 4-A through D. And the Petitioners have seen  
2 the letters. As I previously commented on, it is the customary  
3 practice of this Board to accept such letters, even though they  
4 are hearsay and that the authors thereto are not present here  
5 today. They will be accepted and made part of the record and  
6 given the evidentiary weight that they are entitled to. So,  
7 with that being said, 4-A through D are part of the record.

8 One last piece of housekeeping. Mr. Wainwright, as  
9 to your financials, you offered them, I made my comment  
10 concerning evidentiary rulings. In a matter of equity, we're  
11 going to allow them for identification purposes. Meaning,  
12 they'll be in the file for identification purposes so they are  
13 in the file, just like other things, like the Sun paper article  
14 was not admissible but, in fact, it was for i.d. So, we will  
15 take those.

16 MR. WAINWRIGHT: Okay.

17 CHAIR: And they will be so marked. Is that your  
18 first exhibit?

19 MR. WAINWRIGHT: Yes.

20 CHAIR: Yeah, that's Petitioner's one, so let's just,  
21 if you can hand, sir?

22 MR. ALLEN: I do have a question about that.

23 CHAIR: Okay.

24 MR. ALLEN: So, your investment, the money that you  
25 have for this project, the \$61,606.12, correct?



1 MR. WAINWRIGHT: Yes.

2 MR. ALLEN: The money that you have spent up to this  
3 point is \$58,471.89, correct?

4 MR. WAINWRIGHT: Yes.

5 MR. ALLEN: So, you now have \$3,134.23 left to spend  
6 on this project?

7 MR. WAINWRIGHT: No. In fact, this is, this is  
8 intended to show that we, this has taken longer than we  
9 anticipated it to take because of other projects that we have  
10 executed. So, that was the reason why we wanted to present  
11 this. But this is as of January 2020.

12 MR. ALLEN: I guess my only question would be why  
13 didn't you show that you have a revenue stream to service this  
14 particular project? I mean, because it looks like to me, from  
15 what I, from you just now handed in, it looks like all that  
16 Almost Home has left in the pocket is \$3,100 and you're already  
17 \$58,400 in the hole. So, I mean, if this doesn't go through,--

18 CHAIR: Mr. Allen, let me stop you right there. So,  
19 the problem is, the document wasn't coming in as evidence, it  
20 was coming in for i.d. So, if it's not in for evidence, you  
21 really don't want to ask any questions about it because then  
22 you're going to make it evidence.

23 MR. ALLEN: So, let's stop talking about it, shall  
24 we? No further statements on that one.

25 CHAIR: All right, okay. Thank you. Anything

1 further?

2 MR. ALLEN: I don't think so. I think that we've  
3 shown you everything, I mean, other than, if you want to see  
4 these photos of the site as it is now and has been.

5 CHAIR: We've, I think we've, --

6 MR. EVANS: No, I think we've seen them, haven't we?

7 CHAIR: I think we've seen, we've seen the photos.

8 Mr. Wainwright, anything further from your side, sir?

9 MR. WAINWRIGHT: No.

10 CHAIR: All right. Well, a little bit about the  
11 process. We don't make a decision from sitting up here today.  
12 This is a zoning matter, so due to County and State statute,  
13 it's subject to the Meetings Act. That means we publicly  
14 deliberate the decision. As it stands now, I believe it's  
15 going to be April 14<sup>th</sup> in the morning. The general public is  
16 allowed. We sit down there at a table and we speak publicly  
17 about the issues and the, and the evidence that we heard and we  
18 come to a decision. You can't ask questions or participate,  
19 you're kind of just kind of there watching it all go down, but  
20 it's in the public and it's a public meeting per se.

21 After a decision is made at that time, then a formal  
22 opinion will be written and when that opinion is signed, that  
23 will be the Order that then will be subject to appeal to the  
24 Circuit Court for Baltimore County if someone chose to do so.  
25 So, that's what's going to happen next.

1           So, this is a conclusion of this hearing. So, Mr.  
2 Wainwright and Mr. Chavez, I want to thank you very much. You  
3 did not have an attorney, you conducted yourselves very  
4 professionally and it was a, a very impressive presentation and  
5 I appreciate your professionalism.

6           Mr. Allen, the community is lucky to have you to --

7           MR. EVANS: And your wife.

8           CHAIR: And your wife, of course. And I can tell you  
9 all that we sit up here a lot where there is attorneys on each  
10 side who are very talented and often very well paid who do not  
11 conduct themselves half as professionally as you have all  
12 today. You have competing interests but the way you have  
13 conducted yourself and respected each other in this courtroom,  
14 we should have had a video and we could have it on the website  
15 for how to act when you come up in here. So, thank you very  
16 much and good luck to you all.

17          VOICES: Thank you.

18          MR. NEET: One, one question, please?

19          MR. EVANS: Yes, sir.

20          MR. NEET: Okay. Can there be more appeals after  
21 this?

22          CHAIR: There is a right to appeal to the Circuit  
23 Court after our decision. That decision, when it goes to the  
24 Circuit Court, is not de novo, meaning you don't get to do this  
25 all over again.

1 MR. NEET: Right, right.

2 CHAIR: You have to do legal arguments saying that  
3 there was some sort of legal mistake made.

4 MR. NEET: Okay.

5 CHAIR: After that, someone could then appeal it to  
6 the Court of Special Appeals and then if not, they could ask  
7 for certiorari to the Court of Appeals. Yes, these things --

8 MR. NEET: Thank you.

9 CHAIR: -- go on.

10 MR. ALLEN: All right, thank you.

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25 (OFF THE RECORD - 12:05:06 PM)

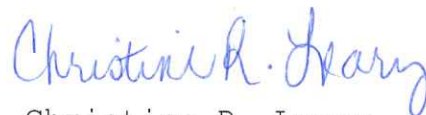
1  
2  
3  
4 CERTIFICATE OF TRANSCRIBER

5 I hereby certify that the hearing in the matter of Tony  
6 Kinsler - Legal Owner, Nicholas Chavez, Jr. - Contract  
7 Purchaser, case number 19-481-A, heard before the Board of  
8 Appeals of Baltimore County, March 12, 2020 were recorded by  
9 means of audiotape.

10 I further certify that, to the best of my knowledge and  
11 belief, page numbers 1 through 103 constitute a complete and  
12 accurate transcript of the proceedings as transcribed by me.

13 I further certify that I am neither a relative to nor an  
14 employee of any attorney or party herein, and that I have no  
15 interest in the outcome of this case.

16 In witness thereof, I have affixed my signature this 11<sup>th</sup>  
17 day of January, 2020.  
18  
19  
20

21 

22 Christine R. Leary

23 Transcriber  
24  
25





## Exhibit List

Case No.: M-787-A Case N  
Party: Petitioner(s)

[illegible]

**Project Expense Report**  
**2100 Northland Road**  
**(Assisted Living Facility Investment)**

**Budget Burn Rate As of January 20, 2020**

|                                             |                         |
|---------------------------------------------|-------------------------|
| Initial Investment                          | 56,606.12               |
| Additional Investment for Sprinkler Balance | 5,000.00                |
| <b>Total Investment</b>                     | <b><u>61,606.12</u></b> |
| Costs To Date                               | 58,471.89               |
| <b>Cash On Hand</b>                         | <b><u>3,134.23</u></b>  |

**Expenses**

|                             |                         |
|-----------------------------|-------------------------|
| License Fee to JLH          | 13,000.00               |
| Rent                        | 20,350.00               |
| Security Deposit            | 1,850.00                |
| Utilities                   | 3,150.00                |
| Lawn Care                   | 160.00                  |
| Furniture                   | 10,322.89               |
| Hearing Fee (for Zoning)    | 500.00                  |
| Signage for Hearing         | 139.00                  |
| Down Payment for Sprinklers | 9,000.00                |
| <b>Total Expenses</b>       | <b><u>58,471.89</u></b> |

**Petitioner**  
**CBA Exhibit**

1A



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## Your Business Investment Account

for January 1, 2019 to January 31, 2019

JUST LIKE HOME ASSISTED LIVING, INC

Account number: 4460 4257 4019

### Account summary

|                                           |                    |
|-------------------------------------------|--------------------|
| Beginning balance on January 1, 2019      | \$44,606.89        |
| Deposits and other credits                | 0.74               |
| Withdrawals and other debits              | -1,550.00          |
| Service fees                              | -0.00              |
| <b>Ending balance on January 31, 2019</b> | <b>\$43,057.63</b> |

# of deposits/credits: 1

# of withdrawals/debits: 2

# of days in cycle: 31

Average ledger balance: \$43,408.52

Average collected balance: \$43,408.52

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$0.74.

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Petitioner  
CBA Exhibit

ARH98YHQ | SSM-03-18-0013.B

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**Deposit agreement** - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our financial centers.

**Electronic transfers:** In case of errors or questions about your electronic transfers- If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will provisionally credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

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**Direct deposits** - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us to find out if the deposit was made as scheduled. You may also review your activity online or visit a financial center for information.

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## Your savings account

JUST LIKE HOME ASSISTED LIVING, INC | Account # 4460 4257 4019 | January 1, 2019 to January 31, 2019

### Deposits and other credits

| Date                             | Description     | Amount |
|----------------------------------|-----------------|--------|
| 01/31/19                         | Interest Earned | 0.74   |
| Total deposits and other credits |                 | \$0.74 |

### Withdrawals and other debits

| Date                               | Description                                                  | Amount      |
|------------------------------------|--------------------------------------------------------------|-------------|
| 01/07/19                           | Online Banking transfer to CHK 6620 Confirmation# 1188640845 | -1,450.00   |
| 01/23/19                           | Online Banking transfer to CHK 6620 Confirmation# 2126670140 | -100.00     |
| Total withdrawals and other debits |                                                              | -\$1,550.00 |

### Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 01/01 | 44,606.89    | 01/23 | 43,056.89    | 01/31 | 43,057.63    |
| 01/07 | 43,156.89    |       |              |       |              |

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Inclusion on the Advisory Panel subject to qualifications.

SSM-04-18-0052.D1 | ARHKGJ65



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Tampa, FL 33622-5118

## Your Business Investment Account

for December 1, 2019 to December 31, 2019

Account number: 4460 4257 4019

**JUST LIKE HOME ASSISTED LIVING, INC**

### Account summary

|                                            |                   |
|--------------------------------------------|-------------------|
| Beginning balance on December 1, 2019      | \$7,439.03        |
| Deposits and other credits                 | 0.10              |
| Withdrawals and other debits               | -2,000.00         |
| Service fees                               | -0.00             |
| <b>Ending balance on December 31, 2019</b> | <b>\$5,439.13</b> |

# of deposits/credits: 1

# of withdrawals/debits: 1

# of days in cycle: 31

Average ledger balance: \$6,019.67

Average collected balance: \$6,019.67

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$4.27.

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SSM-01-19-2128.D1 | ARG377KX

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## Deposits and other credits

| Date                             | Description     | Amount |
|----------------------------------|-----------------|--------|
| 12/31/19                         | Interest Earned | 0.10   |
| Total deposits and other credits |                 | \$0.10 |

## Withdrawals and other debits

| Date                               | Description                                                  | Amount      |
|------------------------------------|--------------------------------------------------------------|-------------|
| 12/10/19                           | Online Banking transfer to CHK 6620 Confirmation# 1398830821 | -2,000.00   |
| Total withdrawals and other debits |                                                              | -\$2,000.00 |

## Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 12/01 | 7,439.03     | 12/10 | 5,439.03     | 12/31 | 5,439.13     |

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## Your Business Investment Account

for January 1, 2020 to January 31, 2020

JUST LIKE HOME ASSISTED LIVING, INC

Account number: 4460 4257 4019

### Account summary

|                                           |                   |
|-------------------------------------------|-------------------|
| Beginning balance on January 1, 2020      | \$5,439.13        |
| Deposits and other credits                | 0.06              |
| Withdrawals and other debits              | -2,350.00         |
| Service fees                              | -0.00             |
| <b>Ending balance on January 31, 2020</b> | <b>\$3,089.19</b> |

# of deposits/credits: 1

# of withdrawals/debits: 2

# of days in cycle: 31

Average ledger balance: \$3,418.16

Average collected balance: \$3,418.16

Annual Percentage Yield Earned this statement period: 0.02%.  
Interest Paid Year To Date: \$0.06.



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## Deposits and other credits

| Date                                    | Description     | Amount        |
|-----------------------------------------|-----------------|---------------|
| 01/31/20                                | Interest Earned | 0.06          |
| <b>Total deposits and other credits</b> |                 | <b>\$0.06</b> |

## Withdrawals and other debits

| Date                                      | Description                                                  | Amount             |
|-------------------------------------------|--------------------------------------------------------------|--------------------|
| 01/03/20                                  | Online Banking transfer to CHK 6620 Confirmation# 5108518343 | -1,850.00          |
| 01/14/20                                  | Online Banking transfer to CHK 6620 Confirmation# 3397877306 | -500.00            |
| <b>Total withdrawals and other debits</b> |                                                              | <b>-\$2,350.00</b> |

## Daily ledger balances

| Date  | Balance (\$) | Date  | Balance (\$) | Date  | Balance (\$) |
|-------|--------------|-------|--------------|-------|--------------|
| 01/01 | 5,439.13     | 01/14 | 3,089.13     | 01/31 | 3,089.19     |
| 01/03 | 3,589.13     |       |              |       |              |



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## Exhibit List

Date: 3/12/20

| Exhibit No.                                   | Description                                                 | ID Only |
|-----------------------------------------------|-------------------------------------------------------------|---------|
| ✓ 1A-1F                                       | Photos from Witness Jocelyn Gillis                          |         |
| 2 A-2B                                        | Concentration of Assisted Living Facilities in Balto Co. MD |         |
| ✓ ID only 2C                                  | Baltimore Sun article on concentration of ppl ✓             |         |
| ✓ 3A-3C                                       | Photos from Witness Renae Mayfield re: 2110 Northland       |         |
| ✓ ID 4A-4D                                    | Letters from <sup>2100</sup> Northland neighbors ✓          |         |
|                                               |                                                             |         |
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|                                               |                                                             |         |
| VERIFIED BY: <u>KC</u> DATE: <u>3/13/2020</u> |                                                             |         |





Protestant  
CBA Exhibit

1A









Protestant  
CBA Exhibit

1B

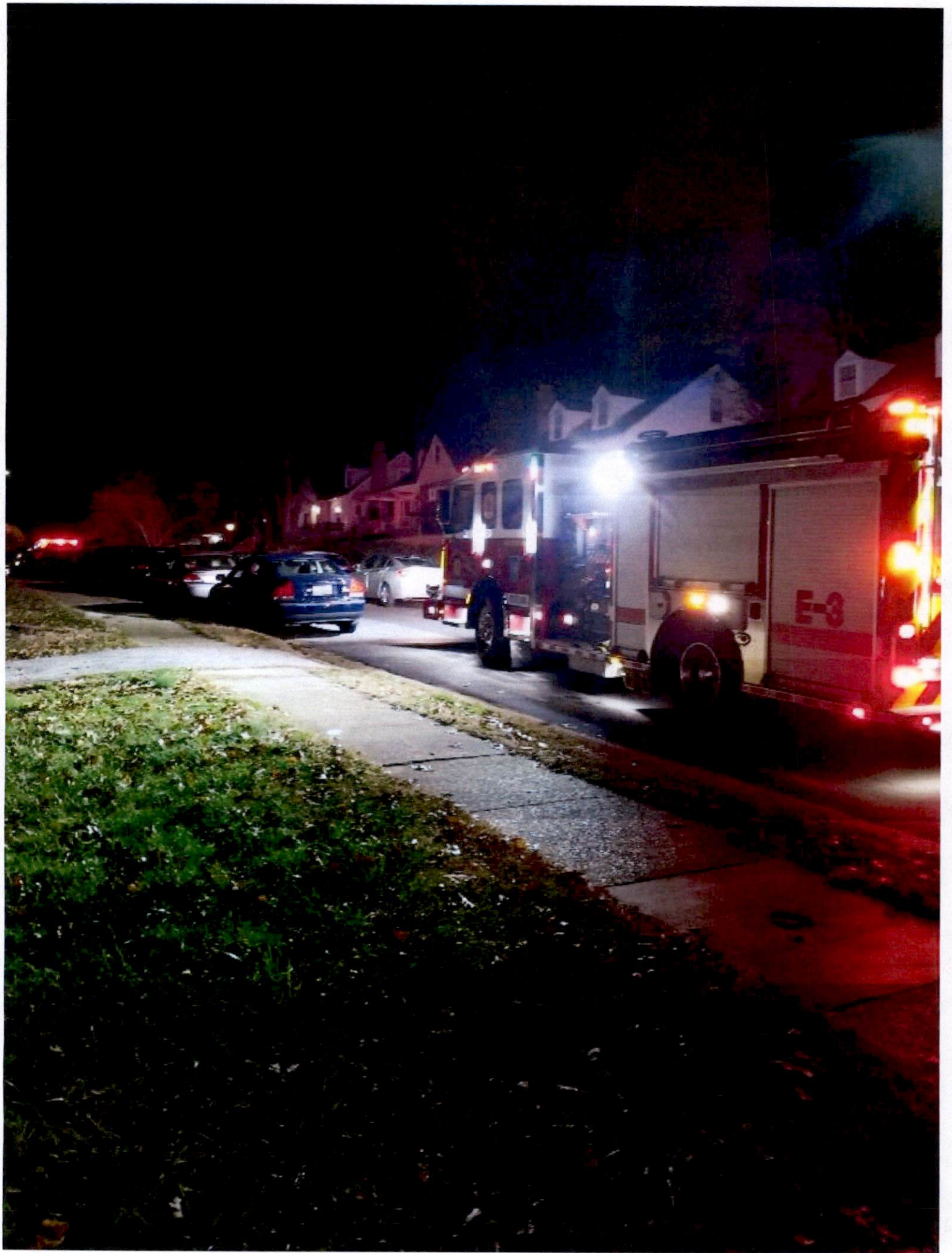




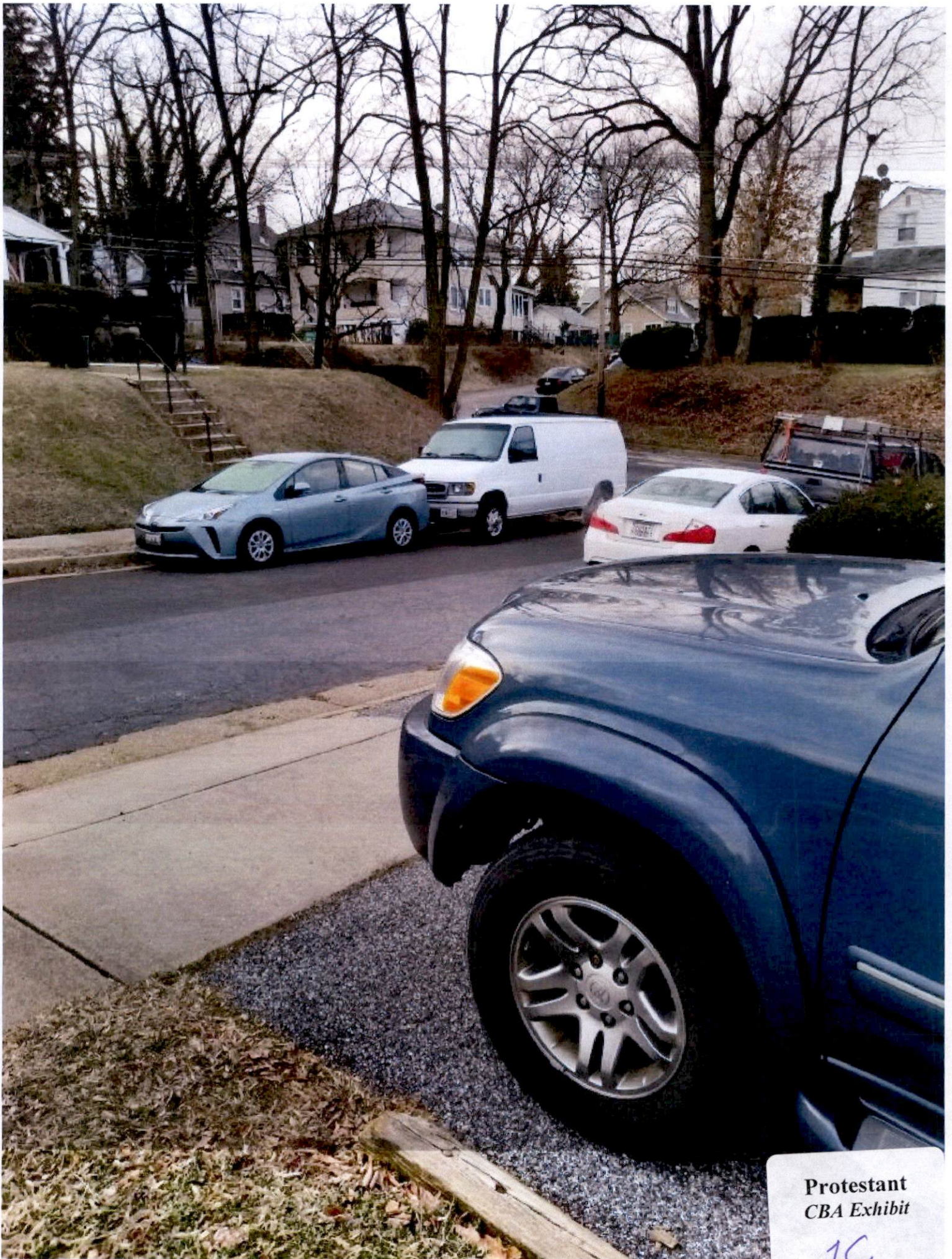












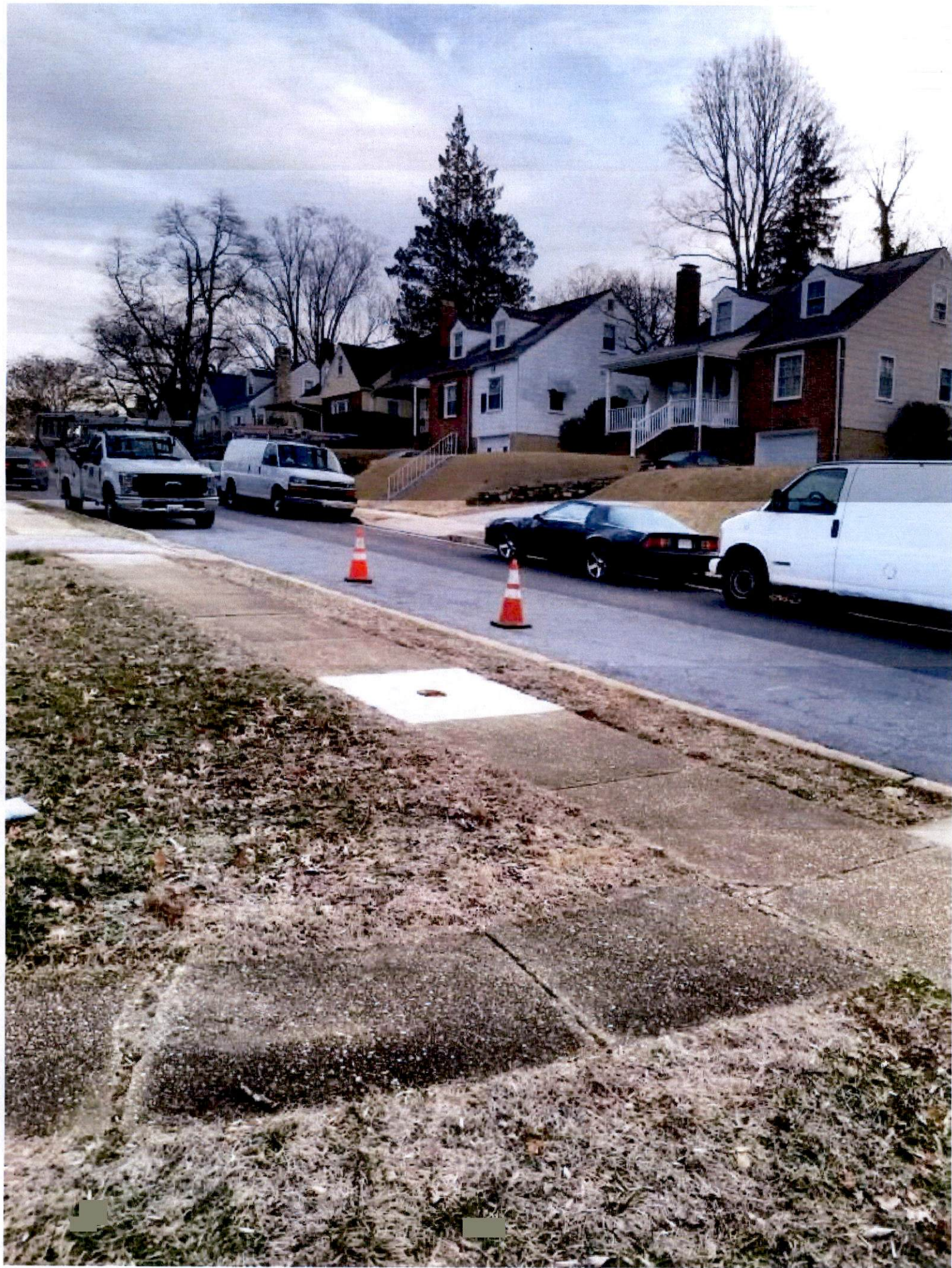
Protestant  
CBA Exhibit

1C

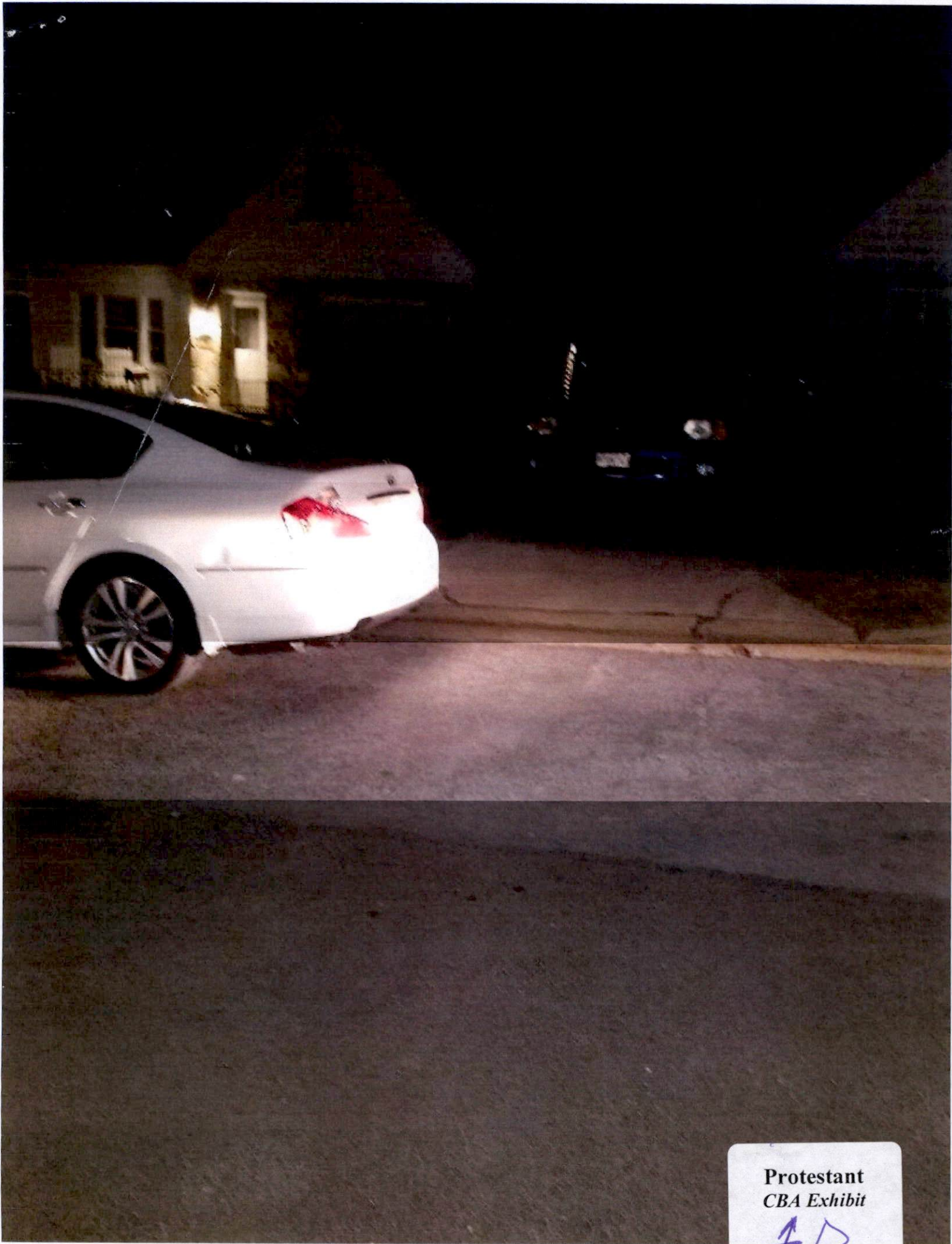












Protestant  
CBA Exhibit

4D









Protestant  
CBA Exhibit

1E

















Protestant  
CBA Exhibit

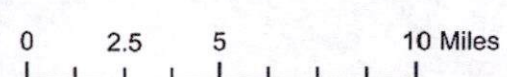
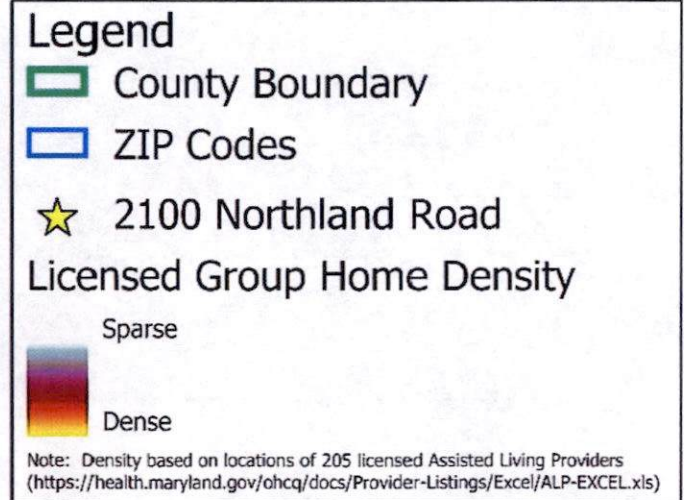
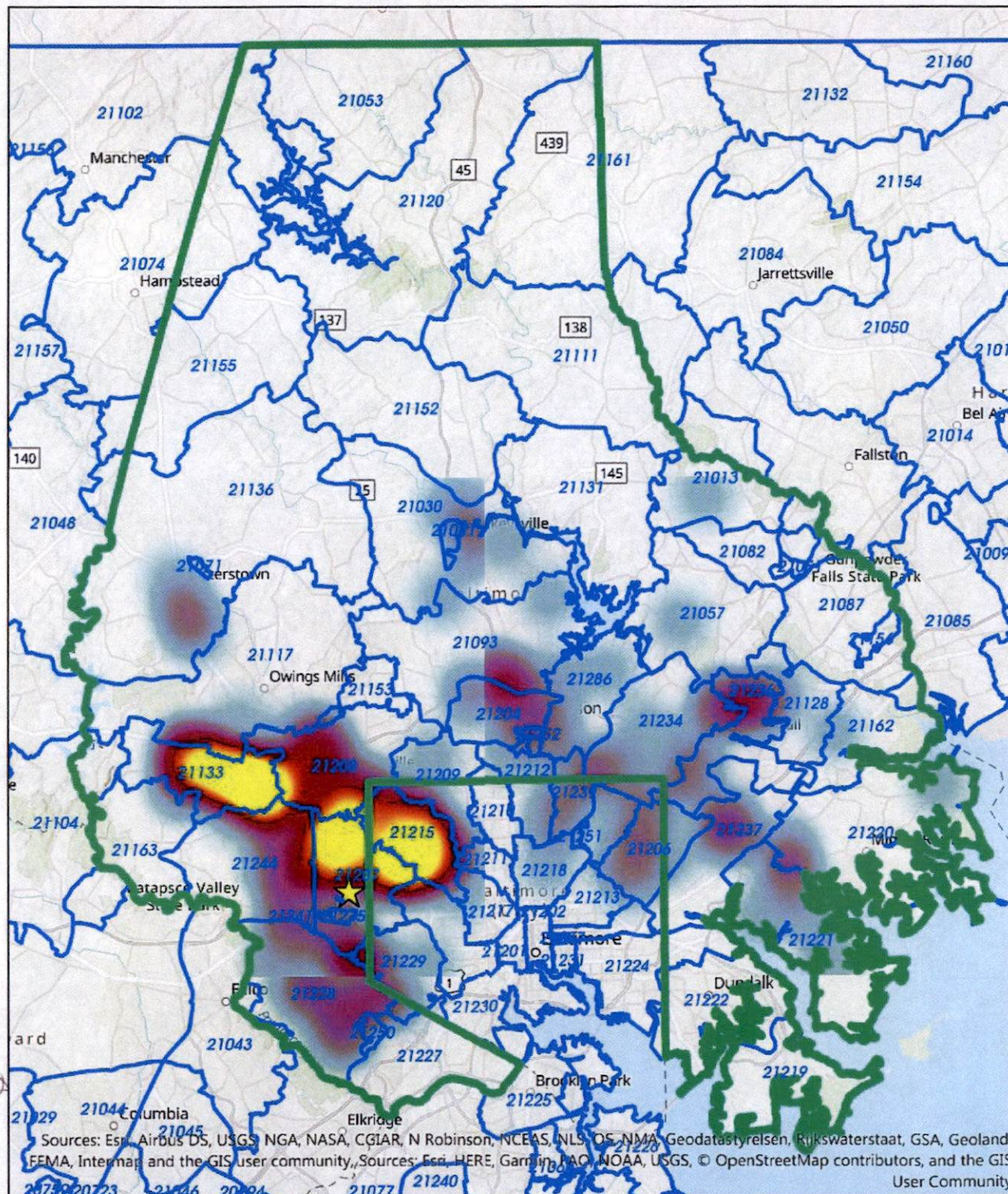
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# Concentration of Assisted Living Facilities in Baltimore County, Maryland



Cartographer: -A-  
Date: 12.04.2019

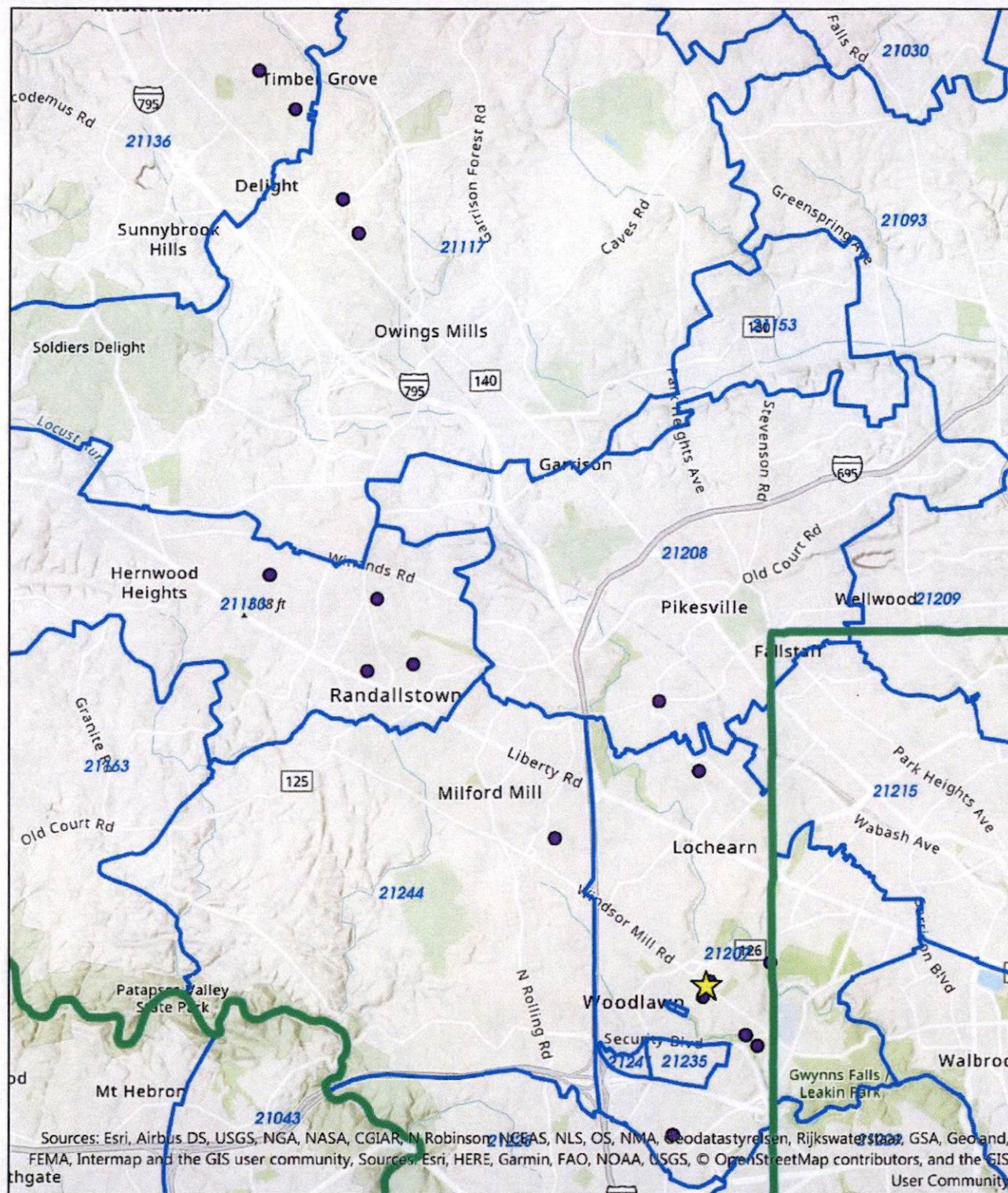
Protestant  
CBA Exhibit

24

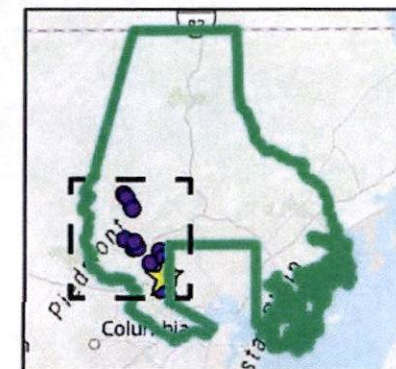


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS User community, Sources: Esri, HERE, Garmin, IAC, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





## Concentration of Assisted Living Facilities Center on Institutions and Alternatives



Vicinity Map  
1 inch equals 21 miles

### Legend

County Boundary

ZIP Codes

2100 Northland Road

Nat'l Center on Institutions and Alternatives Properties\*

\*Note: All 21 properties are zoned SFD.

0 0.75 1.5 3 Miles

Cartographer: -A-  
Date: 12.04.2019

**Protestant  
CBA Exhibit**

*2B*



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoand, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



**Balto. County has the most group homes; Highest concentration is in west side's older neighborhoods; 'Fair distribution' urged; Operators say they try to avoid clustering treatment centers**

Dail Willis and Liz Atwood  
THE BALTIMORE SUN

<https://www.baltimoresun.com/news/bs-xpm-1999-04-11-9904110234-story.html>

Pub Date 4/11/1999, Accessed 3/10/2020

Baltimore County's ZIP code 21244 stretches from the bustling Beltway to rolling hills and farms along the Patapsco River and Brice Run, but its population is clustered in the older neighborhoods that flank Interstate 695.

Something else is clustered in those west-side neighborhoods: group homes serving a statewide population of troubled teens and disabled adults. ZIP code 21244 includes 63 state-licensed group homes, the highest concentration of such facilities in the state.

- X More than a quarter of Maryland's 1,300 group homes are in Baltimore County, according to state licensing records. Baltimore County has twice as many group homes as any other jurisdiction in the state and more than the city of Baltimore and Anne Arundel, Carroll and Howard counties combined.
  - X The concentration of group homes erodes property values and discourages revitalization of older neighborhoods, residents say. Transient juveniles, many with special education needs, strain resources at some neighborhood schools.
  - X Residents of Baltimore County's west side -- joined by those from older neighborhoods in other counties -- have launched a campaign to change the laws and policies they say are to blame.
- "It's so wrong to concentrate your largest amount of group homes in communities struggling for community conservation and preservation," said Ella White Campbell, director of the Liberty Road Community Council.
- X Residents of Randallstown, Pikesville, Woodlawn and Gwynn Oak have long grumbled about group homes clustered in their neighborhoods. This year, their resentment turned to anger when a well-to-do Worthington Valley community blocked the opening of a group home there and questioned whether a site under consideration on the county's west side might be more appropriate.

"Let's have a fair distribution," said William Obrieht, a Woodlawn community activist.

The agencies that license and use group homes, and the people who operate them, say the clustering is the result of the federal Fair Housing Act, market forces and a state commitment to residential -- rather than institutional -- treatment. The attributes that attract individual buyers to

**Protestant  
CBA Exhibit**

2 C

the west side -- spacious and affordable houses on quiet residential streets -- also appeal to operators of group homes .

### **Affordable houses**

"If you look at those areas, there are big houses, affordable houses," said Walter G. R. Wirsching, assistant secretary for programs in the Department of Juvenile Justice, which places adolescents in group homes rented or purchased by private operators.

"You can buy an enormous house -- five bedrooms, a living room, a dining room, basement, a decent yard -- for under \$100,000," he said. "You look for houses that have the kind of size in other locations, you're looking at a lot of increased cost."

- \* Baltimore County's older communities on the west side have other features that make them attractive to operators of homes for adults. Neighborhoods are safe and close to public transportation, shopping and jobs.
- \* The state's policy is to use residential treatment whenever possible, but Wirsching and others acknowledge that the policy is unpopular in neighborhoods where group homes are located.

"People see it as government infringement on their rights," said Nancy Slaterbeck, resource development coordinator for the Governor's Office of Children, Youth and Families.

### **Added demands on schools**

Residents also object to juvenile homes on the west side because of the added demands on schools.

School records don't distinguish between juveniles in group homes and those in foster care. About 1,000 students who are not living with their parents are enrolled in county schools, said Baltimore County schools spokesman Charles Herndon.

One problem is transience. Many of those 1,000 students arrive after the start of the school year or leave in the middle of it, Herndon said. Many are not counted in the county's enrollment figures, which determine state funding. Some need special education.

"We have to kind of scramble to find the appropriate resources," Herndon said. "It's a problem across the system and particularly on the west side."

### **Fair Housing Act**

Even if state officials wanted to direct group home operators out of one area and into another, federal law prevents it.



"Under the Fair Housing Act amendments of 1998, you cannot steer people away from a certain area," Slaterbeck said. "The law was put in because people with disabilities could not live in communities. No community wanted them."

The state does not operate group homes directly. It pays private companies, which rent or buy the homes, to provide those services. The majority of those facilities care for the mentally ill, developmentally disabled and troubled juveniles.

Fearful of increased crime, residents are wary and often hostile when such facilities are proposed for their communities.

Reports of disturbances are rare. Four years ago, neighbors of a group home in Catonsville complained that teen-age boys there were not being supervised. Vandalism and rock-throwing by group home residents have prompted complaints in several Woodlawn neighborhoods.

Group home operators acknowledge community fears, and many avoid clustering their homes wherever they can.

"For years, we have made a concerted effort not to locate a new home where we already have a home," said [Stephen Morgan](#), executive director of the Baltimore Association for Retarded Citizens, which operates 60 homes for developmentally disabled adults in Baltimore and Baltimore County.

David H. Wamsley, director of eMERGE, which serves developmentally disabled adults, said he tries to open homes in areas where the clients have relatives or friends. His group looks for amenities such as yards and accessible transportation.

"We absolutely believe if we want to be part of a community, we don't create this concentration which will lead to segregation whether we want it to or not," Wamsley said.

The number of group homes needed for disabled adults is declining as the state emphasizes treatment programs that encourage more independent living, said Diane McComb, director of the Maryland Association of Community Services, which represents businesses that provide services to the developmentally disabled.

Senate Bill 588, which would order state agencies to find treatment facilities in Maryland for juveniles instead of sending them out of state, is likely to lead to an increase in the number of group homes for juveniles in coming years.

### **Councilman criticizes policy**

County Council Chairman [Kevin B. Kamenetz](#), a Democrat who represents the west side of the county, where the homes are concentrated, said the state should reverse that policy.

"Balancing the factor of the inconvenience of the relatives of these children and the impact on the surrounding neighbors, I have to side with the surrounding neighborhood," he said. "Almost



half of the homes for juvenile offenders [in Baltimore County] are in my district. This is poor policy on the part of the state."

Kamenetz faults federal and state law for failing to consider the impact of such homes on a community. The inflexible application of the federal Fair Housing Act, which prevents local and state governments from regulating the location of group homes, should be reconsidered, he said. "There should be geographic balance."

### **'Change the mind-set'**

About a month ago, Campbell and residents in other neighborhoods with large concentrations of group homes formed a group urging changes in federal, state and local laws.

She also wants the state to encourage alternatives to group homes and require agencies that license homes to better coordinate where they are located.

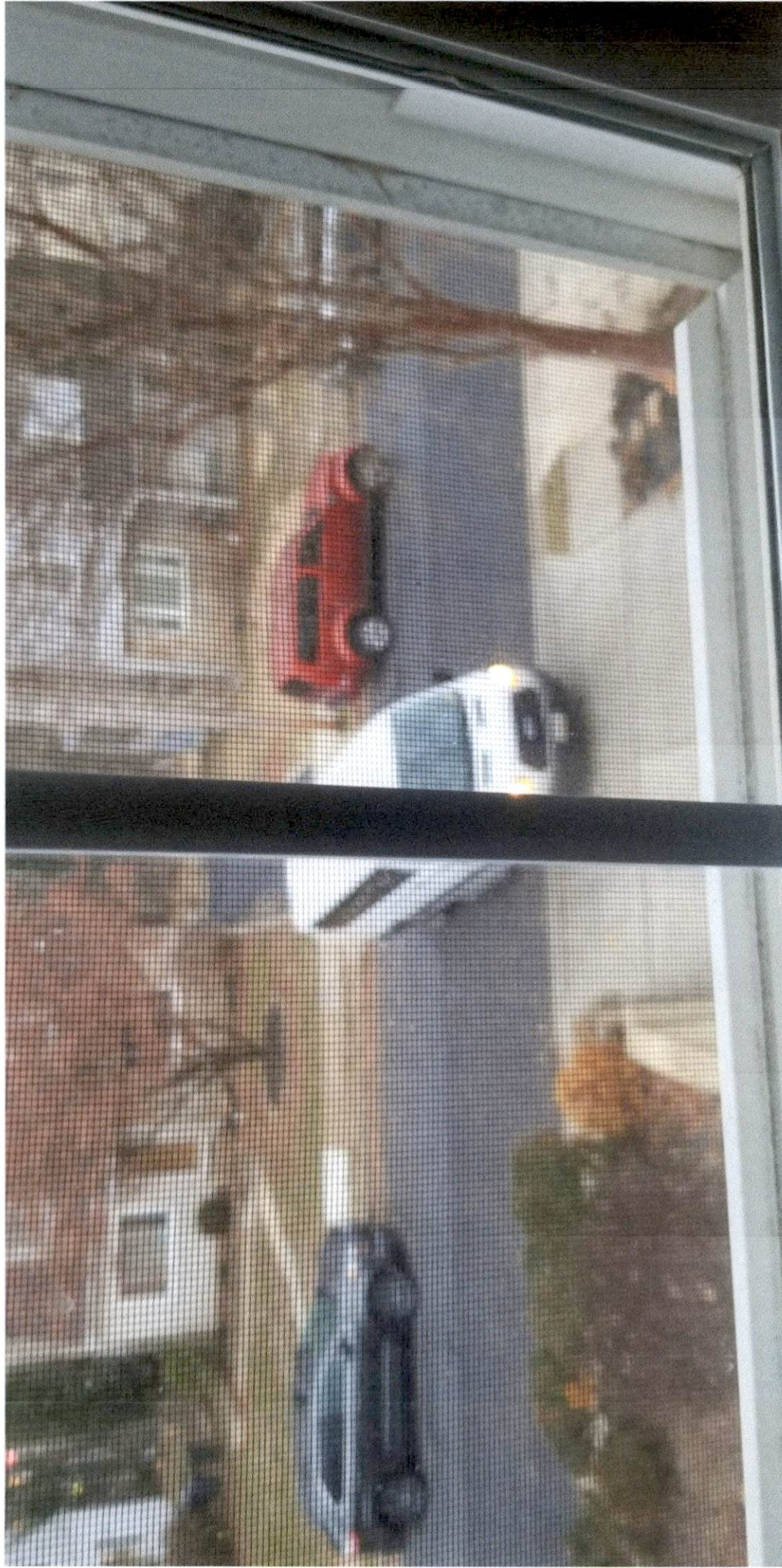
"We're looking to change the mind-set in the state so that the state starts thinking of a myriad of ways to solve the problem," Campbell said.

Copyright © 2020, [The Baltimore Sun](#), a Baltimore Sun Media Group publication | [Place an Ad](#)



(A)

(12) the group home using <sup>our</sup> a driveway to turn about or back into the driveway



R

Protestant  
CBA Exhibit

34



(B)  
I Live across the Street from this first group home.

(1) Andre +  
Renee mayfield 2111 Northland Rd. often has many as 4 staff vehicles at 1 time



Protestant  
CBA Exhibit  
3B

R

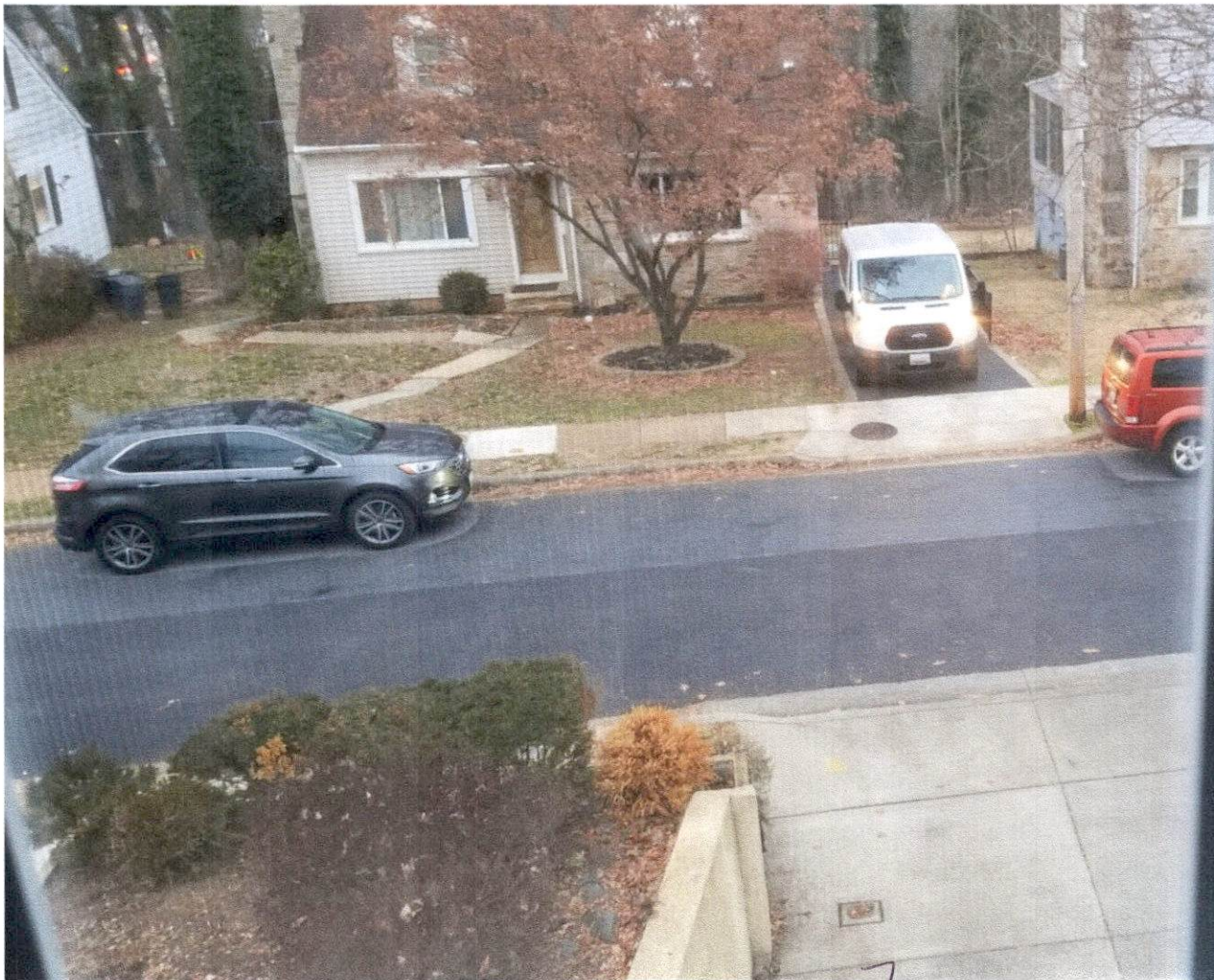


②

Staff  
vehicles



③



my  
Driveway  
2111



④

Protestant  
CBA Exhibit

BC





Date: Wed, March 11, 2020  
From: **Alexander, Kimberley**  
**2104 Northland Road**

Subject: Case # 2019-0481-A  
Petition for Variance

Statement of KIMBERLEY ALEXANDER, Address: 2104 NORTHLAND ROAD

I am unable to attend in person and am requesting that my written concerns in this matter are added to the record for consideration.

Case# 2019-0481-A (Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility)

Of the 7 principle residence property owners closest to 2100 Northland, I am the most recent at 17 years. I consider us fortunate that pride in ownership reflects well in our mutual respect and personal responsibilities for the neighborhood.

As I stated at the initial hearing, my position is not against the business but, that 2100 Northland Road is not a viable location to grant a variance for.

Primary Reason:

2100 is at the intersection of Windsor Mill Road and Northland Road. There is a stop sign at that intersection.

1. Parking

a. Section 21-1003 (o) includes the statement that a vehicle may not park within 30 feet on the approach to a stop sign. Parking is permitted on both sides of the street. The amount of curb space from the 2100 drive way to the stop sign basically allows for one parked vehicle. When vehicles are parked on both sides, or, within the 30 feet, entering and exiting Northland has limited visibility.

This appears to have been considered and addressed in the initial decision. I am requesting that the following concerns be added to the record for considerations in the Appeal determination.

**Protestant**  
**CBA Exhibit**

4A

Concerns;

**According to the SDAT Real Property site, 2100 Northland continues to be listed as the Principle residence of Tony Kinsler (attached).**

Shouldn't this be corrected before a variance can be requested on behalf of Mr. Chavez and his business?

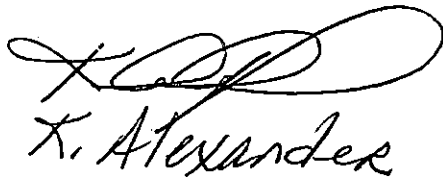
**Mr. Chavez has a three year lease with the option to purchase.**

Since the buyer isn't obligated to purchase the property under this type of agreement, I am very concerned that granting a variance would permanently change the property use type. I can think of factors that could adversely affect Mr. Chavez's intended future transaction (i.e.; purchase price agreement).

**Just Like Home Assisted living Inc.: D12949889 - According to the online Maryland.gov Business Search (attached) is not in good standing.**

Understanding there can be any number of reasons, this is also a cause for concern.

Thank you for considering the impact on the community and taking these concerns and questions into consideration.



K. Alexander

## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                  |          | View GroundRent Redemption                |               |                        |                | View GroundRent Registration |                                   |                                                       |                      |
|-----------------------------------------------------------|----------|-------------------------------------------|---------------|------------------------|----------------|------------------------------|-----------------------------------|-------------------------------------------------------|----------------------|
| Special Tax Recapture: None                               |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Account Identifier:                                       |          | District - 01 Account Number - 0119717150 |               |                        |                |                              |                                   |                                                       |                      |
| Owner Information                                         |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Owner Name:                                               |          | KINSLER TONY                              |               |                        |                | Use:                         |                                   | RESIDENTIAL                                           |                      |
|                                                           |          |                                           |               |                        |                | Principal Residence:         |                                   | YES                                                   |                      |
| Mailing Address:                                          |          | 2100 NORTHLAND RD<br>BALTIMORE MD 21207-  |               |                        |                | Deed Reference:              |                                   | /40872/ 00024                                         |                      |
| Location & Structure Information                          |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Premises Address:                                         |          | 2100 NORTHLAND RD<br>BALTIMORE 21207-     |               |                        |                | Legal Description:           |                                   | PT LT 84 & 85<br>2100 NORTHLAND RD<br>GWYNN LAKE PARK |                      |
| Map:                                                      | Grid:    | Parcel:                                   | Neighborhood: | Subdivision:           | Section:       | Block:                       | Lot:                              | Assessment Year:                                      | Plat No:             |
| 0088                                                      | 0021     | 0385                                      | 1030039.04    | 0000                   |                |                              | 84                                | 2019                                                  | Plat Ref: 0008/ 0080 |
| Town: None                                                |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Primary Structure Built                                   |          | Above Grade Living Area                   |               | Finished Basement Area |                | Property Land Area           |                                   | County Use                                            |                      |
| 1944                                                      |          | 1,494 SF                                  |               | 400 SF                 |                | 8,296 SF                     |                                   | 04                                                    |                      |
| Stories                                                   | Basement | Type                                      | Exterior      | Quality                | Full/Half Bath | Garage                       | Last Notice of Major Improvements |                                                       |                      |
| 1 1/2                                                     | YES      | STANDARD UNIT                             | SIDING/       | 3                      | 2 full         | 1 Attached                   |                                   |                                                       |                      |
| Value Information                                         |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
|                                                           |          | Base Value                                |               | Value                  |                | Phase-in Assessments         |                                   |                                                       |                      |
|                                                           |          |                                           |               | As of                  |                | As of                        |                                   | As of                                                 |                      |
|                                                           |          |                                           |               | 01/01/2019             |                | 07/01/2019                   |                                   | 07/01/2020                                            |                      |
| Land:                                                     |          | 58,500                                    |               | 64,800                 |                |                              |                                   |                                                       |                      |
| Improvements                                              |          | 118,000                                   |               | 136,200                |                |                              |                                   |                                                       |                      |
| Total:                                                    |          | 176,500                                   |               | 201,000                |                | 184,667                      |                                   | 192,833                                               |                      |
| Preferential Land:                                        |          | 0                                         |               |                        |                |                              |                                   | 0                                                     |                      |
| Transfer Information                                      |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Seller: KINSLER TONY                                      |          |                                           |               | Date: 11/14/2018       |                |                              | Price: \$0                        |                                                       |                      |
| Type: NON-ARMS LENGTH OTHER                               |          |                                           |               | Deed1: /40872/ 00024   |                |                              | Deed2:                            |                                                       |                      |
| Seller: KINSLER TONY                                      |          |                                           |               | Date: 01/26/2005       |                |                              | Price: \$0                        |                                                       |                      |
| Type: NON-ARMS LENGTH OTHER                               |          |                                           |               | Deed1: /21327/ 00701   |                |                              | Deed2:                            |                                                       |                      |
| Seller: TYE GEORGE W,JR                                   |          |                                           |               | Date: 03/18/2002       |                |                              | Price: \$125,000                  |                                                       |                      |
| Type: ARMS LENGTH IMPROVED                                |          |                                           |               | Deed1: /16212/ 00606   |                |                              | Deed2:                            |                                                       |                      |
| Exemption Information                                     |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Partial Exempt Assessments:                               |          | Class                                     |               | 07/01/2019             |                | 07/01/2020                   |                                   |                                                       |                      |
| County:                                                   |          | 000                                       |               | 0.00                   |                |                              |                                   |                                                       |                      |
| State:                                                    |          | 000                                       |               | 0.00                   |                |                              |                                   |                                                       |                      |
| Municipal:                                                |          | 000                                       |               | 0.00 0.00              |                | 0.00 0.00                    |                                   |                                                       |                      |
| Special Tax Recapture: None                               |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Homestead Application Information                         |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Homestead Application Status: No Application              |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Homeowners' Tax Credit Application Information            |          |                                           |               |                        |                |                              |                                   |                                                       |                      |
| Homeowners' Tax Credit Application Status: No Application |          |                                           |               |                        |                | Date:                        |                                   |                                                       |                      |

## JUST LIKE HOME ASSISTED LIVING INC: D12949889

**▲ Notice**

Please be aware of an ongoing scam in which newly registered businesses are being instructed to send additional payment in order to obtain a Certificate of Status. Any 3rd party solicitation from a company attempting to represent the 'Maryland Secretary of State' via mail or email should be fully vetted before submitting additional payment information.

Trade Names Renewals are now available online up to 6 months prior to the Trade Name's expiration date. If the owner of the Trade Name is an LLC or Corporation, that LLC or Corporation must be in Good Standing with SDAT. Once logged in, click 'Start a New Filing' in your 'Online Filings' tab. Then, select 'Renew Trade Name' to see if you are eligible.

**Department ID Number:**

D12949889

**Business Name:**

JUST LIKE HOME ASSISTED LIVING INC

**Principal Office:**8303 LIBERTY ROAD  
WINDSOR MILL MD 21244**Resident Agent:**NICHOLAS CHAVEZ, JR.  
8303 LIBERTY RD  
WINDSOR MILL MD 21244**Status:**

REVIVED

**Good Standing:**

THIS BUSINESS IS NOT IN GOOD STANDING

**Reason(s) Entity is NOT in Good Standing:**

Annual Report Due For 2019

**Business Type:**

CORPORATION

**Business Code:**

04 ORDINARY BUSINESS - NON-STOCK

**Date of Formation/ Registration:**

03/11/2009

**State of Formation:**

MD



Stock Status:

NONSTOCK

Close Status:

NO

## WHAT DOES IT MEAN THAT A BUSINESS ENTITY IS NOT IN GOOD STANDING OR FORFEITED?

**“Not in Good Standing”** means the business entity is not in compliance with one or more Maryland laws that apply to businesses and their responsibilities in this State. Only business entities that are active can have a good standing status, so a business that has been voluntarily terminated will also show “not in good standing” because it is no longer active.

The status can be returned to Good Standing by addressing the manner in which the business is out of compliance. If a business was voluntarily terminated, it cannot return to good standing because a voluntary termination is permanent.

The most common reasons that a business is not in good standing are

- A missing Annual Report and Business Personal Property Return, also called a Form 1
- A monetary penalty resulting from the late filing of a Form 1
- A check or other form of payment that was dishonored
- Not having an active resident agent
- An issue with the Maryland Office of the Comptroller
- An issue with the Maryland Department of Labor, Licensing and Regulation

For missing Annual Reports and Business Personal Property Returns, mail or hand deliver the Form 1 to our Baltimore office. Prior years' returns as well as the current year return, can usually be filed online at <https://egov.maryland.gov/businessesexpress> A blank Form 1 is also available on our website under “Forms and Applications.”

For late filing fees, send a check or money order for the amount of the penalty to us or bring the payment to our Baltimore office. If mailing, include the MD SDAT identification number and either a cover letter, a copy of the penalty notice or a copy of the business entity's Personal Property tab from the business entity search on our website

Some late filing penalties are referred to Maryland's Central Collection Unit, (CCU). Once a penalty is referred for collections, it cannot be paid through SDAT. If this is the case, you must pay the penalty directly to CCU. If the business entity is in forfeiture, provide written proof of payment to CCU to SDAT at the time you file your revival or reinstatement paperwork.

For issues with the Maryland Office of the Comptroller, call 410-649-0633

For issues with the Maryland Department of Labor, Licensing and Regulation, call 410-767-2741

Filings can be made by mail or by visiting our Baltimore Office at 301 West Preston Street, Baltimore, Maryland 21201, Room 801. If you have further questions, please contact the Charter Legal Department by calling 410-767-1006 or e-mailing [SDAT.charterhelp@maryland.gov](mailto:SDAT.charterhelp@maryland.gov)

3/3/2020

To whom it may concern:

As a homeowner for over thirty years at 2109 Northland Road who appreciates living in a quiet neighborhood, I am writing in opposition to adding a second group home on my street. My opposition is also based on potential negative effects such as increased traffic congestion adding to an already problematic limited parking for current residents and loss of neighborhood and community character. The first group home was established right across the street from my home. Neither I nor any of my neighbors were informed about the formation of the group home at 2110 Northland Road.

Due to the non-transparency of the creation of the first group home in regards to informing the residents on the 2100 block of Northland Road we are having apprehensions against positioning another group home on our street. Based on previous experience, we are not sure what will be the nature of the group home. Will it be a residence for those with disabilities, individuals with developmental challenges, and teens with behavioral problems or even worse recovering drug addicts and not to mention sex offenders? Will we have to deal with the employees of these group homes, not knowing if they too have a troubled past or just dealing with the day to day noise pollution of the employees arriving and departing from work? Also do we want to take that chance of disrupting playtime of the young children and grandchildren living on Northland Road?

We've adjusted to the first group home being on our street, we don't believe our street can afford to have another one. Please rethink putting another group home on our block.

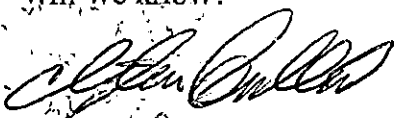
Sincerely,

Aaron Richardson

2109 Northland Road

Baltimore, Maryland 21207

Some group homes operate with little or no disruption to others living in the vicinity, how will we know?



September 29, 2022

Aaron Richardson  
Aaron Richardson

Protestant  
CBA Exhibit

4B

James "Tori" B Sheets, Jr

2101 Northland Rd

Gwynn Oak, Md 21207

3-11-20

To Whom it may concern,

I have lived across the street from 2100 Northland Rd. for 20+ years.

There has been traffic and parking issues with the assisted living facilities on our road.

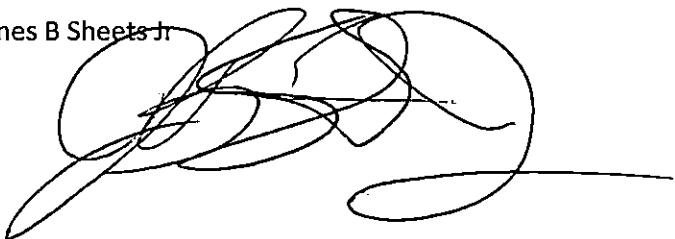
Several times in the past year I have had my vehicles hit, due way way too much traffic from the EXISTING assisted living facilities.

These vehicles create too much traffic, and the last thing Northland rd need is ANOTHER assisted living facility, which would effect the safety of the folks that live on Northland rd.

The folks that live on Northland rd deserve to have a say on this issue, i say NO MORE ASSISTED LIVING FACILITIES please

Yours truly,

James B Sheets Jr

A handwritten signature in black ink, appearing to be "James B Sheets Jr", written over a horizontal line.



2105 Hawthorne Rd.  
Baltimore MD 21207

March 11, 2020

Re: Approval to Board of Appeals  
Petition for Varnum in  
Property: 2105 Hawthorne Rd.  
Case # 2019-0781-A

Mr. Thomas H. May (owner):

I reside at 2105 Hawthorne Rd. which is across the street from the subject property. I am still opposed to having the property separate while already having an existing

existing property existing in the block. In my letter to the Board dated Dec 3, 2019 I explained in detail my viewpoint. And my feelings have not changed. If you have any questions, please feel free to contact me at 410-944-6498.

Thank you.

Protestant  
CBA Exhibit  
4D

Shirley  
Varnum (owner)

(4D)

Case No.: 2019-0481-A 2100 Northland  
Road

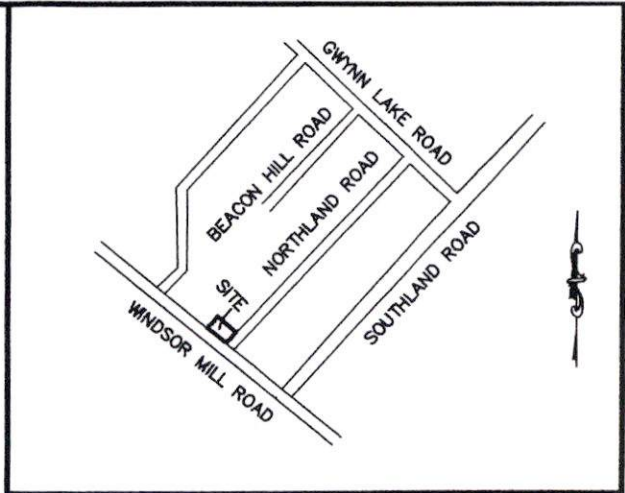
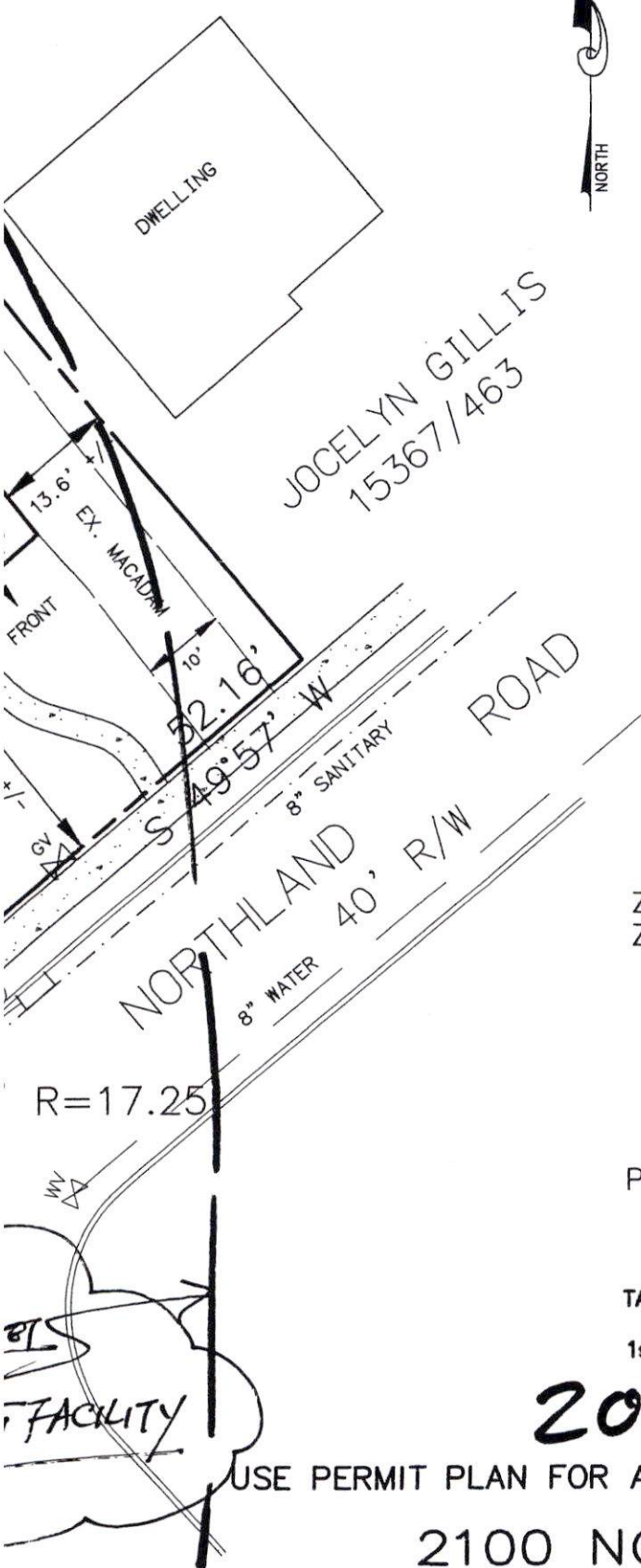
Exhibit Sheet

Petitioner/Developer

Protestants

Sen  
12/10/19

|        |                     |                                 |
|--------|---------------------|---------------------------------|
| No. 1  | Site Plan           | Letter of Protest               |
| No. 2  | Plat of Subdivision | Letter of Protest               |
| No. 3  |                     | Letter of Protest               |
| No. 4  |                     | Map showing density<br>of ALF's |
| No. 5  |                     | Photos of Economy/<br>Equipment |
| No. 6  |                     |                                 |
| No. 7  |                     |                                 |
| No. 8  |                     |                                 |
| No. 9  |                     |                                 |
| No. 10 |                     |                                 |
| No. 11 |                     |                                 |
| No. 12 |                     |                                 |



OWNER  
TONY KINSLER  
2100 NORTHLAND ROAD  
BALTIMORE, MD, 21207

OPERATOR  
NICHOLAS H. CHAVEZ JR.  
238 S. DALLAS CT.  
BALTIMORE, MD 21231

EXISTING FLOOR AREA

830 S.F. — 1ST FL. — 2 BEDROOM  
480 S.F. — 2ND FL. — 2 BEDROOM  
BASEMENT STORAGE  
1310 TOTAL S.F.

ZONING — DR 5.5  
ZONING MAP NW3F

OPEN SPACE = .1 X 8296 S.F. = 830 S.F.  
PARKING — 1 SPACE PER 3 BEDS  
2 SPACES REQUIRED

PLAN FOR ZONING  
CASE NO.

PETITIONER'S

EXHIBIT NO. 1

TAX ACCOUNT # 0119717150  
1st ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

**2019-0481-A**

USE PERMIT PLAN FOR ALF1 FACILITY FOR MAXIMUM OF 4 BEDS  
2100 NORTHLAND ROAD

SCALE: 1"=20'

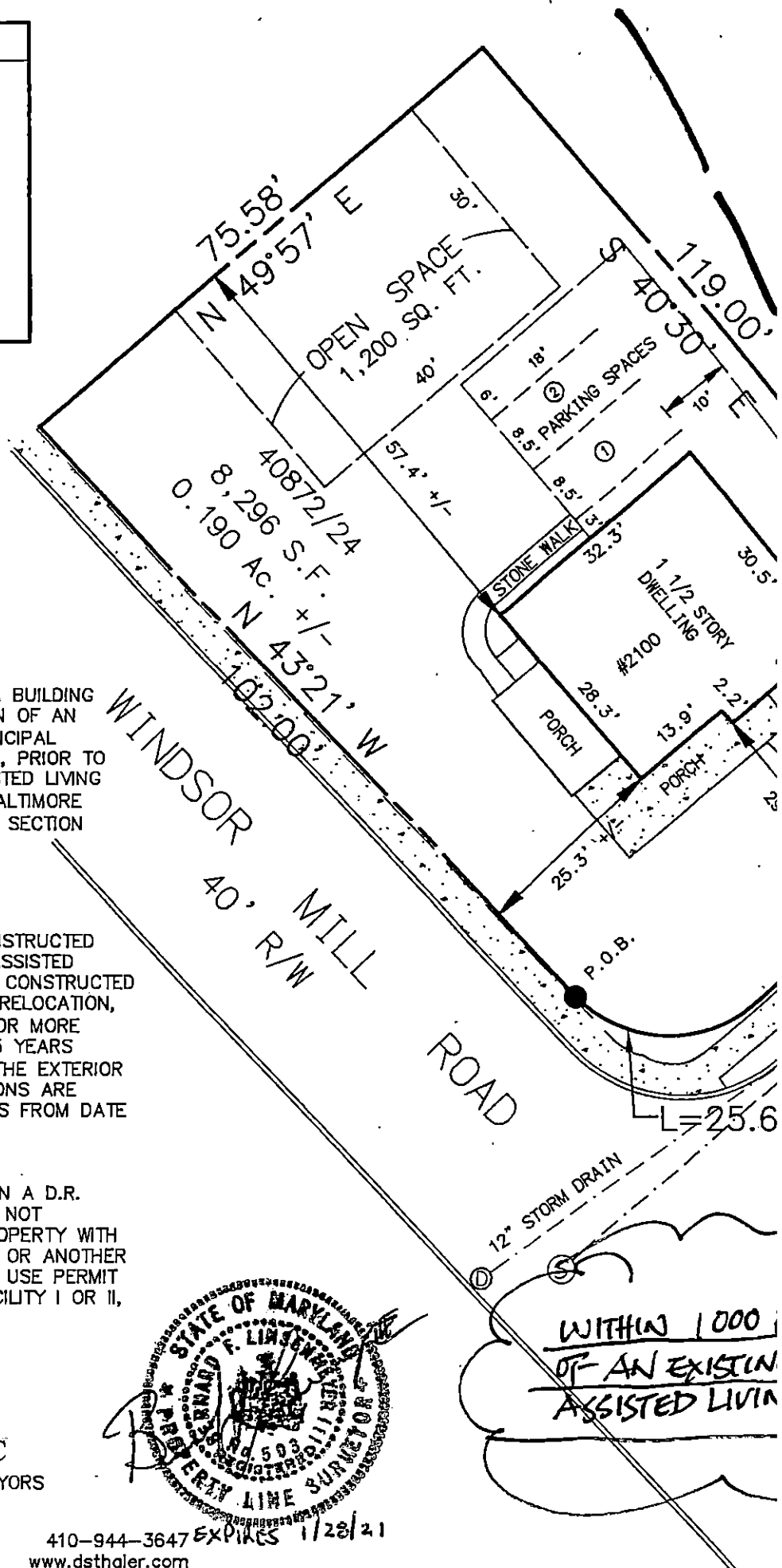
DATE: 08-23-19

ion\CERT NORTHLAND RD.dwg Layout:Layout1 Sep 10, 2019-1:11pm eaz

File name: U:\\_Survey Certs\dwg\



| LEGEND                  |    |
|-------------------------|----|
| EX. STORM DRAIN INLET   | □  |
| EX. CONCRETE            | ▨  |
| EX. GAS VALVE           | X2 |
| EX. WATER VALVE         | X3 |
| EX. SEWER MANHOLE       | ⊙  |
| EX. WATER METER         | ⊙  |
| EX. STORM DRAIN MANHOLE | ⊙  |



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.

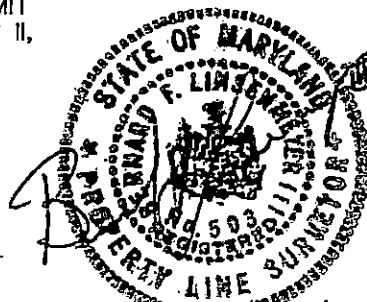
THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF 5 YEARS BEFORE 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 DATE OF THIS APPLICATION.

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.

# DSThaler & ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS  
LANDSCAPE ARCHITECTS & LAND PLANNERS  
7115 AMBASSADOR ROAD  
P.O. BOX 47428  
BALTIMORE, MARYLAND 21244-7428

410-944-3647 EXPIRES 1/28/21  
www.dsthaler.com

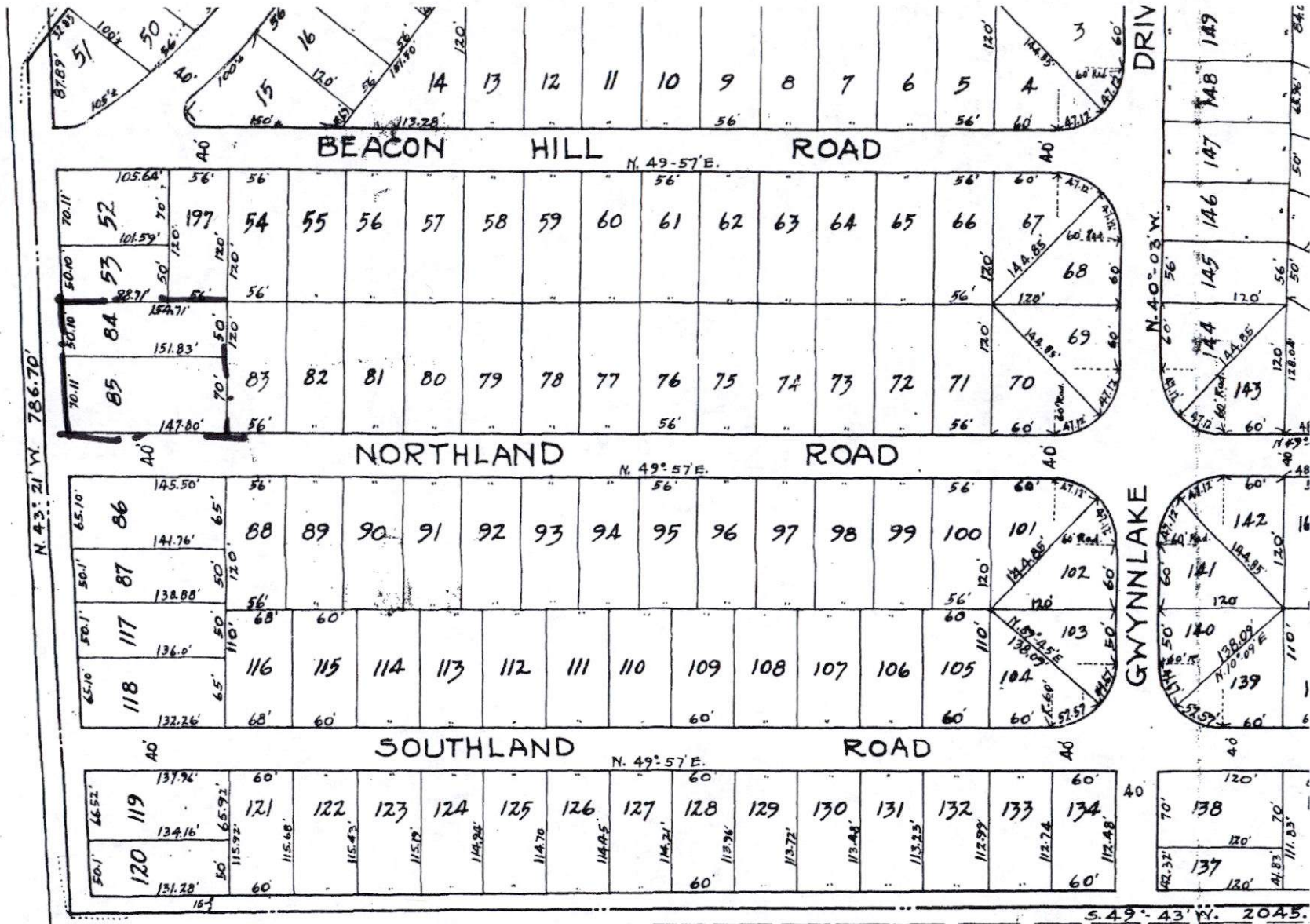


WITHIN 1000  
OF AN EXISTING  
ASSISTED LIVING



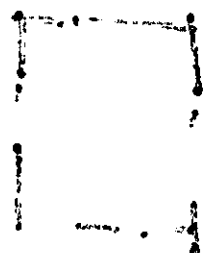
# PETITIONER'S

EXHIBIT NO. 2



2019-0481-A

GWYN



400



2105 Northland Road  
Baltimore, MD 21209

December 3, 2019

Baltimore County Court  
105 W. Chesapeake Ave  
Jefferson Bldg. / Room 205  
Towson, MD 21204

PROTESTANT' S

EXHIBIT NO. 1

RE: 2100 Northland Rd. Variance to permit an Assisted Living Facility within 1000 feet of another facility. Case # 2019-0481

To Whom It May Concern:

I reside at 2105 Northland Rd., which is in close proximity to the subject property. I am unable to attend the December 5<sup>th</sup> hearing; however I would like to voice my concerns.

1) I believe that one Assisted Living Facility meeting the needs of their population in this block is sufficient.

2) Parking in the immediate area of the subject property is already limited. Additional vehicles parking in this area will cause even more congestion to this narrow street where parking is already limited.

3) Visitors and staff of subject facility will bring in an influx of traffic coming and going to what is currently a quiet, stable, family community.

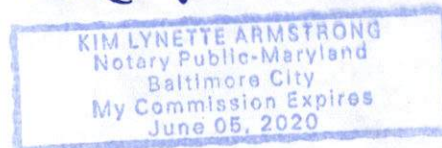
If you have any questions please do not hesitate to contact me at 410-944-6498

Sincerely,

*Theresa T. Holmes*

Theresa T. Holmes

*Kim Lynette Armstrong*



*12/3/19*



manuscript library  
1. 1. 1. 1.



Statement of Jocelyn Gillis Address: 2102 Northland Road

Collectively, we have been residence on this block for nearly 100 years, and we moved into this neighborhood for quaint residential living. 2102 Northland Road has been my primary residence for 22 years. We are all home owners and I feel that these businesses are coming to take over the neighborhood.

I was aware of the shared driveway when I moved in and had hoped, on the positive side, to generally expect the costs of maintenance and repair to be shared between me and the 2100 owner. This has not been the case.

In 2005, due for maintenance, I discussed repaving the driveway with the owner. We agreed that I would get estimates which would have offered a discount if we both had it done at the same time. Ultimately, we did not come to an agreement and I individually had my driveway resurfaced in June of 2005.

I have experienced negative aspects of sharing a driveway which could have been avoided or eliminated altogether by having a clear set of rules governing the shared property by the owner to the tenants. Since there is no written rules or common understanding between me and the owner, the multiple tenants who have lived there have created uncomfortable disagreements due to the limited parking and the amount of space needed to enter and swing out of the driveway onto the street. Driveway sharing consideration is not common knowledge. My drive way has been blocked so I could not get in to park and had to park on the street. I have had people park in the driveway over the line which has caused an accident. I have had people knock on my door asking me to move my car so that they could maneuver using my driveway to get out of the other drive way. I have come home and had people parked in my driveway, and my car has been hit several times from cars that have been parked in the neighbor's driveway. And now with this Zoning hearing, I have looked on the zoning website and I see that that may be an issue with the drawing delineation on line and I have questions concerning what the county has on line.

The amount of cars that are parked on the block from the existing Assisted Living facility, causes my neighbors that are closer to the facility at 2110 to park further down the street. And when my neighbors have visitors, because there is no parking in front or close to their homes, they have to park in front of my house. Another example, is due to the amount of cars that are parked at the current facility, when it snows and I go out to shovel my driveway and a space in front of my door for visitors, the snow plow comes along from the top end of the block and move the snow right back in the space that I had just cleared. They have gone as far as piling the snow on the sidewalk in front of my house because of the parking. Having another facility within 5 houses of each other will cause further continue these issues there by putting a strain on the community residence and stress on their lives.

We are human, and the fact of such lopsided sharing something necessary to both mine and the neighbor's comfort and convenience cannot be allowed. An assisted living facility means visitors, cars and parking frustrations.

- Impacts my property value and resale value
- I have grandchildren, nieces, nephews and, friends who visit. (I am sure any residents living at 2100 will have visitors too)

Is the business zoned before it is in operation?

This is a hearing for zoning, so does that mean that the business in not currently in operation?

Why wasn't the community neighbors made aware of this business being operated in a residential neighborhood?

What type of Assisted Living Facility will this be?

**PROTESTANT' S**

**EXHIBIT NO.** 2



If it is for the elderly, what legal measures are in place to keep elderly people from wondering off from the property?

Jocelyn Tillis

Statement of KIMBERLEY **ALEXANDER, 2104 NORTHLAND RD**

I appreciate to opportunity to express my opinions regarding the Zoning Notice Public Hearing for;

Case# 2019-0481-A (Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility)

I applaud the young man for taking steps to establish a business that seems to be designed to help fill social needs. So, my comments relate to me being a 17 year resident of Northland Road with a very high number of primary resident property owners who take generally pride in considerations for each other and being good neighbors.

My position is not against the business but, that 2100 Northland Road is not a viable location to grant a variance for the following reason and many open questions;

**Primary Reason:**

2100 is at the intersection of Windsor Mill Road and Northland Road. There is a stop sign at that intersection.

1. Parking

- a. Maryland Code of Transportation, Section 21-1003 (o) includes the statement that a vehicle may not park within 30 feet on the approach to a stop sign.

Parking is permitted on both sides of the street. The amount of curb space from the 2100 drive way to the stop sign basically allows for one parked vehicle.

**PROTESTANT' S**

EXHIBIT NO.

3

When vehicles are parked on both sides, or, within the 30 feet, entering and exiting Northland has limited visibility and creates a hazard.

**Open Questions that must be seriously considered:**

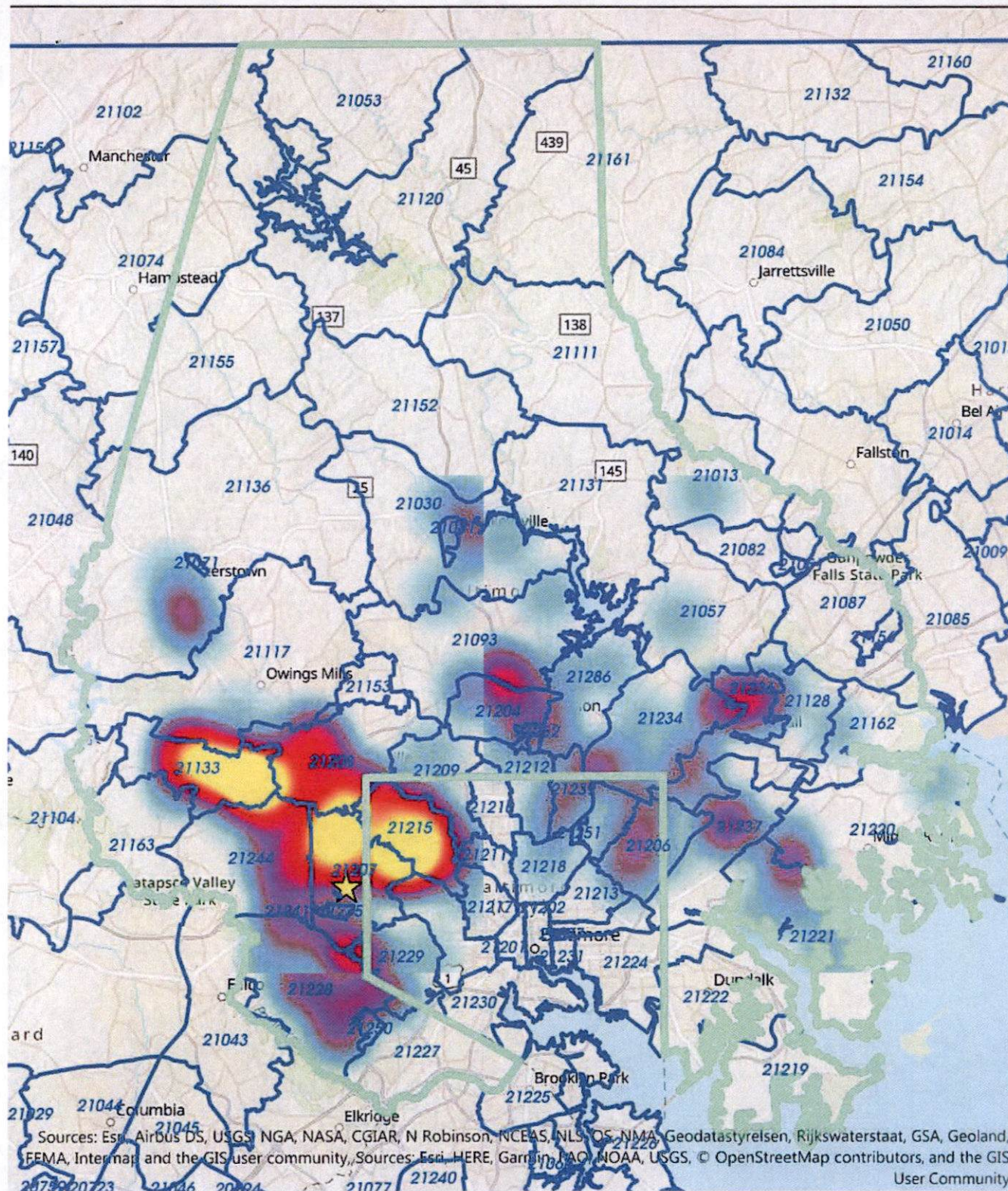
1. What was the evidence and justification presented in the request to justify zoning relief?
  - a. What is the lease agreement principal resident requirement for a tenant to have a business at a rented property?
2. The variance is for an Assisted Living Facility, what is the business Chartered for and the scope of that licensure? (I could not find this information)
3. Is the business in good standing with state regulations?
4. How is staffing addressed?
5. Have there been any complaints from neighbors in any other locations the business operates or has operated?
6. What is the vetting process or the criteria for the residents who will be living here? (do they drive or have cars?)
7. I have not been able to determine the State of Maryland's definition of an Assisted Living Facility (can that be provided today?)
  - a. Maximum number of residents (what is a resident and their level of independence?)
  - b. Will medical services be provided here?

Thank you for considering the impact on the community and entering these questions into the Hearing records. It's my understanding that a decision will be made within 45 days of this hearing, is that correct? How will we know what the outcome will be?



# Concentration of Assisted Living Facilities in Baltimore County, Maryland

2



## Legend

County Boundary

ZIP Codes

2100 Northland Road

Licensed Group Home Density

Sparse

Dense

Note: Density based on locations of 205 licensed Assisted Living Providers (<https://health.maryland.gov/ohcq/docs/Provider-Listings/Excel/ALP-EXCEL.xls>)

PROTESTANT'S

EXHIBIT NO. 4

0 2.5 5 10 Miles



Cartographer: -A-  
Date: 12.04.2019

Sources: Esri, Airbus DS, USGS NGA, NASA, CGIAR, N Robinson, NCEAS, NLS OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, IAC, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community









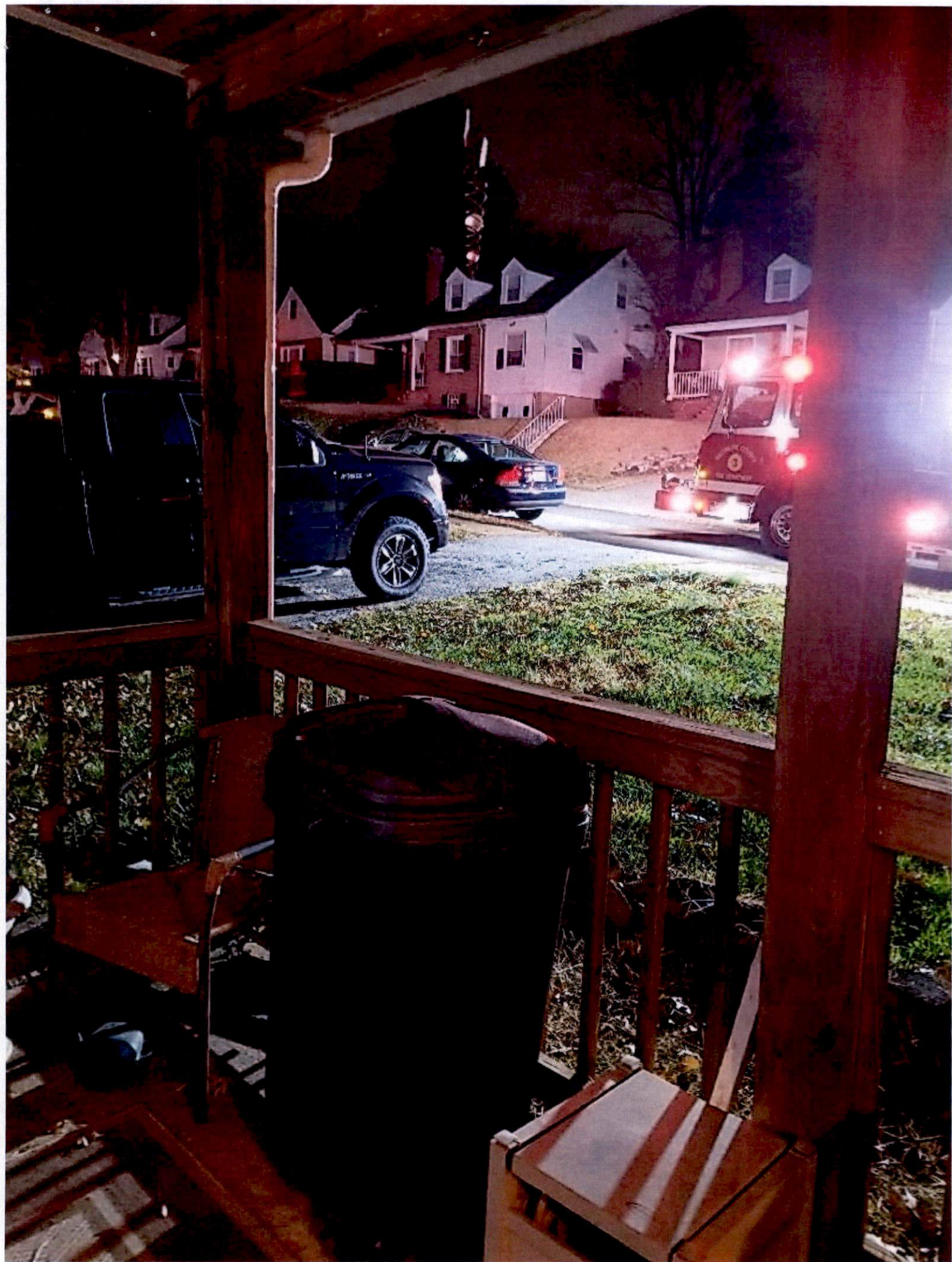
PROTESTANT' S

EXHIBIT NO. 5









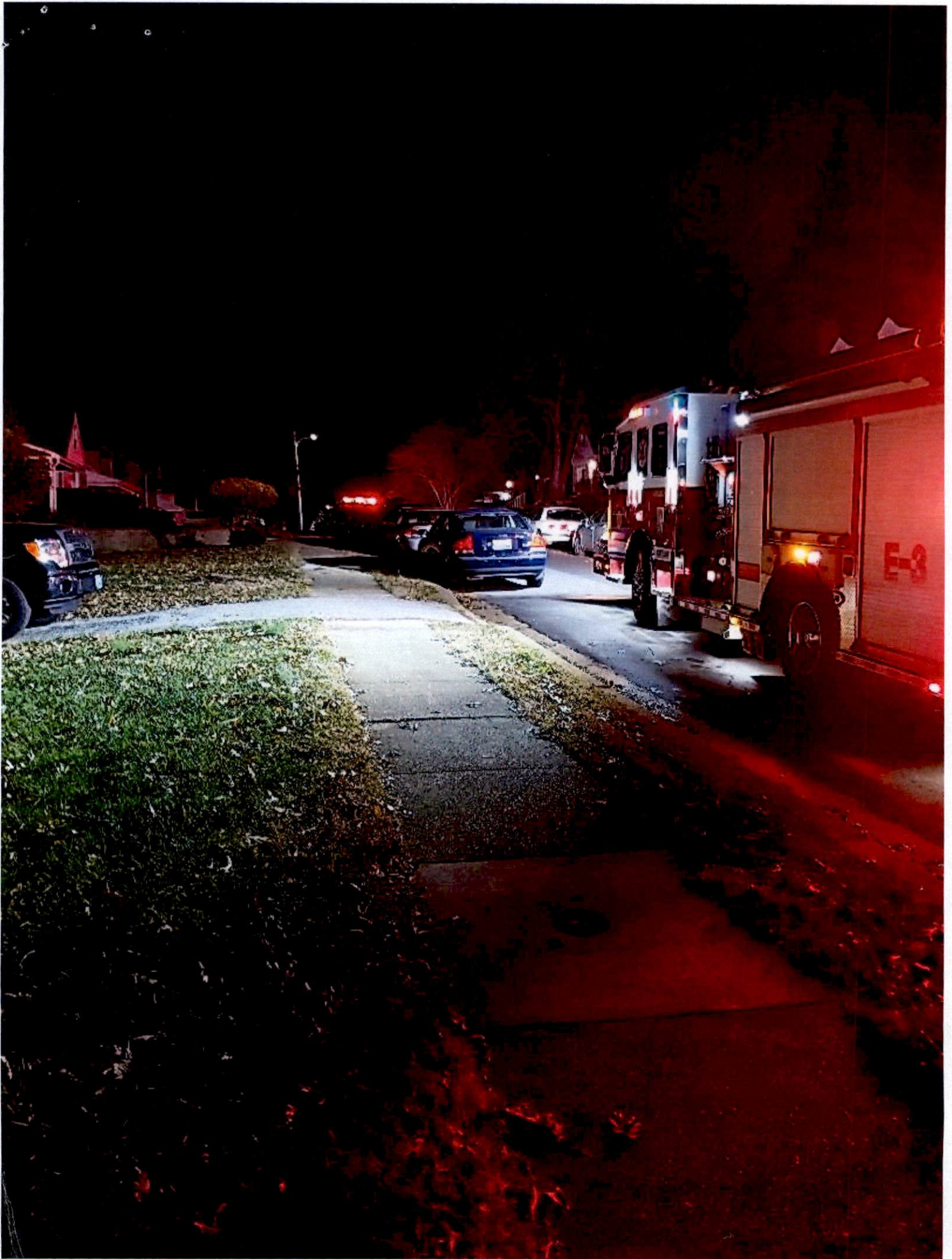




















JOHN A. OLSZEWSKI, JR.  
*County Executive*

C. PETE GUTWALD, AICP, *Director*  
*Department of Permits,*  
*Approvals & Inspections*

February 14, 2022

Andrew M. Belt, Panel Chairman  
Board of Appeals of Baltimore County  
Jefferson Building  
Second Floor, Suite 203  
105 West Chesapeake Avenue  
Towson, Maryland 21204

RE: In the matter of Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case # 19-481-A (Variance on property located at 2100 Northland Road)  
Order on Remand from the Circuit Court for Baltimore County

Dear Mr. Belt:

I am replying to your February 9, 2022 letter regarding the above referenced matter. Based upon the documents provided therein, my review of Baltimore County databases, Baltimore County Geographic Information System (GIS) maps, and Maryland State Assisted Living Facility (ALF) records the following has been determined:

1. The Circuit Court for Baltimore County erroneously identified 2010 Northland Road as being the existing Assisted Living Facility (ALF) generating the requirement restricting new or proposed ALF's from being located within 1000 feet of an existing ALF. The existing ALF that actually generates this 1000 feet proximity restriction is located at 6307 Carlynn Avenue and is licensed by the State as "Curtis Manor ALF", State License # 03AL0730 (see attached Microsoft Excel sheet and Word sheet generated from the State's ALF licensing web page. The erroneously identified 2010 Northland Road does not even exist as an address in Baltimore County as confirmed by the two attached GIS map of Northland Road. Perhaps the Protestants were referring to the property at "2110" Northland Road, as indicated by their **"one on the same block"** testimony before the Administrative Law Judge (ALJ), but that property is not licensed by the State as an ALF. 2110 Northland Road could possibly be licensed as a "Group Home" or "Alternative Living Unit" with the State, but those type of uses are exempt from local zoning ordinances, pursuant to COMAR and the Annotated Code of Maryland.
2. Therefore, based on the above information and the attached documents, the new/proposed ALF to be located on the subject property at 2100 Northland Road is, in fact, located within 1000 feet proximity of another existing ALF at 6307 Carlynn Avenue.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in red ink that reads "Jeffrey Perlow".  
Jeffrey Perlow, Zoning Supervisor  
Zoning Review Office, P.A.I.



## Board of Appeals of Baltimore County

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

February 9, 2022

Jeffery Perlow  
Zoning Review Office  
County Office Building  
111 W. Chesapeake Avenue, Room 124  
Towson, Maryland 21204

RE: In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A  
Order on Remand from the Circuit Court for Baltimore County

Dear Mr. Perlow:

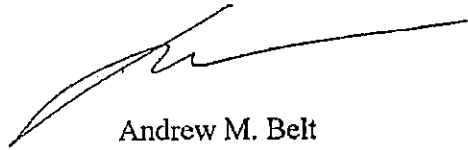
Attached please find in regard to the above-referenced matter, the December 10, 2019 Opinion and Order of the Administrative Law Judge, the November 4, 2020 Opinion and Order of the Board of Appeals, and the July 01, 2020 Order of Remand from the Circuit Court for Baltimore County. After a public deliberation on the Circuit Court's Order for Remand, the Board of Appeals is remanding this matter to the Zoning Review Office in keeping with Circuit Court's Order, instructing us to ascertain whether the assisted living facility currently operating at 2010 Northland Road is a permitted facility in compliance with Maryland and Baltimore County regulations.

In both the hearing before the ALJ and the Board of Appeals, the issue as to whether the facility at 2010 Northland Road was a licensed facility was never raised by the Petitioner. As the case came before both the ALJ and Board of Appeals as Petition for Variance pursuant to § 432.A.1.A(3) of the B.C.Z.R., (to permit an Assisted Living Facility within 1,000 ft. of another property with an Assisted Living Facility) the necessity for such variance was assumed. In the interest of judicial economy, it would be greatly appreciated if your office could inform the Board of Appeals as to whether 2010 Northland Road facility is licensed and in compliance with law. If it is ascertained that the facility at 2010 Northland Road is in compliance, further proceedings will be scheduled before this Board to issue a final decision in keeping with that information. If it is determined that this facility is not in compliance, please inform the Board as to whether it is still your contention that variance relief is still required by the Petitioner.



Please contact our office if you have any questions or concerns regarding this matter.

Best Regards,

A handwritten signature in black ink, appearing to read "Andrew M. Belt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew M. Belt

AMB/klc

Enclosures



CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND  
401 Bosley Avenue, P.O. Box 6754  
Towson, MD 21285-6754  
Main: 410-887-2601 Fax: 410-887-3062

Case Number:

C-03-CV-20-004314

Other Reference Numbers:

IN THE MATTER OF NICHOLAS CHAVEZ, JR.

**ORDER**

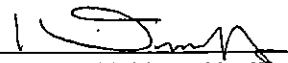
On July 1, 2021, the court heard argument on the Petitioner's request for judicial review of the November 4, 2020 Decision of the Baltimore County Board of Appeals denying Petitioner's request for a variance to permit the operation of an assisted living facility at 2100 Northland Road, within 1000 feet of another existing assisted living facility located at 2010 Northland Road.

Pursuant to MD. RULE 7-209, and for the reasons stated on the record at the conclusion of the hearing, the court remands this matter to the Baltimore County Board of Appeals for a determination as to whether the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as "an existing assisted-living facility I or II" within the meaning of *Baltimore County Zoning Regulations* §432.A.1.A(3).

It is so ORDERED.

July 1, 2021

Date

  
Judge Keith R. Truffer

Entered: Clerk, Circuit Court for  
Baltimore County, MD  
July 1, 2021

IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 19-481-A

\* \* \* \* \*

**ORDER ON REMAND FROM THE CIRCUIT COURT**

This matter comes before this Board on appeal filed by Nicholas Chavez, Jr., Contract Purchaser and Petitioner, from a decision of the Administrative Law Judge dated December 10, 2019, in which the Petition for Variance to permit an Assisted Living Facility within 1,000 feet of another property with an Assisted Living Facility was DENIED.

WHEREAS, the Board heard this matter and issued a decision dated November 4, 2020 wherein the Petition for Variance was DENIED. This matter was appealed to the Circuit Court for Baltimore County.

WHEREAS, the Circuit Court for Baltimore County issued an Order dated July 1, 2021 remanding this matter to the Board of Appeals to determine if:

the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as 'an existing assisted living facility I or II' within the meaning of Baltimore County Zoning Regulations §432.A.1.A(3).

WHEREAS, attached please find a letter directing the Office of Zoning Review to review this matter and make the above referenced written determination.

WHEREAS, this Order is not final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. The Board will reconvene a public deliberation to discuss the Office of Zoning Review's determination and issue a final ruling.

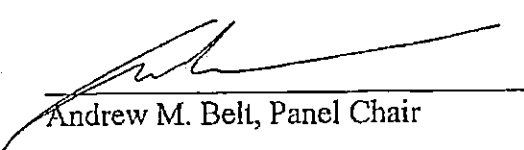


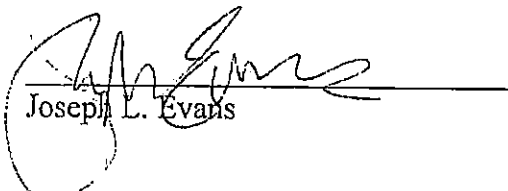
IT IS THEREFORE, this 9th day of February, 2022, by the Board of Appeals of Baltimore County,

**ORDERED** that Office of Zoning Review shall make determination as to whether:

the existing assisted living facility at 2010 Northland Road is a permitted assisted living facility, compliant with all Maryland and Baltimore County regulations, and, if not, whether such an unpermitted facility qualifies as 'an existing assisted living facility I or II' within the meaning of Baltimore County Zoning Regulations §432.A.1.A(3).

**BOARD OF APPEALS OF  
BALTIMORE COUNTY**

  
Andrew M. Belt, Panel Chair

  
Joseph L. Evans

  
Bryan T. Pennington



## Board of Appeals of Baltimore County

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

February 9, 2022

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207.

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

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

Pursuant to the enclosed, this Order is not final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. This matter will be held open on the Board's docket until such time as a final opinion can be issued.

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

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

### Enclosure

c: Office of People's Counsel  
Paul Mayhew, Managing Administrative Law Judge  
Stephen Lafferty, Director/Department of Planning  
C. Pete Gutwald, Director/PAI  
Nancy C. West, Assistant County Attorney  
James R. Benjamin, Jr., County Attorney

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis

IN THE MATTER OF  
TONY KINSLER – LEGAL OWNER AND  
NICHOLAS CHAVEZ, JR. – CONTRACT  
PURCHASER AND PETITIONERS FOR  
VARIANCE ON THE PROPERTY  
LOCATED AT 2100 NORTHLAND ROAD  
12<sup>TH</sup> ELECTION DISTRICT  
7<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 19-481-A

\* \* \* \* \*

### OPINION

This matter comes before the Baltimore County Board of Appeals as de novo appeal from a December 10, 2019 decision from the Administrative Law Judge denying a Petition for Variance filed by Petitioners Tony Kinsler, Legal Owner and Nichols Chavez, Jr., Contract Purchaser of the subject property. The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF. A hearing was held before this Board in March 12, 2020 with Nichols Chavez, Jr. and Michael Wainwright appearing on behalf of Petitioner's, *pro se* and numerous community members appearing as Protestants, with Adam Allen, sitting at the trial table, *pro se*. A public deliberation was held on July 7, 2020.

Petitioner, Nichols Chavez and his business partner, Michael Wainwright testified in support of his petition, explaining that they intended to operate an Assisted Living Facility (ALF) for elderly citizens at the subject property. Mr. Wainwright explained that he had prior experience with ALF's in the past and expressed his intention for the ALF at issue to serve senior citizens, rather than mentally disabled persons who were being served at the ALF already on the subject street. Mr. Wainwright explained his belief that they would be providing a service to the community that allows elderly persons to stay in a residential setting. He further explained that



the number of residents at the proposed facility would be extremely limited due to the four bedroom size of the home and other State regulations. Mr. Wainwright also testified that these residents would not generate additional traffic in that they would not have their own vehicles at the facility.

Protestants, local community members Adam Allen, Charles Neet, and Jocelyn Gillis provided photographs of the subject property and the street on which it is located. Mr. Allen and Ms. Gillis explained that there is already an ALF within 1000 ft. of the subject property and many more throughout the community. The Protestants testified as to their concerns regarding parking, traffic and congestion as well as the accessibility of emergency vehicles on an already narrow street. Finally, they testified as to their concerns that the clustering of such facilities in their community may have a detrimental effect on property values.

The subject property is 8,296 square feet in size and is zoned DR 5.5. While the Board finds that Mr. Chavez and Mr. Wainwright possess the best of intentions in planning to operate a quality ALF at the subject property, this Board must evaluate the Petitioner's request for variance relief through the tenets of the court's opinion *Cromwell v. Ward* which requires the following:

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

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

In the matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. – Contract Purchaser  
Case No: 19-481-A

Although the Petitioners appeared pro se, the Board questioned the Petitioners as to how their property was unique in keeping with *Cromwell*. Other than expressing the “unique” quality of care they intended to provide in a “unique,” retreat-like setting, the Petitioners were unable to articulate any geographical features which might apply in the *Cromwell* analysis. The testimony and photographic evidence provided by the Protestants illustrated that the subject property is not unique from other houses on the street. While this Board finds that the Petitioners were convincing in expressing their desire to start a quality ALF, their request for variance relief falls short in satisfying the *Cromwell* requirements.

THEREFORE the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an ALF, is DENIED.

**ORDER**

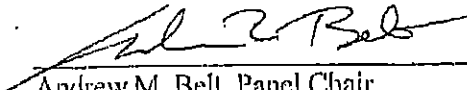
Therefore, it is this 4th day of November, 2020 by the Board of Appeals of Baltimore County

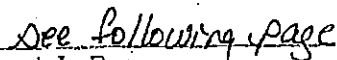
**ORDERED** the Petitioner’s Request for Variance Relief pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) with 1,000 ft. of another property with an Assisted Living Facility, is **DENIED**.

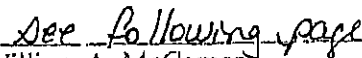
In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
Andrew M. Belt, Panel Chair

  
\_\_\_\_\_  
Joseph L. Evans

  
\_\_\_\_\_  
William A. McComas

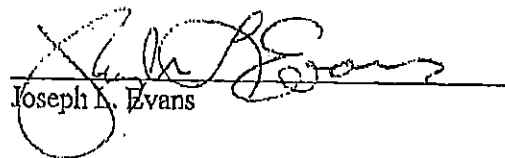


In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

  
Joseph A. Evans

see following page  
William A. McComas

In the matter of: Tony Kinsler - Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No: 19-481-A

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

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

see previous page  
Andrew M. Belt, Panel Chair

see previous page  
Joseph L. Evans

William A. McComas  
William A. McComas



## Board of Appeals of Baltimore County

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

November 4, 2020

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

Tony Kinsler  
2100 Northland Road  
Baltimore, Maryland 21207

RE: In the Matter of: Tony Kinsler – Legal Owner  
Nicholas Chavez, Jr. - Contract Purchaser  
Case No.: 19-481-A

Dear Messrs. Chavez and Kinsler:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington".

Krysundra "Sunny" Cannington  
Administrator

### Enclosure

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

Charles and Debbie Neet  
Kim Alexander  
Theresa Holmes  
Adam Allen  
Elizabeth Goldsby  
Jocelyn Gillis



IN RE: PETITION FOR VARIANCE

(2100 Northland Road)  
1<sup>st</sup> Election District  
1<sup>st</sup> Council District  
Tony Kinsler  
*Legal Owner*  
Nicholas Chavez, Jr.  
*Contract Purchaser*  
Petitioners

\*  
\*  
\*  
\*  
\*

BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
CASE NO. 2019-0481-A

\* \* \* \* \*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Tony Kinsler, legal owner, and Nicholas Chavez, Jr., contract purchaser of the subject property ("Petitioners"). The Petitioners are requesting variance relief from Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF. A site plan was marked as Petitioners' Exhibit 1.

Petitioner, Nicholas Chavez appeared in support of the petition. There were numerous Protestants in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP").

The Petitioner explained at length his desire to operate an Assisted Living Facility (ALF) for elderly persons at this location. He testified that he has signed a three year lease with an option to purchase the property. The Protestants voiced opposition to the proposed ALF for a variety of reasons. First and foremost they pointed out that there are already numerous ALFs in the neighborhood, including one on the same block as this proposed ALF. They also described extreme traffic and parking congestion. They explained that when emergency vehicles are called to this block they completely block ingress and egress for the residents on the block due to the extremely narrow street. They expressed understandable concern that if an ALF for elderly

RECEIVED FOR FILING

12/10/19  
MS

citizens were allowed to open on the block that there would likely be an increase in the number of medical emergency responses. Finally, they expressed concern about falling property values due to the influx of ALFs and rental units in the neighborhood.

The subject property is 8,296 square feet in size and is zoned DR 5.5.

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

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

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

The property in question is virtually identical to the other properties on the street and was developed at the same time. As such the property is not unique. Therefore, although I recognize and regret the hardship that a denial of the requested variance will cause the Petitioner, it cannot be granted. Furthermore, even if Petitioner could satisfy both prongs of this legal analysis, the variance would not be appropriate because another ALF on this block would not be within the spirit and intent of the BCZR. Finally, the requested relief would, in my view, also be injurious to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 10th day of December, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 432.A.1.A(3) of the Baltimore County Zoning Regulations ("BCZR") to permit an Assisted Living Facility ("ALF") within 1,000 ft. of another property with an ALF, be and is hereby DENIED.

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

PMM:slm

ORDER RECEIVED FOR FILING

Date

12/10/19

By

sen

2

  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County



JOHN A. OLSZEWSKI, JR.  
County Executive

PAUL M. MAYHEW  
Managing Administrative Law Judge  
LAWRENCE M. STAHL  
Administrative Law Judge

December 10, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207

RE: Petition for Variance.  
Case No. 2019-0481-A  
Property: 2100 Northland Road

Dear Mr. Chavez:

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

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

Sincerely,

A handwritten signature in cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM: sln  
Enclosure

c:

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207  
Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207  
Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207  
Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207  
Jocelyn Gillis 2102 Northland Road, Baltimore, Maryland 21207



JOHN A. OLSZEWSKI, JR.  
County Executive

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

November 25, 2019

Nicholas Chavez Jr.  
2100 Northland Road  
Baltimore MD 21207

RE: Case Number: 2019-0481-A, 2100 Northland 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 September 30, 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.", written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel



12-5-19

# BALTIMORE COUNTY, MARYLAND

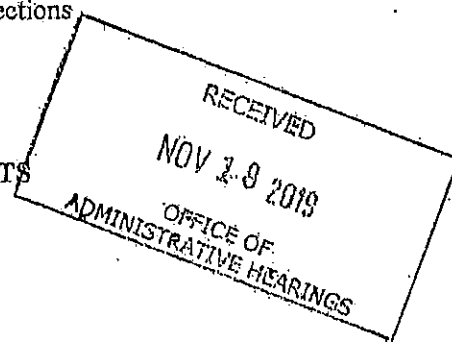
## INTER-OFFICE MEMORANDUM

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

**DATE:** 11/15/2019

**FROM:** C. Pete Gutwald  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 19-481



**INFORMATION:**

**Property Address:** 2100 Northland Road  
**Petitioner:** Tony Kinsler  
**Zoning:** DR-5.5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for a variance from Section 432.A.1.A (3) of the Baltimore County Zoning Regulations (BCZR) to permit an assisted living facility I to be located within 1000 feet from another property with an assisted living facility.

The subject property is zoned DR 5.5 and is located in the Woodlawn area. The applicant is proposing an assisted living facility for a maximum of four beds and two parking spaces to be located in the rear yard. The applicant plans to use an existing 10' driveway to access the parking area. The property is overall in good condition.

The Department of Planning has no objection granting the request, subject to the following conditions:

1. Demonstrate to the satisfaction of the administrative law judge that there is enough maneuvering area to easily access and exit the two proposed parking spaces.
2. Screen the parking area and driveway from the adjacent property (2102 Northland Road).
3. Per BCZR §432.A.1, submit a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code to the contact person listed below.

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

**Division Chief:**

Jennifer G. Nugent

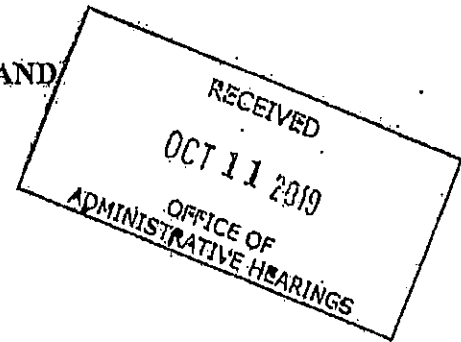
CPG/JGN

c: Ngone Seye Diop  
Tony Kinsler  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

12-5-19 10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0481-A.  
Address 2100 Northland Road  
(Kinsler Property)

Zoning Advisory Committee Meeting of October 4, 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: 10/2/19

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

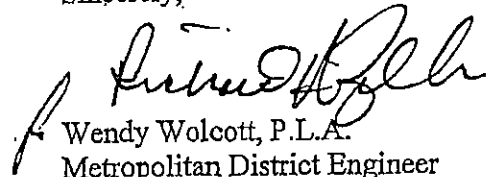
Dear Ms. Lewis:

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. 2019-0481-A

*Special Variance  
Tony Kinsler  
2100 Northland 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

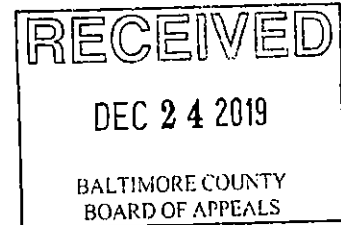


JOHN A. OLSZEWSKI, JR.  
County Executive

PAUL M. MAYHEW  
Managing Administrative Law Judge  
LAWRENCE M. STAHL  
Administrative Law Judge

December 24, 2019

Nicholas Chavez, Jr.  
2100 Northland Road  
Baltimore, Maryland 21207



RE: **APPEAL TO BOARD OF APPEALS –**  
Petition for Variance  
Case No. 2019-0481-A  
Property: 2100 Northland Road

Dear Mr. Chavez:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 23, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul M. Mayhew".

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM/sln

c: Baltimore County Board of Appeals  
Peter Max Zimmerman, People's Counsel for Baltimore County



Page 2

2100 Northland Road

Case No.: 2019-0481-A

Charles and Debbie Neet, 2106 Northland Road, Baltimore, Maryland 21207

Kim Alexander, 2104 Northland Road, Gwynn Oak, Maryland 21207

Theresa Holmes, 2105 Northland Road, Baltimore, Maryland 21207

Adam Allen and Elizabeth Goldsby, 2006 Alto Vista Avenue, Gwynn Oak, Maryland 21207

Jocelyn Gillis, 2102 Northland Road, Baltimore, Maryland 21207

## **APPEAL**

**Petition for Variance  
(2100 Northland Road)  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owner: Tony Kinsler  
Contract Purchaser: Nicholas Chavez, Jr.  
Case No. 2019-0481-A**

Petition for Variance (September 30, 2019)

Zoning Description of Property

Certificate of Posting – November 15, 2019 (Richard Hoffman)

Newspaper Advertisement – (The Daily Record) – November 15, 2019

Notice of Zoning Hearing – October 30, 2019

People's Counsel Entry of Appearance – October 9, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – 1 Sheet

Citizen's Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Site Plan
2. Plat of Subdivision

Protestant(s) Exhibits-

1. Letter of Protest
2. Letter of Protest
3. Letter of Protest
4. Map showing density of ALF's
5. Photos of Emergency Equipment

Miscellaneous (Not Marked as Exhibits)- SDAT-Real Property Search

Administrative Law Judge Order and Letter (Denied- December 10, 2019)

Appeal from Mr. Nicholas Chavez, Jr. December 23, 2019



**Property Description for 2100 Northland Road, Baltimore, MD 21207**

On the north-west side of Northland Road, which is 40 feet wide, and north corner of the intersection streets between Northland Road and Windsor Mill Road.

Being Lot numbers 84 and 85, as recorded by record plat no. 8, folio 80, containing a land area of 8,296 square feet, as located in 1<sup>st</sup> Election District, and 1<sup>st</sup> Councilmanic District.

2019-0481-A



A-1840 - P102

CHECKLISTComment  
ReceivedDepartmentSupport/Oppose/  
Conditions/  
Comments/  
No CommentDEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)10/11DEPS  
(if not received, date e-mail sent \_\_\_\_\_)No Comment

FIRE DEPARTMENT

11/15PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)No Objection  
w/ Condition10/7

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 11/15/19SIGN POSTING (1<sup>st</sup>) Date: 11/15/19 by HoffmanSIGN POSTING (2<sup>nd</sup>) Date: \_\_\_\_\_ by \_\_\_\_\_PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: \_\_\_\_\_

TO: THE DAILY RECORD  
Friday, November 15, 2019 - Issue

Please forward billing to:  
Nicholas Chavez, Jr.  
Just Like Home Assisted Living, Inc.  
2100 Northland Road  
Baltimore, MD 21207

443-657-3311

---

## 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: 2019-0481-A**

North corner of the intersecting streets between Northland Road and Windsor Mill

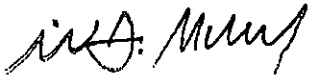
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Tony Kinsler

Contract Purchaser/Lessee: Nicholas Chavez, Jr.

Variance to permit an Assisted Living Facility within 1,000 sq. ft. of another property with an Assisted Living Facility.

Hearing: Thursday, December 5, 2019 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff  
Director of Permits, Approvals and Inspections for Baltimore County

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

## Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map                                                  |          | View GroundRent Redemption                |               | View GroundRent Registration |                                                       |
|-----------------------------------------------------------|----------|-------------------------------------------|---------------|------------------------------|-------------------------------------------------------|
| Tax Exempt: None                                          |          | Special Tax Recapture: None               |               |                              |                                                       |
| Exempt Class: None                                        |          |                                           |               |                              |                                                       |
| Account Identifier:                                       |          | District - 01 Account Number - 0119717150 |               |                              |                                                       |
| Owner Information                                         |          |                                           |               |                              |                                                       |
| Owner Name:                                               |          | KINSLER TONY                              |               | Use:                         | RESIDENTIAL                                           |
| Mailing Address:                                          |          | 2100 NORTHLAND RD<br>BALTIMORE MD 21207-  |               | Principal Residence:         | YES                                                   |
|                                                           |          |                                           |               | Deed Reference:              | /40872/ 00024                                         |
| Location & Structure Information                          |          |                                           |               |                              |                                                       |
| Premises Address:                                         |          | 2100 NORTHLAND RD<br>BALTIMORE 21207-     |               | Legal Description:           | PT LT 84 & 85<br>2100 NORTHLAND RD<br>GWYNN LAKE PARK |
| Map:                                                      | Grid:    | Parcel:                                   | Neighborhood: | Subdivision:                 | Section:                                              |
| 0088                                                      | 0021     | 0385                                      | 1030039.04    | 0000                         |                                                       |
|                                                           |          |                                           |               | Block:                       | Lot:                                                  |
|                                                           |          |                                           |               | 84                           | 2019                                                  |
|                                                           |          |                                           |               | Assessment Year:             | Plat No:                                              |
|                                                           |          |                                           |               |                              | 0008/ 0080                                            |
| Special Tax Areas: None                                   |          |                                           |               | Town:                        | None                                                  |
|                                                           |          |                                           |               | Ad Valorem:                  | None                                                  |
|                                                           |          |                                           |               | Tax Class:                   | None                                                  |
| Primary Structure Built                                   |          | Above Grade Living Area                   |               | Finished Basement Area       |                                                       |
| 1944                                                      |          | 1,494 SF                                  |               | 400 SF                       |                                                       |
|                                                           |          |                                           |               | Property Land Area           |                                                       |
|                                                           |          |                                           |               | 8,296 SF                     |                                                       |
|                                                           |          |                                           |               | County Use                   |                                                       |
|                                                           |          |                                           |               | 04                           |                                                       |
| Stories                                                   | Basement | Type                                      | Exterior      | Quality                      | Full/Half Bath                                        |
| 1 1/2                                                     | YES      | STANDARD UNIT                             | SIDING/       | 3                            | 2 full                                                |
|                                                           |          |                                           |               |                              | Garage                                                |
|                                                           |          |                                           |               |                              | 1 Attached                                            |
| Last Notice of Major Improvements                         |          |                                           |               |                              |                                                       |
| Value Information                                         |          |                                           |               |                              |                                                       |
|                                                           |          | Base Value                                |               | Value                        |                                                       |
|                                                           |          |                                           |               | As of                        |                                                       |
|                                                           |          |                                           |               | 01/01/2019                   |                                                       |
|                                                           |          |                                           |               | Phase-in Assessments         |                                                       |
|                                                           |          |                                           |               | As of                        |                                                       |
|                                                           |          |                                           |               | 07/01/2019                   |                                                       |
|                                                           |          |                                           |               | As of                        |                                                       |
|                                                           |          |                                           |               | 07/01/2020                   |                                                       |
| Land:                                                     |          | 58,500                                    |               | 64,800                       |                                                       |
| Improvements                                              |          | 118,000                                   |               | 136,200                      |                                                       |
| Total:                                                    |          | 176,500                                   |               | 201,000                      |                                                       |
| Preferential Land:                                        |          | 0                                         |               | 184,667                      | 192,833                                               |
|                                                           |          |                                           |               | 0                            |                                                       |
| Transfer Information                                      |          |                                           |               |                              |                                                       |
| Seller: KINSLER TONY                                      |          | Date: 11/14/2018                          |               | Price: \$0                   |                                                       |
| Type: NON-ARMS LENGTH OTHER                               |          | Deed1: /40872/ 00024                      |               | Deed2:                       |                                                       |
| Seller: KINSLER TONY                                      |          | Date: 01/26/2005                          |               | Price: \$0                   |                                                       |
| Type: NON-ARMS LENGTH OTHER                               |          | Deed1: /21327/ 00701                      |               | Deed2:                       |                                                       |
| Seller: TYE GEORGE W,JR                                   |          | Date: 03/18/2002                          |               | Price: \$125,000             |                                                       |
| Type: ARMS LENGTH IMPROVED                                |          | Deed1: /16212/ 00606                      |               | Deed2:                       |                                                       |
| Exemption Information                                     |          |                                           |               |                              |                                                       |
| Partial Exempt Assessments:                               |          | Class                                     |               | 07/01/2019                   |                                                       |
| County:                                                   |          | 000                                       |               | 0.00                         |                                                       |
| State:                                                    |          | 000                                       |               | 0.00                         |                                                       |
| Municipal:                                                |          | 000                                       |               | 0.00 0.00                    |                                                       |
|                                                           |          |                                           |               | 0.00 0.00                    |                                                       |
| Tax Exempt: None                                          |          | Special Tax Recapture: None               |               |                              |                                                       |
| Exempt Class: None                                        |          |                                           |               |                              |                                                       |
| Homestead Application Information                         |          |                                           |               |                              |                                                       |
| Homestead Application Status: No Application              |          |                                           |               |                              |                                                       |
| Homeowners' Tax Credit Application Information            |          |                                           |               |                              |                                                       |
| Homeowners' Tax Credit Application Status: No Application |          |                                           |               |                              |                                                       |
| Date:                                                     |          |                                           |               |                              |                                                       |

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2019-0481-A



1-1840-2104

**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.**

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**For Newspaper Advertising:**

Case Number: 2019-0481-A

Property Address: 2100 NORTHLAND ROAD

Property Description: \_\_\_\_\_

Legal Owners (Petitioners): \_\_\_\_\_

Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Nicholas Chavez Jr.

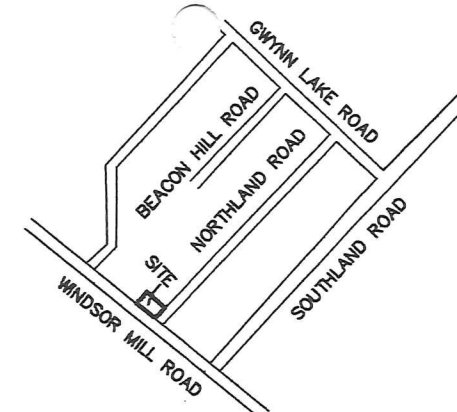
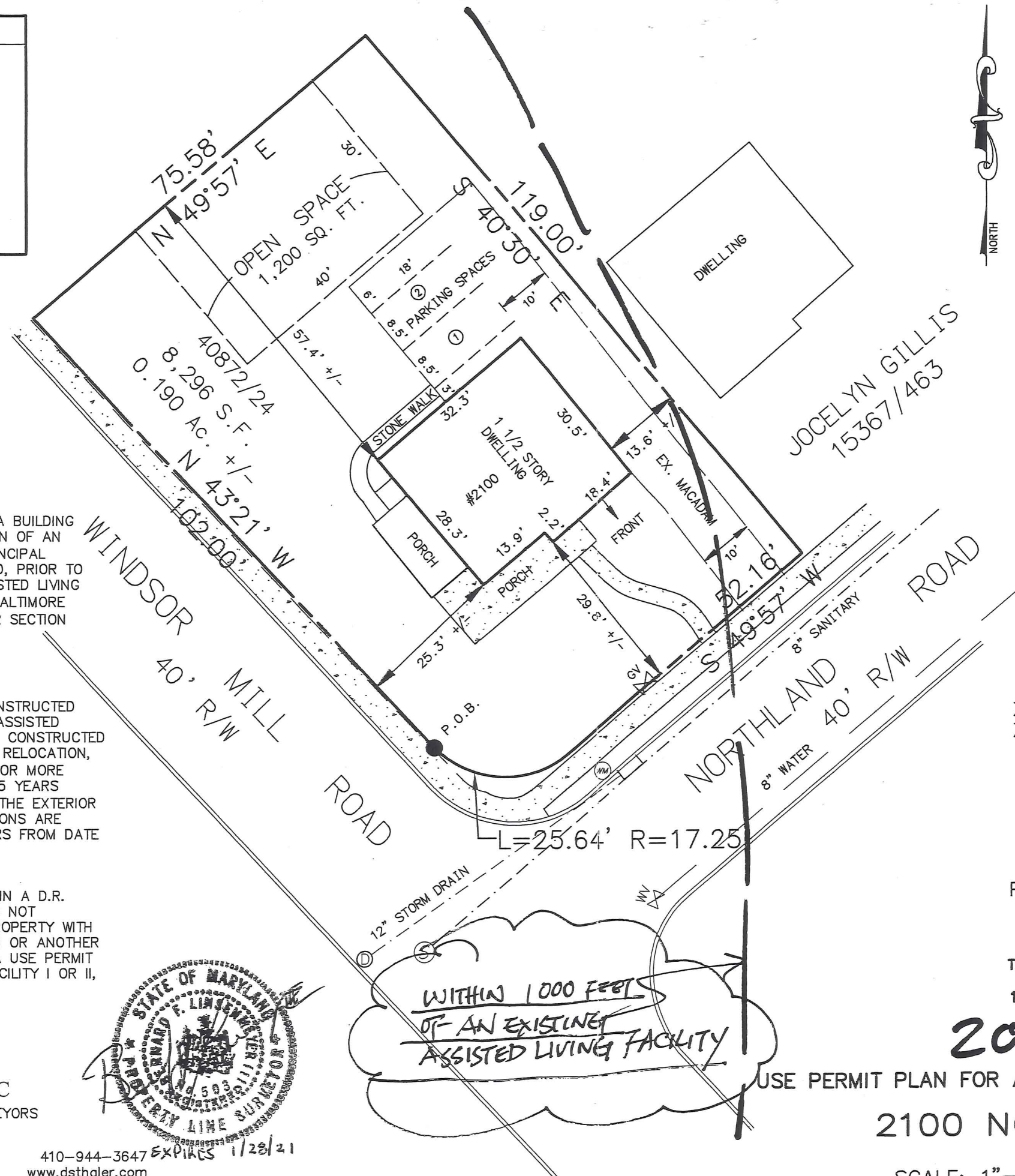
Company/Firm (if applicable): Just Like Home Assisted Living Inc.

Address: 2100 Northland rd Baltimore, md.  
21207

Telephone Number: (443) 657-3311



| LEGEND                  |  |
|-------------------------|--|
| EX. STORM DRAIN INLET   |  |
| EX. CONCRETE            |  |
| EX. GAS VALVE           |  |
| EX. WATER VALVE         |  |
| EX. SEWER MANHOLE       |  |
| EX. WATER METER         |  |
| EX. STORM DRAIN MANHOLE |  |



OWNER  
TONY KINSLER  
2100 NORTHLAND ROAD  
BALTIMORE, MD, 21207

OPERATOR  
NICHOLAS H. CHAVEZ JR.  
238 S. DALLAS CT.  
BALTIMORE, MD 21231

#### EXISTING FLOOR AREA

830 S.F. - 1ST FL. - 2 BEDROOM  
480 S.F. - 2ND FL. - 2 BEDROOM  
BASEMENT STORAGE  
1310 TOTAL S.F.

ZONING - DR 5.5  
ZONING MAP NW3F

OPEN SPACE = .1 X 8296 S.F. = 830 S.F.  
PARKING - 1 SPACE PER 3 BEDS  
2 SPACES REQUIRED

PLAN FOR ZONING  
CASE NO.

PETITIONER'S

EXHIBIT NO. 1

TAX ACCOUNT # 0119717150  
1st ELECTION DISTRICT  
1st COUNCILMANIC DISTRICT

**2019-0481-A**

USE PERMIT PLAN FOR ALF1 FACILITY FOR MAXIMUM OF 4 BEDS

**2100 NORTHLAND ROAD**

SCALE: 1"=20'

DATE: 08-23-19

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.

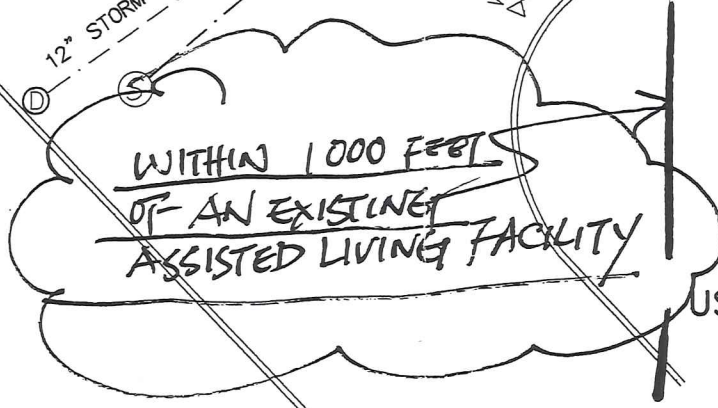
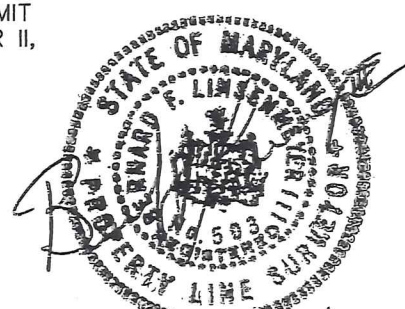
THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITIONS (OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF 5 YEARS BEFORE 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 DATE OF THIS APPLICATION.

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.

**DSThaler**  
& ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS  
LANDSCAPE ARCHITECTS & LAND PLANNERS  
7115 AMBASSADOR ROAD  
P.O. BOX 47428  
BALTIMORE, MARYLAND 21244-7428

410-944-3647  
www.dsthaler.com  
EXPIRES 1/28/21





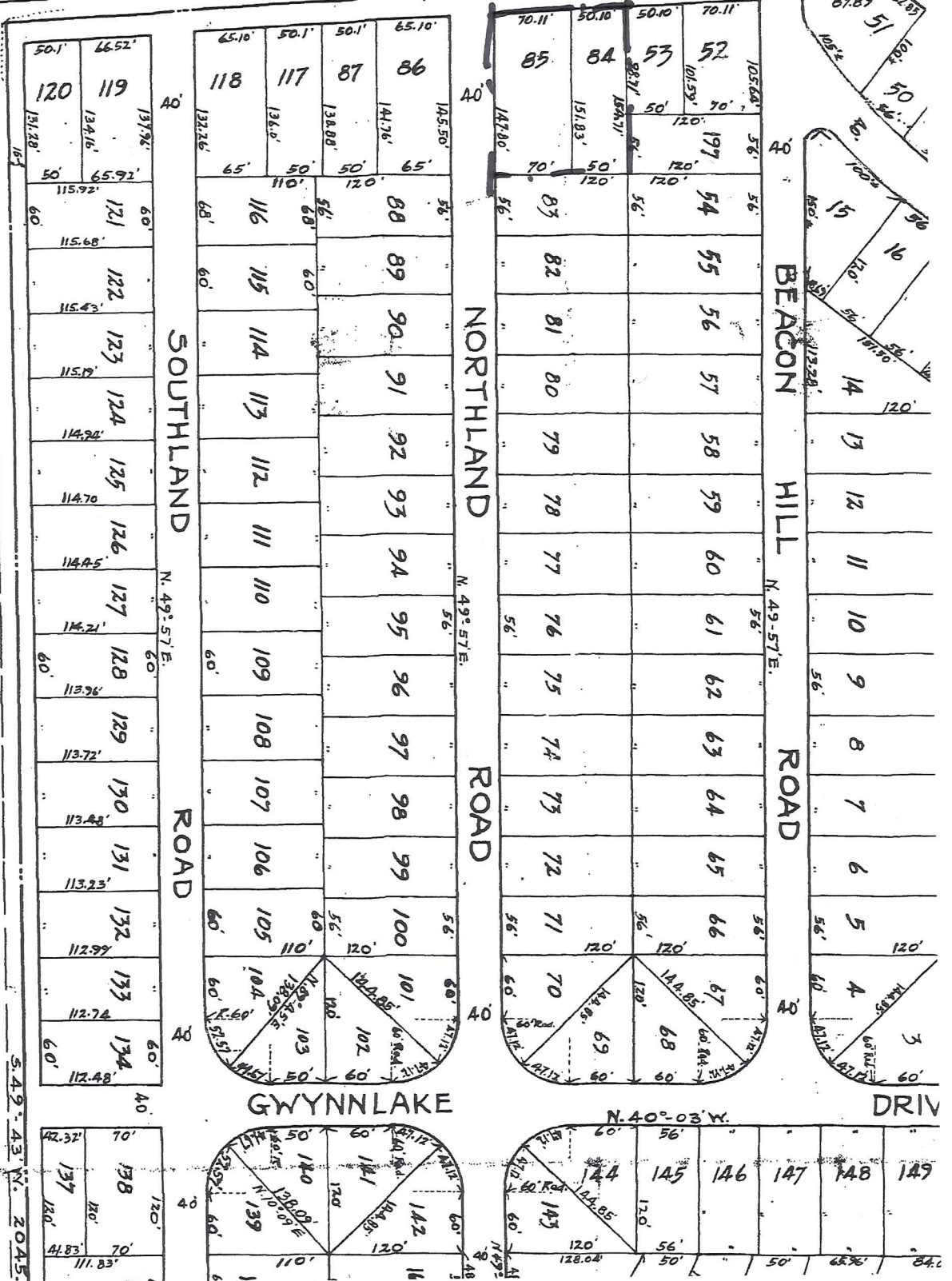
PETITIONER'S

EXHIBIT NO.

2

FOR MILL

N. 43° 21' W. 786.70'



2019-0481-A

Gwynn



| LEGEND                  |   |
|-------------------------|---|
| EX. STORM DRAIN INLET   | □ |
| EX. CONCRETE            | ▨ |
| EX. GAS VALVE           | ⋈ |
| EX. WATER VALVE         | ⋈ |
| EX. SEWER MANHOLE       | ⊙ |
| EX. WATER METER         | ⊙ |
| EX. STORM DRAIN MANHOLE | ⊙ |

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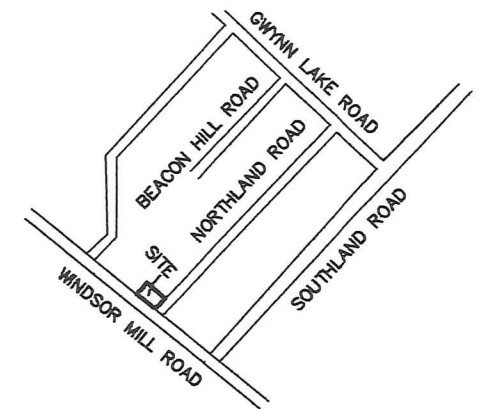
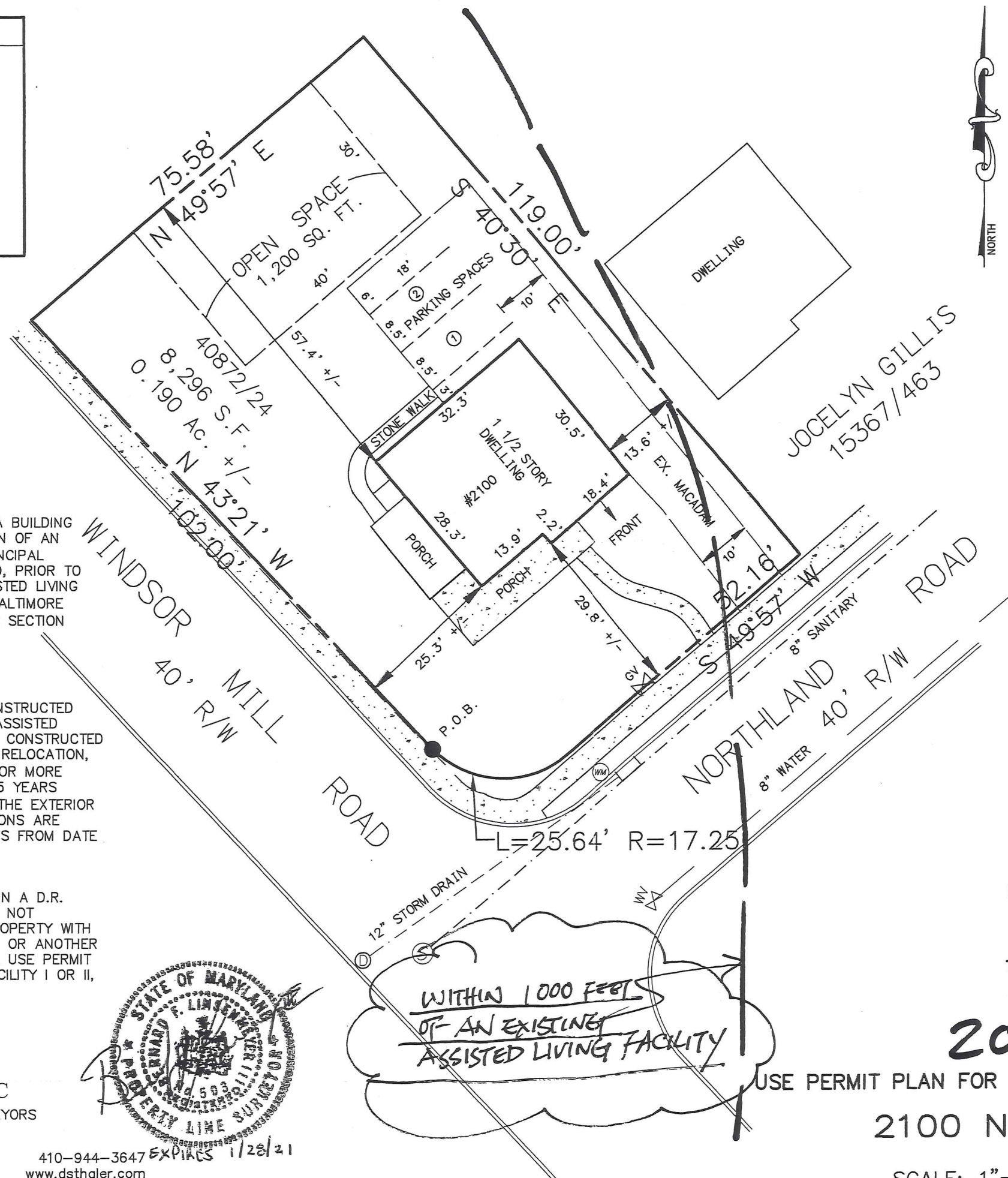
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