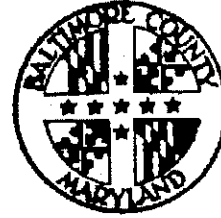


# USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 2 day of November, 2021, that Kimberly Clark located at 9307 Master Derby Dr. 21133 should be and the

(Individual or business name)  
(Street address)

same is hereby granted permission to operate a: an Assisted Living facility for 4 beds

Assisted Living Facility I

210997  
Permit (or Receipt) Number

C.P.R.  
Director, Permits, Approvals and Inspections

Planner's Initials GH

INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM

LP-2021-0010-AL

TO: Office of Planning, Development Review Office  
Attention: ALF REVIEWER  
Jefferson Building  
105 W. Chesapeake Avenue, Room 101  
Towson, MD 21204  
M.S. 3402

ALF Address 9307 MASTER DERBY DRIVE  
Permit No. (if required) B \_\_\_\_\_  
Intake Planner's Name JASON SEIDELMAN  
Filing Date 7, 9, 21

FROM: Department of Permits, Approvals and Inspections  
Zoning Review Office  
M.S. 1105

RE: Assisted Living Facility I or II

This office is requesting recommendations and comments from the Office of Planning prior to Zoning Review Office's approval of a building/use permit.

A. MINIMUM APPLICANT SUPPLIED COMPATABILITY / APPEARANCE INFORMATION (As Required under A and B below):

KIMBERLY DORSEY 9307 MASTER DERBY DRIVE 410-517-9197  
Print Name of Applicant Applicant Address Telephone Number Email Address  
ALF Lot Address 9307 MASTER DERBY DRIVE Election District 2 Councilmanic District 4 Sq. Ft. of Lot 3,333  
Lot Location: NE SW side corner of PIKESWOOD DRIVE, 100 feet from NE SW corner of PIKESWOOD DRIVE (street)  
Land Owner: KIMBERLY DORSEY 10 Digit Tax Account Number 2500208803  
Address: 9307 MASTER DERBY DRIVE (410) 517-9197 SEE ABOVE  
RANDALLSTOWN MD 21133 Telephone Number Email Address

B. APPLICANT MUST PROVIDE THE FOLLOWING ITEMS (1 THROUGH 7) BELOW:  
(to be submitted by applicant for required compatibility and/or appearance review by the Office of Planning)

Intake Planner to confirm information acceptance by marking X below:

	YES	NO.
1. This Completed Recommendation Form (3 copies) .....	✓	—
2. Building Permit Application or Copy (if available) .....	—	X
3. Site Plan (See Zoning Use Permit Checklist on Page 2 for Requirements): Property (3 copies): Including lot size and square feet of buildings, parking and open space -- 10% lot area .....	✓	—
Statement of Compliance with Checklist Note 5.A .....	✓	—
Statement of Compliance with Checklist Note 6 regarding the 1000 foot proximity requirement of Section 432.1.A.3, BCZR .....	✓	—
Statement of Compliance with Checklist Note 10 regarding automatic sprinkler system requirement of County Building Code (For more information about automatic sprinkler system requirements, you must contact the Building Plans Review Office at 410-887-3987) .....	✓	—
4. Building Elevation Drawings (these may be waived if note 5.A. from the Zoning Use Permit Checklist can be stated on the plans) .....	—	—
5. Photographs (please label all photos clearly) Show the Adjoining Buildings, the Proposed Building, and the Surrounding Neighborhood .....	✓	—
6. Applicant Confirms compliance with 1000 foot proximity requirement of section 432.1.A.3, BCZR .....	✓	—
7. Applicant Confirms that Building Plans Review Office was contacted regarding automatic sprinkler system requirements Building Plans Review Office can be reached at 410-887-3987 .....	✓	—
8. Current Zoning Classification: <u>ORA</u>	—	—

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

Approval  Disapproval  Approval conditioned on required modifications of the application and/or site plan to conform with the following Comments below (or attached):

Signed by: BMW Williams  
for the Director, Office of Planning

RECEIVED  
JUL 13 2021

Date: 8/20/21

## Site Information

1. Ownership: Kimberly Dorsey & Mattie M. White  
9307 Master Derby Drive Randallstown, MD 21133  
410-517-9197
2. Address: 9307 Master Derby Drive
3. Deed references: JLE 34616/ 141 Lot 122 PB 79/200
4. Area: 3,333 sq. ft. (per SDAT)
5. Tax Map / Parcel / Tax account #: 76 / 420 / 25-00-008803
6. Election District: 2 Councilmanic District: 4  
ADC Map: 4696A1 GIS tile / Zoning Map: 076C1 Position sheet: 28NW37  
Census tract: 402504 Census block: 240054025041006  
Schools: Hernwood ES Deer Park MS Randallstown HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 076C1 and the information provided by Baltimore County on the internet.
8. Improvements: 3 story town house dwelling & driveway. The existing dwelling and driveway will remain unchanged.

## Zoning

Zoning: OR 2 There have been no previous zoning cases for the subject lot.

## Parking Calculations

Required parking spaces: 1 space for each 3 beds= 2 parking spaces (based on 4 beds proposed)

Parking spaces provided on site: 2

The proposed parking is more than 10' from the property line.

## OR 2 Setbacks for Residential Buildings

Front: 15 feet from the street right of way or property line

Side: 0 feet from property line

## Density Calculations

1-4 beds = No density required (3 beds requested)

Local Open Space Required

0.10 x lot area (3,333 sq. ft.) = 333 sq. ft.

### Building Requirements

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

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.

### Facility Location

The applicant is aware & certifies that in a DR 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 assistant living facility I or II, pursuant to Section 432.1.A.3 BCZR.

### Existing Floor Areas:

First Floor: 760 sq. ft. (2 bedrooms / 1 bathroom)

Second Floor: 760 sq. ft. (4 bedrooms / 3 bathrooms)

Total: 1520 sq. ft.

Basement for living and garage: 760 sq. ft. (garage 195 sq. Ft.)

Signs: Signs shall comply with Section 450 BCZR

### Environmental

Watershed: Patapsco River URDL land type: 1

1. The existing dwelling is served by public water and sewer
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

### Planning

Regional Planning District: Randallstown District Code: 312

1. The subject dwelling is not historic. The subject property is not in a historic district.



JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
MAUREEN E. MURPHY  
*Administrative Law Judge*

October 12, 2021

Kimberly Clark  
Mattie White – [Kimberly.dorsey01@gmail.com](mailto:Kimberly.dorsey01@gmail.com)

RE: Petition for Variance  
Case No. 2021-0200-A  
Property: 9307 Master Derby Road

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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 that reads "Paul M. Mayhew".

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlm  
Enclosure  
c: Bruce E. Doak – [bdoak@brucedoakconsulting.com](mailto:bdoak@brucedoakconsulting.com)

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
<b>(9307 Master Derby Drive)</b>	*	OFFICE OF ADMINISTRATIVE
2nd Election District	*	HEARINGS OF
4th Council District	*	BALTIMORE COUNTY
Kimberly Dorsey and Mattie White	*	CASE NO: 2021-0200-A
Legal Owners		
<b>Petitioners</b>		

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the Petitioners, Kimberly Dorey and Mattie White for property located at 9307 Master Derby Drive. The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) 409.6.A.1 and 432A.1.C.2 to permit 2 usable off-street parking spaces in lieu of the required 3 parking spaces and to permit the parking and delivery areas to be located in the front yard in lieu of the required side and rear yard only.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) they did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There were no protestants or interested citizens that appeared at the hearing.

The Petitioner, Kimberly Clark, appeared at the hearing. Bruce E. Doak of Bruce E. Doak Consulting appeared and assisted the Petitioners. The subject property is approximately 3,333 sq. ft. and is zoned OR 2. Mr. Doak explained the site plan and the need for the variance relief.

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 site is unique in that it is a long narrow end unit townhouse lot. Mr. Doak explained that there is actually a third parking space in the ground level garage of the dwelling so that the two space variance is actually a technicality. Further, there is no feasible access to the rear or side yards, which necessitates this aspect of the variance relief. I find that the Petitioners would suffer practical difficulty and hardship if the variances were denied because they would be unable to operate the proposed Assisted Living Facility. I further find that the variances can be granted within the spirit and intent of the BCZR and without harming the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this 12<sup>th</sup> day of **October 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 409.6.A.1 and 432A.1.C.2 to permit 2 usable off-street parking spaces in lieu of the required 3 parking spaces and to permit the parking and delivery areas to be located in the front yard in lieu of the required side and rear yard only is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

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



---

PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM/dlm

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE MEMORANDUM**

**TO:** C. Pete Gutwald  
Director, Department of Permits, Approvals and Inspections

**DATE:** 8/17/2021

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 21-0200

**INFORMATION:**

**Property Address:** 9307 Master Derby Drive  
**Petitioners:** Kimberly Dorsey & Mattie M. White  
**Zoning:** OR 2  
**Requested Action:** Variance

The Department of Planning has reviewed the request for a Variance under Section 409.6.A.1 of the BCZR to permit two usable off-street parking spaces in lieu of the required three parking spaces and Section 432.A.1.C.2 to permit parking and delivery areas to be located in the front yard in lieu of the required side and rear yards only.

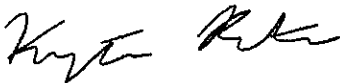
The site is located in the Randallstown area. The applicant has also submitted an application to utilize the property as an assisted living facility for a maximum of four beds. The property is located in a townhome neighborhood. The property has an internal single car garage and a concrete driveway parking pad and appears to be in a good condition.

The Department has no objection granting the zoning petition request conditioned upon:

1. Provide a compatibility finding pursuant to Section 32-4-402 of the Baltimore County Code
2. The exterior of the existing dwelling shall not be altered.
3. No signs that identify the property as an Assisted living Facility shall be erected on the premises
4. The outdoor areas of the property shall be properly maintained (i.e., no litter, debris or tall grass)

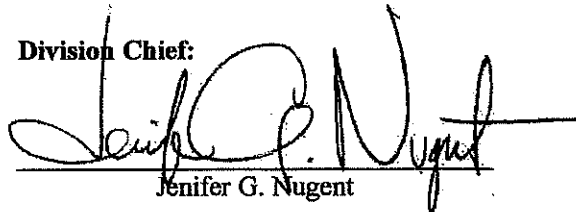
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

Adjoining Buildings



Surrounding neighborhood



Proposed Building



