



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 10, 2025

Traci R. Scudder, Esquire
Law Office of Traci R. Scudder, LLC
4200 Parliament Place, Suite 220
Lanham, Maryland 20706

Diana Khan, Esquire
DK Law Group
10451 Mill Run Circle #755
Owings Mills, Maryland 21117

RE: In the Matter of: *Melissa McKenzie*
Case No.: UP-23-005-AL

Dear Counsel:

Enclosed please find a copy of the Ruling on Motion for Reconsideration 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
Executive Secretary

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: See Distribution List following

In the matter of: Melissa McKenzie

Case No.: UP-23-005-AL

June 10, 2025

Distribution List

Melissa McKenzie
Bill Molyneaux
Denny Yarbrough
William and Amy Wheeler
Eric and Tammy Dye
The Rev. Chris McCloud and Janet Hager
Rodney and Sharon Johnson
Arthur and Judy Pulket
Michael Chirico
Andrew Barrows
Lisa Ellis
Grace Ellis
Liam Dugan
Caroline Bomgardner
Vinkrant and Alexandra Puri
Mark Regala
Carla Dean
June Chlan
Leah Warble
Amy and Jeff Blizzard
Carolyn Moss
Dominic Mosley
Adam Schindler
TaAndrea Skipwith
Marie Hand
Office of People's Counsel
Jeffrey Perlow, Supervisor, Office of Zoning Review
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF
MELISSA MCKENZIE
4026 Silvage Road
(Application for Use Permit)

11th Election District
5th Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: UP-23-005-AL

* * * * *

RULING ON MOTION FOR RECONSIDERATION

This matter comes before the Board of Appeals for Baltimore County (“Board”) on a Motion for Reconsideration filed by Diana Khan, Esquire, counsel for the Protestants in this matter, seeking a reconsideration to the February 13, 2025 Order of the Board in this matter. A Response to the Motion for Reconsideration was filed by Traci R. Scudder, Esquire, counsel for Petitioner.

A public deliberation was held on April 29, 2025, remotely via Webex, at which the Board ruled to deny the Motion for Reconsideration.

Pursuant to Rule 12 of the Board’s Rules of Practice and Procedure, any party may file a motion for reconsideration following the issuance of a decision; however, the filing of such a motion does not entitle the movant to a new hearing or automatic review. It remains entirely within the discretion of the Board to determine whether the motion presents sufficient grounds – such as a material error of fact or law – to justify reopening the matter. In this case, the Board finds that no such grounds exist.

Here, the Protestants assert that the zoning classification for 4026 Silvage Road was changed to R.C. 5 during the pendency of the appeal and that the Board failed to consider this reclassification, thereby rendering its February 13, 2025, decision materially flawed.

In the matter of: Melissa McKenzie
Case No.: UP-23-005-AL

However, the Movants presented no evidence during the appeal hearing to support that a zoning change was either pending or finalized at that time. Nor did they raise the issue of a zoning change in their filings or during oral arguments, despite having knowledge of the rezoning efforts prior to the hearing.

The Board finds that no evidence or documentation was submitted confirming that a zoning reclassification was in effect at the time the Use Permit was granted, or at the time the hearing was held. The permit was issued under the D.R. 3.5 zoning classification and based on the information available to the Board during the proceedings, the legal framework governing the property remained unchanged throughout the appeal.

Accordingly, the Board concludes that the Protestants have not demonstrated a material oversight or a sufficient basis for reconsideration under applicable law or procedure.

ORDER

THEREFORE, IT IS THIS 10th day of June, 2025, by the Board of Appeals of
Baltimore County

ORDERED that the Motion for Reconsideration filed by Diana Khan, Esquire,
counsel for the Protestants is **DENIED**.

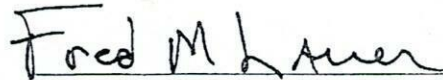
In the matter of: Melissa McKenzie
Case No.: UP-23-005-AL

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*.

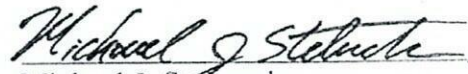
**BOARD OF APPEALS OF
BALTIMORE COUNTY**



Bryan T. Pennington, Panel Chair



Fred M. Lauer



Michael J. Stelmack



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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February 13, 2025

Traci R. Scudder, Esquire
Law Office of Traci R. Scudder, LLC
4200 Parliament Place, Suite 220
Lanham, Maryland 20706

Diana Khan, Esquire
DK Law Group
10451 Mill Run Circle #755
Owings Mills, Maryland 21117

RE: In the Matter of: *Melissa McKenzie*
Case No.: UP-23-005-AL

Dear Counsel:

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

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

Very truly yours,

Krysundra "Sunny" Cannington
Executive Secretary

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: See Distribution List following

In the matter of: Melissa McKenzie

Case No.: UP-23-005-AL

February 13, 2025

Distribution List

Melissa McKenzie
Bill Molyneaux
Denny Yarbrough
William and Amy Wheeler
Eric and Tammy Dye
The Rev. Chris McCloud and Janet Hager
Laurie Jones, POA for Charles McKelvey
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IN THE MATTER OF
MELISSA MCKENZIE
4026 Silvae Road
(Application for Use Permit)

11th Election District
5th Council District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: UP-23-005-AL

* * * * *

OPINION

This case comes before the Board of Appeals for Baltimore County (“Board”) as an appeal of the issuance of a Use Permit to allow an existing one-story brick single family dwelling to be used for an Assisted Living Facility I with a maximum of four (4) beds. Said Use Permit was issued by the Baltimore County Director of the Department of Permits, Approvals and Inspections on March 12, 2024. An appeal was filed by Appellants, Bill Molyneaux, Denny Yarbrough, William and Amy Wheeler, Eric and Tammy Dye, The Reverend Chris McCloud, Janet Hager, Laurie Jones as POA for Charles McKelvey, Rodney and Sharon Johnson, Arthur and Judy Pulket, Michael Chirico, Andrew Barrows, Lisa Ellis, Grace Ellis, Liam Dugan, Caroline Bomgardner, Vinkrant and Alexandra Puri, Mark Regala, Carla Dean, June Chlan, Leah Warble, Amy and Jeff Blizzard, Carolyn Moss, Dominic Mosley, Adam Schindler, TaAndra Skipwith, and Marie Head, (“Appellants”) on April 3, 2024.

A *de novo* hearing was held before this Board on September 25, 2024. Petitioner, Melissa McKenzie was represented by Traci R. Scudder, Esquire. The Appellants were represented by Diana Khan, Esquire. After receiving closing memoranda from counsel, the public deliberation was held remotely on November 13, 2024.

MOTION TO DISMISS

Prior to the scheduled hearing on this matter, Petitioner filed a Motion to Dismiss Appeal. At the beginning of the hearing, Petitioner and Appellant made oral arguments in support of their petitions. The Board held ruling on the Motion *Sub Curia*.

The Petitioner argued that the appeal should be dismissed for three main reasons:

Ripeness – The appeal is premature because no formal decision regarding the use permit was issued by the Director of the Department of Permits, Approvals, and Inspections (“PAI”). The Appellants are challenging a planner’s review, which does not constitute an appealable decision.

Lack of Standing – The Appellants were not parties to the original use permit application and, under the Baltimore County Code, non-applicants do not have the right to appeal the issuance of a use permit. Prior Board decisions have consistently upheld this interpretation.

Failure to Demonstrate Aggrievement – To have standing, Appellants must show they are personally and specially affected in a way distinct from the general public. The Petitioners argue that the Appellants have not demonstrated any specific harm resulting from the permit approval and that generalized concerns about the assisted living facility do not meet the legal standard for aggrievement.

Section 500.4 of the Baltimore County Zoning Regulations states as follows:

Issuance of use permits.

In cases in which no building permit is required, any person desiring to use any land for any purpose other than that for which said land is being used at the time of adoption of this Order and Resolution shall make application to the Director of Permits, Approvals and Inspections for a use permit, upon such form as the Director may prescribe. If such use is permissible the Director may issue a use permit, conditioned by other provisions contained in the regulations which shall indicate that it authorizes the particular use applied for.

In this case, a Use Permit was issued on March 13, 2024. Said permit was signed by the Director of Permits, Approvals and Inspections. This is what is prescribed in Baltimore County Zoning Regulations (“BCZR”) §500.4. Additionally, Baltimore County Code (“BCC”) §32-3-401 states in pertinent part:

APPEALS TO THE BOARD OF APPEALS.

(a) In general. A person aggrieved or feeling aggrieved by a decision of the Zoning Commissioner or the Director of Permits, Approvals and Inspections may appeal the decision or order to the Board of Appeals.

This Code section clearly allows a “person aggrieved” or “feeling aggrieved” by a decision of the Director of Permits, Approvals and Inspections to file an appeal to the Board of Appeals. Petitioner has cited a prior Board of Appeals decision wherein the Board granted a Motion to Dismiss Appeal for lack of standing. This case is distinguishable from the instant case. The case cited by Petitioner, Smyth Property; Odessa Development – Ruling of Motion to Dismiss, Case No. CBA-04-143 (2004) dealt with a building permit that was issued. The Baltimore County Code has a separate section dealing with appeals of building permits. Section 35-2-302 (e) expressly deals with building permits. It states, in pertinent part: “An applicant for a building permit may appeal to the County Board of Appeals for review of the denial, revocation, suspension, annulment, or modification of a permit by the Building Engineer by:...” The only person permitted to file an appeal is the applicant for the building permit itself. As stated above, in this case, the statute permits any person “aggrieved” or “feeling aggrieved” to file an appeal. Therefore, the Petitioner’s Motion to Dismiss is hereby denied.

BACKGROUND

The property at issue in this case is located at 4026 Silvage Road, Nottingham, Maryland 21236 (the “Property”). The Property is a single-story brick dwelling built in 1977. It is located

on the corner of Silvage Road and Trepid Road. Silvage Road is a dead-end road with a cul-de-sac. The house is approximately 1,441 square feet and sits on a lot that is approximately 9,825 square feet. There is an existing concrete driveway extending from the street to approximately the beginning of the house. The zoning of the property is D.R. 3.5.

Ms. McKenzie purchased the property in 2023. She subsequently submitted an application for a Use Permit for an Assisted Living Facility I with a maximum of four (4) beds. After submitting all the required documentation and information, and after some modifications, she was ultimately granted the Use Permit. Appellants subsequently filed this appeal.

During the hearing before the Board in this matter, testimony was given by Ms. McKenzie, Mr. Brett Williams, Mr. Jeffrey Perlow and Mr. Michael Chirico.

Ms. McKenzie testified that she purchased her home in 2023. Following the passing of her father in an assisted living facility, she was inspired to open an assisted living facility of her own. To prepare for this endeavor, she completed a six-month course in assisted living management.

The property she owns is zoned D.R. 3.5, which permits an assisted living facility with up to four beds. She intends to operate the facility for residents aged 65 and older.

Ms. McKenzie testified that she reviewed the requirements necessary to establish the facility. According to regulations, she would need one parking space per three beds, rounded up to two parking spaces. These spaces must be located in the side or rear yard of the property. Initially, Ms. McKenzie applied for a variance due to the lack of an existing driveway leading to the side or rear yard. However, after further consideration, she withdrew her variance application and committed to installing a driveway to comply with the parking requirements.

Ms. McKenzie also described the process of applying for the use permit. She collaborated with the County to meet all checklist requirements for an Assisted Living Facility use permit. (Petitioner's Exhibit 1). After ensuring compliance with all items on the checklist, the use permit was granted.

Before submitting her application, Ms. McKenzie engaged in neighborhood outreach to clarify her intentions. She distributed flyers and hosted a question-and-answer session. Despite her efforts, some community members expressed concerns, fearing that the facility might attract undesirable individuals such as drug addicts or pedophiles.

Ms. McKenzie further testified that, even after obtaining county approval for the use permit, she must secure approval from the State of Maryland. Additionally, she will need to apply for a change of occupancy permit with the County.

At the facility, Ms. McKenzie plans to provide daily activities, prepare meals, accompany residents to appointments, and organize excursions. She confirmed that there would be no signage on the property indicating its use as an assisted living facility.

Brett Williams, a Planner II with the Department of Planning for eleven years, testified regarding his review of Ms. McKenzie's application. He explained that his role involved ensuring that the application met the requirements outlined in the Baltimore County Code for an Assisted Living Facility I. One of the first requirements he reviewed was the 1,000-foot restriction, which prohibits an Assisted Living Facility I or II from being located within 1,000 feet of another property with a similar facility. He confirmed that Ms. McKenzie's application complied with this restriction.

Mr. Williams also reviewed Ms. McKenzie's submission of photo montages of the neighborhood. Additionally, he reviewed the Compatibility Study submitted by Petitioner, which

is required to evaluate compatibility under BCC §32-4-402. He testified that Ms. McKenzie's compatibility finding satisfied the objectives listed in the statute. Additionally, he examined the parking requirements outlined in BCZR §432A.1. He confirmed that Ms. McKenzie met these requirements by proposing to install a driveway that would provide the necessary parking spaces in the side or rear yard. He also confirmed that Ms. McKenzie was not erecting any signage on the property.

In his testimony, Mr. Williams affirmed that Ms. McKenzie met all the requirements to obtain the use permit. On cross-examination, he stated that he did not speak directly to members of the community about the approval of the use permit. However, he reviewed the application to ensure that the compatibility objectives were met. Regarding traffic concerns, he opined that the proposed facility would have a minimal impact on neighborhood traffic.

Jeffrey Perlow, the Zoning Supervisor for the Department of Permits, Approvals, and Inspections, testified about his department's role in reviewing Ms. McKenzie's use permit application. Mr. Perlow has served as the zoning supervisor for four years and is responsible for overseeing the review process for use permits.

Mr. Perlow explained that a traffic study is not required for an Assisted Living Facility I under current regulations. However, he noted that traffic concerns could arise at a later stage when Ms. McKenzie applies for a change of occupancy permit. His department also reviewed the application to ensure compliance with the 1,000-foot proximity restriction, confirming that the proposed facility meets this requirement. Additionally, he testified that the parking plan, which includes the installation of a driveway to provide the required spaces in the side or rear yard, was consistent with the statute.

Mr. Perlow's testimony emphasized that all necessary criteria for the use permit were satisfied, and he confirmed that his department's review process found no violations or issues with the application.

Mr. Michael Chirico, a neighborhood resident, testified in opposition to the application. He expressed concerns about the number of individuals living in a small house and stated that Ms. McKenzie did not approach him directly to discuss her plans.

Mr. Chirico also noted the presence of a large assisted living facility located just outside the 1,000-foot radius and expressed concerns that the use permit approval process was rushed. He advocated for a mechanism allowing the community to relay concerns before such approvals are granted.

After Mr. Chirico's testimony, Counsel for Appellants made a proffer that all of the other listed Appellants would essentially testify to the same issues as Mr. Chirico. Without objection from counsel for the Petitioner, the Board accepted the proffer.

DISCUSSION

The Baltimore County Zoning Regulations ("BCZR") §101.1 defines an Assisted Living Facility I as follows:

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

A. ASSISTED-LIVING FACILITY I — An assisted-living program which:

1. Is located in a structure which was built at least five years before the date of application;
2. Was not enlarged by 25 percent or more of ground floor area within the five years before the date of application; and
3. Which accommodates fewer than eight resident clients.

BCZR §432A.1 deals with the permitted zones and conditions for use of an Assisted Living Facility. It states as follows:

§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.
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.
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.

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.
- E. An assisted-living facility located in a County historic district is also subject to review by the Landmarks Preservation Commission in the same manner as other buildings located in a historic district.
- F. Assisted-living facilities and housing for the elderly are permitted by right within the boundaries of a state-designated transit-oriented development in the C.T. District of Owings Mills and not subject to any of the requirements contained in this section.

Based on the evidence presented and the applicable Baltimore County Zoning Regulations, the Board finds that the Petitioner has satisfied all requirements for the issuance of a Use Permit for an Assisted Living Facility I at the subject property.

Pursuant to BCZR §101.1, an Assisted Living Facility I must be located in a structure built at least five years before the date of application, must not have been enlarged by 25 percent or more of its ground floor area within the five years preceding the application, and must accommodate fewer than eight residents. The subject property, a single-story brick dwelling built in 1977, meets these requirements, as it has not undergone substantial enlargement and is proposed to accommodate only four residents. (*See Petitioner's Revised Site Plan*).

Further, BCZR §432A.1(A) provides that an Assisted Living Facility I is permitted in a D.R. Zone by use permit, subject to compliance with specific conditions, including the 1,000-foot proximity restriction in §432A.1(A)(3). Testimony from Planner, Brett Williams, and Zoning Supervisor, Jeffrey Perlow, confirmed that there are no existing assisted living facilities within 1,000 feet of the subject property. This ensures compliance with the statutory distance

requirement, which aims to prevent an excessive concentration of such facilities in residential neighborhoods.

Compatibility with the surrounding area is a key consideration under BCC §32-4-402, which requires a compatibility study for Assisted Living Facilities in residential zones. The purpose of this provision is to assess the potential impact of the proposed use on the character of the neighborhood, property values, and overall community welfare. Petitioner submitted a compatibility study, which was reviewed and approved by the Department of Planning. (Petitioner's Exhibit 1). Mr. Williams testified that the study demonstrated compliance with the compatibility objectives, finding that the small-scale nature of the facility aligns with the residential character of the area.

Parking and signage regulations further ensure that the facility integrates appropriately into the neighborhood. BCZR §432A.1(C) mandates one off-street parking space per three beds, rounded up, and requires that parking be located in the side or rear yard. Initially, Petitioner sought a variance due to existing driveway limitations but later withdrew the request, opting instead to construct a compliant parking area. Mr. Williams and Mr. Perlow testified that the revised plan satisfies all applicable parking requirements. Additionally, BCZR §432A.1(B) restricts signage for Assisted Living Facilities, prohibiting displays visible from the exterior. Petitioner has confirmed that no signage will be installed, ensuring compliance with this requirement.

Although Appellants expressed concerns regarding traffic impact and potential changes to neighborhood dynamics, the Board finds that such concerns are speculative and not supported by the evidence. Traffic studies are not required for an Assisted Living Facility I, as confirmed by Mr. Perlow. The small scale of the facility, with a maximum of four residents, is unlikely to

generate significant traffic volume. Additionally, the use of the property for assisted living, as defined in the BCZR, does not introduce an inherently disruptive element inconsistent with existing residential uses.

Appellants also argued that the lot does not have the required density. They argue that density for an Assisted Living Facility I requires a density calculation using a factor of 0.25 for each bed. This is a misreading of BCZR §101.1. This section requires a density of 0.25 for each bed for a facility in which residents have their own personal kitchen intended for the daily preparation of meals by or for that resident. This is not the case here. The residents in the proposed Assisted Living Facility I will not have their own kitchen. In the checklist provided by Baltimore County for Assisted Living Facility Class I, the required density calculations are provided. In a D.R. 3.5 zone, there is no minimum density requirement for a facility with 4 or less beds. (Petitioner's Exhibit 1).

The Board acknowledges Appellants' concerns regarding the approval process but finds that the Petitioner has fully complied with all procedural and substantive requirements under the BCZR. The issuance of the Use Permit by the Department of Permits, Approvals, and Inspections was appropriate, as the application met all zoning and land use criteria. Further, Petitioner must still obtain state licensure and a change of occupancy permit, providing additional layers of regulatory oversight.

CONCLUSION

The Board concludes that Petitioner has satisfied all statutory and regulatory conditions for the issuance of a Use Permit for an Assisted Living Facility I at the subject property. Therefore, the requested Use Permit is **GRANTED**.

ORDER

THEREFORE, IT IS THIS 13th day of February, 2025, by the Board of Appeals of Baltimore County, it is:

ORDERED that the Petitioner's Motion to Dismiss, be and is hereby **DENIED**; and it is further

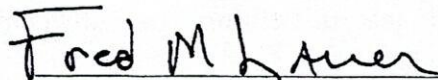
ORDERED that the Application for Use Permit to allow an Assisted Living Facility I with a maximum of four (4) beds, be and is hereby **GRANTED**.

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

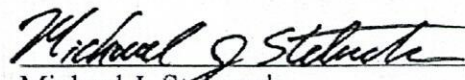
**BOARD OF APPEALS OF
BALTIMORE COUNTY**



Bryan T. Pennington, Panel Chair



Fred M. Lauer



Michael J. Stelmack

Rec'd
4/3/24

April 2, 2024

Hand-delivered

C. Pete Gutwald, Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 103
Towson, MD 21204

Re: APPEAL OF USE PERMIT
(Property Address: 4026 Silvage Road)
(11th Election & 5th Councilmanic Districts)
(Applicant's Name: Ms. Melissa McKenzie)
Use Permit no.: UP-2023-0005-AL

Dear Director Gutwald:

Please enter an appeal. We have no Community Association, however, Mr. Bill Molyneaux is filing the appeal on behalf of the neighborhood/community to the County Board of Appeals from the Opinion and Order of Use Permit # UP-2023-0005-AL issued for property located at 4026 Silvage Road, Nottingham, MD 21236.

Enclosed is our check in the amount of \$300.00 for the appeal fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

This appeal is based on a number of factors:

1. At the Planning Board public hearing on February 22, 2024, we were informed that there would be no decisions made until another public hearing was scheduled later in the year (approx. June). While we understand that Ms. McKenzie changed her original application, she was given full approval of her amended application without notification to our community less than three weeks after the February hearing. Several members of our community made statements at the hearing, so it was clear that there was opposition to the proposed plan for an Assisted Living Facility (ALF). Considering the opposition, we are unclear why we weren't given an opportunity to be notified of the Zoning Board's plan to meet to review the amended proposal. There is something very wrong with this process.
2. There doesn't seem to be any oversight of the proposed ALF from governing agencies. How does one operate a facility for individuals in need without any indication of whether the residence can actually support care giving?
 - a. The residence has two bathrooms on the main floor. How is this acceptable to have several non-related individuals utilizing bathrooms intended for private, residential living? This assumes that Ms. McKenzie and her family members will also be living in the home as well. It's difficult to imagine that this is considered appropriate for individuals being cared for.
 - b. Are there no additional fire safety requirements required?
3. One of the neighborhood school bus stops is right at the corner of Silvage and Trepid – directly in front of 4026 Silvage Road. Not only are children waiting on the corner for the bus, but the bus must make an awkward three-point turn. It should be noted that there is no other way for the bus to safely navigate Kahlston, Silvage or Trepid Roads without either backing in from one of the roads or making the three-point turn. Kahlston dead ends and

Trepid and Silvage dead-end into cul-de-sacs. It is already difficult for the bus drivers to navigate. Adding additional traffic to an already small street is problematic. Also, there is no sidewalk for the children to walk on from Kahlston down part of Trepid safely.

4. The proposed ALF seems off. Ms. McKenzie spoke of ensuring 24-hour security and that the residents have the right to be someplace that is quiet and peaceful. This "feels" like something other than the traditional ALF for the care of inform and/or elderly individuals. We should be informed if this will actually be a residence for individuals seeking residential substance abuse rehabilitation.
5. There is high potential for all of our property values to be negatively impacted by allowing this residential program, to operate.
6. The initial delivery of bedding materials which were delivered to 4026 Silvage Road (which was videoed last week) blocked our vehicles' access to people who live on Trepid and Silvage Roads for a period of time. This is just one example of what will happen in the future to our community.
7. There has been no indication of the type of individuals that may move into the facility (i.e. homeless, addiction recovery patients, sex offenders, etc.)
8. The "Compatibility Finding" submitted with the application has numerous erroneous statements or claims.
9. Will the facility be licensed and inspected by Baltimore County Health Department?
10. Why is 24-hour security necessary?
11. The Melcare ALF flyer delivered throughout the community on March 27, 2024, has left the community with more questions than answers. The main concern is, will this facility be operated as a private residence or a commercial operation?

It is important to have places for people to rehabilitate in whatever manner they need. However, a program situated deep in a small community such as ours is simply not appropriate, nor does it feel safe for the community at large.

Very truly,



Bill Molyneaux
4021 Silvage Road
Nottingham, MD 21236
717-752-6029

cc: as listed on the attached signature pages.

County Board of Appeals
105 West Chesapeake Ave, Suite 203
Towson, MD 21204
appealsboard@baltimorecountymd.gov

Councilman David Marks
Old Courthouse, 2nd Floor
400 Washington Avenue
Towson, MD 21204

Jason Seidelman

From: Jeffrey N Perlow
Sent: Friday, March 29, 2024 9:30 AM
To: Jason Seidelman
Subject: FW: Appeal letter 4026 Silvage rd.

FYI

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Friday, March 29, 2024 6:45 AM
To: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; David Marks <dmarks@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>; Samantha Walters <swalters@baltimorecountymd.gov>; Arthur Pulket <arthurpulket@comcast.net>; Janet Hager <janetmhager@gmail.com>
Subject: Appeal letter 4026 Silvage rd.

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Mr. Gutwald,

On Wednesday April 3rd I and two other residents will be delivering our appeal letter to your office and our check for \$300.00. For the zoning issue of 4026 Silvage rd.

Also with the help now from an attorney under the regulations of permit to operate an Adult Facility not zoning regulations but the permit of operations that the deliveries must be off street which cannot happen at this location.

The entire community is having a final meeting on Tuesday April 2nd for the signatures.

Thank you
Bill Molyneaux
4021 Silvage rd
Nottingham Md
21236
717-752-6029

Jason Seidelman

From: bmolyn6120@aol.com
Sent: Monday, March 25, 2024 9:32 PM
To: Arthur Pulket
Cc: Jeffrey N Perlow; Janet Hager; Rodney Johnson; David Marks; Denny Yarborough; tmhagerjane@gmail.com; Tammy Dye; Laurie Jones; Mitchell Kellman; Peter Gutwald; Jason Seidelman; Kristen L Lewis; Amy Ravera
Subject: Re: Touch base 4026

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Will do

Sent from the all new AOL app for iOS

On Monday, March 25, 2024, 9:31 PM, Arthur Pulket <arthurpulket@comcast.net> wrote:

Bill - can you attach the original copy you prepared. I will try to fill in the blanks and address.
Sent from my iPad

On Mar 25, 2024, at 9:27 PM, bmolyn6120@aol.com wrote:

Hello Mr. Perlow,

Thank you very much for your email.

Bill Molyneaux

Sent from the all new AOL app for iOS

On Monday, March 25, 2024, 9:23 PM, Jeffrey N Perlow <JPerlow@baltimorecountymd.gov> wrote:

Mr. Molyneaux,
There is no security needed at the home. The State licensing department may require on-site monitoring by a professional, but that person would be there to insure the health, safety and welfare of the 4 adults receiving assisted living care, not for any security purposes. There will be no security personnel required or maintained for these adults.
Jeff Perlow

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office

Dept. of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Monday, March 25, 2024 9:11 PM
To: ARTHUR PULKET <arthurpulket@comcast.net>; Janet Hager
<janetmhager@gmail.com>; Rodney Johnson
<rodneyjohnson7@verizon.net>; David Marks
<dmarks@baltimorecountymd.gov>; Denny Yarbrough
<imden@comcast.net>; tmhagerjane@gmail.com; Tammy Dye
<dye9191@verizon.net>; Laurie Jones <ljones@towson.edu>
Cc: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; Jeffrey N
Perlow <JPerlow@baltimorecountymd.gov>
Subject: Touch base 4026

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Neighbors of Silvage rd, Trepid road and zoning officials.

1. We have until April 10th or so as 30 days from date of approval was March 12th. I think it be best if it is delivered on Wednesday the 3rd.
2. We have time to meet at Janet and Chris's home on Tuesday April 2nd sign the appeal and make sure all the Ts are crossed and Is are dotted. 7 pm 3. I have never met Mr. David Marks but I would like to say he has emailed and called my wife and I several times about this issue and I thank him very much for all he is trying to do to for our community.
4. The lawyer I talked to said having the letter hand delivered may be safer.
5. I think we could have a lot of signatures and we need full address too. I now have over 20 people on three streets getting involved.
6. I had one neighbor whose daughter is a reporter at news 11 and she may come to the meeting as a news story too.
7. It is sad that the zoning officials refuse to answer our concerns like why security is needed at the home?

Thank you
Bill Molyneaux
4021 Silvage rd
Nottingham, md
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717-752-6029

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[<https://www.youtube.com/user/BaltimoreCounty>](https://www.youtube.com/user/BaltimoreCounty) [<https://www.baltimorecountymd.gov/sebin/l/y/social-icon-flickr.png>]
[<https://www.flickr.com/photos/baltimorecounty>](https://www.flickr.com/photos/baltimorecounty) [<https://www.baltimorecountymd.gov/sebin/t/q/social-icon-linkedin.png>]
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www.baltimorecountymd.gov[<https://www.baltimorecountymd.gov>](https://www.baltimorecountymd.gov)

Jason Seidelman

From: Jeffrey N Perlow
Sent: Monday, March 25, 2024 9:13 PM
To: Janet Hager
Cc: David Marks; Peter Gutwald; Mitchell Kellman; Jason Seidelman; Kristen L Lewis; Amy Ravera
Subject: RE: FW: ALF - 4026 Silvage Road, UP-2023-0005-AL

Ms. Hager,
4 beds means 4 individuals, not 8 individuals because they are using 8 bunk beds. In addition to a zoning use permit that will state a maximum of 4 beds, their Maryland State license will state the number of beds as well. In addition, the inspection by the State Fire Marshall will also verify and confirm the number of beds. If the number of beds is expanded illegally without County or Maryland State approval, there are potential County and State penalties/fines and potential revocation of the County and State permits.
Jeff Perlow

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

From: Janet Hager <janetmhager@gmail.com>
Sent: Monday, March 25, 2024 12:50 PM
To: Mitchell Kellman <mjkellman@baltimorecountymd.gov>
Cc: David Marks <dmarks@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>
Subject: Re: FW: ALF - 4026 Silvage Road, UP-2023-0005-AL

CAUTION: This message from janetmhager@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.

Mr. Kellerman:

Thank you for your response. There is a follow up question to this. She states that there are 4 beds. Does this mean that its 4 individuals? Can it be bunk beds? What are the measures to prevent the owner from changing the type of facility and the number of beds after the 30 days.

The latest submission change and the fact that no notification was necessary has left the neighborhood very disappointed and distrustful that this change in business plan is permanent and would leave us with no recourse.

Janet

On Mon, Mar 25, 2024 at 11:49 AM Mitchell Kellman <mjkellman@baltimorecountymd.gov> wrote:

Ms. Hager,

Please see the attached documents. If an applicant meets the guidelines pursuant to Council Bills 19-04, 32-06, and 45-17, said applicant

may be issued a use permit which was done for this case and property. Please see the attached documents. We will also be forwarding

you the checklist that points out the items required for Zoning Office process and review. Thank you,

Mitch

Mitchell J. Kellman

Planner III

Baltimore County Zoning Review Office

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www.baltimorecountymd.gov

Jason Seidelman

From: Arthur Pulket <arthurpulket@comcast.net>
Sent: Monday, March 25, 2024 9:31 PM
To: bmolyn6120@aol.com
Cc: Jeffrey N Perlow; Janet Hager; Rodney Johnson; David Marks; Denny Yarbrough; tmhagerjane@gmail.com; Tammy Dye; Laurie Jones; Mitchell Kellman; Peter Gutwald; Jason Seidelman; Kristen L Lewis; Amy Ravera
Subject: Re: Touch base 4026

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

Bill - can you attach the original copy you prepared. I will try to fill in the blanks and address.
Sent from my iPad

On Mar 25, 2024, at 9:27 PM, bmolyn6120@aol.com wrote:

Hello Mr. Perlow,

Thank you very much for your email.

Bill Molyneaux

Sent from the all new AOL app for iOS

On Monday, March 25, 2024, 9:23 PM, Jeffrey N Perlow <JPerlow@baltimorecountymd.gov> wrote:

Mr. Molyneaux,

There is no security needed at the home. The State licensing department may require on-site monitoring by a professional, but that person would be there to insure the health, safety and welfare of the 4 adults receiving assisted living care, not for any security purposes. There will be no security personnel required or maintained for these adults.

Jeff Perlow

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>

Sent: Monday, March 25, 2024 9:11 PM

To: ARTHUR PULKET <arthurpulket@comcast.net>; Janet Hager <janetmhager@gmail.com>; Rodney Johnson <rodneyjohnson7@verizon.net>; David Marks <dmarks@baltimorecountymd.gov>; Denny Yarbrough <imden@comcast.net>; tmhagerjane@gmail.com; Tammy Dye <dye9191@verizon.net>; Laurie Jones <ljones@towson.edu>
Cc: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Touch base 4026

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Neighbors of Silvage rd, Trepid road and zoning officials.

1. We have until April 10th or so as 30 days from date of approval was March 12th. I think it be best if it is delivered on Wednesday the 3rd.
2. We have time to meet at Janet and Chris's home on Tuesday April 2nd sign the appeal and make sure all the Ts are crossed and Is are dotted. 7 pm 3. I have never met Mr. David Marks but I would like to say he has emailed and called my wife and I several times about this issue and I thank him very much for all he is trying to do to for our community.
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6. I had one neighbor whose daughter is a reporter at news 11 and she may come to the meeting as a news story too.
7. It is sad that the zoning officials refuse to answer our concerns like why security is needed at the home?

Thank you
Bill Molyneaux
4021 Silvage rd
Nottingham, md
21236
717-752-6029

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<<https://www.linkedin.com/company/baltimore-county-government>>
www.baltimorecountymd.gov<<https://www.baltimorecountymd.gov>
>

Jason Seidelman

From: bmolyn6120@aol.com
Sent: Monday, March 25, 2024 9:27 PM
To: Jeffrey N Perlow; ARTHUR PULKET; Janet Hager; Rodney Johnson; David Marks; Denny Yarbrough; tmhagerjane@gmail.com; Tammy Dye; Laurie Jones
Cc: Mitchell Kellman; Peter Gutwald; Jason Seidelman; Kristen L Lewis; Amy Ravera
Subject: Re: Touch base 4026

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Bill Molyneaux

Sent from the all new AOL app for iOS

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Jeff Perlow

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Monday, March 25, 2024 9:11 PM
To: ARTHUR PULKET <arthurpulket@comcast.net>; Janet Hager <janetmhager@gmail.com>; Rodney Johnson <rodneyjohnson7@verizon.net>; David Marks <dmarks@baltimorecountymd.gov>; Denny Yarbrough <imden@comcast.net>; tmhagerjane@gmail.com; Tammy Dye <dye9191@verizon.net>; Laurie Jones <ljones@towson.edu>
Cc: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Touch base 4026

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Hello Neighbors of Silvage rd, Trepid road and zoning officials.

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Thank you
Bill Molyneaux
4021 Silvage rd
Nottingham, md
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www.baltimorecountymd.gov <<https://www.baltimorecountymd.gov>>
>

Jason Seidelman

From: Jeffrey N Perlow
Sent: Monday, March 25, 2024 9:23 PM
To: BILL MOLYNEAUX; ARTHUR PULKET; Janet Hager; Rodney Johnson; David Marks; Denny Yarbrough; tmhagerjane@gmail.com; Tammy Dye; Laurie Jones
Cc: Mitchell Kellman; Peter Gutwald; Jason Seidelman; Kristen L Lewis; Amy Ravera
Subject: RE: Touch base 4026

Mr. Molyneaux,

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Jeff Perlow

Jeffrey Perlow
Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Monday, March 25, 2024 9:11 PM
To: ARTHUR PULKET <arthurpulket@comcast.net>; Janet Hager <janetmhager@gmail.com>; Rodney Johnson <rodneyjohnson7@verizon.net>; David Marks <dmarks@baltimorecountymd.gov>; Denny Yarbrough <imden@comcast.net>; tmhagerjane@gmail.com; Tammy Dye <dye9191@verizon.net>; Laurie Jones <lljones@towson.edu>
Cc: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
Subject: Touch base 4026

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Neighbors of Silavage rd, Trepid road and zoning officials.

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7. It is sad that the zoning officials refuse to answer our concerns like why security is needed at the home?

Thank you
Bill Molyneaux
4021 Silvage rd
Nottingham, md
21236
717-752-6029

Jason Seidelman

From: Jeffrey N Perlow
Sent: Monday, March 25, 2024 3:51 PM
To: Jason Seidelman
Cc: Mitchell Kellman; Peter Gutwald; Kristen L Lewis
Subject: FW: Send in appeal letter 4026 Silvage rd

Jason,
They will be dropping off the appeal check on Wednesday.

Jeffrey Perlow

Zoning Supervisor
Baltimore County Zoning Review Office
Dept. of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 124
Towson, Maryland 21204
410-887-3391
jperlow@baltimorecountymd.gov

From: Janet Hager <janetmhager@gmail.com>
Sent: Monday, March 25, 2024 11:11 AM
To: bmolyn6120@aol.com
Cc: ARTHUR PULKET <arthurpulket@comcast.net>; David Marks <dmarks@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Mitchell Kellman <mjkellman@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>; Samantha Walters <swalters@baltimorecountymd.gov>
Subject: Re: Send in appeal letter 4026 Silvage rd

CAUTION: This message from janetmhager@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.

Mr. Kellerman:

The residents of our community are very concerned with how this approval went through. As I stated in my previous email, this process feels to be purposefully opaque and benefits the applicant and not our neighborhood. It would be appreciated if you could please respond to our questions as soon as possible!

Sincerely,

Janet Hager

On Mon, Mar 25, 2024 at 11:01 AM bmolyn6120@aol.com <bmolyn6120@aol.com> wrote:

Hello,

1. I plan to have it filled out and ready for delivery on Wednesday 27th.
2. Something that has yet to be answered who checks on the property as to how many people are staying at the location and why is security needed on the property now?

3. I talked to an attorney on Friday and she explained to me that the owner can move in Anyone she wants after the 30 days and there is no one to check who she has in the building and there is no one to check on the location if more than four people are staying.

Thank you
Bill Molyneaux

Sent from the all new AOL app for iOS

On Monday, March 25, 2024, 10:52 AM, Mitchell Kellman <mjkellman@baltimorecountymd.gov> wrote:

Bill,

The address you should send the appeal request letter is to:

The Baltimore County Zoning Review Office
c/o Ms. Kristen Lewis
111 West Chesapeake Avenue, Room 124
Towson, MD 21204

The check is made payable to: Baltimore County.

You are going to request an appeal to the approval of Zoning's use permit: UP-2023-0005-AL, for the property located at 4026 Silvae Road.

Please copy Mitchell Kellman, Planner and Jeff Perlow, Zoning Supervisor.

Please let us know if you have further questions and keep in mind that you have 30 days from use permit

approval to appeal. Thank you,
Mitch

Mitchell J. Kellman
Planner III
Baltimore County Zoning Review Office

-----Original Message-----

From: BILL MOLYNEAUX <bmolyn6120@aol.com>

Sent: Sunday, March 24, 2024 6:08 PM

To: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; David Marks <dmarks@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>; Samantha Walters <swalters@baltimorecountymd.gov>; ARTHUR PULKET <arthurpulket@comcast.net>; Janet Hager <janetmhager@gmail.com>

Subject: Send in appeal letter 4026 Silvae rd

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Mr. Mitch Kellman

I am going to mail a letter and the 300.00 for the appeal on the house zoning issue at 4026.

Please send me the address to mail the letter to and who to address it to.

Who do I make the check out to.

What information do I need to put in the letter as to the zoning number etc?

Thank you
Bill Molyneaux
717-752-6029
Sent from my iPad

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<<https://twitter.com/BaltCoGov>> [<https://www.baltimorecountymd.gov/sebin/z/n/social-icon-news.png>]
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<<https://www.youtube.com/user/BaltimoreCounty>> [<https://www.baltimorecountymd.gov/sebin/l/y/social-icon-flickr.png>]
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www.baltimorecountymd.gov <<https://www.baltimorecountymd.gov>>
>

Jeffrey N Perlow

From: bmolyn6120@aol.com
Sent: Thursday, March 14, 2024 3:12 PM
To: Mitchell Kellman; David Marks; Jeffrey N Perlow; Kristen L Lewis; Peter Gutwald; Samantha Walters
Subject: Re: ALF - 4026 Silvae Road, UP-2023-0005-AL

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello

Thank you very much.
I will get all the signatures as needed.

Bill Molyneux

Sent from the all new AOL app for iOS

On Thursday, March 14, 2024, 2:50 PM, Mitchell Kellman <mjkellman@baltimorecountymd.gov> wrote:

Bill,

The \$300 fee has to be paid only once; however, multiple people can send in letters on why they are appealing the Use Permit.

In answer to your second question – we would not like to be interviewed. It is not our normal practice where we volunteer to

interview on a matter such as this. Please note that the applicant applied for a zoning variance which required a zoning hearing. She

made modifications to her plan which eliminated the need for the variance; therefore a variance hearing was no longer required.

Use Permits for certain assisted living facilities can be approved without a hearing if such facility meets the specific requirements

in the Baltimore County Zoning Regulations. Again, a variance hearing for this facility was no longer required. I hope that helps you.

Mitch

Mitchell J. Kellman

Planner III

Baltimore County Zoning Review Office

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Thursday, March 14, 2024 1:31 PM
To: Mitchell Kellman <mjkellman@baltimorecountymd.gov>; David Marks <dmarks@baltimorecountymd.gov>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>; Samantha Walters <swalters@baltimorecountymd.gov>
Subject: Re: ALF - 4026 Silvage Road, UP-2023-0005-AL

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Mr. Kellman,

I met with several neighbors regarding 4026 silvage road.

Does everyone on the street send in a letter and \$300.00 to make the appeal as of right now I think we have 8 separate addresses that are willing to send in appeals and 300.00 each.

Another neighbor is working on channel 11 news as one of the neighbors daughters is a news reporter, would any of you like to be included when we get the TV interview set up as we had been told at the last hearing there would be another hearing and this was just pushed thru with no regard to the bus stop in front of the house and how the bus is required to make a K-turn in the street.

Thank you

Bill Molyneaux

717-752-6029

Sent from my iPad

On Mar 14, 2024, at 9:37 AM, bmolyn6120@aol.com wrote:

Thank you very much!

Bill

Sent from the all new AOL app for iOS

On Thursday, March 14, 2024, 9:21 AM, Mitchell Kellman
<mjkellman@baltimorecountymd.gov> wrote:

Bill,
Please see the attached, This is what we emailed to Councilman Marks.
As you can see, this is approval for just an Assisted Living Facility I and
not a recovery
house. Thanks,
Mitch

Mitchell J. Kellman
Planner III
Baltimore County Zoning Review Office

From: Mitchell Kellman
Sent: Wednesday, March 13, 2024 3:17 PM
To: David Marks <dmarks@baltimorecountymd.gov>
Cc: Samantha Walters <swalters@baltimorecountymd.gov>; Bradley
Lang <blang@baltimorecountymd.gov>; Jeffrey N Perlow
<JPerlow@baltimorecountymd.gov>
Subject: FW: ALF - 4026 Silvage Road, UP-2023-0005-AL

David,
Please see the attached Use Permit (Assisted Living) approval and the
supporting documents.
Please let us know if you have further questions on this. Thanks,
Mitch

Mitchell J. Kellman
Planner III
Baltimore County Zoning Review Office

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Jeffrey N Perlow

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Thursday, March 14, 2024 1:31 PM
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Baltimore County Zoning Review Office

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Sent: Wednesday, March 13, 2024 3:17 PM

To: David Marks <dmarks@baltimorecountymd.gov>

Cc: Samantha Walters <swalters@baltimorecountymd.gov>; Bradley Lang
<blang@baltimorecountymd.gov>; Jeffrey N Perlow
<JPerlow@baltimorecountymd.gov>

Subject: FW: ALF - 4026 Silvage Road, UP-2023-0005-AL

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Mitchell J. Kellman

Planner III

Baltimore County Zoning Review Office

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Jeffrey N Perlow

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Thursday, March 14, 2024 1:31 PM
To: Mitchell Kellman; David Marks; Jeffrey N Perlow; Kristen L Lewis; Peter Gutwald; Samantha Walters
Subject: Re: ALF - 4026 Silvage Road, UP-2023-0005-AL

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Baltimore County Zoning Review Office

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To: David Marks <dmarks@baltimorecountymd.gov>

Cc: Samantha Walters <swalters@baltimorecountymd.gov>; Bradley Lang
<blang@baltimorecountymd.gov>; Jeffrey N Perlow
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Mitch

Mitchell J. Kellman

Planner III

Baltimore County Zoning Review Office

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Jeffrey N Perlow

From: Peoples Counsel
Sent: Thursday, March 14, 2024 9:59 AM
To: Jeffrey N Perlow
Cc: Peter Gutwald
Subject: 4026 Silvage Road

Good Morning,

Our office has had citizen inquiries relating to an assisted living facility at 4026 Silvage Road. We would like to know if the address has been issued a use permit relating to an assisted living facility. If so, we would like a copy of the use permit application, plan, any staff review/comments and any approval issued.

Thank you in advance for any help you can provide.

Rebecca Wheatley, Legal Assistant
Office of People's Counsel
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
410-87-2188

Jeffrey N Perlow

From: BILL MOLYNEAUX <bmolyn6120@aol.com>
Sent: Thursday, March 14, 2024 9:16 AM
To: Mitchell Kellman; David Marks; Jeffrey N Perlow; Kristen L Lewis; Peter Gutwald; Samantha Walters; Janet Hager; Bill Molyneaux
Subject: Zoning 4026 silvage road appeal

CAUTION: This message from bmolyn6120@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello,
I would like to Appeal the zoning for the house on 4026 silvage rd.
I will send a hard copy of this email to the zoning office to Mr. Perlow and my check for 300.00 for the cost of the appeal.

Date 3-14-2024

Thank you
Bill Molyneaux
4021 silvage rd
Nottingham, Md
21236
717-752-6029

Sent from my iPad

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 13TH day of MARCH, 2024, that MELISSA MCKENZIE located at
(Individual or business name)
4026 SILVAGE ROAD, 21236 should be and the
(Street address)

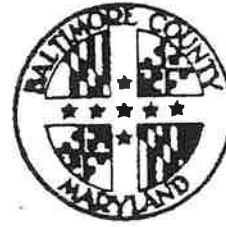
same is hereby granted permission to operate a: ASSISTED LIVING
FACILITY I FOR A MAXIMUM OF FOUR (4) BEDS.
(CONDITIONED UPON INSTALLATION OF EXTENDED DRIVEWAY + PARKING AREA)

UP-2023-0005-AL
Use Permit or Zoning Case No.

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

Planner's Initials JSS/JNP

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UP-2023-0005-AL
Use Permit or Zoning Case No.

C. P. E. J.
Director, Permits, Approvals and Inspections

Planner's Initials JSS/JNP

Inter-office Correspondence
Recommendation Form

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

ALF Address 4026 SILVAGE ROAD

Permit No. (if required) B _____

Intake Planner's Name JASON SEIDELMAN

Filing Date 9 / 22 / 23

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

RE: Assisted Living Facility I or II

UP-2023-0005-AL

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 COMPATIBILITY / APPEARANCE INFORMATION (As Required under A and B below):

Print Name of Applicant Melissa McKenzie Applicant Address 4026 Silvae Rd. Nottingham, MD 21236 Telephone Number (917) 743-1696 Email Address MSMELMAC2@gmail.com
ALF Lot Address 4026 Silvae Rd. Nottingham, MD 21236 Election District 11 Council District 5 Sq. Ft. of Lot 9825 sq. ft
Lot Location: N/E/S/W/side/corner of Silvae Road Street Trepid Road Street
Land Owner: Melissa McKenzie 10 Digit Tax Account Number 1800002580
Address: 4026 Silvae Rd. Nottingham, MD 21236 Telephone Number (917) 743-1696 Email Address MSMELMAC2@gmail.com

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) | <u>X</u> | <u>NTA</u> |
| 2. Building Permit Application or Copy (If available) | _____ | _____ |
| 3. Engineered Scaled 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% of lot area | <u>X</u> | _____ |
| Statement of Compliance with Checklist Note 5.A | <u>X</u> | _____ |
| Statement of Compliance with Checklist Note 6 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. Compatibility Study | _____ | _____ |
| 5. Building Elevation Drawings (these may be waived if note 5.A from the Zoning Use Permit Checklist
can be stated on the plans) | _____ | _____ |
| 6. Photographs (please label all photos clearly)
Show the adjoint buildings, the proposed building, and the surrounding neighborhood | <u>X</u> | _____ |
| 7. Application Confirms compliance with 1,000 foot proximity requirement of Section 432.1.A.3 BCZR | <u>X</u> | _____ |
| 8. Applicant Confirms that the Building Plans Review Office was contacted regarding automatic sprinkler system requirements | <u>X</u> | _____ |
| 9. Current Zoning Classification: | _____ | _____ |

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY

RECOMMENDATIONS/COMMENTS:

* ☒ Approved ☐ Disapproved Disapproval Comments: _____

Signed by: BM Williams
For the Director, Office of Planning

Date: 3/12/24

* Be Advised, this approval is based on the
Revised submitted materials & plans
dated 2/20/24.

Inter-office Correspondence Recommendation Form

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

ALF Address 4026 SILVAGE ROAD

Permit No. (if required) B _____

Intake Planner's Name JASON SEIDELMAN

Filing Date 9 / 22 / 23

FROM: Department of Permits, Approvals and
Inspections Zoning Review Office
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RE: Assisted Living Facility I or II

UP-2023-0005-AL

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 COMPATIBILITY / APPEARANCE INFORMATION (As Required under A and B below):

A. MINIMUM APPLICANT SUPPLIED COMPATIBILITY / APPEARANCE INFORMATION (AS required under A and B below).

Melissa McKennie 4026 Silvae Rd, Nottingham, MD 21236 (917) 743-1696 MSMELMAE2@gmail.com

Print Name of Applicant Applicant Address Telephone Number Email Address

ALF Lot Address 4026 Silvae Rd, Nottingham, MD 21236 Election District 11 Council District 5 Sq. Ft. of Lot 9825 sq. ft.

Lot Location: N/E/S/W/side/corner of Silvae Road feet N/E/S/W corner of Trepid Road

Street Street

Land Owner: Melissa McKennie 10 Digit Tax Account Number 1800002580

Address: 4026 Silvae Rd, Nottingham, MD 21236 (917) 743-1696 MSMELMAE2@gmail.com

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)	☐	☒
3. Engineered Scaled 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% of lot area	☒	☐
Statement of Compliance with Checklist Note 5.A	☒	☐
Statement of Compliance with Checklist Note 6 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. Compatibility Study	☒	☐
5. Building Elevation Drawings (these may be waived if note 5.A from the Zoning Use Permit Checklist can be stated on the plans)	☐	☐
6. Photographs (please label all photos clearly) Show the adjoin buildings, the proposed building, and the surrounding neighborhood	☒	☐
7. Application Confirms compliance with 1,000 foot proximity requirement of Section 432.1.A.3 BCZR	☒	☐
8. Applicant Confirms that the Building Plans Review Office was contacted regarding automatic sprinkler system requirements	☒	☐
9. Current Zoning Classification: <u>DR 3.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY

RECOMMENDATIONS/COMMENTS:

☐ Approved ☐ Disapproved Disapproval Comments: _____

Signed by: _____
For the Director, Office of Planning

Date: _____

Zoning Use Permit
Plan for an Assisted Living Facility I
or II for a Maximum of a 4 Beds

4026 Silvae Road
Nottingham, MD 21236

11th Election District

Owner: Melissa McKenzie
4026 Silvae Road, Nottingham, MD 21236
Date: 12/17/2023 (Plan Date)
Phone: (917) 743-1696
Email: msmelmac2@gmail.com

Lot Size: 9,825 SF
Zoning Map:
Zoning: DR 3.5

Parking: 3 parking spaces

Existing Floor Area Sq. Ft.
1st Floor – 1441 Sq. Ft.

Basement for storage and
Mechanical equipment = 1,441
Sq. Ft. Open Space: 982.5 Sq. Ft

THE APPLICANT IS AWARE &
CERTIFIES THAT 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, PURSUANT TO
SECTION 432A.1.A.3, BCZR.

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.

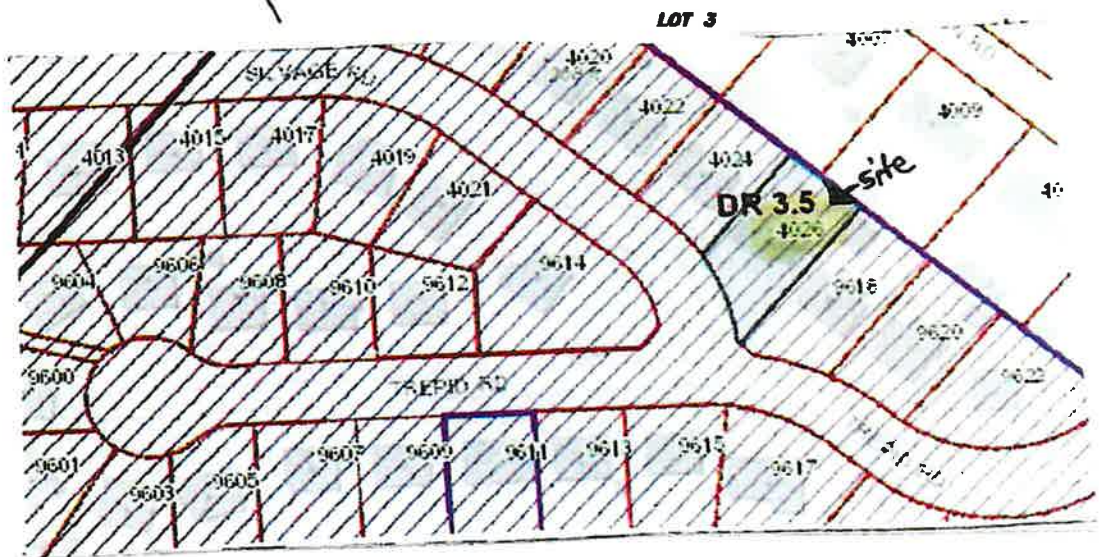
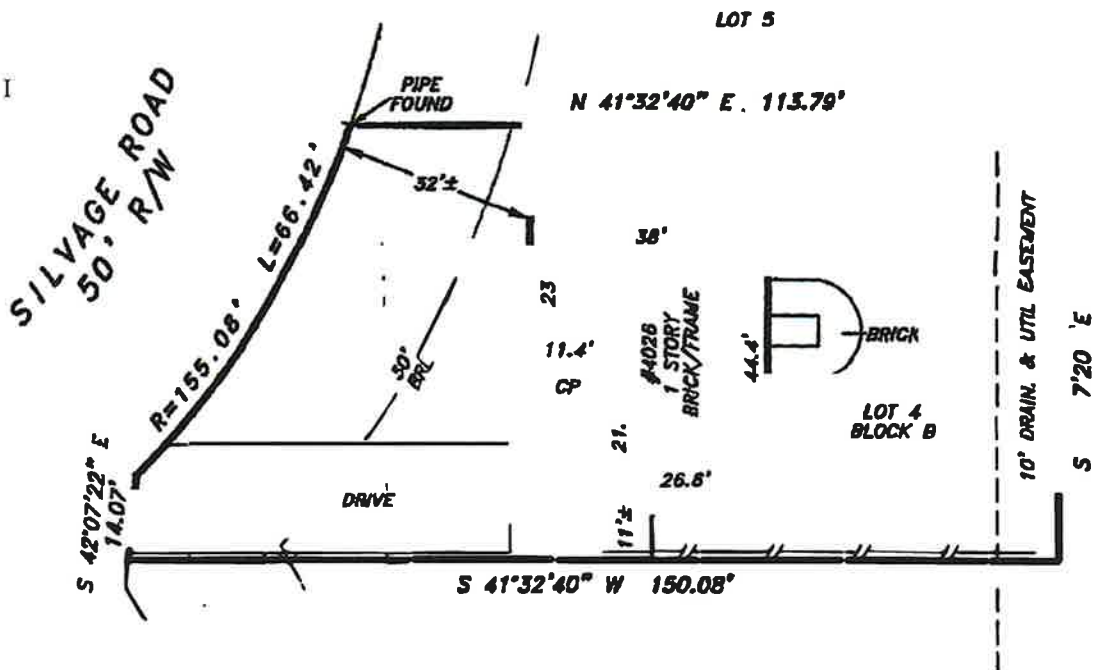
THIS BUILDING HAS NOT BEEN ORGINIALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING
FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RESCONSTRUCTION, RELOCATION,
EXTERIOR CHANGES OR ADDITIONS OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF 5 YEARS BEFORE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

Signs will comply with Section 450 BCZR

The undersigned (State if owners or applicants) are responsible for the accuracy of the
information on this plan.

Melissa McKenzie
Signature
Melissa McKenzie
Printed Name

Engineer Scale: 1" = _____ Ft.





Inter-office Correspondence Recommendation Form

Permits, Approvals and Inspections

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353

<https://www.baltimorecountymd.gov>

Cashier: MICHELLE

Transaction: 1777

Total **\$100.00**

CARD SALE **\$100.00**
VISA 0058

Retain this copy for statement
validation

Station: Permit Processing - Mini

19-May-2023 2:24 PM

\$100.00 | Method: CONTACTLESS

VISA XXXXXXXXXXXX0058

Reference ID: 313900542072

Auth ID: 008001

MID: ***** 2995

MD A0000130031010

WORKING VISA

me. WJ4Q7Q2VMTWCT

Clover Privacy Policy

<https://clover.com/>

ing, Development Review Office
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ake Avenue, Room 101
204

ermits, Approvals and
ing Review Office

Facility I or II

ommendations and comments from the Office of Planning prior to Zoning Review Office's approval of a building/ use permit.

SUPPLIED COMPATIBILITY / APPEARANCE INFORMATION (As Required under A and B below):

4026 Silverage Rd Nottingham 21236 (410)300-3029 msme1mac2@gmail.com
Applicant Address Telephone Number Email Address
Silverage Rd Nottingham 21236 Election District 11 Council District Sq. Ft. of Lot 9825 sq. ft.
corner of Silverage Road feet NE/SW corner of Trepid Road
Street Street
sa McKennie 10 Digit Tax Account Number
Silverage Road, Nottingham MD 21236 (410)300-3029 msme1mac2@gmail.com
Telephone Number Email Address

PROVIDE THE FOLLOWING ITEMS (1 THROUGH 7) BELOW:
Significant for required compatibility and/or appearance review by the Office of Planning)

Intake Planner to confirm
information acceptance
by marking X below

	YES	NO
Recommendation Form (3 Copies)		
Information or Copy (if available)		
Use Permit Checklist on Page 2 for Requirements: Minimum lot size and square feet of buildings, parking and open space - 10% of lot area		
Checklist Note 5.A		
Checklist Note 6 regarding automatic sprinkler system requirement of County Building Code Automatic sprinkler system requirements, you must contact the Building Plans Review Office at 410-887-3967		
Drawings (these may be waived if note 5.A from the Zoning Use Permit Checklist Site plans)		
Photos (please label all photos clearly) of the adjacent buildings, the proposed building, and the surrounding neighborhood		
6. Application Confirms compliance with 1,000 foot proximity requirement of Section 432.1.A.3 BCZR		
7. Applicant Confirms that the Building Plans Review Office was contacted regarding automatic sprinkler system requirements		
8. Current Zoning Classification:		

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: _____
For the Director, Office of Planning

Date: _____

Compatibility Finding for 4026 Silvage Road Property

This property is an existing one-story brick dwelling situated on the northeast corner of Silvage Road and Trepid Road. Both Silvage Road and Trepid Road are public roads with public utilities serving the properties. Silvage Road is located in the "Silver Park Village" area of Baltimore County, approximately 3000 feet north of Belair Road. speed limit. This area, presently, has a mix of individual parcels, old and new subdivisions, a dual highway (Honeygo Boulevard) and a significant State Park (Gunpowder Falls).

The zoning classifications within the immediate area is DR3.5. Although the immediate area of the subject property is residential, Belair Road is a mix of commercial development and the construction of Honeygo Boulevard (major arterial road with posted 40 mph speed limit) has brought more development (residential and commercial) to the area.

The property is known and designated as Lot 4, Block B. According to SDAT, the house (one story brick dwelling) was constructed in 1977. Silvage Road is a "No Thru Street" as evidenced by the road sign. It dead-ends into Baltimore County owned property and is surrounded by State property (Gunpowder Falls) to the north, east and south.

The next development, "Gunpowder Overlook" 79/339-340 dated 2013 changed the character and compatibility of the older subdivisions with the construction of 48 two story dwellings with covered porches and front load two car garages, curb and gutter and sidewalks. Although the plats were recorded in 2013, the house construction took place between 2015-2017. This public road has ingress and egress from Belair Road but is a closed community. The cost of these homes is twice that of the older subdivision; however, the lots are smaller and variance relief was granted for side and rear setbacks for most of the lots.

The "Tanner Property" 79/447-448 recorded in 2014 was similar to the "Gunpowder Overlook" development with the larger two story front load garage single family dwellings on smaller lots. A variance was granted to approve a cul-de-sac of 1330 feet in lieu of the 400 feet required. This development is immediately south of the subject property record plat and reflects the home buyers needs at the time of the development making it significantly different than the "Richlynn Manor" development.

It is to be noted that the older subdivisions were created, recorded, and constructed without any zoning relief (Zoning regulations were adopted in 1945); unlike the newer developments with larger more costly properties on less lot area. Therefore, the older subdivisions are compatible with the development of the time.

This Use Permit is for the existing one-story brick single family dwelling to be used for an ALF1 (4 beds max). There are no proposed changes to the existing conditions of the property. As stated above, the dwelling is located on a corner lot and improved with a dwelling and parking areas, as

shown on the Use Permit Plan. There are no identification signs proposed or any changes to the exterior appearance. There is adequate parking existing. The ALF use requires no variance relief. The ALF will be compatible with the existing character of the neighborhood because there are no changes being made to the dwelling and nothing that will draw attention to the property use as an ALF. The property landscape is consistent with the neighborhood in that the dwellings are well maintained, the lawns are manicured, there are existing shrubs along the face of the dwelling (side and front for those corner lots) with mature trees. The further into Silvage Road and close proximity to the State Parks, those lots are wooded.

The owner, Melissa McKenzie, will be a licensed facility with this approval. Melissa McKenzie does not own any other ALF; however, took on this endeavor to provide one on one care.

Melissa McKenzie's Mission Statement: "To provide services and support that allow our clients to remain as independent as possible while enabling a quality of life which they may not be able to achieve on their own."

A typical day would be as follows:

7am-10am Breakfast, ADLs

11 am-7pm visiting hours (only 2 visitors at a time)

12pm lunch

2pm-5pm activities, outing, social time

5pm-9pm dinner, medications, evening ADLs

Outdoor activities are supervised

The ALF will be providing meals, laundry, transportation to doctor appts and assistance with ADLs, recreational activities, game day, exercise classes and day trip.

There will be a RN visitor for the residents approximately every 45 days (to perform an initial assessment and when clients are released from the hospital to change care plan)

There are only four (4) beds which allows for the client transportation to be in a private passenger vehicle and not a bus or van. The intent is to continue the residential use to support those in need of elder care.

Compatibility Objectives:

(1) The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood-N/A

(2) The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood-there are existing parking areas, nothing is proposed. These areas will allow for employee parking and visitor parking. Since there are only two visitors allowed at a time, there will only be two vehicles parked in the allowable space at a time. This being a cul-de-sac street creates a low traffic volume, limited to residents and visitors. Therefore, there should be no adverse impacts on the neighborhood.

(3) The proposed streets are connected to the existing neighborhood road network wherever possible, and the proposed sidewalks are located to support the functional patterns in the neighborhood- N/A

(4) The open spaces of the proposed development reinforce the open space patterns of the

neighborhood in form and siting and complement existing open space systems -N/A

(5) Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design- N/A

(6) The proposed landscape design compliments the neighborhood's landscape patterns and reinforces its functional qualities- N/A

(7) The exterior signs, site lighting and accessory structure support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood- N/A

(8) The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood- N/A



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

July 19, 2024

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Melissa McKenzie
4026 Silvage Road
UP-23-005-AL 11th Election District; 5th Council District

Re: Application for Use Permit to allow an existing one-story brick single family dwelling to be used for an Assisted Living Facility I with a maximum of four (4) beds.

3/13/24 Use Permit Issued by the Director of the Department of Permits, Approvals and Inspections. On March 12, 2024 Recommendation Form signed on behalf of the Director of the Office of Planning wherein the Use Permit was APPROVED based on the revised submitted materials and plans dated February 20, 2024.

This matter was assigned for hearing on July 16, 2024 and postponed by request of Counsel. This matter has been

REASSIGNED FOR: SEPTEMBER 25, 2024, AT 10:00 A.M.

The above scheduled hearing will be held **in-person**. Parties, witnesses, and attorneys, please make arrangements to attend in-person.

Location for in-person:

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

Any interested person can watch the hearing online or listen by telephone and *will not* be able to participate. Call-in information and a link to the hearing online will be posted on our web calendar the night before. Our web calendar is located at www.baltimorecountymd.gov/departments/appeals.

A paper copy of exhibits must be provided during the hearing, with copies for all parties.

Pursuant to Rule 6 of the Board's Rules, a complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

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.

Krysundra Cannington
Executive Secretary

c. Counsel for Petitioner
Petitioner

: Traci Scudder, Esquire
: Melissa McKenzie

Counsel for Protestants/Appellants
Protestants/Appellants

: Diana Khan, Esquire
: Bill Molyneaux, Denny Yarbrough, William and Amy Wheeler, Eric and Tammy Dye, The Rev. Chris McCloud and Janet Hager, Laurie Jones, POA for Charles McKelvey, Rodney and Sharon Johnson, Arthur and Judy Pulket, Michael Chirico, Andrew Barrows, Lisa Ellis, Grace Ellis, Liam Dugan, Caroline Bomgardner, Vinkrant and Alexandra Puri, Mark Regala, Carla Dean, June Chlan, Leah Warble, Amy and Jeff Blizzard, Carolyn Moss, Dominic Mosley, Adam Schindler, TaAndrea Skipwith, Marie Hand

Office of People's Counsel
Jeffrey Perlow, Supervisor, Office of Zoning Review
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Rec'd
4/3/24

April 2, 2024

Hand-delivered

C. Pete Gutwald, Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Ave, Suite 103
Towson, MD 21204

Re: APPEAL OF USE PERMIT
(Property Address: 4026 Silvage Road)
(11th Election & 5th Councilmanic Districts)
(Applicant's Name: Ms. Melissa McKenzie)
Use Permit no.: UP-2023-0005-AL

Dear Director Gutwald:

Please enter an appeal. We have no Community Association, however, Mr. Bill Molyneaux is filing the appeal on behalf of the neighborhood/community to the County Board of Appeals from the Opinion and Order of Use Permit # UP-2023-0005-AL issued for property located at 4026 Silvage Road, Nottingham, MD 21236.

Enclosed is our check in the amount of \$300.00 for the appeal fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

This appeal is based on a number of factors:

1. At the Planning Board public hearing on February 22, 2024, we were informed that there would be no decisions made until another public hearing was scheduled later in the year (approx. June). While we understand that Ms. McKenzie changed her original application, she was given full approval of her amended application without notification to our community less than three weeks after the February hearing. Several members of our community made statements at the hearing, so it was clear that there was opposition to the proposed plan for an Assisted Living Facility (ALF). Considering the opposition, we are unclear why we weren't given an opportunity to be notified of the Zoning Board's plan to meet to review the amended proposal. There is something very wrong with this process.
2. There doesn't seem to be any oversight of the proposed ALF from governing agencies. How does one operate a facility for individuals in need without any indication of whether the residence can actually support care giving?
 - a. The residence has two bathrooms on the main floor. How is this acceptable to have several non-related individuals utilizing bathrooms intended for private, residential living? This assumes that Ms. McKenzie and her family members will also be living in the home as well. It's difficult to imagine that this is considered appropriate for individuals being cared for.
 - b. Are there no additional fire safety requirements required?
3. One of the neighborhood school bus stops is right at the corner of Silvage and Trepid – directly in front of 4026 Silvage Road. Not only are children waiting on the corner for the bus, but the bus must make an awkward three-point turn. It should be noted that there is no other way for the bus to safely navigate Kahlston, Silvage or Trepid Roads without either backing in from one of the roads or making the three-point turn. Kahlston dead ends and

- Trepid and Silvage dead-end into cul-de-sacs. It is already difficult for the bus drivers to navigate. Adding additional traffic to an already small street is problematic. Also, there is no sidewalk for the children to walk on from Kahlston down part of Trepid safely.
4. The proposed ALF seems off. Ms. McKenzie spoke of ensuring 24-hour security and that the residents have the right to be someplace that is quiet and peaceful. This "feels" like something other than the traditional ALF for the care of inform and/or elderly individuals. We should be informed if this will actually be a residence for individuals seeking residential substance abuse rehabilitation.
 5. There is high potential for all of our property values to be negatively impacted by allowing this residential program, to operate.
 6. The initial delivery of bedding materials which were delivered to 4026 Silvage Road (which was videoed last week) blocked our vehicles' access to people who live on Trepid and Silvage Roads for a period of time. This is just one example of what will happen in the future to our community.
 7. There has been no indication of the type of individuals that may move into the facility (i.e. homeless, addiction recovery patients, sex offenders, etc.)
 8. The "Compatibility Finding" submitted with the application has numerous erroneous statements or claims.
 9. Will the facility be licensed and inspected by Baltimore County Health Department?
 10. Why is 24-hour security necessary?
 11. The Melcare ALF flyer delivered throughout the community on March 27, 2024, has left the community with more questions than answers. The main concern is, will this facility be operated as a private residence or a commercial operation?

It is important to have places for people to rehabilitate in whatever manner they need. However, a program situated deep in a small community such as ours is simply not appropriate, nor does it feel safe for the community at large.

Very truly,



Bill Molyneaux
4021 Silvage Road
Nottingham, MD 21236
717-752-6029

cc: as listed on the attached signature pages.

County Board of Appeals
105 West Chesapeake Ave, Suite 203
Towson, MD 21204
appealsboard@baltimorecountymd.gov

Councilman David Marks
Old Courthouse, 2nd Floor
400 Washington Avenue
Towson, MD 21204

IN THE MATTER OF:

MELISSA MCKENZIE
4206 SILVAGE ROAD
11TH ELECTION DISTRICT
5TH COUNCIL DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: UP-23-005-AL

* * * * *

SUBPOENA

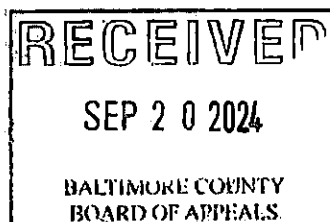
Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on September 25, 2024, at 10:00 am in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Jeffrey Perlow, Zoning Supervisor
Address: 111 W. Chesapeake Avenue
Towson, MD 21204
jperlow@baltimorecountymd.gov

Requested by:

Name: Traci R. Scudder, Esq.
Firm: Scudder Legal
Address: 4200 Parliament Place, Suite 220
Lanham, MD 20706

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, (☒) Private Process Server, to issue the summons set forth herein.



Sunny Cunningham
Board of Appeals for Baltimore County

Traci R. Scudder
Attorney for Appellee Melissa McKenzie
Case No. **UP-23-005-AL**
traci@scudderlegal.com
terry@scudderlegal.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2024, a copy of the foregoing Subpoena (Case No. UP-23-005-AL) and Certificate of Service were emailed to jperlow@baltimorecountymd.gov and mailed first class, postage prepaid to:

Jeffrey Perlow, Zoning Supervisor
Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

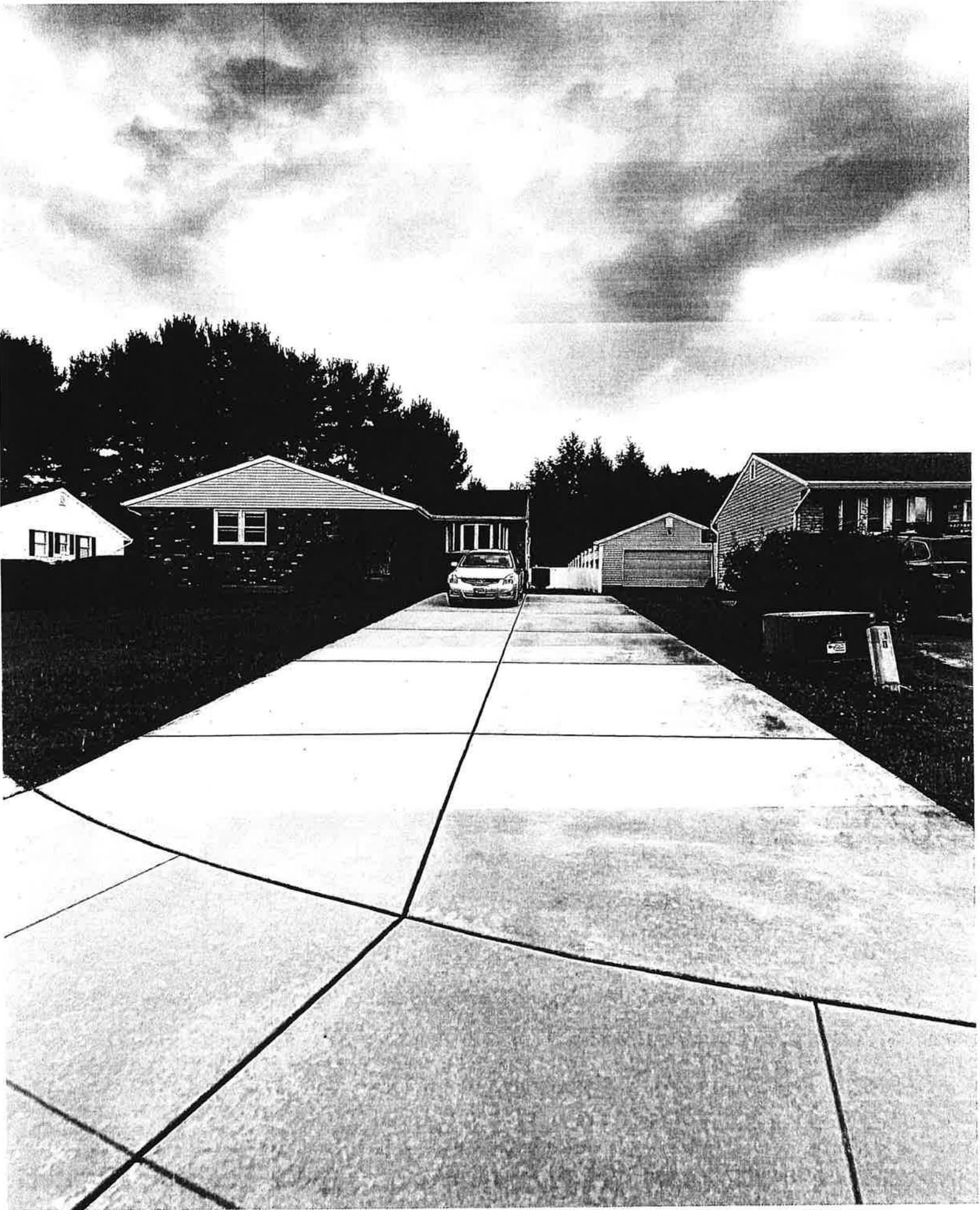
Cc:
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Jefferson Building
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105 W. Chesapeake Avenue
Towson, MD 21204
appealsboard@baltimorecountymd.gov

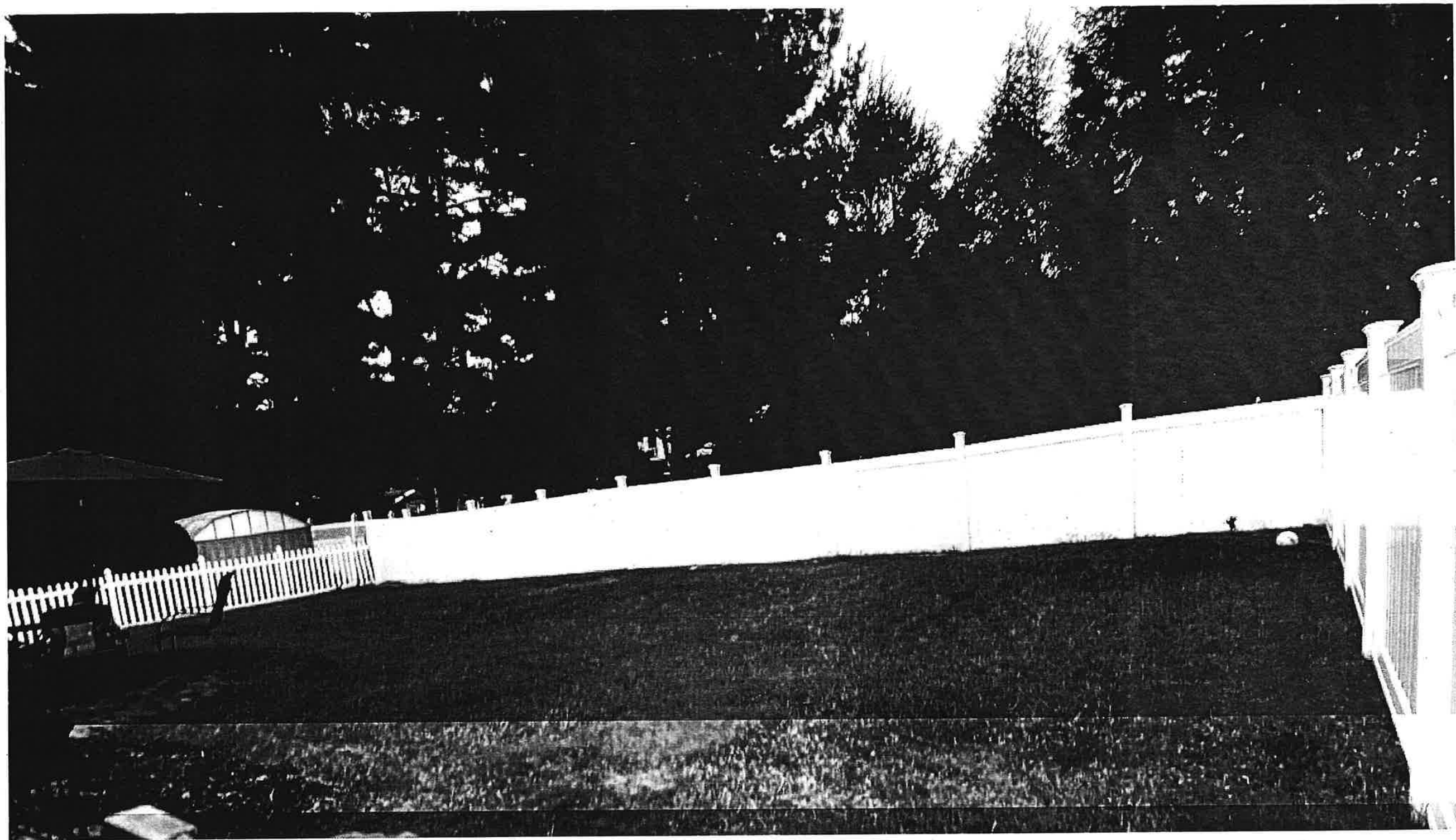


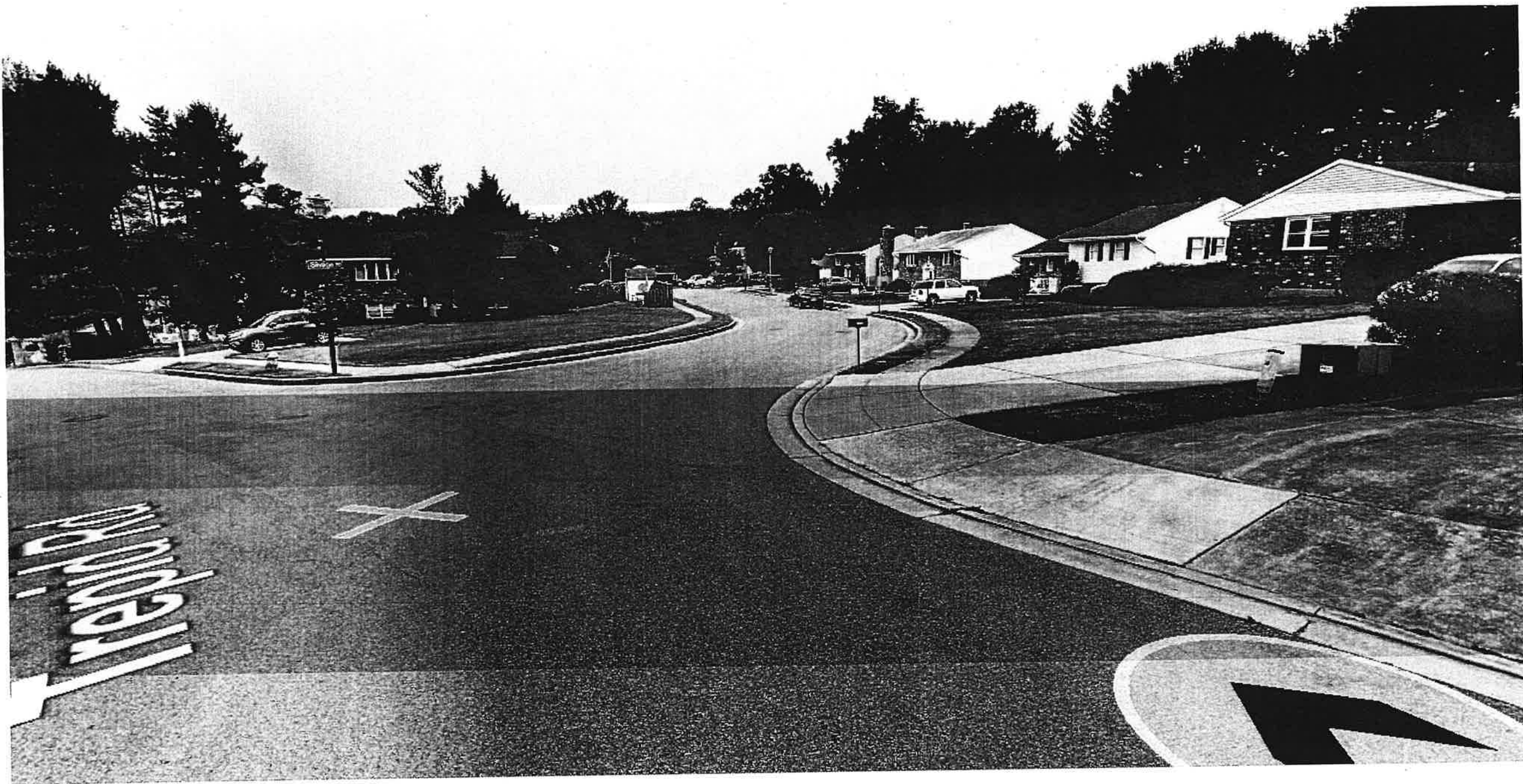
Traci R. Scudder, Esq.

Scudder Legal
4200 Parliament Place, Suite 220
Lanham, MD 20706
240-397-3625

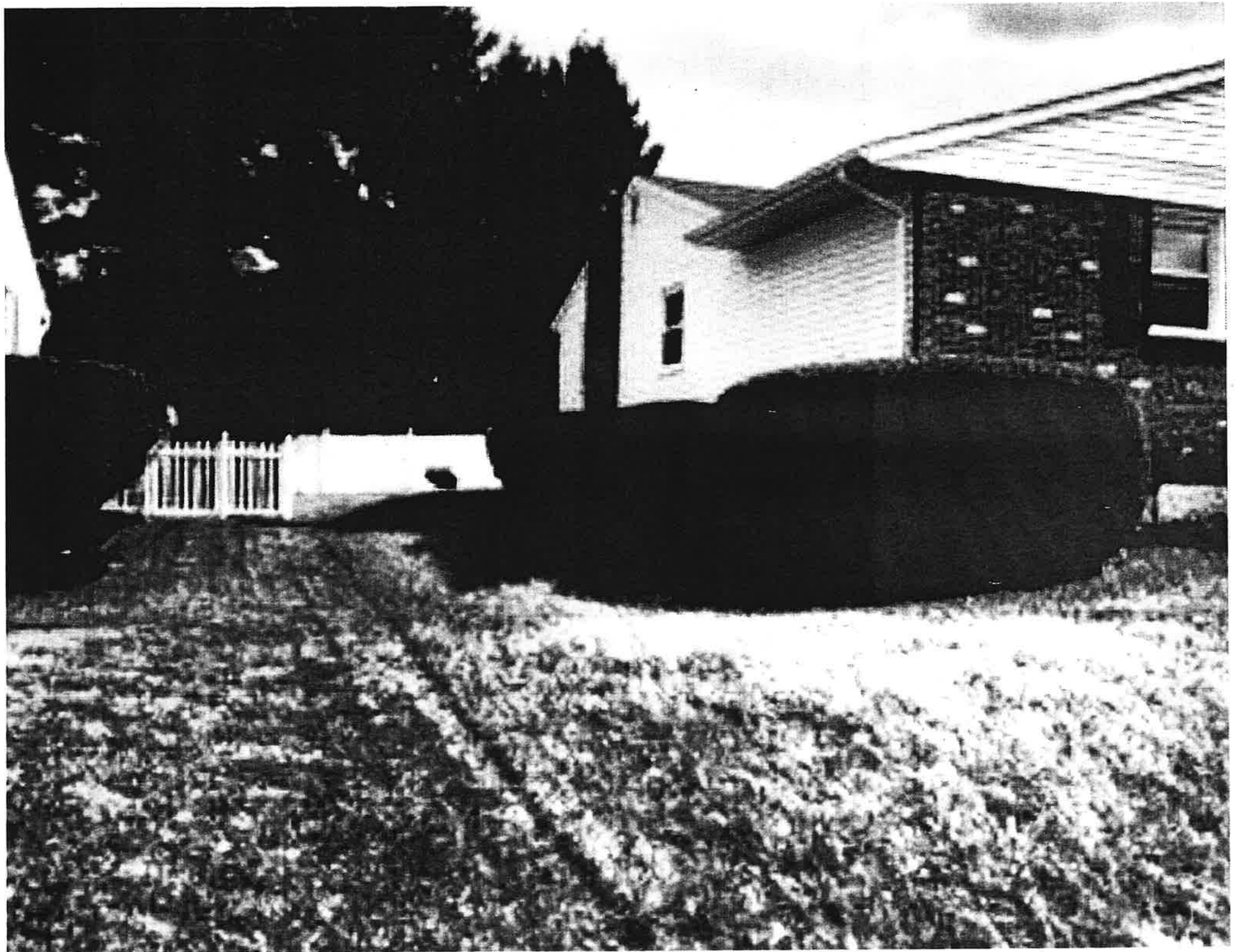




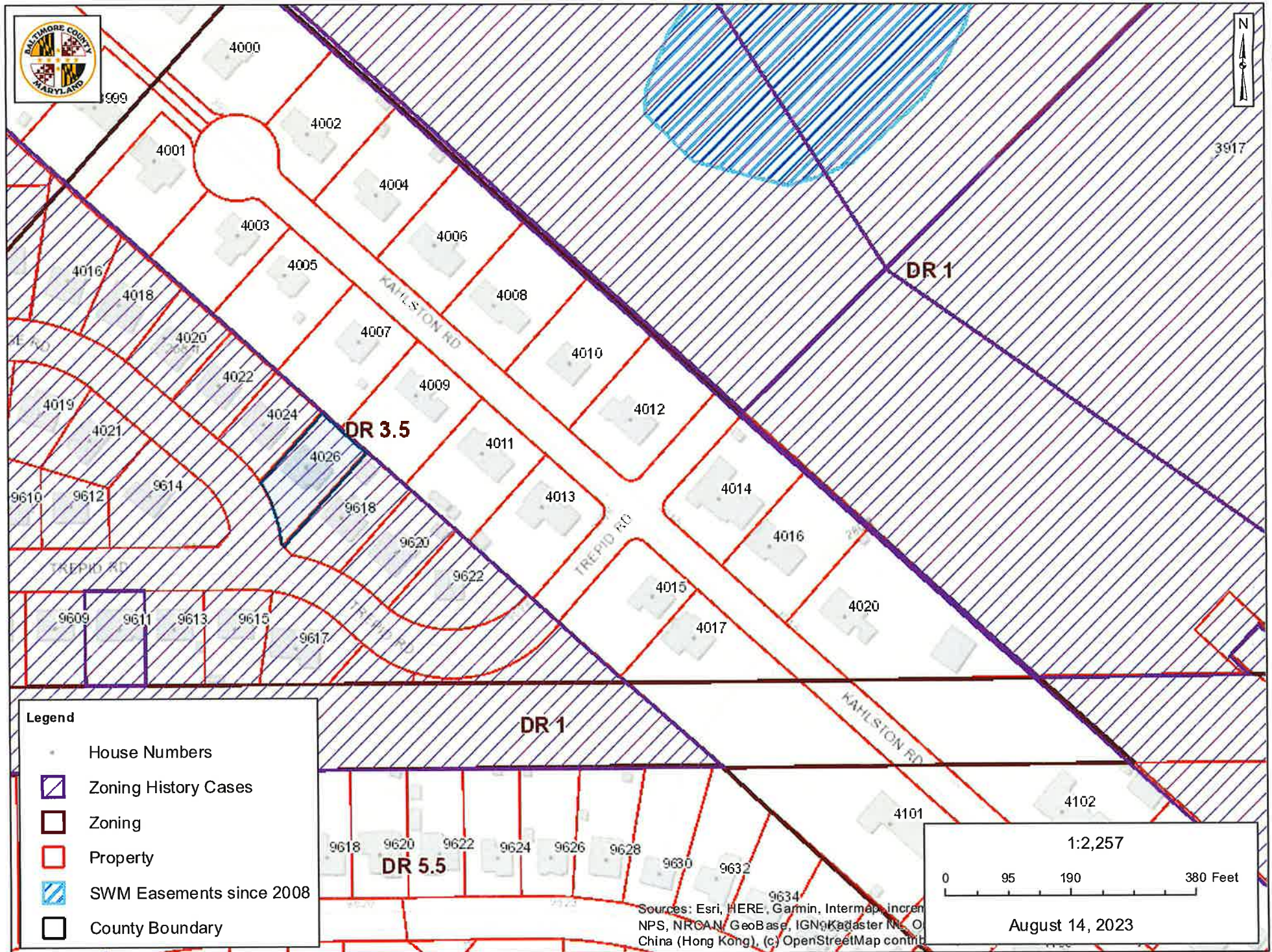


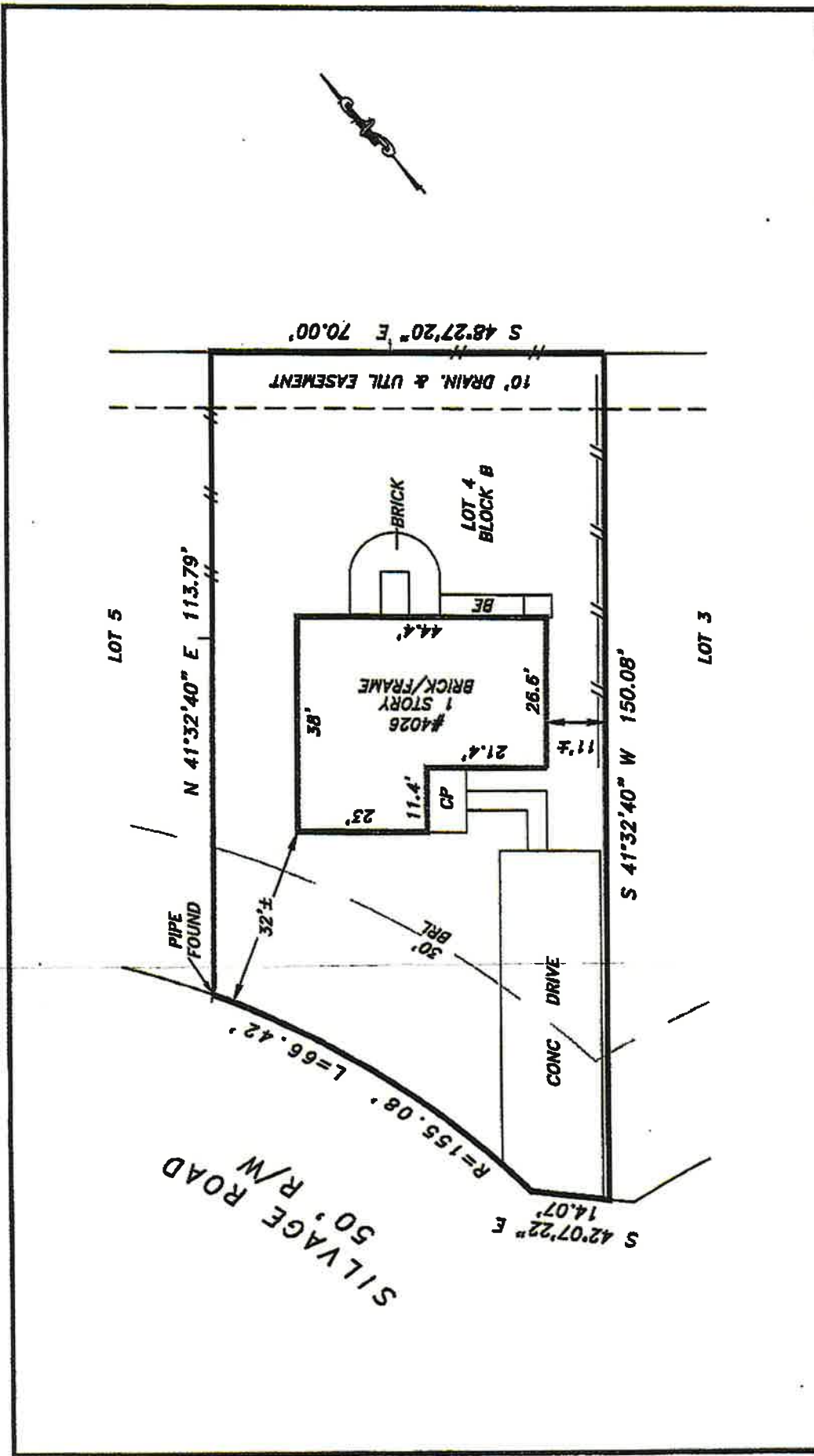






Baltimore County - My Neighborhood





ORIGINAL SUBMITTED
(OLD)
PLAN

The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as:
LOT 4, BLOCK B, AMENDED PLAT
SILVERPARK VILLAGE
recorded among the land records of Baltimore County, Maryland in PLAT BOOK 40, folio 138

PREPARED FOR:



This is page one of a two page document. The advice found on the affixed page is an integral part of this drawing, and is not valid without all pages.

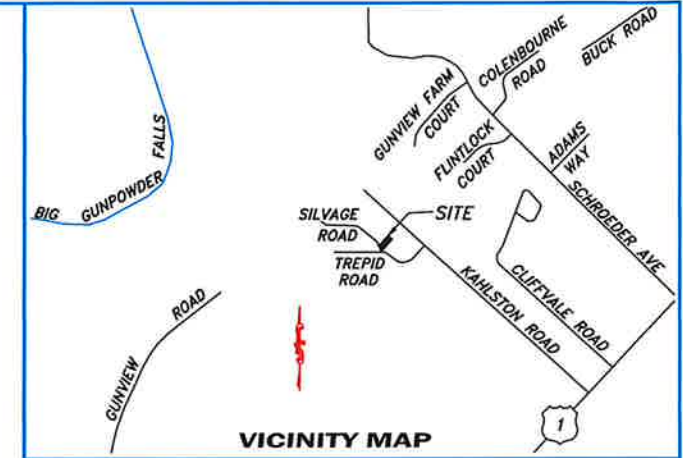
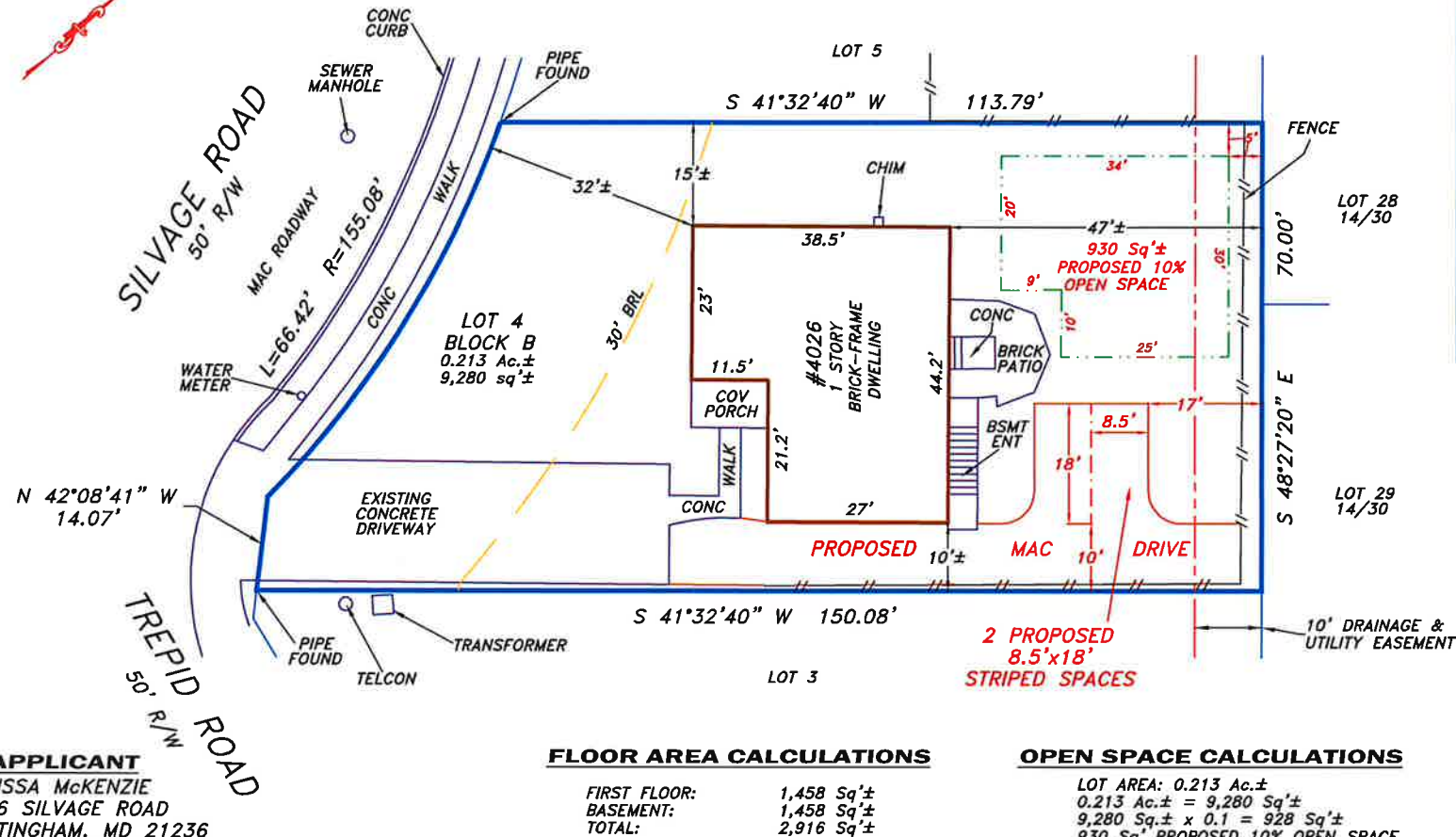


LOCATION DRAWING
4026 SILVAGE ROAD
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nthsurveyors.com

Scale: 1" = 25'
Date: 4/27/2023
Field By: CP
Drawn By: CP
File No.: 23-7445-NF
Page No.: 1 of 2

REVISED PLAN



GENERAL NOTES:

- 1) The accuracy of the distances shown from any structure to the apparent property line is 1'±.
- 2) This plat does not represent a Boundary Survey. Any property markers labeled hereon are not guaranteed by NTT Associates, Inc.
- 3) This plat is of benefit to a consumer only insofar as it is required by a lender, a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing.
- 4) This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required, for the transfer of title or securing financing or refinancing.
- 5) This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future improvements.
- 6) Unless noted on the plat, no title report was provided. This plat was prepared by examining the current title deed or record plat. Any easements, restrictions, rights of way, or any other property alterations not referred to in the current title deed may not be shown.
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- 8) Building Restriction Line Information, if shown, was obtained from existing records only and is not guaranteed by NTT Associates, Inc.
- 9) Flood Zone Information shown on FIRM maps is subject to interpretation.
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- 12) Area shown hereon was derived from plats of record and not a Boundary Survey.
- 13) Any proposed signs will comply with Section 450 (BCZR) and all zoning sign policies or a zoning variance is required.

APPLICANT

MELISSA McKENZIE
4026 SILVAE ROAD
NOTTINGHAM, MD 21236
PHONE: (917) 743-1696
EMAIL: MSMELMAC2@GMAIL.COM

CURRENT OWNER

MELISSA McKENZIE
DEED 48088/314

FLOOR AREA CALCULATIONS

FIRST FLOOR: 1,458 Sq'±
BASEMENT: 1,458 Sq'±
TOTAL: 2,916 Sq'±

OPEN SPACE CALCULATIONS

LOT AREA: 0.213 Ac.±
0.213 Ac.± = 9,280 Sq'±
9,280 Sq'± x 0.1 = 928 Sq'±
930 Sq' PROPOSED 10% OPEN SPACE

4 BEDS = 2 PARKING SPACES REQUIRED
(1 PARKING SPACE PER 3 BEDS, ROUND UP)

ZONING: DR 3.5 (PER BALTIMORE COUNTY MY NEIGHBORHOOD WEBSITE)

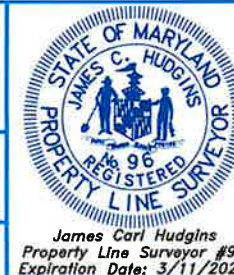
NOTE: TO THE BEST OF THE SURVEYOR'S KNOWLEDGE THIS BUILDING HAS NOT BEEN ORIGINALLY CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST 5 YEARS. NO RECONSTRUCTION, RELOCATION, (EXTERIOR) CHANGES OR ADDITION (OF 25% OR MORE BASED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



The purpose of this drawing is to locate, describe, and represent the positions of buildings and substantial improvements affecting the property shown hereon, being known as LOT 4, BLOCK "B" as shown on the plat entitled "AMENDED PLAT, SILVERPARK VILLAGE" recorded among the land records of Baltimore County, Maryland in Plat Book 40, folio 138.

This is to certify that I either personally prepared or was in responsible charge over the preparation of this drawing and the surveying work reflected in it, all set forth in Regulation .12 of Chapter 09.13.06 of the Code of Maryland Annotated Regulations.

Subject property is shown in Zone X on the FIRM Map of Baltimore County, Maryland on Community Panel Number 240010 0290 G, effective 11/2/23



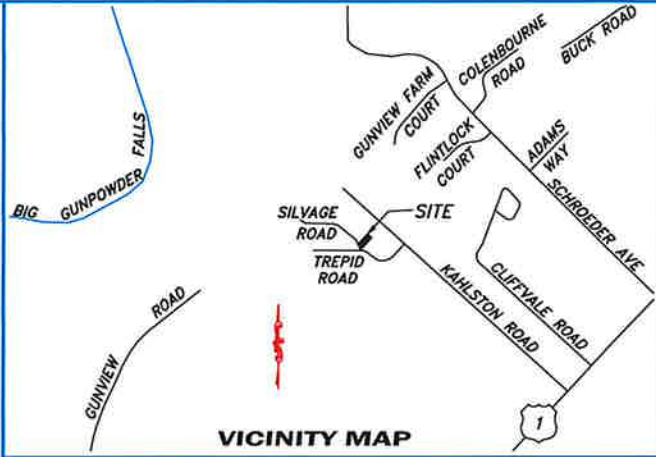
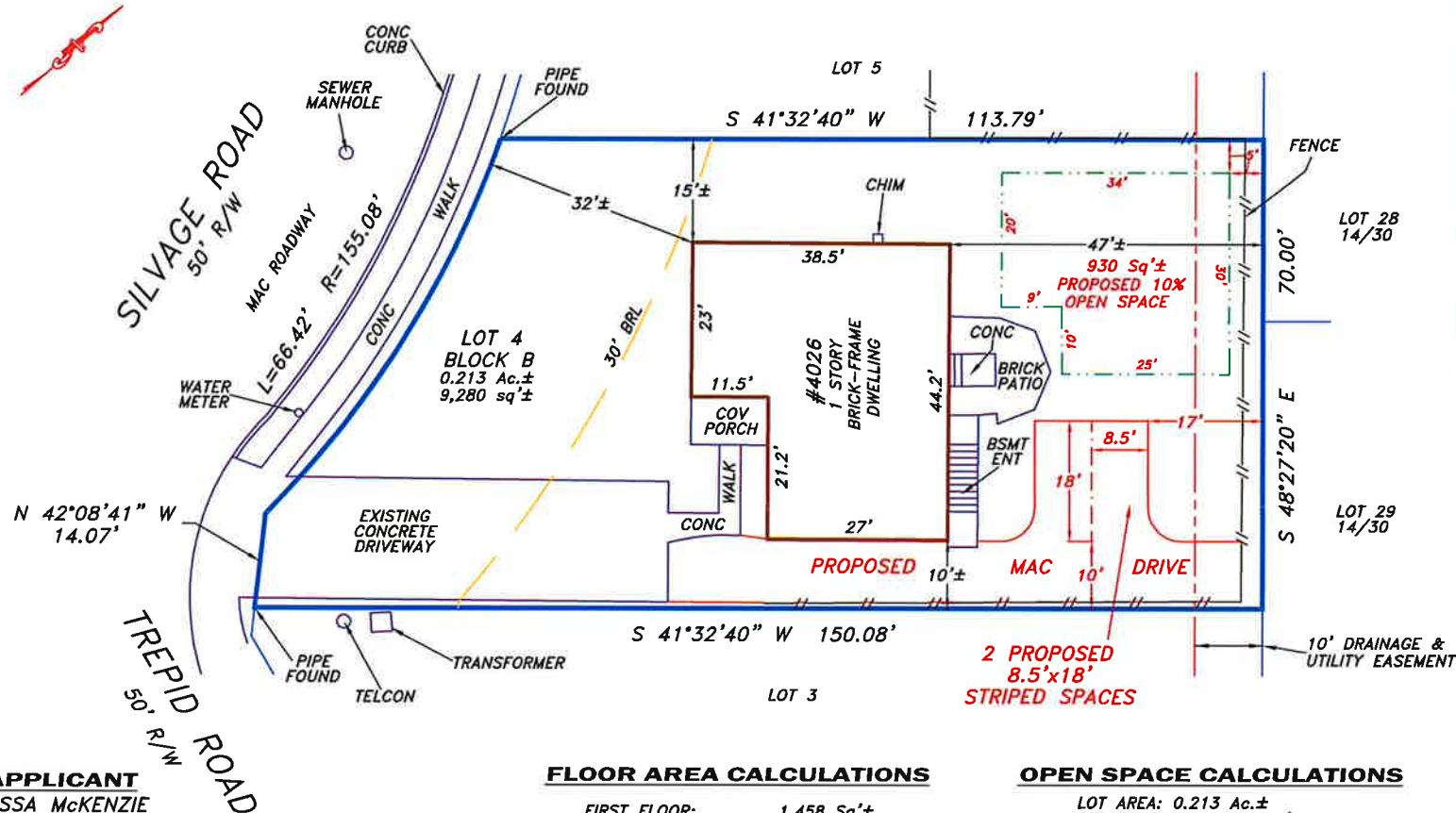
James Carl Hudgins
Property Line Surveyor #96
Expiration Date: 3/11/2026

USE PERMIT PLAN FOR ASSISTED LIVING FACILITY (ALF I) MAX 4 BEDS

4026 SILVAE ROAD
NOTTINGHAM, MD 21236
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
www.nttsurveyors.com

Scale: 1" = 20'
Date: 2/20/2024
Field By: CB/KSW
Drawn By: RMS
File No.: MISC 16389



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