



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 20, 2024

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing & Special Exception
Case No. 2023-0206-SPHX
Property: 7600 Clays Lane

Dear Counsel:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, appearing to be "DJB", is written over a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

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IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND SPECIAL EXCEPTION	
(7600 Clays Lane) *	OFFICE OF ADMINISTRATIVE
2 nd Election District	
4 th Council District *	HEARINGS FOR
Aashiana, LLC, <i>Legal Owner</i>	
Bright World Health Care, LLC, <i>Lessee</i> *	BALTIMORE COUNTY
 Petitioners *	 CASE NO. 2023-0206-SPHX
* * * * *	* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing and Special Exception filed on behalf of Aashiana, LLC, legal owner, and Bright World Health Care, LLC, lessee (“Petitioners”), for the property known as 7600 Clays Lane, Baltimore County, Maryland. The Petition for Special Exception requests approval of a Community Care Center in a DR zone pursuant to Baltimore County Zoning Regulation (“BCZR”) § 1B01.1.C.5, and for a Special Hearing under BCZR § 500.7 to determine and approve the existing parking arrangement for the existing and proposed uses, and for such other and further relief as may be required by the Administrative Law Judge (“ALJ”) for Baltimore County.

A public hearing was conducted on December 12, 2023 and January 23, 2024, using the virtual platform Webex in lieu of an in-person hearing. The Petition was properly advertised and posted. The following materials were received and admitted as exhibits to the file:

Petitioner’s Exhibits	Protestant’s Exhibits (consolidated and reordered)		File Exhibits
1. Site Plan 2. Aerial photographs	1. Program List 2. Article of Organization	1.	2. Report of the Opioid Response Working Group

3. Site Photographs 4. SDAT sheet 5. County Comments 6. CARF Accreditation 7. Agreement to Cooperate Form 8. Case file from R-1976-052 9. ZAC Comments 10. CV – Dr. Irfan Saeed 11. CV – Vickie D. Cook	3. CARF Pre-Accreditation 4. Arlington Baptist Invoice 5. Photographs (a-e) 6. Tax Bills 7. PAI Complaint Report (dated 12/4/2023) 8. Office of Healthcare Quality Reports 9. Maryland Health Care Commission Certificate of Need 10. Tax Payment Records 11. Community letters 12. Opposition Signatures 13. Prior zoning cases		Report to the Baltimore County Executive (November 2019) 3. Zoning Advisory Committee (“ZAC”) comments 4. DEPS comments
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Appearing at the hearing were Dr. Irfan Saeed, on behalf of Petitioner, Bright World Health Care, LLC (“Bright World”), represented by Lawrence Schmidt, Esq., of Smith, Gildea & Schmidt, LLC, and Alif Manejwala, President of Aashiana, LLC. Joining the Petitioner were Michael Pieranunzi from Century Engineering, Vicki Cooke from American Psychiatric Group, and Nicole Redfield, Administrator of Bright World. In attendance from the community were Rev. Mark Campbell on behalf of neighboring Arlington Baptist Church and School, represented by David Gibbs, Esq., and numerous community members including Jonathan Akchin, James Sill,

Henry Ferguson, Nadir Nasheed, and Evangeline Speights. Numerous other community members appeared at the hearing but declined to testify or otherwise identify themselves. *See also* Protestants Exhibits 10 and 11 (community letters and petition signatures). Elise Andrews, Opioid Strategy Coordinator for the Baltimore County Department of Health, appeared on behalf of Baltimore County. The Baltimore County Department of Health did not take a position on the subject Petition.

I. FINDINGS OF FACT

The Property is approximately 3.97 acres in lot area, zoned DR 10.5, and is improved with an existing Adult Care Facility and Adult Day Care. The existing building is approximately 65,000 sq. ft. with approximately 11,400 sq. ft. of that sum to be dedicated to the proposed Community Care Center. The Property is bounded to the east by a single-family residential community, to the north by Arlington Baptist Church & School, to the south by Clay's Lane, and to the west by a multi-family apartment building. The Property has an extensive zoning history going back to 1976 when the property was originally approved as a "convalescent facility." Petitioner's Exhibit 8. The site has operated in a similar fashion since 1976 with intermittent periods of disuse.

Petitioner, Bright World Health Care LLC ("Bright World"), is a two-member for-profit company, formed for the purpose of leasing and operating the proposed Community Care Center. Bright World is a substance abuse treatment facility, preliminarily accredited through CARF International (Commission on Accreditation of Rehabilitation Facilities) with application to the Maryland Behavioral Health Administration, authorized to provide a range of treatment services to patients including ASAM Levels 1, 2.1, 2.5, 3.1, 3.3, 3.5, 3.7 and withdrawal management. *See* Petitioner's Exhibits 6 and 7. The proposed Community Care Center will provide residential drug and alcohol treatment services to residents for various lengths of stay depending upon their

treatment program for up to 50 total residents. Programs include a 5-7 day program, a 28-day program, or a 3-6 month program, all managed as residential programs. Dr. Saeed and Ms. Vickie Cooke testified on behalf of Bright World as to the types of treatment that will be available to residents, including the various ASAM levels of care. Residents will receive treatment through licensed medical care providers and staff. Staffing will consist of Dr. Saeed as clinical director, a medical supervisor, administrative assistants, 24-hour nursing staff, counselors at a ratio of 1 counselor per 15 residents, peer recovery specialists, and security staff. *See* Petitioner's Exhibits 12 and 13. The portion of the building dedicated to Bright World will include 25 rooms, each with 2 beds. Petitioner proffered that the facility will be a locked facility with a controlled and secure environment where residents cannot come and go, and general unscheduled visitation by non-residents, with the exception of therapeutic visitation with family, will not be permitted. Further, residents will not be permitted to keep vehicles on site. While preliminarily authorized for outpatient services, Petitioner stated that no outpatient services would be offered at Bright World and all treatment offered would be inpatient, on-site, and exclusively for residents.

According to the Site Plan (Petitioner's Exhibit 1), 80 parking spaces are provided on-site with only 52 spaces required for the proposed uses. ZAC comments indicate that the site appears to have adequate circulation and provide safe vehicular and pedestrian movements. Protestants or other community members did not offer any evidence or testimony regarding parking or traffic congestion.

Protestants included members of the neighboring residential community Jonathan Akchin, James Sill, Henry Ferguson, Michelle Turner, Nadir Nasheed, and Donna Melvin, as well as Ms. Evangeline Speights, President of neighboring Willow Park Early Childhood Learning Center and

Willow Park Academy, and Rev. Mark Campbell, President of neighboring Arlington Baptist Church & School.

Pastor Campbell testified regarding the concerns held by Arlington Baptist Church & School with respect to the proposed Community Care Center, and provided some background on the integration of the subject property with the Arlington Baptist property. At one time, the properties were either held in common or otherwise developed together as church, school, and institutional use. The subject property was sold in 1984, taking the shape and form still in use today. The properties share not only property lines but also a shared driveway with unimpeded access to both properties from Clays Lane. The properties are also served by one water meter although their uses have been distinct from one another since 1984. *See* Protestant's Exhibit 4. Pastor Campbell also described 7602 Clays Lane, immediately adjacent to the west of the subject property, as a multiple-family apartment building owned by Arlington Baptist and currently used as unrestricted independent living apartments for seniors and members of the Arlington Baptist community. The apartment building property and the Adult Care Center property share common rights-of-way including a driveway and drive aisle. From the perspective of an ordinary user, the apartment building and the Adult Care Center would appear to share parking facilities.

Mr. Akchin argued that Bright World fails to qualify as a Community Care Center use because it fails to satisfy the express terms of Baltimore County Zoning Regulation (BCZR) § 101.1, the defined term "Community Care Center." He argued that Bright World: (1) is not a small-scale facility, directing OAH's attention to OAH Case No. 2021-0105-SPHXA; (2) is not a "private charitable organization;" (3) cannot accept criminal justice referrals and maintain its business as a Community Care Center; and (4) fails the licensure requirement, all express terms under the statute.

Much of the remaining community testimony and community letters focused on fears associated with the particular population served by the Community Care Center. Neighbors living either adjacent or within close proximity to the Property testified to the risks that residents of the Community Care Center would pose to themselves and their families, or their apprehension regarding living close to such a facility. No expert witnesses, documents, empirical studies, social science or criminological literature, real estate appraisals or other such reports or data were submitted to support or substantiate these claims.

II. CONCLUSIONS OF LAW

a. Special Hearing

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

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

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). Petitioner requests Special Hearing relief to permit the existing parking arrangement for the existing and proposed uses. Under BCZR § 409.6, parking requirements for uses not listed under this section shall be determined by the zoning officer. Since Community Care Centers are not a

listed use under BCZR § 409.6, Petitioner requests Special Hearing relief to establish parking requirements for the proposed use.

Petitioner's Site Plan (Petitioner's Exhibit 1) indicates that 80 parking spaces exist on-site. Petitioner proffered that the existing parking spaces, as well as ingress and egress, were sufficient to serve both existing and proposed uses of the property. No modifications to the parking areas are proposed under the Petition. Protestants did not offer any evidence or testimony challenging the sufficiency of parking for the existing or proposed uses. ZAC comments do not indicate any objection from county agencies to the existing parking facilities serving the Adult Care Facility, Adult Day Care, and Community Care Center uses.

After review of the Site Plan, evaluation of the parking areas on-site to serve the existing and proposed uses, as well as the type and nature of the proposed use as it pertains to vehicle parking and circulation for staff, visitors, and residents, I find that the existing on-site parking areas and total parking spaces are sufficient to capably serve both the existing and proposed uses. Moreover, I find the parking arrangement to be compatible with the community and generally consistent with the spirit and intent of the zoning regulations in satisfaction of BCZR, §500.7.

b. Special Exception

Pursuant to BCZR § 1B01.1.C.5, community care centers are permitted by Special Exception in the DR 10.5 Zone. Under BCZR § 502.1, before any special exception may be granted, it must appear that the use for which the special exception is requested will not have negative impacts on the property or surrounding properties as articulated under subsections (A) – (I).

BCZR § 502.1 Factors

The BCZR § 502.1 factors are excerpted below together with the requisite findings for each respective factor:

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

The Petition satisfies this factor. I find that the proposed use will not be detrimental to the health, safety, or general welfare of the community. Designated as a Special Exception in this DR zone, a Community Care Center enjoys the presumption of validity that the proposed institutional use for the “housing, counseling, supervision or rehabilitation of alcoholics or drug abusers” is in the interest of the general welfare. Adaptive reuse of space within the existing structure housing an Adult Care Center and Adult Day Care Center is ideal for the proposed use in that construction will be limited to minimal interior renovations necessary for residential drug and alcohol treatment rather than for the care of disabled persons or the elderly. Aside from unsupported and unsubstantiated testimony reinforcing stigma towards individuals undergoing treatment for substance use disorder, there is no evidence in this record to suggest that the building itself or the inpatient treatment services offered to residents at the proposed Community Care Center would be deleterious to the property or the surrounding community. Protestants’ testimony regarding potential dangers posed by facility residents to neighbors and others in the community was not credible. This testimony lacked probative value and was not substantiated or supported by competent evidence. General feelings towards individuals undergoing substance use treatment regarding their propensity for criminal behavior do not pass muster as credible and reliable evidence. While I do not challenge the sincerity of these fears, I do not find them credible, sufficient, or persuasive to permit the inference that a Community Care Center is inherently dangerous; I further find this testimony neither credible, sufficient, or persuasive to rebut the presumption that the proposed special exception is in the general interest.

B. Tend to create congestion in roads, streets or alleys therein;

The Petition satisfies this factor. I do not find that the proposed Community Care Center will create congestion on roads, streets, or alleys. As proffered by Mr. Schmidt and affirmed by Dr. Saeed on several occasions during direct and cross examination, the proposed Community Care Center is residential in nature and will not provide outpatient services. Aside from vehicles used by clinical care, administrative and security staff, vehicles on site at any given time will be minimal as residents will not be regularly using vehicles on-site. Even if this were not the case, given the nature of the use, a condition to any approval limiting vehicle use or parking facilities could mitigate this factor to eliminate any potential congestion issues.

C. Create a potential hazard from fire, panic or other danger;

The Petition satisfies this factor. I do not find that the proposed use creates a potential hazard from fire, panic, or other danger. The proposed use will be housed in a former assisted living facility, originally designed for the similar purpose of housing and treating and older or disabled population. So long as the existing interior design or new renovations satisfy current building and fire codes, there is not risk from fire or panic. As to danger, there is no credible evidence in the record to indicate that the proposed Community Care Center would pose a danger to residents or community members. Prior code violations or state regulatory noncompliance are not relevant to this Petition, as those violations occurred prior to this Petition, and apply to the existing but separately operated facility from the proposed Community Care Center operated by Bright World.

D. Tend to overcrowd land and cause undue concentration of population;

The Petition satisfies this factor. I do not find that the proposed use will tend to overcrowd the land or cause undue concentration of population. The record indicates that the prior use of the

property as an assisted living facility supported a similar number of persons and no evidence was offered suggesting that 50 beds (50 persons) would overcrowd the existing building or create an undue concentration of population. At nearly 4 acres with a history of similarly sized uses, and adjacent to a property used for multi-family housing, I do not find that a Community Care Center with 50 beds would create undue concentration of population.

E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;

The Petition satisfies this factor. I do not find the proposed Community Care Center would interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. The record indicates that the property will be used for individual residential treatment services only. Dr. Saeed testified that individuals would stay at Bright World for varying lengths of time depending upon their level of treatment. Because of the type of care offered and the individual nature of treatment, there will be no impact to schools, parks, or transportation. The facility does not support families on-site and residents are not free to leave the facility of their own volition to use nearby parks or public transportation. With respect to water, sewerage, convenience or public improvements, there is no evidence in the record that prior similar uses of the property encountered problems with water, sewerage, or other public facilities, or how the proposed Community Care Center, if granted, would create problems with public utilities and services. However, various conditions are necessary to disintegrate the subject property from the adjacent Arlington Baptist Church and school property, including the establishment of a buffer along the northern property line with security fencing, vegetative screening, or similar methods of visual and noise separation, as well as reconfiguration of driveways and vehicle access between the two properties. In addition, all public improvements

require separation such that separate and distinct properties can operate independently from one another for all electric, water, and power uses.

F. Interfere with adequate light and air;

The Petition satisfies this factor. I find that the use will not interfere with adequate light and air. The petition does not propose construction of any new buildings, structures, or exterior improvements that might block light or air. All buildings are existing and no exterior modifications are proposed under this Petition.

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

The Petition satisfies this factor. I find that the proposed use will not be inconsistent with the purposes of the DR 10.5 zone nor in any other way inconsistent with the spirit and intent of the zoning regulations. Community Care Centers offer residential housing and in-house treatment in a residential setting specially designated as a special exception in all DR zones. The record in this case does not provide any competent evidence to suggest that such a use would be inconsistent with the general residential character of this community containing single-family residences, multi-family residences, elder care centers, day care centers, churches, and schools.

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

The Petition satisfies this factor. I find that the proposed use will not be inconsistent with the impermeable surface and vegetative retention provisions of the Zoning Regulations, in that the Petition proposes adaptive reuse of existing structures with no proposed modifications to impermeable surfaces or vegetation on the property. However, various conditions are necessary to disintegrate the subject property from the adjacent Arlington Baptist Church and school property,

including the establishment of a buffer along the northern property line with vegetative screening, or similar methods of visual and noise separation.

- I. *Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone, and for consideration of a solar facility use under Article 4F, the inclusion of the R.C. 3, R.C. 6, and R.C. 8 Zones.*

The Petition satisfies this factor. The property is not located within a R.C.2, R.C.4, R.C.5 or R.C.7 Zone, or within any environmentally sensitive area or floodplain, and the Petition proposes adaptive reuse of existing structures with any exterior modifications.

The *Schultz* Test

Furthermore, under Maryland law, a special exception enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The Court of Appeals in *People's Counsel for Baltimore County v. Loyola College in Md.*, 406 Md. 54, 106, 956 A.2d 166 (2008) upheld the longstanding *Schultz* analysis, explaining that a Special Exception use has "certain [inherent] adverse effects...[which] are likely to occur." The *Schultz* standard was again revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 152 A.3d 765 (2017), where the Court of Appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. *Id.* at 286. Petitioner benefits from this presumption and it has not sufficiently been rebutted by the evidence offered by Protestants. There is no evidence in the record to show any impacts that would be above and beyond those inherently associated with any other Community Care Center. By using space within an existing adult care home, there are no proposed improvements that would incur design or construction impacts, intensification of use, or vehicle

access or parking concerns that may give rise to factors contributing to such a finding. Moreover, there is no evidence in the record to indicate any non-inherent impacts particular to this proposed Community Care Center that would give rise to factors contributing to such a finding. In short, the evidence offered in opposition predominantly focused on the inherent qualities of any Community Care Center – namely, the particular population of residents served by substance abuse treatment. For these reasons, the Petition satisfies the *Schultz* test as Petitioner met their burden and the presumption that this use is in the general interest and welfare of the public was not sufficiently rebutted with competent evidence.

However, despite satisfying the BCZR § 502.1 factors and the *Schultz* test, the Petition is deficient, and that deficiency is fatal to the relief requested under the Petition. The proposed facility fails to meet the definitional requirements of a Community Care Center, as more fully described below.

Petitioner Fails to Qualify as a Community Care Center

Under Baltimore County Zoning Regulation (BCZR) § 101.1, “community care center” is defined as:

...a ***small-scale facility***, sponsored or operated by a ***private charitable organization*** or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. [emphasis added]

First, Petitioner failed to provide sufficient evidence in order to establish the scale of the proposed Community Care Center, and whether the proposed 50-bed facility meets the parameter of “small-scale” as defined under BCZR § 101.1. Without a comparable analysis of other facilities locally, throughout Maryland, or nationally, the record is without the necessary evidentiary basis

to determine whether a 50-bed facility is, in fact, a “small-scale facility.” From a layman’s perspective and without any persuasive evidence to support their contention, Protestants argue that 50 beds are beyond the scope of a “small-scale facility.” Mr. Akchin points to ALJ Murphy’s decision in the St. Rita’s case, OAH Case No. 2021-0105-SPHXA, but this singular case is not persuasive. *See* Protestant’s Exhibit 12 (consolidated). Also unconvincing was the density analysis provided by Mr. Akchin during the hearing, purportedly using a comparable densities across uses to the proposed Community Care Center. However, these cases and the density analysis were not factually sufficient or materially persuasive to establish a barometer or test for the relative scale of Community Care Centers.

Without contrary evidence to indicate otherwise, the record lacks necessary facts to establish the relative size and scale of such a use in Baltimore County. Moreover, “small-scale facility” is not a defined term in the BCZR, nor in any other county code, regulation, or analogous use. While a special exception use enjoys the presumption of validity, it is Petitioner’s burden to ensure that the evidence presented is sufficient to prove that the particular special exception proposed falls within the meaning of a defined use. That burden has not been met under this petition with respect to the size and scale of the proposed 50-bed facility.

Second, and perhaps more fatal, BCZR § 101.1 defines a Community Care Center as “...sponsored or operated by a *private charitable organization* or by a *public agency*...[emphasis added]”. Petitioner proffered that Bright World Health Care, LLC was a “subsidiary” of an entity known as American Psychiatric Group, P.A. Bright World was further characterized by Petitioner as the charitable arm of parent company American Psychiatric Group. Uncontroverted documents and testimony submitted into the record in this case indicate that both Aashiana, LLC (property owner) and Bright World Health Care, LLC (lessee) are private limited liability companies (LLCs)

lawfully organized under Maryland law as for-profit entities. When asked whether either Aashiana, LLC or Bright World Health Care, LLC could be considered a “private charitable organization,” as that term is used under BCZR § 101.1, Dr. Saeed responded: “we are absolutely a charitable organization, because we have goodwill towards others” and “we look towards the goodwill for our patients, [providing] services without any prejudice, and serving a needy population...” Bright World was further characterized as a “charitable LLC” followed by a supporting statement during closing arguments that “We are not a non-profit, and we are not required to be a non-profit.” Further testimony revealed that Aashiana, LLC, Bright World Health Care LLC, and American Psychiatric, P.A. share members and/or corporate officers, but are distinct entities.

Counsel for Petitioner argued that “private charitable organization” used within the context of the zoning regulations should not be read narrowly, and that numerous legal entities could potentially fall under the umbrella of a “private charitable organization.” Protestants argue that a “private charitable organization” is a defined term meaning an entity organized for tax purposes as a 501(c)(3). I agree that “private charitable organization,” as used under BCZR § 101.1 and elsewhere under Maryland law, is a defined term, as explained more fully below.

The canons of statutory interpretation are well-settled in Maryland. *Shivers v. State*, 256 Md. App. 639, 658, 287 A.3d 1255, 1266 (2023). “When undertaking an exercise in statutory interpretation, we start with the cardinal rule of statutory interpretation—to ascertain and effectuate the General Assembly's purpose and intent when it enacted the statute.” *Id.* (citing *Wheeling v. Selene Fin. LP*, 473 Md. 356, 376, 250 A.3d 197 (2021) (citing *75-80 Properties, L.L.C. v. RALE, Inc.*, 470 Md. 598, 623, 236 A.3d 545 (2020))). Our primary goal in interpreting statutory language “is to discern the legislative purpose, the ends to be accomplished, or the evils to be remedied by the statutory provision under scrutiny.” *Id.* (quoting *Lockshin v. Semsker*, 412 Md. 257, 274, 987

A.2d 18 (2010)). When undertaking a statutory interpretation analysis, “our analysis begins with the normal, plain meaning of the language of the statute. In doing so, we read the plain meaning of the language of the statute ‘as a whole, so that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.’ *Wheeling v. Selene Fin. LP*, 473 Md. 356, 376–77, 250 A.3d 197, 209 (2021) (quoting *Koste v. Town of Oxford*, 431 Md. 14, 25–26, 63 A.3d 582 (2013)). “[A]ll statutory interpretation begins, and usually ends, with the statutory text itself for the legislative intent of a statute primarily reveals itself through the statute's very words.” *Pete v. State*, 384 Md. 47, 57, 862 A.2d 419 (2004) (quoting *Price v. State*, 378 Md. 378, 387–88, 835 A.2d 1221 (2003)). Our review of the plain language is not exclusively limited to the provision in question. *Berry v. Queen*, 469 Md. 674, 687, 233 A.3d 42 (2020) (citing *Neal v. Balt. City Bd. of Sch. Comm'rs*, 467 Md. 399, 415, 225 A.3d 66 (2020)). “Instead, ‘[t]he plain language must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim or policy of the Legislature in enacting the statute.’ ” *Id.* (quoting *Johnson v. State*, 467 Md. 362, 372, 225 A.3d 44 (2020)). *Shivers v. State*, 256 Md. App. 639, 658–59, 287 A.3d 1255, 1266 (2023). Additionally, “[w]e neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute, and we do not construe a statute ‘with forced or subtle interpretations’ that limit or extend its application.” *Id.* at 376-377 (citing *Lockshin*, 412 Md. at 275, 987 A.2d 18 (citations omitted)). “If the language of the statute is unambiguous and clearly consistent with the statute's apparent purpose, our inquiry as to legislative intent ends ordinarily and we apply the statute as written, without resorting to other rules of construction.” *Id.*

In order to qualify as a Community Care Center, BCZR § 101.1 requires that the facility be a “small-scale facility” that is “sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or

by the Maryland State Department of Social Services.” The statute continues to prescribe what services must be offered at the facility and to whom the facility is intended to serve. While not required to do so in order to create a particular land use category, the County Council chose to narrowly tailor the definition of Community Care Center such that the sponsor or operator be a “private charitable organization” or “public agency.” Both these terms have specific contextual meanings outside the meaning of their individual words.

Under the ordinary-meaning canon of statutory interpretation, words are to be understood in their ordinary, everyday meanings—unless the context indicates that they bear a technical sense. *See* Antonin Scalia & Bryan Garner, *Reading Law*, pp. 69-77, Thomson/West (2012). The plain meaning rule does not ignore terms of art - terms commonly used or linked together especially in certain industries that when used together have a particular meaning beyond that of the plain dictionary meaning of their individual words isolated from one another and separated from the context in which they are used. *Id.* “And when the law is the subject, ordinary *legal* meaning is to be expected, which often differs from common meaning [emphasis added].” *Id.* at p. 77.

Organizations described in section 501(c)(3) of the federal tax code are commonly referred to as “charitable organizations.” A 501(c)(3) designation means a nonprofit organization has been recognized by the IRS as being tax-exempt by virtue of its charitable programs and restrictions on private benefits to shareholders or individuals. In order to qualify and maintain tax-exempt status, an organization must not be organized or operated for the benefit of private interests, and no part of a section 501(c)(3) organization's net earnings may inure to the benefit of any private shareholder or individual. *See* 26 U.S. Code § 501 *et seq.* The term private, as opposed to public, denotes private individual or corporate ownership instead of a government or quasi-public

enterprise. Counsel for Petitioner argues that §§ 101.1. - Word usage; definitions, should be applied here:

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

Following this line of reasoning, Webster's definition of "charitable" denotes "love for and goodwill toward others" and Counsel argues that Bright World satisfies this definition as per Dr. Saeed's testimony to that effect. However, this argument strains credibility as virtually any business entity or organization could claim "goodwill towards others" thereby denuding the term "private charitable organization" to have no meaning at all under the statute. This interpretation would render the term superfluous. "Rather, we construe the statute 'as a whole so that no word, clause, sentence, or phrase is rendered surplusage, superfluous, meaningless or nugatory.'" *Mayor & City Council of Baltimore v. Thornton Mellon, LLC*, 478 Md. 396, 429, 274 A.3d 1079, 1098 (2022) (citing *Koste v. Town of Oxford*, 431 Md. 14, 25–26, 63 A.3d 582 (2013)). A fairer reading of the statute is that this express term is not a series of three separate words each to be understood by their dictionary definition, but rather, as used in a statutory scheme, by their common usage in legal parlance, defined as a specific type of business entity that enjoys privileged tax status as described above. Moreover, as pointed out by Protestants, the term "charitable organization" is a defined term under the Business Regulations Article ("BR"), Annotated Code of Maryland, § 6-101 (d)(1):

"Charitable organization" means:

- (i) a person that:
 - 1. is or holds itself out to be a benevolent, educational, eleemosynary, humane, patriotic, philanthropic, or religious organization; and
 - 2. solicits or receives charitable contributions from the public; or

- ii) an ambulance, fire-fighting [sic], fraternal, rescue, or police or other law enforcement organization when it solicits charitable contributions from the public.

While not dispositive of this issue, and not directly imputing definitions from other sources of law for purposes of this analysis, BR § 6-101 (d)(1) is instructive in that there is no credible evidence in the record showing that Petitioner would likely satisfy this definition under state business regulations either. As such, I find that “private charitable organization” used in BCZR § 101.1 is a term of art meaning a particular business entity regulated under 26 U.S. Code § 501, *et eq.*

As the purpose of statutory interpretation is to give effect to the intent of the drafters of the text, and I find that the plain meaning of “private charitable organization” under BCZR § 101.1 is a legal entity organized under Section 501(3) of the federal tax code, I find that the County Council intended to limit the eligible operator of a Community Care Center to legal entities organized under Section 501(3) of the federal tax code, or a public agency.¹

Third, Protestants raise the argument that the term “incarceration” under BCZR § 101.1 prohibits the proposed Community Care Center from accepting resident referrals from local and statewide drug court programs. This Administrative Law Judge notes that state drug courts are specialty courts that operate as diversionary programs for individuals deemed to have medically diagnosed substance use disorders. Failure to successfully complete a course of treatment through a drug court referral program does not result in incarceration, as the purpose behind a diversionary program is to remove that individual from the criminal courts and place them into a therapeutic and nonpunitive setting. Therefore, I find that “incarceration” as used under BCZR § 101.1 does

¹ There was no argument made or implied that Bright World Health Care LLC or any other entity might be considered a “public agency” for purposes of this Petition. Aashiana, LLC and Bright World Health Care, LLC do not qualify as a “public agency” as that term is used in BCZR § 101.1, as both are organized as private and not public entities, and do not serve a public or quasi-public purpose.

not generally bar community care centers from serving resident referrals from state drug court programs, and the Petition does not fail on definitional grounds with respect to this term.

Lastly, Protestants raise the issue of state licensure and direct this ALJ's attention to the *St. Rita's* case, OAH Case No. 2021-0105-SPHXA, decided by ALJ Murphy on August 2, 2021. In that decision, ALJ Murphy held that the applicant did not meet the definition of a Community Care Center as neither the Maryland State Department of Health and Mental Hygiene or the Maryland State Department of Social Services were the licensing authorities for the proposed use (housing the minor children of abused women), as required by the statute. That decision was appealed to the Board of Appeals and was similarly denied the relief requested under the Petition, among other conclusions of law. However, the *St. Rita's* case is distinguishable from the case at bar as the function of the proposed Community Car Center for housing the minor children of abuse victims falls outside the licensing authorities listed in the statute. In the subject Petition, the licensing of residential facilities "for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers" is the responsibility of the Maryland State Department of Health and Mental Hygiene, as contemplated under the statute.

Counsel for Petitioner argues that state licensure for any use would be a requirement moving forward, but obtaining local zoning approval is the first step in the regulatory process. I agree and find that licensure as a term under the statute is satisfied where licensure is a required element of the use moving forward, the violation of which would be a violation of state and local law (the condition of approval for a Community Care Center would include a requirement to comply with all state and local laws, including requisite state licensure).²

² Protestants also reference the *St. Luke's* case, Case No. 2013-0103-SPHXA. This case is distinguishable from the case at bar for the same reasons that *St. Rita's* is distinguishable, as the proposed Community Care Center (requested as alternative relief) was to provide "permanent supporting housing for women with disabilities" – a use not licensed by the State of Maryland.

“More than 1,000 people have died in Baltimore County from opioid-related overdoses since 2015, with the rate of death among County residents one of the highest in the state.” *See* File Exhibit 1, Baltimore County Report, Executive Summary, p. 3 (citing Maryland Department of Health, “Unintentional drug-and alcohol-related intoxication deaths in Maryland: Preliminary data update through 1st quarter 2019” (June 2019)³, and Maryland Opioid Operational Command Center, “Before it’s too late: Opioid operational command center annual report,” (May 2019)⁴). A 2019 working group formed by Baltimore County, County Executive Johnny Olszewski, Jr. to address opioid deaths produced a draft report that, among other features, outlined recommendations for addressing stigma, prevention, treatment, recovery, family support, criminal justice, and harm reduction strategies with respect to the opioid epidemic. Among these recommendations, relevant to the subject Petition, are reducing stigma through community education, improving treatment services by “revis[ing] zoning restrictions to permit more opioid treatment programs that meet standards for high quality to serve county residents,” and “...address[ing] the barriers to the opening of recovery housing in Baltimore.” File Exhibit 1, pp. 3-4.

While the success of these initiatives is critical to public health and to the health and well-being of those that suffer from dependency and substance use disorders, they are more appropriately addressed by policy makers through legislation and agency regulations, examples of which are outlined in the working group report. *See* File Exhibit 1. The mandate of the Office of Administrative Hearings is merely to apply county laws, codes and regulations as promulgated by county agencies and the Baltimore County Council. Therefore, this Petition must be denied at this time as Petitioner

³ https://health.maryland.gov/vsa/Documents/Quarterly%20Drug_Alcohol_Intoxication_Report_2019_Q1.pdf

⁴ <https://beforeitstoolate.maryland.gov/wp-content/uploads/sites/34/2019/05/OOCC-Final-Annual-Report-2018.pdf>

fails to satisfy this definitional requirement, until such time as the County Council chooses to amend or further clarify the definition of "Community Care Center" under BCZR § 101.1.

With the special exception factors being satisfied and this Petition failing on definitional grounds only, a further discussion of the imposition of relevant conditions regarding ingress and egress, and conditions regarding the segregation of the proposed Community Care Center use from the existing Adult Care Center and Adult Day Care uses, as well as the adjacent neighboring uses, among other conditions, will not be conducted at this time.

THEREFORE, IT IS ORDERED this 20th day of **February, 2024**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR §500.7 to determine and approve the existing parking arrangement for the existing and proposed uses is hereby **GRANTED**, however;

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a Community Care Center in a DR zone pursuant to BCZR §1B01.1.C.5 is hereby **DENIED**.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7600 Clays Lane Currently Zoned DR 5.5, DR 10.5 & RC 6
Deed Reference 26736 / 00299 10 Digit Tax Account # 1900014173
Owner(s) Printed Name(s) Aashiana, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Please see the attached.

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

Please see the attached.

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Bright World Health Care LLC
Name - Type or Print [Signature]
Signature
17 E. Franklin St. Baltimore MD
Mailing Address City State
21202 / (410) 600-3500 / secedrfa@americanpsychiatricgroup.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Aashiana, LLC
Name #1 - Type or Print Xia Miquel Name #2 - Type or Print ALICE MANEJACIA
Signature #1 [Signature] Signature #2 [Signature]
725A Old Benfield Road Severna Park MD
Mailing Address City State
21146 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire
Name - Type or Print [Signature]
Signature
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Esquire
Name - Type or Print [Signature]
Signature
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Case Number 2023-0206-844 Filing Date 10/10/23 Do Not Schedule Dates Reviewer TC

**ATTACHMENT TO PETITION FOR
SPECIAL HEARING AND SPECIAL EXCEPTION**

7600 Clays Lane
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To determine and approve the existing parking arrangement for the existing and proposed uses; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception Relief:

1. To approve a Community Care Center in a DR zone pursuant to BCZR §1B01.1.C.5; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2023-0206-SPHX



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7600 Clays Lane Currently Zoned DR 5.5, DR 10.5 & RC 6
Deed Reference 26736 / 00299 10 Digit Tax Account # 1900014173
Owner(s) Printed Name(s) Aashiana, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Please see the attached.

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

Please see the attached.

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Bright World Health Care LLC
Name - Type or Print *Bright*
Signature *[Signature]*
17 E. Franklin St. Baltimore MD
Mailing Address City State
21202 (410) 600-3500 saeedirfan@americanpsychiatricgroup.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire
Name - Type or Print *Lawrence E. Schmidt*
Signature *[Signature]*
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Aashiana, LLC
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 *ALIF MANEJWAH* Signature #2 *[Signature]*
725A Old Benfield Road Severna Park MD
Mailing Address City State
21146 Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Lawrence E. Schmidt, Esquire
Name - Type or Print *Lawrence E. Schmidt*
Signature *[Signature]*
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 (410) 821-0070 lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Case Number 2023-0206-SK1X Filing Date 10/10/23 Do Not Schedule Dates Reviewer TC

**ATTACHMENT TO PETITION FOR
SPECIAL HEARING AND SPECIAL EXCEPTION**

7600 Clays Lane
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To determine and approve the existing parking arrangement for the existing and proposed uses; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception Relief:

1. To approve a Community Care Center in a DR zone pursuant to BCZR §1B01.1.C.5; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2023-02-06-SPHX



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7600 Clays Lane Currently Zoned DR 5.5, DR 10.5 & RC 6
Deed Reference 26736 / 00299 10 Digit Tax Account # 1900014173
Owner(s) Printed Name(s) Aashiana, LLC

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Please see the attached.

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

Please see the attached.

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Bright World Health Care LLC
Name - Type or Print Bright World Health Care LLC
Signature [Signature]
17 E. Franklin St. Baltimore MD
Mailing Address City State
21202 / (410) 600-3500 / seeds@brightworldhealthcare.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Aashiana, LLC
Name #1 - Type or Print Aashiana, LLC Name #2 - Type or Print Ash Marie Wawa MD
Signature #1 [Signature] Signature #2 [Signature]
725A Old Benfield Road Severna Park MD
Mailing Address City State
21146 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire
Name - Type or Print Lawrence E. Schmidt
Signature [Signature]
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Esquire
Name - Type or Print Lawrence E. Schmidt
Signature [Signature]
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Case Number 2023-0206 Filing Date 11/10/23 Do Not Schedule Dates SPHX Reviewer TL

Revised 8/2022

**ATTACHMENT TO PETITION FOR
SPECIAL HEARING AND SPECIAL EXCEPTION**

7600 Clays Lane
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. To determine and approve the existing parking arrangement for the existing and proposed uses; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception Relief:

1. To approve a Community Care Center in a DR zone pursuant to BCZR §1B01.1.C.5; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2023-0206-SPHX

ZONING DESCRIPTION
7600 CLAYS LANE
TAX ACCT. NO. 1900014173

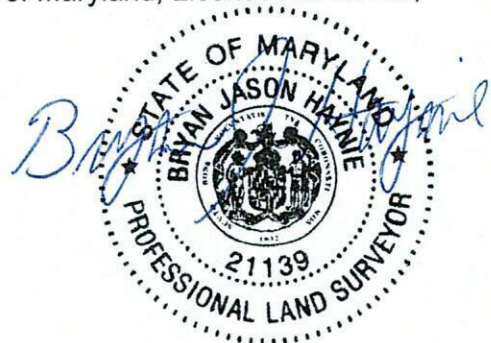
POINT OF BEGINNING Being for the same at a 1-1/4 inch iron pipe found on the north side of CLAYS LANE, thence leaving said point and binding on said road;

- 1) North 79° 25' 14" West, 370.00 feet to a point, thence leaving said road;
- 2) North 14° 34' 46" East, 185.00 feet to a point, thence;
- 3) North 65° 06' 23" West, 50.00 feet to a point, thence;
- 4) North 12° 41' 25" East, 64.00 feet to a point, thence;
- 5) North 10° 59' 00" East, 78.00 feet to a point, thence;
- 6) North 20° 19' 00" East, 103.00 feet to a point, thence;
- 7) South 79° 41' 00" East, 481.00 feet to a point, thence;
- 8) South 24° 19' 00" West, 110.00 feet to a stone, thence;
- 9) South 24° 32' 57" West, 259.86 feet to the place of beginning.

Containing 3.972 acres of land, more or less.

Professional Certification:

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the laws of the State of Maryland, License No. 21139, Expiration/Renewal Date June 20, 2024.



2023-0206-SH HX

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2023-0206-SPH-X

Property Address: 7600 Clays Lane

Property Description: _____

Legal Owners (Petitioners): Aashiana, LLC

Contract Purchaser/Lessee: Bright World Health Care, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Nicole Rayfield

Company/Firm (if applicable): Bright World Health Care, LLC

Address: 17 E. Franklin Street
Baltimore, MD 21202

Telephone Number: (410) 600-3500 or nrayfield@americanpsychiatricgroup.com

Revised 5/20/2014

ZONING NOTICE

CASE # 2023-0206-SPHX

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

DATE AND TIME: TUESDAY, DECEMBER 12, 2023
AT 10:00 A.M.

SPECIAL EXCEPTION: TO APPROVE A COMMUNITY CARE CENTER IN A DR ZONE PURSUANT TO BALTIMORE COUNTY ZONING REGULATIONS ("BCZR"), SECTION 1B01.1.C.5 AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE ("ALJ") FOR BALTIMORE COUNTY.
7600 CLAYS LANE

For information on how to participate in the hearings Go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

2nd SIGN

Posted @ 7600 Clays Lane ~ 11/20/2023

CASE # 2023-0206-SPHX

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/20/2023

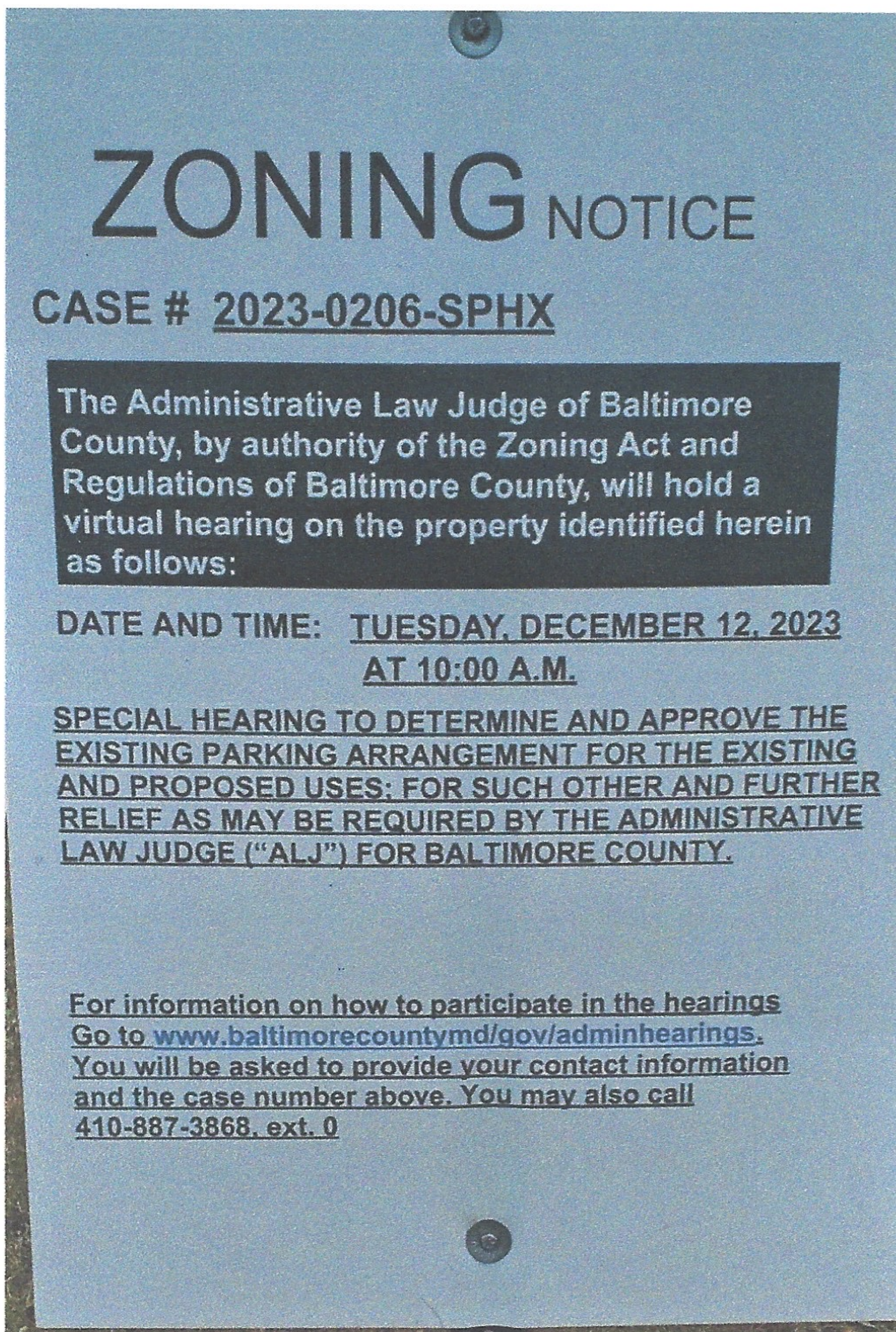
Case Number: 2023-0206-SPHX

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC

Date of Hearing: DECEMBER 12, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
7600 CLAYS LANE

The sign(s) were posted on: NOVEMBER 20, 2023



1ST SIGN

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/26/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0206-SPHX

INFORMATION:

Property Address: 7600 Clays Lane
Petitioner: Aashiana, LLC
Zoning: DR 5.5, DR 10.5, RC 6
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. To determine and approve the existing parking arrangement for the existing and proposed uses; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception -

1. To approve a Community Care Center in a DR zone Pursuant to BCZR Section 1B01.1.C.5.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a 3.317-acre property zoned predominantly DR 10.5. It is surrounded by mostly residential with agricultural uses to the west. The proposed site has multiple previous zoning case history and is not in any historic district.

The existing land use is currently an Adult Care Facility (Elderly Housing). The petition indicates that the proposed use will be an Adult Care/Community Care Center (Inpatient care/treatment). Pursuant to the Baltimore County Zoning Regulations Section 1B01.1.C.5 the requested use is permitted by Special Exception in a D.R. zone. The site plan indicates that 80 parking spaces will be provided (52 spaces required). The bed count will increase from 80 to 130, adding an additional 50 beds. It is understood that the requested conditions are currently existing and there are no building improvements proposed. The site, as it currently exists appears to have adequate circulation and provide safe vehicular and pedestrian movements. The Average Daily Trips (ADT) are conservative and will not adversely impact the site.

The Department has no objections in granting the relief conditioned upon the following:

- 1) The Master Plan 2010 is no longer the controlling document. Update the Adopted Plans Chart to include the Master Plan 2020 and confirm its compliance with this manual.
- 2) Comply with any landscaping guidelines required by the Baltimore County Landscape Architect.
- 3) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. zoned property and
- 4) The plan meets all additional conditions as required by the Administrative Law Judge.

For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Lawrence E. Schmidt, Esquire
Daphne Daly, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: October 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0206-SPHX
Address: 7600 CLAYS LANE
Legal Owner: Aashiana, LLC

Zoning Advisory Committee Meeting of October 23, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:		District - 02 Account Number - 1900014173
Owner Information		
Owner Name:	AASHIANA LLC	Use: COMMERCIAL
		Principal Residence: NO
Mailing Address:	725A OLD BENFIELD RD SEVERNA PARK MD 21146-2235	Deed Reference: /26736/ 00299
Location & Structure Information		
Premises Address:	7600 CLAYS LN 0-0000	Legal Description: 3.9724 AC 7600 CLAYS LN 1220FT W ROLLING RD
Map:	Grid:	Parcel:
0087	0011	0671
Neighborhood:	Subdivision:	Section:
10000.04	0000	
Block:	Lot:	Assessment Year:
		2022
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	65,269 SF	
Property Land Area	County Use	
3.9700 AC	06	
StoriesBasementType	ExteriorQualityFull/Half BathGarage	Last Notice of Major Improvements
HOME FOR THE ELDERLY/	C3	2015
Value Information		
	Base Value	Value
		As of
		01/01/2022
		As of
		07/01/2023
		As of
		07/01/2024
Land:	794,000	794,000
Improvements	3,096,800	3,381,800
Total:	3,890,800	4,175,800
Preferential Land:	0	0
		4,080,800
		4,175,800
Transfer Information		
Seller: IB PROPERTY HOLDINGS LLC	Date: 03/05/2008	Price: \$1,280,000
Type: ARMS LENGTH IMPROVED	Deed1: /26736/ 00299	Deed2:
Seller: SECURITY MANOR LLC	Date: 10/07/2004	Price: \$1,500,000
Type: ARMS LENGTH IMPROVED	Deed1: /20801/ 00369	Deed2:
Seller: TRINITY RETIREMENT COMMUNITY INC	Date: 11/01/2001	Price: \$3,100,000
Type: ARMS LENGTH IMPROVED	Deed1: /15717/ 00001	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

2023-0206-SPHX

087C1

0203230100
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC 6

DR 10.5

4 CD

NW 4-H

2 ED

087C2

CLAYS LN

CLAYS LN

ARLINGTON
BAPTIST

NW 4-G

DR 5.5

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC 6

DR 10.5

Pt. Bk. 0000059, Folio 0003

2000013190

PAI # 020374

PAI # 020374

Lot # 2 PAI # 020374

Pt. Bk./Folio # 059004

PAI # 020532

Pt. Bk. 0000067, Folio 0130

2300004466

2200024257

3030

ARLINGTON
BAPTIST

0202571970

R-1976-0052-X
1983-0052-X

PAI # 020701

PAI # 020701
PAI # 020701₂₁₅

2020-0145-A

PAI # 020701

1700002324

PAI # 020701

8205

8201

2938

2934

2932

2930

0212200310

1998-0078-XA 2914
2002-0384-SPHXA

PAI # 020517, PAI # 020517

7536

7534

7532

7530

7528

7526

7524

7522

7520

7518

7516

7514

7512

7510

7508

7506

7504

7502

7500

7498

7496

7494

7492

7490

7488

7486

7484

7482

7480

HAYSTACK DR

Pt. Bk. 0000070, Folio 0056

2200024243

2004-0067-A

PAI # 020532

Lot # 70

2200024242

2200024241

Pt. Bk./Folio # 067130

2200024240

2200024239

2200024238

2200024237

2200024236

2200024235

Lot # 67

PAI # 020532

COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

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The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

