

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 14th day of NOVEMBER, 2024, that John P. Fitts located at 8611 McDaniel AVE should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: ALF II facility
with 8 Beds.

2020-079-SPH
UP-2024-0009LL
Permit (or Receipt) Number

C. Peters
Director, Permits, Approvals and Inspections

Planner's Initials JK

IN RE: PETITION FOR SPECIAL HEARING *	BEFORE THE OFFICE
(9611 McDaniel Ave.)	
15 th Election District *	OF ADMINISTRATIVE
7 th Council District	
John P. Fitts, Jr. *	HEARINGS FOR
<i>Legal Owner</i>	
	BALTIMORE COUNTY
Petitioner *	CASE NO. 2020-0079-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Special Hearing filed by John P. Fitts, Jr., legal owner of the subject property (“Petitioner”). The Petitioner is seeking a Use Permit via Special Hearing relief from § 432.A.1.A(2) of the Baltimore County Zoning Regulations (“BCZR”) to permit an Assisted Living Facility (“ALF”) property to be used as an (8) eight bed ALF II in lieu of the permitted seven (7) bed ALF II without frontage on an arterial street.

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

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Plans Review (“DPR”). They did not oppose the requested relief.

Petitioners, Christina and John Fitts appeared in support of the petition. There were no Protestants in attendance. The subject property is 17,424 square feet in size and is zoned DR 5.5, M-IM. Ms. Fitts explained that she and her husband currently operate a similar Assisted Living Facility (ALF) in Randallstown. They and their staff are state licensed and supervised. She further testified that she has spoken with the neighbors at this proposed location and they are in support

of the proposed use. Petitioner submitted a detailed explanation of why they chose this location

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Date 9/28/20
By D. Mignone

and why the proposed ALF will not adversely impact the health, safety or welfare of the surrounding neighborhood. *See*, Petitioners' Exhibit 1. Petitioners note that there is a business directly across the street, and a manufacturing zone behind them. There is only one residence in close proximity. Further, there are twice as many parking spaces as required.

Based on the testimony and exhibits I find that the Petition for Special Hearing relief should be granted. The DOP did not raise any compatibility concerns and I find that this use will in fact be compatible with the existing neighborhood. Further, I find that the ALF use is within the spirit and intent of the BCZR and will not harm the general health, safety, or welfare.

THEREFORE, IT IS ORDERED this 28th day of **September, 2020** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from § 432.A.1.A(2), for a Use Permit to operate an eight (8) bed Assisted Living Facility II without frontage on an arterial street in lieu of the permitted seven (7) bed Assisted Living Facility I, is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

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By DMagnon

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: ^{efc for VKD} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2020
Item No. 2020-0079-SPH

DATE: April 8, 2020

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Hearing and Zoning Relief is granted, a Landscape Plan is reviewed per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: efc
cc: file

ORDER RECEIVED FOR FILING

Date

9/28/20

By

W. M. Magon



A J FITTS UNLIMITED, L.L.C.

Exceptional Adult & Elder Care

ZONING PROPERTY DESCRIPTION

FOR

8611 McDaniel Avenue, Rosedale MD 21237

Beginning at a point on the south-east side of McDaniel Avenue, which is 30 feet wide at a distance of 475 feet, north-east of the centerline of the nearest improved intersecting street, Golden Ring Road which is 50 feet wide.

Being Lot # (7-8), Block (D) in the subdivision of Golden Ring Park as recorded in Baltimore County Plat Book # (7), Folio # (135), containing (17,424 sq. ft.). Located in the (15th) Election District and (7th) Council District.

20 20 - 0079 - SPH



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8611 McDaniel Ave. Rosedale 21237 which is presently zoned DR5.5/ML-1M
 Deed References: 42361/00028 10 Digit Tax Account # 1900008265
 Property Owner(s) Printed Name(s) JOHN P. FITTS, JR

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the property to be used as an (8) eight bed Assisted Living Facility II per Section 432A.1.A(2) of BCZR, in lieu of the permitted (7) bed Assisted Living Facility II, without a frontage on an arterial street.
2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
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)

See separate attachment entitled "Attachment to Petition for Zoning Hearing."

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

JOHN P. FITTS, JR.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10010 VILLAGE GREEN DR. WOODSTOCK, MD

Mailing Address

City

State

Zip Code

Telephone # 742-21163

Email Address

Zip Code

Telephone # 4297

Email Address

Representative to be contacted:

CHRISTINA L. FITTS

Name - Type or Print

Signature

10010 VILLAGE GREEN DR. WOODSTOCK, MD

Mailing Address

City

State

Zip Code

Telephone # 4297

Email Address

CASE NUMBER

2020-0079-SPH

Filing Date

3/2/2020

Do Not Schedule Dates:

Reviewer

AT



A J FITTS UNLIMITED, LLC.

Exceptional Adult & Elder Care

ZONING PROPERTY DESCRIPTION

FOR

8611 McDaniel Avenue, Rosedale MD 21237

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Being Lot # (7-8), Block (D) in the subdivision of Golden Ring Park as recorded in Baltimore County Plat Book # (7), Folio # (135), containing (17,424 sq. ft.). Located in the (15th) Election District and (7th) Council District.

2020-0079-SPH

MEMORANDUM

DATE: November 2, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0079-SPH – Appeal Period Expired

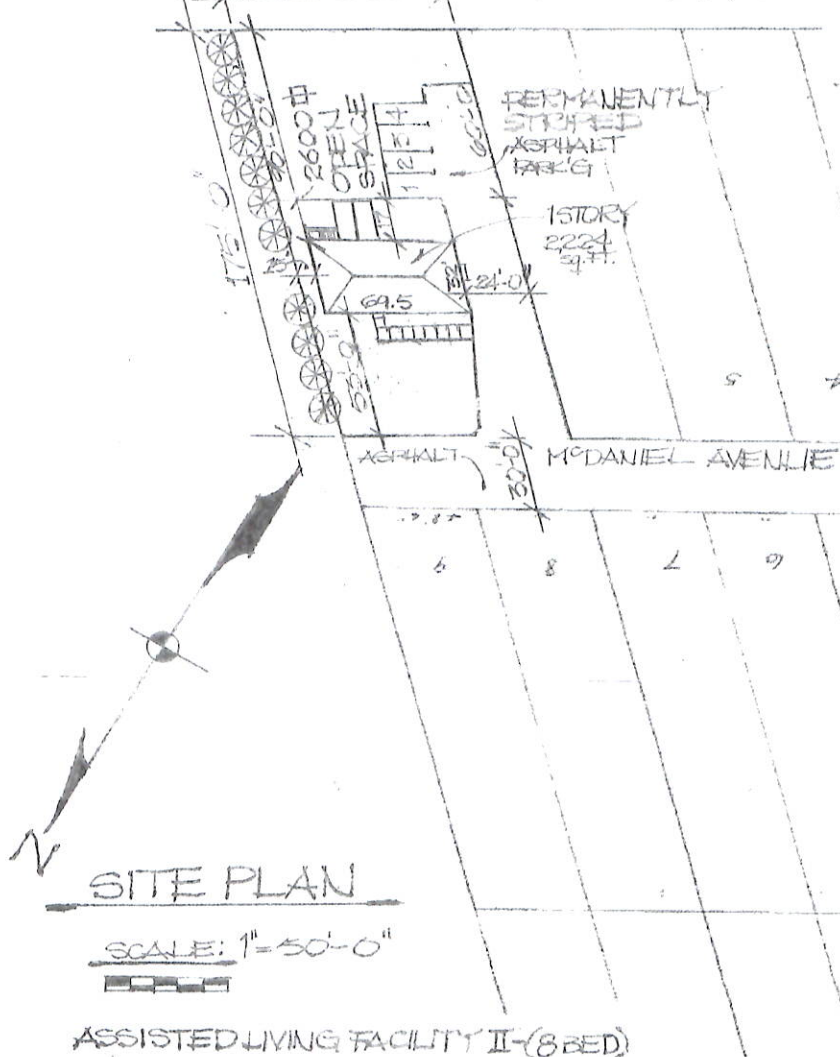
The appeal period for the above-referenced cases expired on October 28, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

* OPEN SPACE REQUIRED
1743 SQ. FT.
OPEN SPACE PROVIDED
2600 SQ. FT.

* PARKING REQUIREMENTS
1 PS. FOR 3 BEDS
3 PS. REQUIRED
4 PS. PROVIDED



ASSISTED LIVING FACILITY II-(8 BED)

2611 MCDANIEL AVENUE
BALTIMORE COUNTY, MD.
15 ELECTION DISTRICT

OWNER: JOHN & CHRISTINA FITTS

1ST. FLR. & SUN ROOM = 2513 SQ. FT.

BASEMENT FOR STORAGE

LOT SIZE: 17,424 SQ. FT.

ZONE DR 5.5

DATE: 08/11/2020

"This building has not been originally constructed to accommodate elderly housing or an assisted living facility. The building has not been constructed in the past 5 years. No reconstruction, relocation, (exterior) changes or additions (of 25% or more based on the ground floor area as of 5 years before the date of this application) to the exterior of the building have occurred. No additions are proposed to exceed this limit for 5 years from the date of this application.

THE APPLICANT IS AWARE & CERTIFIES THAT IN A D.R. ZONE, AN ASSISTED LIVING FACILITY I OR II IS NOT PERMITTED WITHIN 1000 FEET OF ANOTHER PROPERTY WITH AN EXISTING ASSISTED-LIVING FACILITY I OR II OR ANOTHER PROPERTY FOR WHICH AN APPLICATION FOR A USE PERMIT HAS BEEN FILED FOR AN ASSISTED LIVING FACILITY I OR II. (MINISTANT TO SECTION 41A-1-107(b))

THE APPLICANT IS AWARE & CERTIFIES THAT A BUILDING PERMIT FOR THE INSTALLATION AND INSPECTION OF AN "AUTOMATIC SPRINKLER SYSTEM" FOR THE PRINCIPAL BUILDING ON THE PROPERTY WILL BE REQUIRED, PRIOR TO THE OPERATION AND OCCUPANCY OF AN ASSISTED LIVING FACILITY (ALF I, II OR III), PURSUANT TO THE BALTIMORE COUNTY BUILDING CODE, SECTION 308 AND/OR SECTION 310. (Contact the Building Plans Review Office at 410-687-3987 for more information about automatic sprinkler system requirements). For more than 4 beds, density calculations must be shown on the site plan based on the particular zone's minimum lot area requirements for each density or dwelling unit used. See the chart below:

Density	
1-4 beds	Not required
5-6 beds	2 density lots required
9-12 beds	3 density lots required
13-15 beds	4 density lots required

2020-0079-SPH

A. OWNER/DEVELOPER: JOHN P. FITTS, JR.
10010 VILLAGE GREEN DRIVE
WOODSTOCK, MARYLAND 21163
ATTENTION: CHRISTINA FITTS
PHONE: (443) 415-3832
EMAIL: oneasyfit8611@gmail.com

B. PLAN PREPARED BY: DEVELOPMENT & DESIGN SOLUTIONS, LLC.
3202 ACTON ROAD
BALTIMORE, MARYLAND 21234
PHONE: (410) 905-0778

C. SITE LOCATION:

1. STREET ADDRESS:	8611 McDANIEL AVENUE	
	ROSEDALE, MARYLAND 21237	
2. ELECTION DISTRICT:	15th	
3. COUNCILMANIC DISTRICT:	7th	
4. CENSUS TRACT:	#4501.00	
5. ADC MAP:	MAP# 16, GRID G-12 (OLD)	
6. GIS TILE NUMBER:	089C2	
7. TAX MAP:	MAP #0089, GRID 0012, PARCEL 0719	
9. WATER & SEWER DESIGNATION:	W-1, S-	
10. WATERSHED:	BACK RIVER	
	RIVER BASIN: PATAPSCO RIVER	
	SUBSHED: STEMMERS RUN	
11. TAX ACCOUNT #	19-00-008265	
12. DEED REFERENCE:	LIBER 42361, FOLIO 00028	
13. PLAT REFERENCE:	LIBER 0007, FOLIO 0135	
	GOLDEN RING PARK - BLOCK-D, LOT 7-8	

D. EXISTING SITE DATA AND ZONING:

1. GROSS SITE AREA:	17,424 S.F. / 0.40 Ac.±
2. EXISTING ZONING:	DR-5.5 (RESIDENTIAL) & ML-M (LIGHT MANUFACTURING)
EXISTING LAND USE:	RESIDENTIAL (EX. SINGLE FAMILY DWELLING AND LAWN AREA)
3. EXISTING FLOOR AREAS:	FIRST FLOOR = 2,42.50 SF.
	BASEMENT FOR STORAGE & MECHANICAL EQUIPMENT = 2,642.50 S.F.
	SCREENED & COVERED DECK = 128.50 SF.

E. EXISTING SITE INFORMATION:

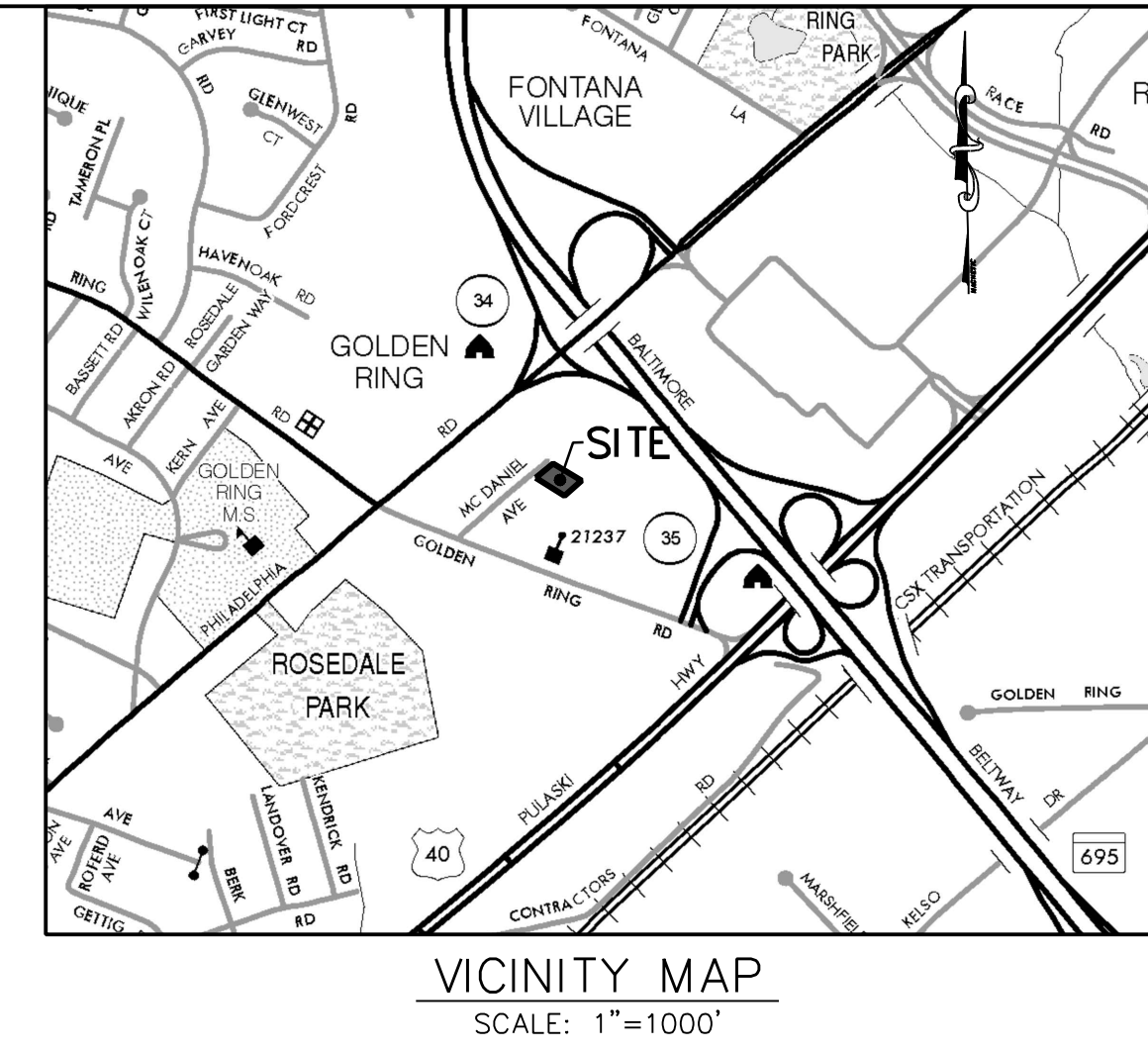
1. BOUNDARY SURVEY SHOWN ON THIS PLAN IS BASED ON THE RECORDED PLAT FOR GOLDEN RING PARK AS PLAT REFERENCED LIBER 0007, FOLIO 0135.
2. TOPOGRAPHIC SURVEY SHOWN ON THIS PLAN IS BASED ON THE BALTIMORE COUNTY GIS SURVEY.
3. THIS PROJECT IS NOT SUBJECT TO THE FOREST CONSERVATION IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DEPS.
4. THERE ARE NO KNOWN WETLANDS, FLOODPLAIN, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES, HABITATS OR HAZARDOUS MATERIALS ASSOCIATED WITH THIS PROPERTY.
5. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
6. THERE ARE NO STEEP SLOPES ASSOCIATED WITH THIS SITE.
7. THIS PROPERTY IS NOT ASSOCIATED WITH THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
8. SCHOOL DISTRICT: SHADY SPRING ELEMENTARY
GOLDEN RING MIDDLE SCHOOL
OVERLEA HIGH SCHOOL

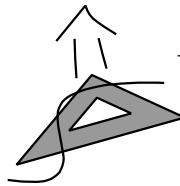
F. PROPOSED DEVELOPMENT INFORMATION:

1. PROPOSED DEVELOPMENT:	RESIDENTIAL - ASSISTED LIVING FACILITY II (8 BEDS/UNITS)
2. DENSITY CALCULATIONS:	UNITS ALLOWED: 3.5 x 1,332 AC. = 4.66 UNITS (4 UNITS)
	UNITS REQUIRED: 5-8 BEDS = 2 DENSITY UNITS
	UNITS PROPOSED: 8 BEDS
3. OPEN SPACE: REQUIRED:	17,605.50 SF. (LOT AREA) x 10% = 1,760.55 SF.
	PROPOSED: 1,800.00 SF.
4. PARKING REQUIRED:	1 P.S. FOR EACH 3 BEDS = 3 P.S. (BASED ON 8 BEDS)
PARKING PROPOSED:	4 P.S. (INCLUDES 1 HANDICAP)
PARKING SPACES:	8.5' x 18' (TYP.)

G. THIS PROJECT WAS SUBJECT TO PETITION FOR SPECIAL HEARING UNDER CASE #2020-0079-SPH FOR RELIEF FROM SECTION 432.A.1.A(2) OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT AN ASSISTED LIVING FACILITY (ALF) PROPERTY TO BE USED AS AN (8) EIGHT BED ALF IN LIEU OF THE PERMITTED SEVEN (7) BED ALF WITHOUT FRONTAGE ON AN ARTERIAL STREET.

1. ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
2. THIS BUILDING HAS NOT BEEN ORIGINAL CONSTRUCTED TO ACCOMMODATE ELDERLY HOUSING OR AN ASSISTED LIVING FACILITY. THE BUILDING HAS NOT BEEN CONSTRUCTED IN THE PAST FIVE (5) YEARS, NO RECONSTRUCTION, RELOCATION, EXTENSIVE CHANGES OR ADDITIONS OF 25% OR MORE BASED ON THE GROUND FLOOR AREA AS OF FIVE (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 FIVE (5) YEARS FROM THE DATE OF THIS APPLICATION.
3. THE APPLICANT IS AWARE & CERTIFIES THAT IN A D.R. ZONING, 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.4.A.3. OF THE BCZR.
4. ANY PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR AND ALL ZONING SIGN POLICIES OR A ZONING VARIANCE IS REQUIRED.
5. 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 (AFL I, II OR III), PURSUANT TO THE BALTIMORE COUNTY BUILDING CODE, SECTION 308 AND/OR SECTION 310.



NO.	DATE	REVISIONS	BY
DRAWING:			
ZONING USE PERMIT PLAN FOR ASSISTED LIVING FACILITY (AFL-II) FOR MAXIMUM OF 8 BEDS			
PROJECT:			
8611 McDANIEL AVENUE BALTIMORE, MARYLAND 21237			
BALTIMORE COUNTY, MD		15th ELECTION DISTRICT	
ENGINEER:			
 Development & Design Solutions, LLC Consultants, Engineers and Planners 3202 Acton Road - Baltimore, Maryland 21234 Phone: (410)905-0778			
	DESIGNED: DMB		
	DRAWN: DMB		
	CHECKED: DMB		
	DATE: NOVEMBER 14, 2024		
	SCALE: 1"=20'		
	DRAWING NO: AFL-1		SHEET NO. 1 OF 1