



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

August 6, 2024

Jennifer Busse, Esquire – jbusse@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2024-0083-SPHXA
Property: 103 Riverside Drive

Dear Ms. Busse:

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,


ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dml

Enclosure

c: Leah Biddinger – leahbiddinger@gmail.com
Matthew Bishop - matt.bishop@kimley-horn.com
Amy Park – apark@baltimorecountymd.gov
Elise Andrews – eandrews@baltimorecountymd.gov
Tammy Zahner – tzahner@baltimorecountymd.gov
Courtney Wandeloski – courtney@revivebhs.com
Charles Thim, 105 Riverside Drive, Baltimore, MD 21221
Dennis LaRue, 103 Riverside Drive, Baltimore, MD 21221
Robert E. Smith, Jr., 105 Riverside Drive, Baltimore, MD 21221

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
(103 Riverside Drive)	*	OFFICE OF ADMINISTRATIVE
15th Election District		
7th Councilmanic District	*	HEARINGS FOR
Trustees of the House of the		
Lord Ministries, <i>Legal Owner</i>	*	BALTIMORE COUNTY
Dr. Obinna Obiejemba, <i>Contract Purchaser</i>		
Petitioners	*	CASE NO. 2024-0083-SPHXA

* * * * *

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 Trustees of the House of the Lord Ministries, legal owner, and Dr. Obinna Obiejemba, contract purchaser (“Petitioners”), for the property known as 103 Riverside Drive in the Essex area of Baltimore County. The Petition for Special Exception from the Baltimore County Zoning Regulations (“BCZR”) § 230.3 to permit a Community Care Center. A Special Hearing under BCZR, § 409.12 to approve a modified parking plan. Variance Relief as follows:

1. To allow the continuation of existing front to centerline of street setback of 37 ft. in lieu of otherwise required 40 ft. per BCZR, § 232.1.
2. To allow the continuation of existing front yard averaging setback of 12 ft. in lieu of otherwise required 13 and a half ft. per BCZR, § 232.1.
3. To allow the continuation of existing side yard setbacks of 15 ft. in lieu of otherwise required 20 ft. per side per BCZR, § 232.2.
4. To allow the continuation of existing rear yard setback of 16 ft. in lieu of otherwise required 20 ft. per BCZR, § 232.3.
5. In the alternative, Variance to approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR, §§ 232.4, 409.4.B and 409.6.A.

Additionally, the Petitioners have requested “Any further relief deemed required by the Administrative Law Judge (“ALJ”),” specifically whether the proposed facility qualifies as a Community Care Center pursuant to BCZR, § 101.1 or State-Licensed Medical Clinic under BCZR, § 4C-101, and if so, for a Special Exception pursuant to BCZR, § 4C-102(A)(1) and for variance relief from BCZR, § 4C-102(A)(2)(a) to allow side yard setbacks of 15 ft. and rear yard

setback of 16 ft. in lieu of otherwise required 750 ft.

An in-person hearing was held using the WebEx platform on July 14, 2024 at 1:30 p.m. The Petitions were properly advertised and posted. Dr. Obinna Obiejemba was present at the hearing along with Matthew Bishop, a Professional Landscape Architect, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Jennifer Busse, Esquire and Rosenberg Martin Greenberg, LLP represented the Petitioners. Dennis La Rue, former pastor at The House of the Lord Ministries, the church previously occupying 103 Riverside Drive, and Robert E. Smith and Charles Tim of 105 Riverside Drive was also present at the hearing. County Opioid Coordinator, Elise Andrews and Amy Park, LCSW-C of the Baltimore County Health Department were also in attendance.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protections and Sustainability (“DEPS”) which agencies did not oppose the relief requested. Department of Plans Review (“DPR”) and the Department of Public Works and Transportation (“DPWT”) provided the comments which are attached and incorporated as conditions to the requested relief.

PETITIONER’S WITNESSES

Petitioner Dr. Obinna Obiejemba testified that he is Board Certified as a Psychiatric Nurse Practitioner and a former director of nursing in the Baltimore City prison system. He currently maintains a practice providing outpatient drug treatment with offices in Essex and Catonsville. Dr. Obiejemba explained that while working at an inpatient drug treatment facility located in Baltimore City, he observed that patients from the east side of Baltimore County would prefer to attend a program located in their own community. He notes that Baltimore County has a significant opioid overdose problem and the Community Care Center located at the subject property would be an ideal location and use of the building that was previously used as a church.

Dr. Obiejemba explained that the proposed facility would house up to 16 male patients, in

a total of 4 bedrooms, with the remaining part of the facility being used for group meetings and therapeutic purposes. He testified that the proposed facility will be a “locked facility,” with patients being unable to leave the premises during their stay except for medical appointments. Patients will be allowed to use the back yard of the site, but no visitors are permitted. The proposed facility will have a van available that will transport patients to appointments and the patients will not be permitted to have vehicles on the premises. Dr. Obiejemba testified that he foresaw patients being referred to the facility from local hospitals after overdose situations, and by court order. Patients will be medically stable when they arrive, and receive opioid replacement medication during their stay if necessary. No medications, such as methadone will be distributed to individuals not residing at the facility. Dr. Obiejemba explained that the maximum stay at the facility per patient will be 29 days, with many of the patients’ stays being funded by Medicaid.

Dr. Obiejemba testified that there will be at least 1 staff member on site 24 hours a day. A total of 4 staff members will work at the site, with a maximum of 3 at any given time. A therapist will be on site during the day, as each patient is required to receive 36 hours of therapy a week. Additionally, a psychiatric nurse practitioner will be on site to distribute and supervise necessary medications. He noted that all meals will be prepared at the facility and all applicable fire code and occupancy requirements through Baltimore County will be complied prior to opening the facility. He also noted that he does not foresee the necessity of any signage for the proposed facility that might attract unwanted attention. He further explained that residents will be subject to a code of conduct and will be removed if they fail to comply.

Next to testify was Courtney Wandeloski, who was accepted as an expert Behavior Health Consultant, who assists drug treatment providers navigate local and state regulations required to open residential drug treatment facilities. Ms. Wandeloski explained that regulations governing such facilities are found in Maryland Health General, § 8-401-04 and COMAR 10.63 and are overseen by the Maryland State Behavioral Health Administration, (“BHA”), a sub-agency of the Maryland

Department of Health. She explained that the proposed facility would be a high intensity level 3.5 program (COMAR 10.63.13) which will require State Licensing. Such a program is for medically stabilized patients who require additional inpatient treatment in a residential setting. She clarified that such programs are different from methadone clinics which are subject to further Federal regulations and involve Drug Enforcement Administration ("DEA") oversight. These types of facilities are also subject to separate local zoning restrictions. She further noted that a behavior health technician will be on duty at the site throughout the night and that the site will be monitored by security cameras and equipped with an alarm system to prevent patients from leaving the premises.

Last to testify on behalf of the Petitioner was professional engineer, Matthew Bishop, who was accepted as an expert in his field. Mr. Bishop testified regarding the subject property's compliance with BCZR, § 502.1 and the Petitioner's request for variance relief and proposed modified parking plan. Mr. Bishop explained that the property is approximately 6,201 sq. ft., and is zoned BL-CCC. (Pet. Ex. 1) He testified that the subject building is approximately 1.5 stories and takes up most of the subject site. He described the site as being surrounded by residential and light commercial and industrial uses. There are residential properties on each side and rear of the subject site. He noted that a fence separates the subject property from 101 Riverside Drive as well as the homes in the rear of the property. The rear of the property also contains mature trees which further buffer the site. He confirmed that a shipping container now existing on the property will be removed.

Mr. Bishop explained that the existing driveway to the property will be used to tandem park up to three vehicles. He opined that the proposed use at the subject property meets the requirements of BCZR, § 502.1. He stated that any adverse impacts from the proposed use would not be above and beyond that of another community care center in a BL zone. He noted that the subject property is an existing building and will generate low traffic in that residents will not be permitted to have cars and are further restricted from leaving the property during their stay. The

subject site will access public water and sewer and none of the residents will be utilizing the public school system. He noted that the subject site was not in a failing traffic shed and all fire safety regulations will have to be complied with before permits are issued.

During the course of the hearing on this matter, a question arose as to whether BCZR, § 1B01.1(B) (Residential Transition Area [“RTA”] restrictions) applied to the case at bar. Mr. Bishop correctly noted that it did not, in that the subject property was zoned BL-CCC, and not located in a D.R. zone as required by BCZR, § 1B01.1(B)1(b) for such restrictions to be applicable.

COUNTY WITNESS

Elise Andrews, the County Opioid Strategy Coordinator, also testified in regards to the applicability of the definition of Community Care Facilities found in BCZR, § 101.1 to the proposed facility. She clarified that other than the language regarding charitable organizations, the proposed facility was in keeping with that definition. Ms. Andrews provided Petitioners’ counsel with the Report of the Opioid Response Working Group dated November of 2019 (the “Opioid Report”). (Pet. Ex. 9). The Opioid Report provides recommendations to address the opioid crisis which is the 2nd leading cause of death in the County. Specifically, Recommendation 7 provides that housing for recovering drug abusers is needed in the County. (Pet. Ex. 3, p. 18).

INTERESTED CITIZENS

Robert E. Smith, Jr. who lives at 105 Riverside Drive, immediately adjacent to the subject property, testified as to his views and concerns with the proposed Community Care Center. Mr. Smith testified that he has worked in the prison system and medical facilities and recognizes the need for drug treatment facilities in the community. He described the surrounding neighborhood as being relatively quiet, with little foot traffic. He noted that children live in the community and he wanted the community to remain safe. He explained that he worries that the proposed facility is not large enough to house 16 patients and has concerns regarding security being maintained by

a single employee in the evening hours. Mr. Smith also expressed concerns as to how patients will be transported to the facility when they first arrive.

SPECIAL EXCEPTION

Under Maryland law, a special exception use 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 *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (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.

The BL zone permits a Community Care Center by Special Exception. A Community Care Center is defined in BCZR, §101.1 as:

COMMUNITY CARE CENTER — 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.

A State -Licensed Medical Clinic is defined in BCZR, § 4C-101 as follows:

- A. A freestanding ambulatory-care facility licensed under Title 19, Subtitle 3B, of the Health-General Article of the Annotated Code of Maryland, except a kidney dialysis center.
- B. A detoxification facility certified under Title 8, Subtitle 4, of the Health-General Article of the Annotated Code of Maryland; or
- C. An alcohol abuse and drug abuse treatment program certified under Title 8, Subtitle 4, of the Health-General Article of the Annotated Code of Maryland.

BCZR, § 4C-102 sets forth the following conditions for State-Licensed Medical Clinics:

- A. B.R., B.M., B.L., B.L.R., O.T., OR-1, OR-2 and O-3 Zones.

1. Subject to the requirements of Paragraph 2, a state-licensed medical clinic is permitted in the B.R., B.M., B.L., B.L.R., O.T., OR-1, OR-2 and O-3 Zones of the County by special exception.
2. In addition to the requirements of Section 502, a state-licensed medical clinic permitted by special exception under Paragraph 1 is subject to the following conditions:
 - a. A state-licensed medical clinic may not be located within 750 feet of any residentially-zoned property line.
 - b. Off-street parking shall be provided in accordance with Section 409. The number of spaces shall be sufficient to accommodate all employees and patients of the clinic, as determined by the Zoning Commissioner based upon information filed with the Department of Health and Mental Hygiene concerning the number of patients served by the clinic on a daily basis.

In a recent case, Case No. 2023-0114-SPHXA, it was determined that a similar facility met the definition of a Community Care Center despite not being operated by a charitable organization. While the proposed facility will be a for-profit operation, it will be licensed by the MD Department of Health and Mental Hygiene (“DHMH”) and will be accredited by the Commission on Accreditation Rehabilitation Facilities (“CARP”), as required by Maryland and local law. As the present definition of Community Care Center dates from 1979, in keeping with the modern incarnation of Community Care Centers which, though privately owned, are heavily supervised, monitored and *sponsored* by local and State agencies. Such intensive monitoring and supervision, I believe to be the statutory intent of the 1979 definition. Based on these factors and the testimony of Ms. Andrews, I find the proposed facility meets the definition of a Community Care Center and is permitted by Special Exception in the BL zone.¹

Additionally, I find that the proposed use also meets all of the Special Exception factors in BCZR, § 502. Specifically, I find that the proposed use will not be detrimental to the health, safety or general welfare of the surrounding commercial or residential uses, particularly given that the

¹ While I find that the proposed facility meets the definition of a Community Care Center, I find that the proposed facility also meets the definition of State-Licensed Medical Clinic under BCZR, § 4C-101(c). Additionally, as such a use is permitted by Special Exception in a BL zone, I find that the evidence presented would meet the requirements of BCZR, §502.1 for the granting of a Special Exception for such a use. Finally, a strong argument exists that the necessary variance relief should also be granted pursuant to the *Cromwell* analysis if the proposed facility was deemed as such.

activity for the residential treatment facility is adjacent to a mix of residential and commercial zones. There will not be congestion on surrounding roads or streets, or overcrowding of land, as the use would bring a finite number of vehicles primarily driven by 3 to 4 employees, with the 3 proposed parking spaces being sufficient. There is no potential hazard from fire, panic or other danger as all interior construction for the existing building will be required to meet all building codes before permits are issued. There will not be any impact on schools, parks, sewer or public improvements as the subject property is not located in a deficient or failing area on the Basic Services Map. There will not be any interference with light or air as the 1.5-storey building already exist on the site. There are no environmental features on the subject property as indicated by the lack of any substantive comment from DEPS. Finally, the use is consistent with the BL-CCC zone which permits Community Care Centers by Special Exception. Due to the validity of Mr. Smith's security concerns with the proposed use, additional conditions will be imposed with the granting of the Petitioners' requested relief.

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 has requested a Special Hearing to approve a modified parking plan that includes three, in-tandem, parking spaces in the already existing drive adjacent to the subject property. (Pet. Ex. 1) As testified to by Mr. Bishop, the existing property is almost completely occupied by the existing building. Considering that the patients of the proposed facility will not be permitted to have vehicles and that a maximum of three employees will be working on site at any given time, I find that the proposed modified parking plan, will be compatible with the community and generally consistent with the spirit and intent of the zoning regulations.

VARIANCES

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

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

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

As described above, the Property is unique in that the existing building pre-dates current BL set back requirements. I find that this characteristic restricts the ability of the Petitioners to meet the required rear yard and side yard setback and parking requirements, particularly given that the existing commercial building occupies almost all of the subject site. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed setbacks and parking variance were not granted because the proposed repurposing of the existing building could not be used for the Community Care Center. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

THEREFORE, IT IS ORDERED this 6th day of **August 2024**, by this Administrative Law Judge, that the Petition for Special Exception from the Baltimore County Zoning Regulations (“BCZR”) § 230.3 to permit a Community Care Center, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing filed from BCZR § 409.12 to approve a modified parking plan, be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, that the Petition for Variance to allow the continuation of existing front to centerline of street setback of 37 ft. in lieu of otherwise required 40 ft. per BCZR, § 232.1, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, that the Petition for Variance to allow the continuation of existing front yard averaging setback of 12 ft. in lieu of otherwise required 13 and a half ft. per BCZR, § 232.1, be and is hereby **GRANTED** and;

IT IS FURTHER ORDERED, that the Petition for Variance to allow the continuation of existing side yard setbacks of 15 ft. in lieu of otherwise required 20 ft. per side per BCZR, § 232.2., be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, that the Petition for Variance to approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR, §§ 232.4, 409.4.B and 409.6.A., be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioners must comply with the DOP ZAC comment, a copy of which is attached hereto and made a part hereof.
3. Petitioners shall file a Landscape Plan and a Lighting Plan.
4. Petitioners will install an internal security system used to alert staff if patients attempt to exit the facility during evening hours.

5. In addition to the staff member that is to be present during the evening hours, a supervisor must be "on call" who can provide additional assistance if the need arises.

6. Residents at 101 and 105 Riverside Drive must be provided with a 24-hour contact number for management of the proposed Community Care Center to be used as need arises.

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

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

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0083-SPHXA

INFORMATION:

Property Address: 103 Riverside Drive
Petitioner: Trustees of the House of the Lord Ministries
Zoning: BL CCC
Requested Action: Special Hearing, Special Exception, Variance

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

Special Exception -

1. To permit a Community Care Center in accordance with Baltimore County Zoning Regulations (BCZR) Section 230.3;

Variance -

2. To allow the continuation of existing front to centerline of street setback of 37' in lieu of the otherwise required 40' per BCZR Section 232.1;
3. To allow the continuation of existing front yard averaging setback of 12' in lieu of the otherwise required 13.5' per BCZR Section 232.1;
4. To allow the continuation of existing side yard setbacks of 15' in lieu of the otherwise required 20' per side per BCZR Section 232.2;
5. To allow the continuation of existing rear yard setback of 16' in lieu of the otherwise required 20' per BCZR Section 232.3; and

Special Hearing -

6. To approve a modified parking plan per BCZR Section 409.12; or, in the alternative,

Variance -

7. To approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR Section 232.4, 409.4.B, and 409.6.A; and
8. For any further relief deemed required by the Administrative Law Judge.

The subject site is an approximately 6,201 square foot parcel in the Essex area. It is improved with a one-and-a-half story structure currently used as a church. The subject site has not been the subject of any past

Development Plans or Comprehensive Zoning Map Process Issues, but was the subject of a Zoning Case in 1951, Case R-1951-2016. The Case approved a Zoning reclassification of the site from "A" Residential to "E" Commercial for an approved community use.

The subject site is surrounded by a variety of uses, including commercial, institutional, and residential. The structure on the subject site is very similar with the surrounding structures in terms of size, massing, and design. Google Streetviews of the neighborhood from July 2022 show several "no parking" signs along Riverside Drive, however, street parking is available on Maryland Avenue and Virginia Avenue, the two nearest side streets to the subject site. Across Riverside Drive from the subject site is a church and a transport/towing company. North of the subject site is Eastern Boulevard, which is primarily characterized by commercial uses.

The site is within the boundary of the Community Conservation Plan for Essex/Middle River, adopted July 1st, 1996. The plan provides information on a variety of issues within the plan area boundary, including infrastructure, housing, transportation, education, and land use. Relevant to human services, the plan encourages health and human services to become more community based, stating that "Social services also should be more oriented to local centers to ease transportation problems and to encourage use" (page 14). The plan also specifically calls out that the issue of substance abuse touches the lives of many families in the plan area boundary, stating that "the availability of substance abuse programs is crucial to the wellness of the community" (page 15).

The site is also within the boundary of the Essex Design Review Panel (DRP) area and the Essex Commercial Revitalization District. The Design Review Panel's goal is to encourage design excellence through the application of design guidelines contained in the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans, and Section 260 of the Baltimore County Zoning Regulations, as applicable. The DRP's general charge is to assess the overall quality of a project. Should any exterior alterations be proposed for the site, the applicant shall contact the Department of Planning for information on the DRP and if review is required. Commercial Revitalization District's (CRD's) offer a shopping and entertainment experience where family-owned businesses and national retail chains are neighbors.

The Department of Planning met with the representative for the petition on April 9th, 2024 to gather additional information on the community care center and what it would entail. During the meeting, the representative provided the following information:

- The facility is a step down from a hospital and will be a substance abuse treatment program. It will house up to 16 residents who will live at the property for 21-28 days before being moved to a lower-level outpatient facility.
- The residents may not leave the property, and therefore are not allowed to have a car while in the program. All medical care, including therapy and medication, are provided on site. Should a resident need to leave the facility – for example, for an outside doctor's appointment or an emergency – facility staff will drive them to and from the appointment.
- Residents will be able to spend time in the backyard, which is fully fenced in with a wooden, 6' tall fence.
- No exterior alterations are proposed.
- No visitors are permitted at any time.
- The facility will be staffed 24/7. There will be three employees on a 7 AM-3 PM shift, one employee on a 3 PM-11 PM shift, and one employee on an 11 PM-7 AM shift. All employees will park in the existing driveway, as shown on the plan.
- The Petitioner is double Board certified in Family Nursing and Psychiatric Mental Health Nursing and has operated a similar facility in Dundalk for over twenty years. Existing office

locations include 201 Back River Neck Road, Suite 109, Essex, MD 21221; and 5740 Executive Drive, Suite 110-112, Catonsville, MD 21228. The proposed facility will be owned and operated by the Petitioner.

- A member of the Sussex Community Association entered an appearance for the case. The representative for the Petition reached out to her requesting an opportunity to meet with the community, but had not heard back from her as of the date of the representatives meeting with the Department of Planning.

The Department of Planning has no objections to the requested relief, as the structure is already used as a commercial property. Additionally, the proposed use is consistent with the adopted community plan, which emphasizes the importance of substance abuse treatment programs and their need within the plan area boundary. Should any exterior alterations be proposed for the subject site, the Petitioner shall contact the Department of Planning regarding if review before the Design Review Panel is necessary.

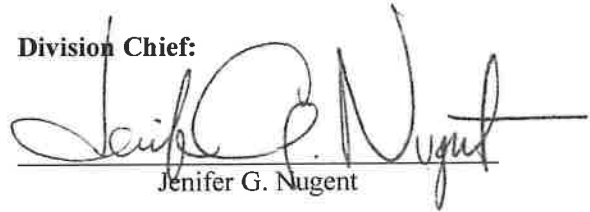
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Rosenberg Martin Greenberg LLP
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

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

Address 103 Riverside Drive, Essex 21221 which is presently zoned BL CCC
Deed References: 13947/00522 10 Digit Tax Account # 1 5 20 6 6 0 0 8 0
Property Owner(s) Printed Name(s) Trustees of the House of the Lord Ministries

(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

see attached

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

Please see attached

3. **X** a **Variance** from Section(s)

see attached

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)

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:

Dr. Obinna Obiejemba

Name- Type or Print

Signature

8115 Maple Lawn Blvd., Ste. 350 Fulton MD
Mailing Address City State
20759 / 240-786-4527 / esnohealthgroup.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State
21201 / 410-727-8647 / jbusse@rosenbergmartingreenberg.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Trustees of the House of the Lord Ministries

Name #1 - Type or Print

Dennis Larue Dennis Larue
Signature #1

103 Riverside Drive Baltimore MD
Mailing Address City State
21221 / /
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State
21201 / 410-727-8647 / jbusse@rosenbergmartingreenberg.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0083-SPHX Filing Date 3/28/24 Do Not Schedule Dates: Reviewer JS



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 103 Riverside Drive, Essex 21221

which is presently zoned BL CCC

Deed References: 13947/00522

10 Digit Tax Account # 1 5 20 6 6 0 0 8 0

Property Owner(s) Printed Name(s) Trustees of the House of the Lord Ministries

(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. ☒ **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 attached

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

Please see attached

3. ☒ **a Variance** from Section(s)

please see attached

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)**

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:

Dr. Obinna Obiejemba

Name Type or Print

Signature

8115 Maple Lawn Blvd., Ste. 350 Fulton MD

Mailing Address City State

20759 / 240-786-4527 / esnohealthgroup.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Trustees of the House of the Lord Ministries

Name #1 - Type or Print

Dennis Larue

Signature #1

103 Riverside Drive Baltimore MD

Mailing Address City State

21221 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0083-SPHX4 Filing Date 3/28/24 Do Not Schedule Dates: _____ Reviewer JS

Attachment to Zoning Petitions

103 Riverside Drive

Petition for Special Exception to permit a Community Care Center in accordance with BCZR Section 230.3.

Petition for Variance to allow the continuation of existing front to centerline of street setback of 37 feet in lieu of otherwise required 40 feet per BCZR Section 232.1.

Petition for Variance to allow the continuation of existing front yard averaging setback of 12 feet in lieu of otherwise required 13 and a half feet per BCZR Section 232.1.

Petition for Variance to allow the continuation of existing side yard setbacks of 15 feet in lieu of otherwise required 20 feet per side per BCZR Section 232.2.

Petition for Variance to allow the continuation of existing rear yard setback of 16 feet in lieu of otherwise required 20 feet per BCZR Section 232.3.

Petition for Special Hearing to approve a modified parking plan per BCZR and Section 409.12.

In the alternative, Petition for Variance to approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR Section 232.4 and Section 409.4.B and 409.6.A.

Any further relief deemed required by the Administrative Law Judge.

2074-0083-SP4XA

Zoning Property Description for Special Exception and Variance Petitions:
103 Riverside Drive

Beginning at a point located on the northeast side of Riverside Drive which has a right of way width of 50 feet at the distance of 50' to the centerline of the nearest improved intersecting street Maryland Avenue which has a right of way width of 50 feet **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

1. South 21 degrees 15 minutes 9 seconds East, 50.27' to a point;
2. North 62 degrees 55 minutes 40 seconds East, 117.57' to a point;
3. North 27 degrees 2 minutes 26 seconds West, 47.29' to a point,
4. South 64 degrees 18 minutes 47 seconds West, 112.54' to a point, and place of beginning.

Containing an area of 6,201 square feet or 0.14 acres of land, more or less and being located in the 15th Election District and 7th Council District of Baltimore County Maryland.



2024-0083-SPHX A

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

No. 229539

Date: 3/28/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1200.00

Total: \$1200.00

Rec From: ROSENBERG MARTIN GREENBERG

For: 2024-0083-SPHXA

103 RIVERSIDE DRIVE

JSS 24-0262

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!



**Rosenberg
Martin
Greenberg** LLP

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600



First National Bank

60-1809/433

90280

PAY: One Thousand Two Hundred Dollars and 00/100

NUMBER

DATE

AMOUNT

90280

3/19/2024

1,200.00

TO THE
ORDER
OF

Baltimore County



VOID AFTER 90 DAYS

[Signature]

⑈090280⑈ ⑆043318092⑆ 60⑈1521⑈0⑈

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

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

For Newspaper Advertising:

Case Number: 2024-0083-SPHXA
Property Address: 103 RIVERSIDE DRIVE
Legal Owners (Petitioners): TRUSTEES OF THE HOUSE OF THE LORD MINISTRIES
Contract Purchaser/Lessee: OBINNA OBIJESIMBA

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): JENNIFER BUSSE - ROSENBERG MARTIN GREENBERG, LLP
Address: 25 S. CHARLES STREET
21ST FLOOR
BALTIMORE, MD 21201
Telephone Number: 410-727-8647

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
--------------------------	--	--

Special Tax Recapture: None

Account Identifier: District - 15 **Account Number -** 1520660080

Owner Information

Owner Name:	TRUSTEES OF THE HOUSE OF THE LORD MINISTRIES	Use: EXEMPT COMMERCIAL
Mailing Address:	103 RIVERSIDE DRIVE BALTIMORE MD 21221-6916	Principal Residence: NO
		Deed Reference: /13947/ 00522

Location & Structure Information

Premises Address:	103 RIVERSIDE DR 0-0000	Legal Description: PT LT 2,3 ESSEX
--------------------------	----------------------------	--

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0097 0008 0374 30000.04 0000 A K 2 2024 **Plat Ref:** 0003/ 0015

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1925	1,930 SF		6,201 SF	01

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	OFFICE BUILDING /	C3			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2024	As of 07/01/2023	As of 07/01/2024
Land:	49,600	49,600		
Improvements	204,500	234,600		
Total:	254,100	284,200	254,100	264,133
Preferential Land:	0	0		

Transfer Information

Seller: TRUSTEES OF THE EAST SIDE CHURCH	Date: 08/09/1999	Price: \$140,000
Type: ARMS LENGTH IMPROVED	Deed1: /13947/ 00522	Deed2:
Seller: TRUSTEES OF THE CHURCH OF CHRIST	Date: 03/18/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13606/ 00133	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	700	254,100.00	264,133.00
State:	700	254,100.00	264,133.00
Municipal:	700	0.00 0.00	0.00 0.00

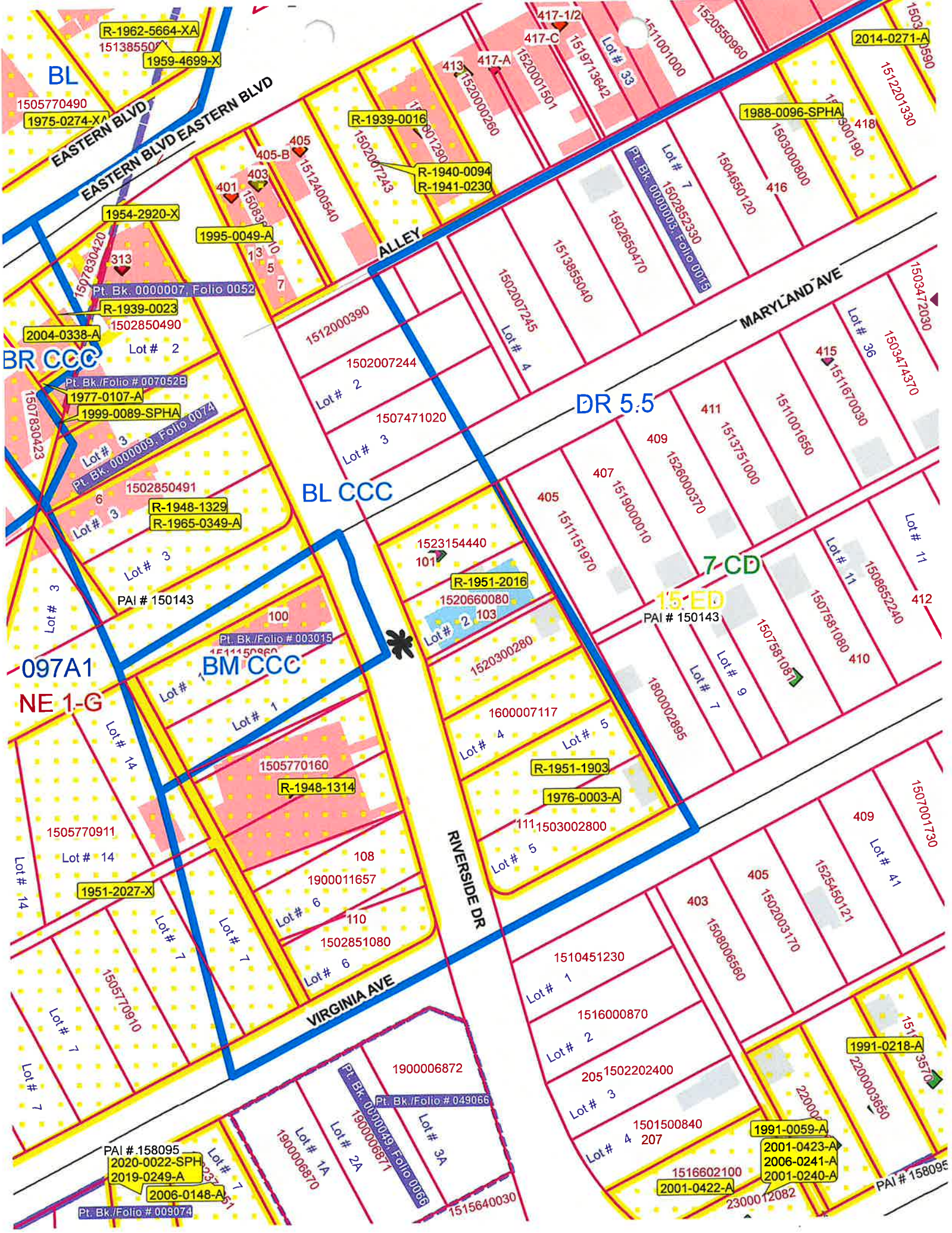
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application	Date:
--	--------------



R-1962-5664-XA
151385500
1959-4699-X

2014-0271-A

1988-0096-SPHA

R-1939-0016

R-1940-0094
R-1941-0230

1954-2920-X

1995-0049-A

Pt. Bk. 0000007, Folio 0052

R-1939-0023

2004-0338-A

Lot # 2

Pt. Bk./Folio # 007052B

1977-0107-A

1999-0089-SPHA

Pt. Bk. 0000009, Folio 0074

Lot # 3

1502850491

R-1948-1329
R-1965-0349-A

PAI # 150143

Pt. Bk./Folio # 003015

1511150960

097A1

NE 1-G

BM CCC

Lot # 1

Lot # 1

1505770160

R-1948-1314

1505770911

Lot # 14

1951-2027-X

1900011657

Lot # 6

110

1502851080

Lot # 6

VIRGINIA AVE

1900006872

Pt. Bk./Folio # 049066

Pt. Bk. 0000049, Folio 0066

Lot # 1A

Lot # 2A

Lot # 3A

PAI # 158095

2020-0022-SPH

2019-0249-A

2006-0148-A

Pt. Bk./Folio # 009074

DR 5.5

7-CD

15-ED
PAI # 150143

RIVERSIDE DR

R-1951-1903

1976-0003-A

1510451230

Lot # 1

1516000870

Lot # 2

205 1502202400

Lot # 3

1501500840

Lot # 4

1516602100

2001-0422-A

1991-0059-A

2001-0423-A

2006-0241-A

2001-0240-A

1991-0218-A

151113570

2200003650

PAI # 158095





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 103 Riverside Drive, Essex 21221

which is presently zoned BL CCC

Deed References: 13947/00522

10 Digit Tax Account # 1 5 20 6 6 0 0 8 0

Property Owner(s) Printed Name(s) Trustees of the House of the Lord Ministries

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

see attached

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

Please see attached

3. ☒ **a Variance** from Section(s)

see attached

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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:

Dr. Obinna Obiejemba

Name- Type or Print

Signature

8115 Maple Lawn Blvd., Ste. 350 Fulton MD

Mailing Address City State

20759 / 240-786-4527 / esnohealthgroup.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Trustees of the House of the Lord Ministries

Name #1 - Type or Print

Dennis Larue Dennis Larue

Signature #1

103 Riverside Drive Baltimore MD

Mailing Address City State

21221 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0083-SPRAXA Filing Date 3/28/24

Do Not Schedule Dates: Reviewer JS



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 103 Riverside Drive, Essex 21221 which is presently zoned BL CCC
Deed References: 13947/00522 10 Digit Tax Account # 1 5 20 6 6 0 0 8 0
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Please see attached

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please see attached

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Contract Purchaser/Lessee:

Dr. Obinna Obiejemba

Name- Type or Print

[Signature]

Signature

8115 Maple Lawn Blvd., Ste. 350 Fulton MD

Mailing Address City State

20759 / 240-786-4527 / esnohealthgroup.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

[Signature]

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Trustees of the House of the Lord Ministries

Name #1 - Type or Print

[Signature] Dennis Larue

Signature #1

103 Riverside Drive Baltimore MD

Mailing Address City State

21221 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

[Signature]

Signature

25 S. Charles Street, 21st FL Baltimore MD

Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com

Zip Code Telephone # Email Address

CASE NUMBER 2024-0083-SPHX4 Filing Date 3/28/24 Do Not Schedule Dates: _____ Reviewer JS

Attachment to Zoning Petitions

103 Riverside Drive

Petition for Special Exception to permit a Community Care Center in accordance with BCZR Section 230.3.

Petition for Variance to allow the continuation of existing front to centerline of street setback of 37 feet in lieu of otherwise required 40 feet per BCZR Section 232.1.

Petition for Variance to allow the continuation of existing front yard averaging setback of 12 feet in lieu of otherwise required 13 and a half feet per BCZR Section 232.1.

Petition for Variance to allow the continuation of existing side yard setbacks of 15 feet in lieu of otherwise required 20 feet per side per BCZR Section 232.2.

Petition for Variance to allow the continuation of existing rear yard setback of 16 feet in lieu of otherwise required 20 feet per BCZR Section 232.3.

Petition for Special Hearing to approve a modified parking plan per BCZR and Section 409.12.

In the alternative, Petition for Variance to approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR Section 232.4 and Section 409.4.B and 409.6.A.

Any further relief deemed required by the Administrative Law Judge.

2074-0083-SP4XA

Zoning Property Description for Special Exception and Variance Petitions:
103 Riverside Drive

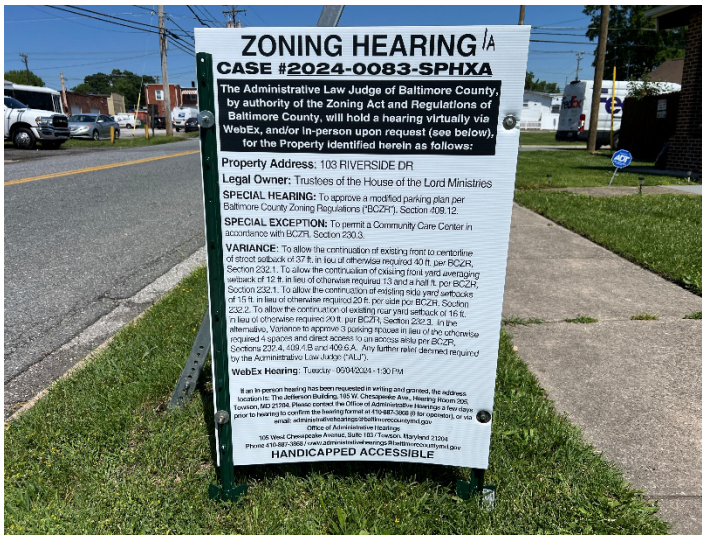
Beginning at a point located on the northeast side of Riverside Drive which has a right of way width of 50 feet at the distance of 50' to the centerline of the nearest improved intersecting street Maryland Avenue which has a right of way width of 50 feet **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

1. South 21 degrees 15 minutes 9 seconds East, 50.27' to a point;
2. North 62 degrees 55 minutes 40 seconds East, 117.57' to a point;
3. North 27 degrees 2 minutes 26 seconds West, 47.29' to a point,
4. South 64 degrees 18 minutes 47 seconds West, 112.54' to a point, and place of beginning.

Containing an area of 6,201 square feet or 0.14 acres of land, more or less and being located in the 15th Election District and 7th Council District of Baltimore County Maryland.



2024-0083-SPHX4



Certificate of Posting

Case# 2024-0083-SPHXA

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

June 4, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

11300 York Road on May 13, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0083-SPHXA

INFORMATION:

Property Address: 103 Riverside Drive
Petitioner: Trustees of the House of the Lord Ministries
Zoning: BL CCC
Requested Action: Special Hearing, Special Exception, Variance

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

Special Exception -

1. To permit a Community Care Center in accordance with Baltimore County Zoning Regulations (BCZR) Section 230.3;

Variance -

2. To allow the continuation of existing front to centerline of street setback of 37' in lieu of the otherwise required 40' per BCZR Section 232.1;
3. To allow the continuation of existing front yard averaging setback of 12' in lieu of the otherwise required 13.5' per BCZR Section 232.1;
4. To allow the continuation of existing side yard setbacks of 15' in lieu of the otherwise required 20' per side per BCZR Section 232.2;
5. To allow the continuation of existing rear yard setback of 16' in lieu of the otherwise required 20' per BCZR Section 232.3; and

Special Hearing -

6. To approve a modified parking plan per BCZR Section 409.12; or, in the alternative,

Variance -

7. To approve 3 parking spaces in lieu of the otherwise required 4 spaces and direct access to an access aisle per BCZR Section 232.4, 409.4.B, and 409.6.A; and
8. For any further relief deemed required by the Administrative Law Judge.

The subject site is an approximately 6,201 square foot parcel in the Essex area. It is improved with a one-and-a-half story structure currently used as a church. The subject site has not been the subject of any past

Development Plans or Comprehensive Zoning Map Process Issues, but was the subject of a Zoning Case in 1951, Case R-1951-2016. The Case approved a Zoning reclassification of the site from “A” Residential to “E” Commercial for an approved community use.

The subject site is surrounded by a variety of uses, including commercial, institutional, and residential. The structure on the subject site is very similar with the surrounding structures in terms of size, massing, and design. Google Streetviews of the neighborhood from July 2022 show several “no parking” signs along Riverside Drive, however, street parking is available on Maryland Avenue and Virginia Avenue, the two nearest side streets to the subject site. Across Riverside Drive from the subject site is a church and a transport/towing company. North of the subject site is Eastern Boulevard, which is primarily characterized by commercial uses.

The site is within the boundary of the Community Conservation Plan for Essex/Middle River, adopted July 1st, 1996. The plan provides information on a variety of issues within the plan area boundary, including infrastructure, housing, transportation, education, and land use. Relevant to human services, the plan encourages health and human services to become more community based, stating that “Social services also should be more oriented to local centers to ease transportation problems and to encourage use” (page 14). The plan also specifically calls out that the issue of substance abuse touches the lives of many families in the plan area boundary, stating that “the availability of substance abuse programs is crucial to the wellness of the community” (page 15).

The site is also within the boundary of the Essex Design Review Panel (DRP) area and the Essex Commercial Revitalization District. The Design Review Panel’s goal is to encourage design excellence through the application of design guidelines contained in the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans, and Section 260 of the Baltimore County Zoning Regulations, as applicable. The DRP’s general charge is to assess the overall quality of a project. Should any exterior alterations be proposed for the site, the applicant shall contact the Department of Planning for information on the DRP and if review is required. Commercial Revitalization District’s (CRD’s) offer a shopping and entertainment experience where family-owned businesses and national retail chains are neighbors.

The Department of Planning met with the representative for the petition on April 9th, 2024 to gather additional information on the community care center and what it would entail. During the meeting, the representative provided the following information:

- The facility is a step down from a hospital and will be a substance abuse treatment program. It will house up to 16 residents who will live at the property for 21-28 days before being moved to a lower-level outpatient facility.
- The residents may not leave the property, and therefore are not allowed to have a car while in the program. All medical care, including therapy and medication, are provided on site. Should a resident need to leave the facility – for example, for an outside doctor’s appointment or an emergency – facility staff will drive them to and from the appointment.
- Residents will be able to spend time in the backyard, which is fully fenced in with a wooden, 6’ tall fence.
- No exterior alterations are proposed.
- No visitors are permitted at any time.
- The facility will be staffed 24/7. There will be three employees on a 7 AM-3 PM shift, one employee on a 3 PM-11 PM shift, and one employee on an 11 PM-7 AM shift. All employees will park in the existing driveway, as shown on the plan.
- The Petitioner is double Board certified in Family Nursing and Psychiatric Mental Health Nursing and has operated a similar facility in Dundalk for over twenty years. Existing office

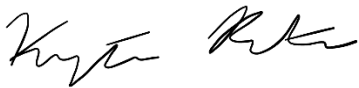
locations include 201 Back River Neck Road, Suite 109, Essex, MD 21221; and 5740 Executive Drive, Suite 110-112, Catonsville, MD 21228. The proposed facility will be owned and operated by the Petitioner.

- A member of the Sussex Community Association entered an appearance for the case. The representative for the Petition reached out to her requesting an opportunity to meet with the community, but had not heard back from her as of the date of the representatives meeting with the Department of Planning.

The Department of Planning has no objections to the requested relief, as the structure is already used as a commercial property. Additionally, the proposed use is consistent with the adopted community plan, which emphasizes the importance of substance abuse treatment programs and their need within the plan area boundary. Should any exterior alterations be proposed for the subject site, the Petitioner shall contact the Department of Planning regarding if review before the Design Review Panel is necessary.

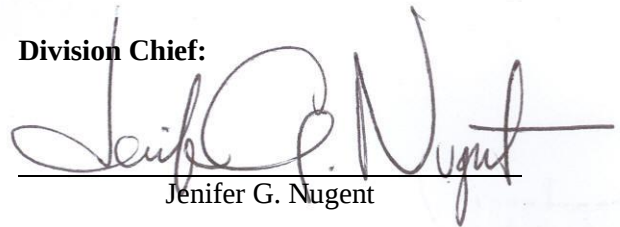
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Rosenberg Martin Greenberg LLP
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 10, 2024

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0083-A

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

BPR: No comment

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 18, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0083-SPHXA
Address: 103 RIVERSIDE DR.
Legal Owner: Dr. Obinna Obiejemba

Zoning Advisory Committee Meeting of April 9, 2024.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development must comply with the 10% pollutant reduction requirements. Compliance with these requirements will minimize adverse impacts on water quality.

2. Conserve fish, wildlife, and plant habitat; and

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any future development, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if

pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for any proposed development.

Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 8, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0083-SPHXA

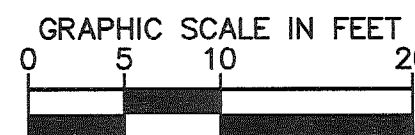
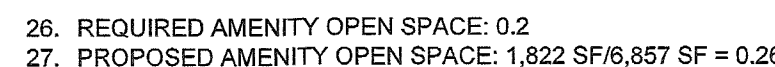
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: If Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Recreations & Parks: No Greenways affected.



PLAN TO ACCOMPANY ZONING REQUESTS