

**Planning & Zoning  
Meeting Minutes  
September 19, 2011**

**ATTENDANCE:** Michael Fortner, Michael Dawson, Pete Reich, George Jack, Matt Oberholtzer, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

**Meeting called to order at 6:30 p.m.**

**APPROVAL OF MINUTES:**

**MOTION** was made by Mr. Reich and seconded by Mr. Jack to approve the August 15, 2011 Planning and Zoning Meeting minutes as written. 1 abstained: Mr. Fortner not in attendance. **Four in Favor. Motion Passed.**

**NEW BUSINESS:**

**A. Mapping mistake for Richmond Hills Elderly – Tax Map 801, Parcel 805.**

Ms. Skilling reviewed comments:

*TO: Planning Commission*

*FROM: Mary Ann Skilling, Town Planner*

*DATE: September 19, 2011*

*RE: Mapping Mistake/Map 800, Parcel 805*

*Background: On August 2011, Mr. Rick Della, Interfaith Housing Development Corporation of the Maryland Eastern Shore applied for approval from the M&C for a letter of support for the renovation of the senior housing portion of Richmond Hill Manor Senior Apartments. The support letter was instrumental in Interfaith's application for funding for renovation from the Department of Housing and Community Development Rental Housing Funds. In the initial meeting with the developer and their engineers, a schematic plan was presented showing some of the proposed renovations. It was noted at the meeting that the existing zoning noted on our 2005 Zoning Map was designated as R-1, clearly a mistake.*

*Regulatory Authority: Article 66B of the Annotated Code of Maryland, Section 4.05 Findings for Reclassification, Change or Mistake; Refiling Limitations; Administrative Adjustments; Adaptive Reuse. Under this section, the Planning Commission can make a recommendation to the Mayor and Commissioners to amend the Zoning Map based on findings that a mistake in the existing zoning classification was made.*

*The following findings are provided to substantiate the mistake in mapping:*

- 1. The previous zoning for the existing parcel was R-3 as noted on the attached document (Exhibit 1).*

2. *On the approved 1/20/2005 Official Zoning Maps, Map 800, Parcel 805, Lot 4 was designated R-1 Single Family Residential District (Exhibit 2) while other similar uses were designated R-3 Multi-Family.*
3. *The use at the time of the Zoning Map update was multifamily housing – Richmond Hills Manor Senior Apartments. The apartments were constructed in 1989 and remain in use as senior housing today. Maryland Department of Assessments and Taxation confirm multiple residence use and R-3 zoning (Exhibit 3).*
4. *The adjoining property known as Richmond Hills Manor is also an apartment complex and is zoned R-3 on the 2005 Zoning Map. They were constructed in 1986 and remain as apartments today.*
5. *Since the apartments are not allowed in the R-1 Single Family Residential District and only as a Special Exception in the R-2, it is clear that the parcel should have been designated R-3 Multi-Family Residential. Zoning the property R-1 creates a non-conforming use that is inconsistent with good zoning practices.*

**Motion:**

*Based on these findings, the Planning Commission would like to recommend to the Mayor & Commissioners that they approve a mapping mistake for the property known as Richmond Hills Manor Senior Apartments, Map 800, Parcel 805, Lot 4 from R-1 Single Family Residential to R-3 Multi-Family Residential.*

Discussion continued regarding the site, location of the proposed Garrett Point development and review of the map. Obviously a mistake was made, the apartments exist now and the zoning map should be amended to reflect that. Zoning maps are not routinely changed, however if annexations occur or mistakes are noticed amendments should be made for correction.

**Motion** was made by Mr. Oberholtzer and seconded by Mr. Reich to recommend to the Mayor and Commissioners to approve the mapping mistake to change Map 800, Parcel 805, Lot 4 from R-1 Single Family Residential to R-3 Multi-Family Residential based on findings. **All in Favor. Motion Passed.**

**B. Recommendation to Board of Appeals: File No. SE2011-02-** Special Exception Request to operate a group home for veterans at 537 Maryland Avenue; PROPERTY OWNER: Donna Strianese, 188 Wells Camp Road, North East, MD 21901; APPLICANT: M. Anthony Minus, 537 Maryland Avenue, Perryville, MD 21003; LOCATION: 537 Maryland Avenue, Perryville, MD 21903; Tax Map 0801, Parcel 332, Zoned R-1.

Mr. Anthony Minus presented his proposal for veterans. He is a disabled veteran himself and while Perry Point is a great facility one of the areas it lacks in is a place where veterans can transition. I just recently stayed there, paralyzed below the waist from March 2009 until April 2010, and consequently because I couldn't walk and couldn't work I lost my business, I lost my home, and I had a place to go at the VA. They got me in some physical therapy and I am able to walk and that was a direct result of having a place to go at Perry Point. So I understand what the veterans go through. They have two different types of transitional housing: one is called C.H.E.P. housing (Chesapeake Health Education Program) and transitional housing. One is run by Gerard Kelly and one is run by Barbara Bowman currently. Those houses typically have four or five residents with one bathroom. If someone doesn't have a place to go that is good spot, unfortunately there is only eight C.H.E.P. houses and six transitional. The VA lacks adequate transition time for the veteran to get back on his feet. My proposal is to lease this property. It is

perfectly setup and in a quiet neighborhood and it will be a drug and alcohol free establishment. A good friend of mine for twenty five years, Mr. Jim Witt from the Substance Abuse Program at the VA Hospital, will come by the house once a week for mandatory meetings on various topics for the residents. These meetings will not necessarily be about drugs and alcohol but there is a process of healing spiritually, emotionally, mentally, physically, and they need to be nurtured into this. The veterans typically do not drive. My family and I are creating a non-profit organization and we will be providing all transportation to workplace, volunteer site or VA appointments. I will be funding this myself. I have several volunteers that work for the VA Hospital who will be involved as they are the ones who are recommending them to me. We will be getting referrals from the P.T.S.D. Program (Post Traumatic Stress Disorder) and from the Drug and Alcohol Program and even with their referrals we'll do background checks. We'll meet with them, not just me. I don't want this to be personal. It's to be handled professionally. Three of us will meet with each individually and then we'll meet and discuss them, the review and screening interview process conducted by the board of directors. I will be up to compliance for any VA requirements. I will live there, I will oversee. I sponsor about fifteen veterans currently, and do this like the 12 step functions. All residents will be required to either work or volunteer so as not to be just sitting around; that will not be allowed. They just need additional time to adjust to living on their own. This plan is to be self-funded to help these veterans however if required he is willing to work with home care VA programs. There are several volunteers who are willing to work with him on this group home. The facility will provide space for cooking to all residents, to be handled individually. There is no plan for group meals. He plans to live at the facility until May 2012 when he is getting married and will live elsewhere. A Resident Manager will then be in place hired by the non-profit group who will be running the house.

Discussion continued regarding dispensing of medicine which requires a nurse at the site to administer. Mr. Minus stated all medicine will be monitored by the veteran with their health practitioner but if required to have a nurse on staff then that is something we would do. If the veteran has to take prescribed medication from the VA Hospital, transportation will be provided to the VA, as many times as needed daily. The facility should come under some type of licensing from the State and whatever is required will be provided. Ultimately it is understood he will be operating under the VA, the State, Department of Health and Mental Hygiene and there are licensing requirements that are involved at all levels, including medication management, meal preparation. All licensing requirements will be met for the State and the Town of Perryville. A layout of the facility will be provided.

Ms. Skilling indicated this is a Special Exception request, and the definition of a Group Home is:

**Group Home** -A facility providing housing facilities and/or rehabilitation in a single family dwelling for not more than ten (10) persons, including support personnel, for persons who need specialized housing, treatment and/or counseling service because of delinquency or criminal rehabilitation, such as a criminal half-way house, current addiction to or illegal use of a controlled substance, or a type of mental illness that involves behavior related to violent felony crime. Residents are provided service and supervision by licensed operators in accordance with federal, state and local laws, regulations and requirements. Treatment and counseling shall be limited to the residents of the dwelling. The residents of a group home shall not include any person who, during the term of residence at such facility, commits a violent act or causes substantial physical damage to the property of others, and any such person must be removed from such facility.

Ms. Skilling continued there are several group homes in Town that have gone through a similar process. Comments:

**RE:** *Special Exception request to operate a Group Home for Veterans  
At 537 Maryland Avenue, Tax Map 0801, Parcel 0332, Zoned R-1*

**GENERAL:** *The applicant is proposing to convert a single family residence on 537 Maryland Avenue to a group home for veterans. The proposal is to house 6 individuals plus the applicant. A group home may be allowed in the R-1 Single Family Residential District as a Special Exception with conditions.*

**PROCEDURAL/ADMINISTRATIVE:**

*Since Group Homes are not permitted by right in the R-1 district, the Board of Appeals shall hear and decide on applications for Special Exception Uses. Section 18 of the Zoning Ordinance - The Planning Commission may make recommendations to the Board of Appeals on a special exception. Article XI Supplemental Use Regulations, Section 168 - provides standard for consideration of a Special Exception and is provided below for your information. The Board of Appeals may permit an assisted living facility as a special exception with conditions in the R-1, R-2, R-3 and TC districts as provided for in Section 161 Table of Permissible Uses.*

**Section 168. Assisted Living Facilities**

1. *The maximum number of residents/client is limited to no more than ten (10).*
2. *The facility is licensed by the State of Maryland and complies with and continues to comply with all applicable Federal, State and local laws and regulations.*
3. *The facility shall comply with following minimum requirements unless Federal, State or County laws or regulations require a higher standard:*
  - a. *a minimum of 80 square feet of functional space shall be provided for single occupancy and 120 square feet for double occupancy rooms;*
  - b. *no more than two residents may share a room;*
  - c. *facilities previously licensed as domiciliary care homes must provide a minimum of 70 and 120 square feet for single and double occupancy, respectively;*
  - d. *buildings must provide at least one toilet for every four occupants and larger buildings must also have at least one toilet on each floor;*
  - e. *showers/baths must be available for every eight (8) occupants;*
  - f. *residents/clients shall be provided adequate indoor common areas where social and recreation activities may occur, including access to television; and,*
  - g. *where smoking is only permitted or required outside of the building(s), the applicant shall provide a designated smoking area that is protected from the elements, e.g., overhead protection from rain.*
4. *Facilities not complying with current State laws and regulations shall be found to be in violation of the terms of the special exception and shall cease to operate.*

**PLANNING REVIEW**

*The property subject to the Special Exception request is located in the R-1 Single Family Residential District. Article IX, Part I, Section 93, R-1: Single Family Residential District of the Zoning Ordinance indicates the intent of this district is to provide for low-density single-family detached residences and supporting uses. This zone is located in areas of the Town where low-density single-family development patterns are*

*generally established or where services and facilities will be adequate to serve the anticipated population. This zone is designed to secure for residents a comfortable, healthy, safe, and pleasant environment in which to live sheltered from incompatible and disruptive activities that properly belong in non-residential districts. The Comprehensive Plan should be used to determine the location of this zone. This zone is also intended to provide for minor in-filling of existing neighborhoods consistent with their zoning and character at the time of enactment of this Chapter. Such neighborhoods are relatively uniform in character and stable. The regulations permit future development consistent with existing character. In general, resubdivision of lots in existing subdivisions to create new building lots is only permitted in appropriate locations where additional development or redevelopment is deemed to be consistent with the character of the surrounding neighborhoods.*

*Previous Special Exceptions for group homes have been approved in R-2, C-1 and R-3 districts and conditions set forth for their use were based on Section 168 Assisted Living Facilities. The following conditions were approved by the Board of Appeals on previous applications.*

- 1. The approval is granted for no more than----- boarders that shall be housed at \_\_\_\_\_. State License certification must state the current number of boarders which shall not exceed -----*
- 2. This conditional use shall only be permitted only in conjunction with a resident manager on the premises who shall reside at the property.*
- 3. This conditional use is granted for a period of three (3) years at which time said conditional use will be required to be renewed.*
- 4. All requirements of Federal, State, County and Town Building Codes for conditional use shall be met. A written record of this condition will be kept on file with the Town Hall and will be updated with each renewal.*
- 5. All requirements of Federal, State, and County Health Departments or agencies shall be met. A written record of this condition will be kept on file with the Town Hall and updated with each renewal.*
- 6. All requirements of the state fire Marshall must be met. A written record of this condition will be kept on file with the Town Hall and updated with each renewal.*

**MOTION NEEDED**

*Motion to recommend (approval/denial) of the Special Exception application for a Group Home at 537 Maryland Avenue with conditions.*

Discussion continued regarding regulations for parking. The property has a driveway and there is street parking. Mr. Reich stated in the past there have been other homes that were restricted for parking. Mr. Minus indicated that he cannot drive and most of the veterans do not drive. The veterans are not necessarily disabled physically; they just need a second chance. They will all work. If they are not working they are volunteering somewhere. They have to do at least twenty (20) hours Monday through Friday even if they are getting a government pension. An idle mind is not healthy for anybody. The goal is to help guide them in the right direction to become responsible members of society. We just listen to them and show them we care.

Question was asked by Mr. Dawson if a group home had been approved in the past in the R-1 district. Current group homes are mainly in the R-2, R-3 and TC districts. Mr. Reich stated that

during past experience with other Town boards there have been group homes located in the R-1 district.

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to recommend to the Board of Appeals approval of the Special Exception for a Group Home at 537 Maryland Avenue with conditions as listed in Ms. Skilling's comments with #1 and 2 noted as no more than six (6) boarders, space permitting.

Discussion followed above motion to add parking requirements, to consider on site and street parking in the single family residential neighborhood. Mr. Reich commented to add condition #7 to reference parking of passenger vehicle type only, not to exceed a 10 person passenger van.

**Amendment** to the **Motion** was made by Mr. Oberholtzer and seconded by Mr. Reich to add a condition #7 to consider parking capacity and adequacy to be based on the number of residents. **All in Favor. Amendment Carried.**

Discussion continued that the number of residents permitted would be designated by Code based on actual square footage in the home. Mr. Minus will adhere to all regulations for the number of residents as determined. Mr. Fortner asked if the number should be designated to six (6) or to none and let Board of Appeals make that determination when they receive additional information regarding the square footage of the home.

**Amendment** to the **Motion** was made by Mr. Dawson to restrict the number of residents to four (4) plus one (1) resident manager. **No second. Amendment Failed.**

**Amendment** to the **Motion** was made by Mr. Oberholtzer and seconded by Mr. Jack with no specified number of residents, to be determined after review by the Board of Appeals and other agencies for the facility. **Five in Favor. One Opposed (Dawson). Motion Passed.**

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to recommend to the Board of Appeals approval of the Special Exception for a Group Home at 537 Maryland Avenue with conditions as listed in Ms. Skilling's comments, as amended to add a condition #7 to consider passenger vehicle parking capacity and adequacy to be based on the number of residents and not exceed a ten passenger van, as amended that the number of residents to be determined after review by Board of Appeals. **Five in Favor. One Opposed (Dawson). Motion Passed.**

**Motion** was made by Mr. Reich and seconded by Mr. Oberholtzer to adjourn the meeting at 7:55 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator