



# City of Cambridge

Department of Public Works  
Planning and Zoning  
1025 Washington St.  
Cambridge, Maryland 21613  
Telephone: 410-228-1955  
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## BOARD OF APPEALS MEETING

Tuesday, January 27<sup>th</sup>, 2026, at 6:00P.M.

The City of Cambridge Board of Appeals will conduct an in-person meeting at 305 Gay Street. Cambridge, MD.

### Board Members and Attorneys

1. William Clyde, Chair (Ward 1)	2. William Bishop (Ward 3)
3. Michael Wheatly (Ward 4)	4. Barbara Knepp (Ward 3)
5. Saibal Sen (Ward 3)	6. Tyler Sears (Alternate)
Board Attorney - Lance Young	City Attorney - Andrew Meehan

### BOARD OF APPEALS MEETING - STREAMING

TOWN HALL STREAMS: <https://townhallstreams.com/towns/cambridgemd> Dial in: (848) 777-1500#

TEAMS: [Join the meeting now](#) Meeting ID: 212 433 138 281 33 Passcode: dx9Uv77s

### NEW BUSINESS (Quasi-Judicial)

- A. **BOA-26-0001: Jhan Tangires is Appealing a decision by the Zoning Official.** An "ice machine" has been installed at the front corner of the parcel at 501 Maryland Avenue. Staff believes that the location fails to adhere to the current setback and regulatory criteria and therefore is not permitted, as this type of structure may not be sited in the Front Yard of a Primary Building. As a corner lot, this type of structure must be located in the Side Yard, with its Front Facade located to the rear of the Primary Building. The structure shall not be located closer than six (6) feet from any Side Property Line or five (5) feet from any Rear Property Line. Alternatively, the structure may be attached to the Principal Structure. If so, it then becomes part of that structure and must comply with the setback requirements for a Principal Structure in the zoning district. Finally, the structure requires a Building Permit before it is placed. This was not obtained.
- B. **BOA-26-0002: Dimple Manor, Noel Duhaney & Damion FFolkes, are requesting a Special Exception to permit an Intermediate Care Institution, at 506 South Regulator Drive.** The facility will be home to 5 residents. It is located in a single-family home within the Longboat Estates Subdivision of the City.

This agenda is subject to change, with final approval made by the Board at the meeting.



# CAMBRIDGE BOARD OF APPEALS

## APPEAL OF A DECISION MADE BY THE ZONING OFFICIAL

<b>MEETING DATE:</b>	Tuesday, January 27 <sup>th</sup> , 2026: 6:00 PM.
<b>APPLICATION NO:</b>	BOA 26-0001 – Appeal of a Zoning Decision made by the City's Zoning Official Regarding the Location of an Ice Machine and Failure to Obtain Permits for Said Ice Machine on Jhan Tangires Property at 501 Maryland Avenue.
<b>APPEALS:</b>	<b>Nature of the Appeal:</b> The applicant, Jhan Tangires is appealing a decision made by the City's Zoning Official that the Ice Machine located at 501 Maryland Avenue is currently sited on a portion of the property that is not permitted by code. In addition, no permits were obtained, nor was the siting of the project discussed with staff.
<b>CURRENT ZONING DISTRICT:</b>	Maryland Avenue Gateway
<b>APPLICANT:</b>	Jhan Tangires
<b>PROJECT MANAGER:</b>	Brian D. Herrmann; Director City of Cambridge Planning and Zoning Department

### **BACKGROUND INFORMATION:**

The appellant has installed an ice machine that is approximately eight feet wide, four feet deep, and eleven feet tall in the front corner of the parking area for her laundromat business located at 501 Maryland Avenue. This is a corner lot. It is bound by Maryland Avenue and Dorchester Avenue. Parking is located in the front of the building as well as on the Dorchester Avenue side of the building. No permission, site plans, or permits were obtained by the applicant prior to the installation.

The ice machine contains several drains that have been purposely directed into the small planting area on the front corner of the parcel. This planting area was part of the Maryland Avenue Streetscape improvements. Staff feels as though the manner in which the drains have been installed devalues the aesthetic impression of the plantings, and thus the streetscape (see photos). In addition, power for the ice machine has been established in a somewhat "informal" manner, as it runs from the nearby electric pole (see photos).

While Mrs. Tangires did speak with City staff from the Permitting Department prior to the installation, they **did not** convey that the ice machine could be installed without appropriate review. Furthermore, Mrs. Tangires speak to anyone in the Planning and Zoning Department. This likely would have negated the entire incident as Planning and Zoning had recently met with, completed, and approved Mrs. Tangires request for a monument sign in a nearly identical location. This signage has yet to be installed. Had Mrs. Tangires requested permission (and permits), staff would have conveyed that the current siting is illegal and a more reasonable (and legal) location could have been selected.

While the code allows staff to fine the applicant for these violations she is currently awaiting her appeal process. Therefore, we are not doing so. We have simply asked that she relocate the machine

to a location that is permitted by code and work with staff to ensure that she has all of the necessary permits before doing so. This will ensure that the machine is installed correctly, adhering to applicable setbacks while requiring that an appropriate base and bollards are in place to prevent a vehicle from inadvertently colliding with it.

**SUPPORTING DIAGRAMS, ILLUSTRATIONS, AND PHOTOGRAPHS:**



Front and side façade of the building



Side of building, mailbox, electrical



Side and rear of the building



Dorchester Ave., parking, ice machine



Front façade of the ice machine



Front façade of the ice machine



Corner of Dorchester Ave. and Maryland Ave.



Corner streetscape improvements



Corner streetscape and rear of the ice machine



Streetscape planting area and power pole



Rear of ice machine w/ drains installed into the earth of the adjacent planter



Rear of ice machine w/ drains cut into the earth of the adjacent planter



Electric pole and power supply that feeds the ice machine



Rear of ice machine and corner planter area



Electrical power supply for the ice machine



Electrical power supply for the ice machine



Back of electrical power supply for the ice machine

## **2.2.6 STANDARDS FOR AN APPEAL OF A DECISION BY THE ZONING OFFICIAL:**

### **A. Initiation**

Any person or agency aggrieved or affected by an action or decision of the Zoning Official may appeal such action or decision to the Board of Appeals.

### **B. Timing for Appeal**

An appeal must be taken within 30 days of the date of the decision or interpretation to be appealed.

### **C. Processing and Public Hearing Requirements**

1. An appeal shall be filed with the Zoning Official and the Board of Appeals, specifying the grounds thereof. The Zoning Official shall forthwith transmit all papers constituting the record upon which the decision or action appealed was taken.
2. The Board of Appeals shall process all notices of appeal in accordance with the provisions of § 2.3 of this Ordinance.

3. The Board shall decide the appeal within 30 days of closing its hearing on the appeal.

**D. Scope of Decision of the Board**

The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Zoning Official from whom the appeal is taken.

**E. Stay of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board of Appeals after the notice of appeal is filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Official from whom the appeal is taken and on due cause shown.

**CODE VIOLATIONS CONVEYED BY THE ZONING OFFICIAL:**

An ice machine is permitted as an **Accessory Structure** on this property. However, there are very specific placement criteria for such structures. Specifically, **Accessory Structures** are not permitted in the **Front Yard** of a **Primary Building**.

The following standards from our **Unified Development Code** are applicable to Mrs. Tangires site (Sections conveyed in BOLD letters are particularly applicable):

**§ 5.1.3 Accessory Building / Structure Requirements**

**STAFF COMMENT: THE ABOVE TITLE OF THIS SECTION REFERS TO "REQUIREMENTS FOR BUILDINGS AND STRUCTURES." IN ADDITION, LETTER A (below) DOES THE SAME.**

**A. Location of Accessory Buildings and Structures**

The following provisions apply to the location of accessory buildings:

1. **Accessory buildings shall not occupy any required front yard or side street yard; provided, however, that:**
  - a. **in the case of a corner lot, the accessory building shall be located in a side yard, with its front façade rear of the primary residence**; and
  - b. in the case of a corner through lot, the accessory building shall be reviewed by the Zoning Official, who shall determine the most appropriate location.

**STAFF COMMENT: THIS IS A CORNER LOT**

2. An accessory use or structure may not occupy more than thirty-five percent (35%) of the area of the rear yard, or in the case of a corner lot, thirty-five percent (35%) of the area of the side yard rear of the building footprint.
3. **Accessory buildings shall not be located closer than six (6) feet from any side property line or five (5) feet from any rear property line**, except in all the Neighborhood Conservation Districts and in the Downtown Waterfront Development District Neighborhood Subdistrict where accessory residential buildings and structures may be as close as three feet from the side or rear property lines provided they do not exceed twelve (12) feet in height. Accessory residential buildings and structures exceeding twelve (12) feet in height shall meet the setback requirements in this subsection and the modified setback requirements in § 5.1.3(B)(1) of this Ordinance.

**STAFF COMMENT: THE PARCEL IS LOCATED IN THE GENERAL COMMERCIAL ZONING DISTRICT; THEREFORE, THE AFOREMENTIONED TEXT IS APPLICABLE**

#### **B. Height of Accessory Building or Structure**

1. Except in the Industrial district, where the high point of the roof of any accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from the rear lot line an additional two feet for every foot of height exceeding twelve (12) feet.
2. In all districts except the Industrial district, the maximum height of an accessory building shall be eighteen (18) feet. In the Industrial district the maximum allowed height shall be the maximum height of the principal structure on the lot.

#### **C. Accessory Swimming Pools**

*Not Applicable*

#### **D. Building Permits Required**

**Any accessory building or square feet in size shall require a permit before placement.**

**STAFF COMMENT: THE ICE MACHINE SHALL REQUIRE ONE OR MORE PERMITS**

#### **E. General Requirements**

1. When an accessory structure is attached to a principal structure it then becomes part of that structure and must comply with the setback requirements for a principal structure in that zoning district.

**STAFF COMMENT: SHOULD THE APPLICANT DECIDE TO ATTACH THE ICE MACHINE TO THE PRINCIPAL STRUCTURE OR BUILDING THEN THE PRINCIPAL STRUCTURE OR BUILDING MUST NOW COMPLY WITH APPROPRIATE SETBACKS**

2. No accessory use or structure shall be permitted on a lot unless the principal use or structure previously exists or unless construction on the principal structure has started to the point of establishing the permanent foundation of said structure.

In order to further clarify any confusion regarding these regulations, please refer to the image below (Figure 1).

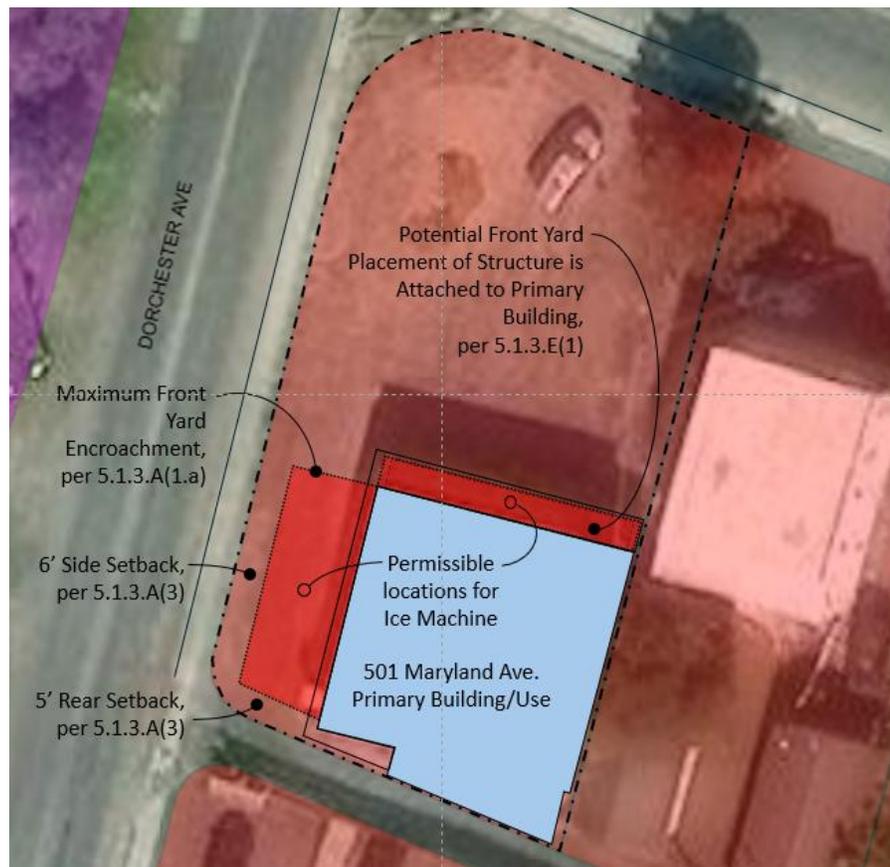


Figure 1. Permissible locations for Ice Machine.

## **STAFF RECOMMENDATION:**

On October 6, 2025 staff provided a letter to the appellant that essentially captured the same information as that which is conveyed above.

Staff had asked Mrs. Tangires to please "relocate the ice machine to a site on her property that was within the permissible areas that are identified in Figure 1 (above)."

Mrs. Tangires asked for some time to consider the issue, as she was slated to be travelling. Staff complied.

Eventually, staff followed up with Mrs. Tangires. She conveyed her desire to file an appeal request with the Board of Appeals.

Staff feels confident that we have followed the Code and requests that the Board of Appeals convey the same to Mrs. Tangires. Otherwise, there is no reason for having a code.

# ACCESSORY STRUCTURES

CODE ENFORCEMENT

**APPEAL OF COMPLAINT #: CODE-25-2523**

**ACCESSORY STRUCTURE  
CODE VIOLATION  
COMPLAINT #: CODE-25-2523**

- On November 25, 2025 the owner of the property located at 501 Maryland Avenue Cambridge, MD 21613, received a notice for a code violation for the placement of an accessory structure. The accessory structure identified is an Ice Machine located on the property.
- Prior to the violation being issued, the owner of the property asked for clarity of what constitutes an accessory structure.
- The City responded and offered the following definitions of accessory structures:

# DEFINITION OF ACCESSORY STRUCTURE

- Accessory structure means a structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to a principal structure, or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.
- Accessory Structure – a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure (e.g., a shed or detached garage).

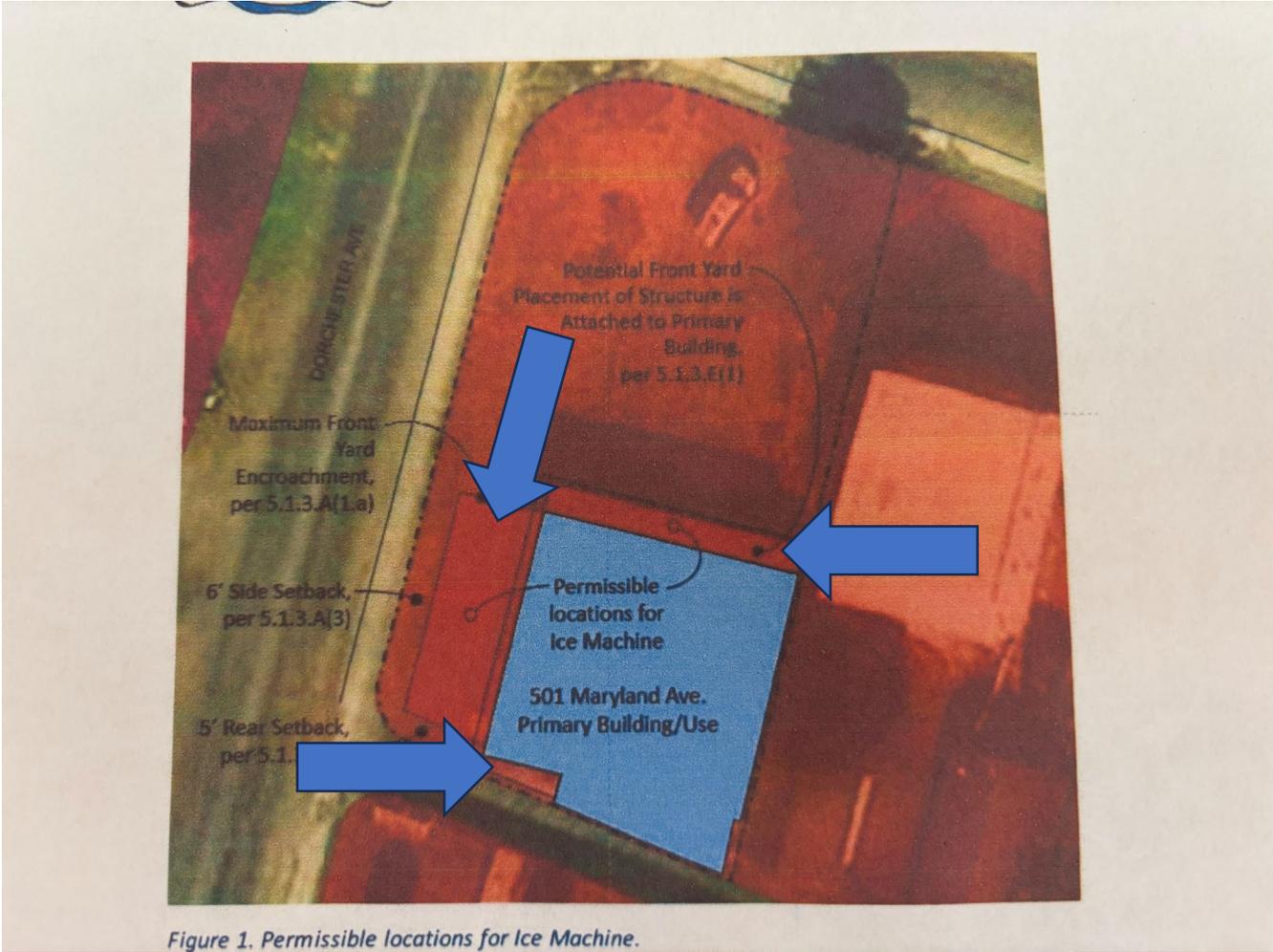
## DEFINITION CONTINUED

- "Accessory", indicating a subservient (or secondary) relationship between a primary use, primary function, or principal structure and the building/structure term using the modifier. It is this secondary & subservient (or *incidental & subordinate* to use the UDC's terms) nature of accessory buildings and accessory structures that is addressed in the placement criteria.

# IS THE CODE CONSISTENTLY ENFORCED THROUGHOUT THE CITY?

- In a letter dated November 17, 2025, the owner of the property located at 501 Maryland Avenue Cambridge, MD 21613, questioned the consistent enforcement of the Code and offered several examples of other similar properties in the City, that had accessory structures located outside of the areas identified as acceptable according to Code.
- Acceptable areas are designated in the following exhibit:

# According to the City, acceptable locations for an accessory structure



**EXHIBITS OF ACCESSORY STRUCTURES LOCATED  
THROUGHOUT THE CITY AND CLEARLY NOT IN THE  
AREAS THE CITY'S CODE DEFINES AS ACCEPTABLE:**

# Sand Hill Road – VFW

A gazebo and combat vehicle, permanently located in front of the Primary Structure



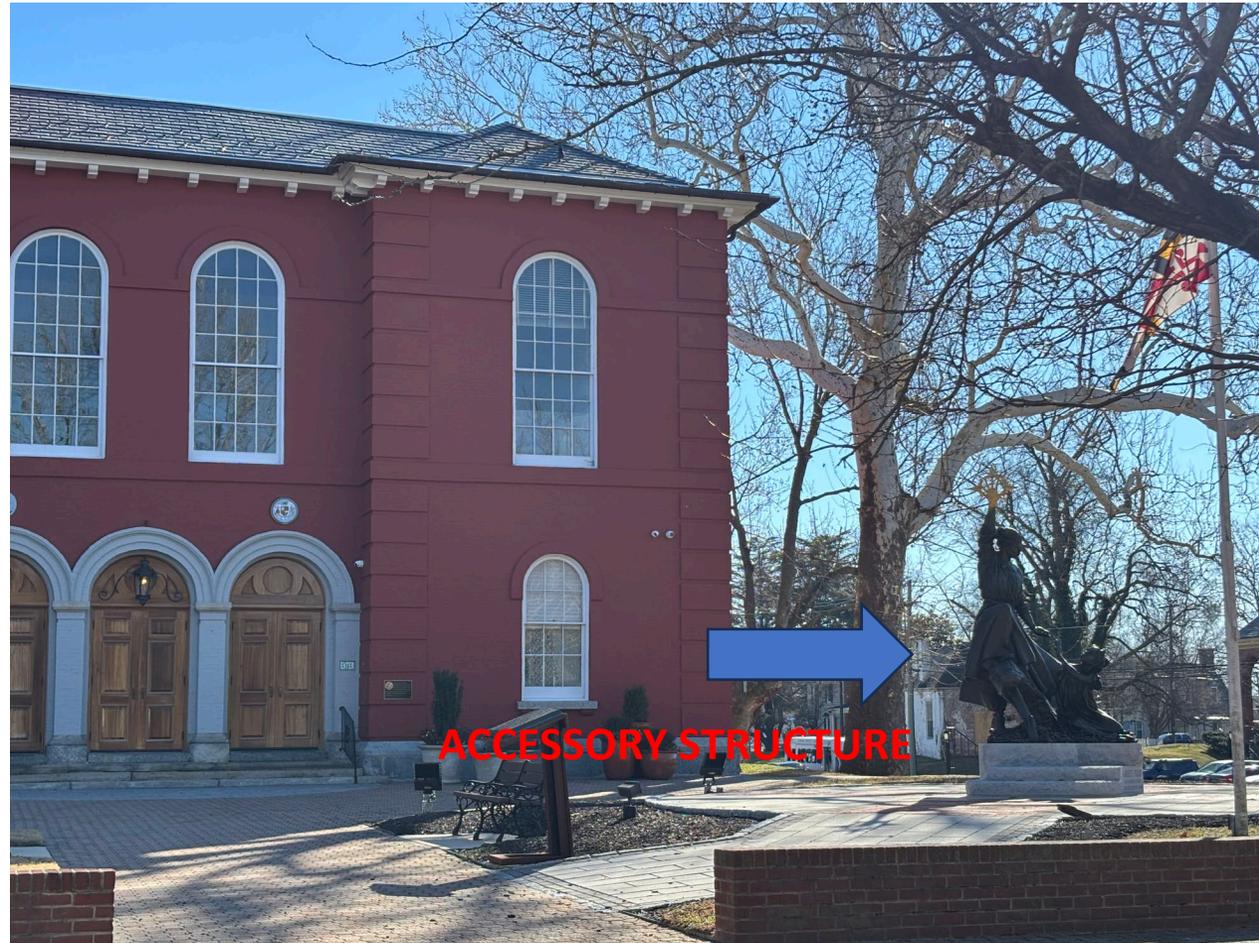
# Academy Street – City Hall

An art sculpture, permanently located in front of the Primary Structure



# Corner of High Street & Spring Street

## Tourist Exhibit/Sculpture



# Route 16 – Across from CSDHS Two Donation Facilities



# Woods Road – Tieder Facility Storage Shed



# Corner of Stone Boundary & Route 16 Donation Facility



# Corner of Peach Blossom & Washington Street Car Vacuum



**Cedar Street**  
Car vacuum/air Pump  
located to the right and front of the parking lot



# Hayward Street

A gazebo and propane storage tanks located to the right and front of the Primary Structure



# Washington Street

A phone booth and car vacuum/air pump located in the front left corner of lot



# Corner of Washington Street & Race Street

A car vacuum/air pump

located in the front right corner of the parking lot



# Corner of Washington Street & Leonard's Lane City of Cambridge Office Building

EV station permanently affixed to concrete platforms in  
the front left corner of the parking lot



# Washington Street – City of Cambridge Complex

2 EV stations permanently affixed to concrete platforms located in the front left corner of the parking lot



# Washington Street

Gazebo/Carport housing propane tanks located in the right corner of the parking lot in front of the building



Corner of Woods Road & Ocean Gateway  
2 EV stations on concrete platforms  
located in the front right corner of parking lot



# Church Creek Road Donation Facility located in the Front Right parking lot



Ocean Gateway & Bucktown Road  
Shed, Food Truck and Dining area  
located in the front left corner of the lot/parcel



# CONCLUSION

- The Ice Machine located on the premises of 501 Maryland Avenue Cambridge, MD 21613 does not differ in definition or location than other accessory structures erected and existing in the City of Cambridge as shown in the exhibits presented in this appeal.
- For these reasons, the owner of 501 Maryland Avenue Cambridge, MD, 21613 should not be compelled to relocate the structure or incur fines for a violation unless the same standard and penalties are enforced on other similar properties with similar accessory structures located outside the parameters set forth in the UDC, section 5.1.3



CITY OF CAMBRIDGE  
DEPARTMENT OF PUBLIC WORKS  
PLANNING & ZONING  
705 LEONARD LANE  
CAMBRIDGE, MARYLAND 21613  
TELEPHONE: 410-228-6466  
FAX: 410-228-1474

BZA Case # \_\_\_\_\_

## BOARD OF ZONING APPEALS APPLICATION

Variance                       Appeal                       Special Exception

<b>APPLICANT INFORMATION</b> Note: 8 Copies of this application MUST be submitted to complete the Application	<b>Name:</b> JHAN SHILLING TANGIRES <b>Mailing address:</b> 502 MARYLAND AVENUE CAMBRIDGE, MD 21613 <b>Phone #:</b> 410-971-5111 <b>Fax #:</b>
<b>OWNER INFORMATION</b> <b>SAME AS APPLICANT</b> <input type="checkbox"/>	<b>Name:</b> CSSS, LLC <b>Mailing address:</b> 502 MARYLAND AVENUE CAMBRIDGE, MD 21613 <b>Phone #:</b> 443-521-5177 <b>Fax #:</b>
<b>PROPERTY INFORMATION</b>	<b>Property address:</b> 501 MARYLAND AVENUE CAMBRIDGE, MD 21613 <b>Map &amp; Parcel #:</b> 303-5295 <b>Size (acres or sq. ft)</b> 12,000 SF <b>Zoning of Property:</b> COMMERCIAL
<b>APPLICATION REQUEST</b>	<b>This is an application to the Board of Zoning Appeals for a request of:</b> DISMISSAL AND NON-ENFORCEMENT OF COMPLAINT #: CODE 25-2523
<b>JUSTIFICATION FOR REQUEST</b>	<b>Statement by applicant – use additional pages if necessary:</b>  INCONSISTENT ENFORCEMENT AND INTERPRETATION OF UDC SECTION 5.1.3  POWER POINT/EXHIBIT ATTACHED

I hereby certify that the information provided on this application and any accompanying information is accurate, true and correct to the best of my knowledge and belief.

Jhan Shilling Tangires (Electronic Signature)                      1/12/2026

Signature of Applicant

Date

Receipt #

Date

**BOARD OF ZONING APPEALS  
CHECKLIST**

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THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE BOARD OF ZONING APPEALS AND IS TO BE PROVIDED BY THE APPLICANT:

The application form must be completed by the applicant in its entirety. Incorrect or inaccurate information may result in dismissal of the appeal on procedural grounds.

- Application and justification statement
  
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request
  
- The fee has been determined by the City Council. **\$200.00**

**FOR OFFICE USE:**

Case Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Placard Posted on Property: \_\_\_\_\_ Notice Published in Newspaper: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

Applicant (s) Notified of Decision by mail: \_\_\_\_\_



# CAMBRIDGE BOARD OF APPEALS

## SPECIAL EXCEPTION REQUEST

<b>BOARD OF APPEALS MEETING:</b>	Tuesday, January 27 <sup>th</sup> , 2026 at 6:00 PM.
<b>APPLICATION NO:</b> BOA 26-0002 – Request by Dimple Manor, Noel Duhaney, and Damion Ffolkes for a Special Exception to Permit an Intermediate Care Institution at 506 S. Regulator Drive.	
<b>SPECIAL EXCEPTION:</b>	<p><b>Nature of Request:</b> The applicant, Dimple Manor, Noel Duhaney, and Damion Ffolkes wish to open an <b>Intermediate Care Institution</b> at 506 S. Regulator Drive in the <b>Longboat Estates subdivision</b>. The use will be located in a "single family home" and will contain 5 residents.</p> <p>N. Regulator Drive and S. Regulator Drive form a large loop that establishes much of the subdivision. This loop is connected to Jenkins Creek Road at three locations: Mako Drive, F and S Drive, and N. Regulator Drive. The community also contains a swimming pool and a boat launch. This is located at the end of Albemarle Court and provides access to Jenkins Creek.</p>
<b>CURRENT ZONING DISTRICT:</b>	Residential (R)
<b>APPLICANT:</b>	Dimple Manor, Noel Duhaney, Damion Folkes
<b>PROJECT MANAGER:</b>	Brian D. Herrmann; Director City of Cambridge Planning and Zoning Department

### BACKGROUND INFORMATION:

#### A. PURPOSE AND INTENT

The applicant is seeking a **Special Exception** for this Land Use. The purpose of this review is to ensure that this function (or use) will not create an undue impact upon or be incompatible with other uses of land in the same zoning district. Such "uses" may be allowed to locate within given designated zoning districts under the controls, limitations and regulations of a **Special Exception**.

#### B. AUTHORIZATION

The **Board of Appeals** may authorize the establishment of a **Special Exception** in the **Residential** zoning district for an **Intermediate Care Institution** as conveyed in Use Table 1 of the UDC (below).

Land Use	Zoning Districts										Use Regs.
	NC 1,2,3,4	R	I	CMU	GC	IND	MR	RC	OS		
	Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions	SE	SE	SE	P	P		P		P	
Schools											

That said, two items should be clarified.

1. This is not a **Group Home, Recovery Residence, or Halfway House**. Unlike these three uses, whose zoning approval is overseen by Federal and State regulations, a Nursing Care Institution and **Intermediate Care Institution** are regulated by local standards. As shown in the previous paragraph, such provisions are conveyed in the Permitted Use Table of the City's Unified Development Code.

*"An **Intermediate Care Institution** is an institution or home-based facility licensed pursuant to Md. Code Ann., Health-General § 19-318, et seq. providing accommodations for not less than two (2) unrelated persons who are dependent on the administrator, operator, or proprietor for nursing care, **OR** the subsistence of daily living in a safe, sanitary, and healthful environment, and more specifically:*

- a. maintains conditions or facilities and equipment to provide domiciliary, personal, or nursing care;*
- b. admits or retains the individuals for overnight care;*
- c. shall be classified as a care home or nursing home pursuant to Md. Code Ann., Health-General § 19-307(b); and*
- d. obtains a Certificate of Need where applicable under Md. Code Ann., Health-General § 19-120."*

2. At the January 6th Planning Commission meeting a handful of residents of the **Longboat Estates subdivision** spoke when this topic came up. They stated that they had moved to the community - in part- because they thought that it was primarily restricted to single-family living. However, the City's Unified Development Code allows for an **Intermediate Care Institution** as a **Special Exception** in any neighborhood that is zoned **Residential**. This neighborhood is zoned **Residential**.

The Homeowners Association for the community can establish more restrictive rules and regulations (covenants) than the City's Unified Development Code. However, if they are to do so, and the HOA wishes to claim that a violation of said covenants has occurred, they would have no standing regarding the City's provisions. Rather, they would file a lawsuit in Civil Court.

In this case, City staff is recommending that the Board of Appeals follow the City's standards and permit a **Special Exception** for this use.

### C. APPLICATION PROCEDURE

1. The Board shall not grant a **Special Exception** unless and until a written application is submitted indicating the section of this Ordinance under which the **Special Exception** is sought and stating the grounds on which it is requested. **This occurred.**
2. Applications for a **Special Exception** shall be submitted to the **Zoning Official**. The application shall be completed and shall be accompanied by information which will be necessary to evaluate a given proposed category or use. The Zoning Official, upon receipt of a properly completed and documented application, shall refer the application along with pertinent evaluation material to the Board. **This occurred.**

3. The **Board of Appeals** shall not grant a **Special Exception** unless and until the **Planning Commission** has reviewed the application and has first made a recommendation to the Board. **This occurred (see below).**

#### **PLANNING COMMISSION RECOMMENDATION**

As required by the Unified Development Code the City's Planning Commission heard the applicant's proposal at its January 6, 2026 meeting. Commissioner Lauer made a motion to approve the Special Exception. Commissioner Nelson provided a 2nd. The motion failed by a vote of 3 to 4. This was followed by a motion by Commissioner Losty to deny the Special Exception. A second was provided by Chairman Brown. The Commission voted 4 to 3 to deny the proposal.

The applicant confirmed that there will be 24 / 7 supervision at the property. Staff will primarily consist of CNS's or individuals with similar backgrounds; as well as a delegated RN to oversee operations. Residents will have discretion regarding visiting physicians or their own medical personnel. Finally, the applicant addressed concerns about the physical structure of the home, licensure for the provision of meals, resident accommodations, and accessibility features.

No "covenants" for the community were submitted or shown during the meeting. In addition, staff stated that such provisions have no relevance when it comes to a **Special Exception** use in the City. Despite this, the majority of the Board mentioned covenants as the reason why they were voting to deny the proposal. If so, staff believes that the vote failed to adhere to the law.

4. An application for a **Special Exception** may be made by a property owner, lessee or contract purchaser. A lessee or contract purchaser must file with the application, a copy of the contract or some form of written statement which indicates endorsement of the application by the property owner. **Noel Duhaney is listed as the owner of the property.**

#### **D. STATUS OF SPECIAL EXCEPTION USES**

1. Once a **Special Exception** has been approved, any building permit or zoning and occupancy permit hereafter submitted for the development or use of the property in accordance with the special exception shall conform with the approved **Special Exception** and no development or use shall be approved by the Zoning Official in the absence of such conformance
2. **Once established, the use shall be conducted in strict accordance with any condition or restriction imposed by the Board of Appeals and all other requirements of this Ordinance.** No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the **Special Exception** or a new **Special Exception** shall be modified unless an application is made and approved for an amendment to the **Special Exception** or a new **Special Exception** is approved.
3. **Once a Special Exception use is approved, the use shall not be considered a nonconforming use, but shall be, without further action, considered a conforming one.**

## **STANDARDS FOR CONSIDERATION:**

The Board of Appeals shall grant a Special Exception unless it finds, from a preponderance of evidence of record, that the proposed use submitted for a Special Exception would have adverse impacts at its proposed location which would be above and beyond those inherently associated with the proposed use irrespective of its location with the zoning district.

In making its decision, the Board shall make findings with respect to each of the following standards:

1. The establishment, maintenance and operation of the **Special Exception** at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.

**STAFF RESPONSE:** *Staff agrees that the establishment, maintenance, and operation of the use at this location will not endanger public health, safety, or general welfare.*

2. The **Special Exception** at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

**STAFF RESPONSE A:** *Staff agrees that this location is both harmonious in character and appropriate in appearance for the proposed use. In addition, the function will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted.*

**STAFF RESPONSE B:** *Staff does not have any evidence that property values within the neighborhood would be diminished or impaired by the proposed use. In fact, in similar situations the overall property values of the neighborhood have climbed - often substantially.*

3. The establishment of the **Special Exception** at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.

**STAFF RESPONSE:** *Staff agrees with this. As conveyed, other neighborhoods in similar situations have continued to thrive and mature.*

4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.

**STAFF RESPONSE:** *Yes. The only issue to arise is parking. Staff recommend that a restriction be placed on the site to ensure that residents will not have access to their own vehicle. Patrons of other facilities that are located in predominantly single-family neighborhoods within the City of Cambridge do not have access to their own vehicles. When they do, "on-street" parking is permitted.*

5. The **Special Exception** shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.

**STAFF RESPONSE:** *Yes, staff agrees.*

6. The **Special Exception** shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the

specific use.

**STAFF RESPONSE:** Yes, staff agrees.

7. The proposed use at its proposed location conforms to the Comprehensive Plan.

**STAFF RESPONSE:** *One section of the current 2011 Comprehensive Plan - which is being rewritten and is almost completed - seems to affirm this proposal.*

**a. Chapter 4: A Plan for City Growth and Land Conservation**

❖ 4.8 Land Use Development Policies (bullets)

- Develop a strong and vibrant residential community in and around downtown. Substantially increase permitted residential densities. Substantively improve the housing options for the City's residents.

**E. BURDEN OF PROOF**

The applicant for a **Special Exception** shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact that are to be determined by the **Board of Appeals**.

**F. CONDITIONS AND RESTRICTIONS**

The **Board of Appeals**, in approving a **Special Exception**, may impose such conditions, safeguards, and restrictions upon the proposed use, as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to promote implementation of the Comprehensive Plan.

**G. TERMINATION OR REVOCATION**

1. Unless a time limit is specified for a **Special Exception**, it shall be valid for an indefinite period of time, except if the use or activity should cease for any reason for a continuous period of one year, the **Special Exception** shall automatically terminate without notice. The approval of a new **Special Exception** shall be required prior to any subsequent reinstatement of the use.
2. A **Special Exception** shall be revocable on the order of the **Board of Appeals** at any time because of the failure of the owner or operator of the use covered by the exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the exception that were designated in issuing the same.

Before revoking any **Special Exception**, the **Board of Appeals** shall give the holder thereof at least ten days written notice of violation. If within ten days, the exception holder so requests, the **Board of Appeals** shall hold a hearing on the revocation of the exception, giving the applicant written notice of the hearing date.

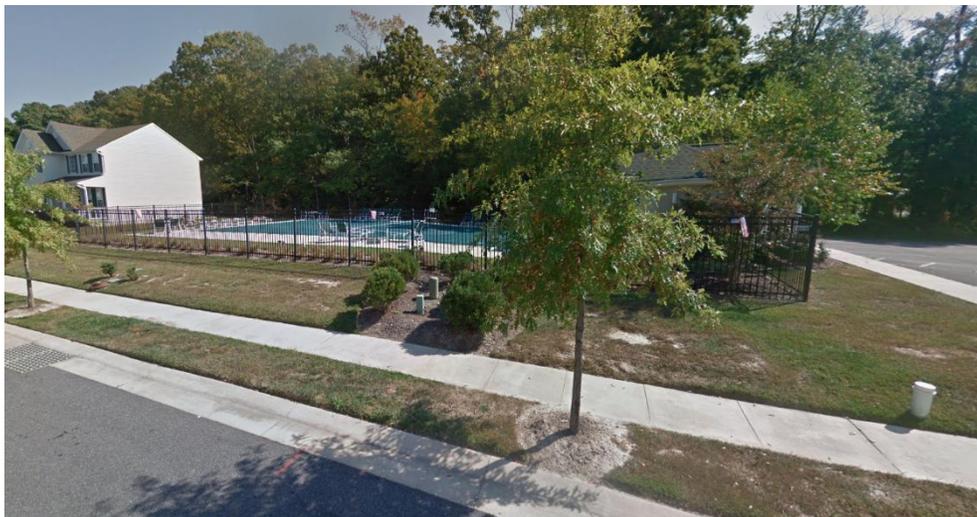
3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations.

**SUPPORTING PHOTOGRAPHS, ILLUSTRATIONS & TABLES:**

The applicant has yet to supply any photographs, illustrations, or tables.



**AERIAL OF THE LONGBOAT ESTATES COMMUNITY**



**SWIMMING POOL ON N. REGULATOR DRIVE**



**CONTRARY TO PUBLIC COMMENT VEHICLES OCCASIONALLY PARK ON THE STREET**

**STAFF RECOMMENDATION:**

Staff feels as though the applicant has made a strong argument for the Special Exception, specifically:

1. *The establishment and operation of the **Special Exception** at its proposed location will not be detrimental to safety or general welfare.*
2. *The **Special Exception** at its proposed location will be harmonious in character and appropriate in appearance with its surroundings.*

*It will not disrupt the use and enjoyment of other property in the neighborhood for those uses that are already permitted.*

3. *Staff lacks evidence that the **Special Exception** will substantially diminish or impair property values within the community. In fact, in other neighborhoods where this use has been permitted the overall property values of the community have continued to climb - often substantially.*

*That said, two items should be clarified.*

- a. *This is not a **Group Home, Recovery Residence, or Halfway House**. Unlike these three uses, which are overseen by Federal and State Regulations, a Nursing Care Institution and **Intermediate Care Institution** must adhere to the local provisions. These are conveyed by the City's code.*

*As conveyed, "an **Intermediate Care Institution** is an institution or home-based facility licensed pursuant to Md. Code Ann., Health-General § 19-318, et seq. providing accommodations for not less than two (2) unrelated persons who are dependent on the administrator, operator, or proprietor for nursing care, **OR the subsistence of daily living in a safe, sanitary, and healthful environment, and more specifically:***

1. *maintains conditions or facilities and equipment to provide domiciliary, personal, or nursing care;*
2. *admits or retains the individuals for overnight care;*
3. *shall be classified as a care home or nursing home pursuant to Md. Code Ann., Health-General § 19-307(b); and*
4. *obtains a Certificate of Need where applicable under Md. Code Ann., Health-General § 19-120.*

- b. *While residents of Longboat Estates will sometimes convey that they thought that their neighborhood was restricted to single family living, the City's Unified Development Code allows an **Intermediate Care Institution** as a **Special Exception** in any neighborhood that is zoned **Residential**. This neighborhood is zoned **Residential**.*

*The Homeowners Association for the community can establish more restrictive rules and regulations (covenants) than the City's Unified Development Code. However, if they are to do so, and the HOA wishes to claim that a violation of said covenants has occurred, they would have no standing regarding the City's provisions. Rather, they would file a lawsuit in Civil Court.*

In this case, City staff is recommending that the Board of Appeals follow the City's standards and permit a **Special Exception** for this use.

5. *Staff feels as though the establishment of the **Special Exception** at its proposed location will in no way impede the normal and orderly development and improvement of surrounding properties. In fact, adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.*
6. *Staff feels as though the **Special Exception** will in no way cause pedestrian, bicycle, or vehicle traffic that somehow conflicts with regular neighborhood traffic.*
7. *The **Special Exception** shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.*
8. *The proposed use at its proposed location conforms to the current Comprehensive Plan. Specifically,*
  - a. **Chapter 4: A Plan for City Growth and Land Conservation**
    - ❖ **4.8 Land Use Development Policies (bullets)**
      - *Develop a strong and vibrant residential community in and around downtown. Substantially increase permitted residential densities. Substantively improve the housing options for the City's residents.*

Staff feels as though an analysis of the proposal (using the above criteria) conveys that it is amenable and appropriate for a **Special Exception** within the City of Cambridge. Therefore, assuming that the applicant can meet all of the required criteria, Staff recommends that the proposal be approved by the **Board of Appeals**.

**CONDITION:** Prior to receiving a **Zoning Verification Certificate** the applicant must show proof that **506 S. Regulator Drive** has been accredited and licensed for occupancy as an **Intermediate Care Institution** by the **State of Maryland**.



# City of Cambridge

DEPARTMENT OF PUBLIC WORKS

PLANNING & ZONING

1025 WASHINGTON STREET

CAMBRIDGE, MARYLAND 21613

TELEPHONE: 410-228-1955

FAX: 410-228-1474

E-Mail: lkinser@chooscambridge.com

## Application to the Planning and Zoning Commission

P&Z review for Special Exception

### PROPERTY (LAND) OWNER:

Noel Duhaney

Name

506 S Regulator Drive

Cambridge

MD

21613

Street Address

City

State

Zip Code

E-Mail Address

443.810.5231

Phone Number

Fax Number

### APPLICANT INFORMATION: (IF DIFFERENT THAN PROPERTY OWNER)

Damion Ffolkes

Name

506 S Regulator Drive

Cambridge

MD

21613

Street Address

City

State

Zip Code

d.ffolkes@dmanor.com

E-Mail Address

443.636.1763

Phone Number

Fax Number

### PROPERTY INFORMATION:

506 S Regulator Drive, Cambridge, MD 21613

ADDRESS AND LOCATION:

Map/Parcel Number

Current Zoning

1. The establishment, maintenance and operation of the special exception at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.

~~We're confident that our establishment's operation will not pose any harm to public health, safety, or general welfare. We're committed to keeping open lines of communication and addressing any questions you may have as we move forward.~~

---

---

2. The special exception at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

~~Our plan aligns with the goal that the establishment will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.~~

---

---

3. The establishment of the special exception at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.

~~Our position remains that the establishment will not impede the normal and orderly development and improvement of surrounding properties. We are committed to compliance with all applicable regulations and to engaging constructively with stakeholders to minimize any potential concerns.~~

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4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.

~~Our establishment has adequate utilities, public water and sewer facilities, access streets, drainage, and all necessary facilities that are being provided~~

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---

5. The special exception shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.

~~Our establishment will not be hazardous to or unduly conflict with existing and anticipated traffic in the neighborhood. It will not interfere with pedestrian, bicycle, or vehicle traffic~~

---

---

6. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.

Our establishment will conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.

---

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7. The proposed use at its proposed location conforms to the Comprehensive Plan.  
Our establishment does conform to the Comprehensive Plan.

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8. Provide a site plan, architectural floor plans and elevations of the building in both hard copies (15) and digital format.

# HEARTSAVER

**Heartsaver®  
First Aid CPR AED**



**American  
Heart  
Association.**

**Mildred Watson**

**has successfully completed the cognitive and skills evaluations  
in accordance with the curriculum of the American Heart Association  
Heartsaver First Aid CPR AED Program.**

**Optional modules completed:**

Heartsaver Total, Child CPR AED, Infant CPR, Exam

**Issue Date**

10/3/2022

**Renew By**

10/2024

**Training Center Name**

University of Maryland Upper Chesapeake Health System,  
Inc

**Instructor Name**

Juanita Darby

**Training Center ID**

MD01588

**Instructor ID**

03112329717

**Training Center City, State**

Bel Air, MD

**eCard Code**

226019053500

**Training Center Phone  
Number**

(443) 643-2900

**QR Code**



To view or verify authenticity, students and employers should scan this QR code with their mobile device or go to [www.heart.org/cpr/mycards](http://www.heart.org/cpr/mycards).

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## HEARTSAVER

### Heartsaver® First Aid CPR AED



**Janette Ventura**

has successfully completed the cognitive and skills evaluations in accordance with the curriculum of the American Heart Association Heartsaver First Aid CPR AED Program.

Optional modules completed:

Heartsaver Total,	Child CPR AED,	Infant CPR,	Exam
Issue Date	Renew By	eCard Code	
3/24/2021	03/2023	216011004448	



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## HEARTSAVER

**Training Center Name** University of Maryland Upper Chesapeake Health System, Inc

**Training Center ID** MD01588

**TC City, State** Bel Air, MD

**TC Phone** (443) 643-2900

**Instructor Name** Juanita Darby

**Instructor ID** 03112329717

© 2021 American Heart Association 20-3002 1/21

### Directions

1. Cut along dotted lines
2. Fold both halves together
3. Use adhesive to combine halves

State of Maryland  
MARYLAND BOARD OF NURSING

JANETTE ELINE MWAMBA

has fulfilled the requirements  
for State certification in accordance with the Maryland  
Annotated Code, Health Occupations Article, Section  
8-101 et. seq. and the Regulations Governing  
Examination and Licensure (10.39.01)  
and is hereby authorized to practice as a

CNA

Certification Number: A00103200

EXPIRATION DATE: 12/28/2011

Executive Director

*Patricia Ann Webb, MSN, RN*



Certificate for Successful Completion Of:  
OHCQ Approved  
80 Hour Assisted Living Manager Training Program

Name: Janette Ventura

Presentation Date: 10/4/2021 Number of Hours: 80

Presentation Location: Bowie

Name and contact information of provider: LD Training for Assisted Living Programs  
301-693-2678

*Debra R. Cantor*  
Debra R. Cantor, RSW, BSN, DSW

C E R T I F I C A T E  
OF ATTENDANCE AWARDED TO

**Janette Mwamba**

**SPECIAL EQUIPMENT & TRANSFERS**

Presented by  
**CHESAPEAKE CENTER**

May 9, 2008

*Sharon Larrimore*  
Sharon Larrimore

*Certificate of Achievement*

The Arc of Anne Arundel

Whilby Janette

*Protecting Quality of life  
Identifying and Reporting Abuse and Neglect*

*Whilby Janette*  
Signature

05-18-2006





This is to certify that

**Janette Mwamba**

has successfully completed

**Infection Control 1670**

Completed on: 1/5/2009

Credit Hours: 4.00

**essentia**  
LEARN



This is to certify that

**Janette Mwamba**

has successfully completed

**Crisis Management**

Completed on: 6/7/2009

Credit Hours: 2.00



The Arc  
of  
Anne Arundel County

# Certificate

This certifies that  
Janet Whiby  
has completed training  
and demonstrated competency

on

May 6<sup>th</sup>, 2003

on

"Preparing for the Unexpected"

Trainer [Signature]

ASCEND HEALTHCARE  
INSTITUTE

The Ascend Healthcare Institute presents this certificate to

*Janette Mwamba*

HAS SUCCESSFULLY COMPLETED THE ASSISTED LIVING ANNUAL TRAININGS FOR STAFF  
COMAR REGULATION 10.07.14.19  
FIRE AND LIFE SAFETY, EMERGENCY DISASTER TRAINING, FOOD SAFETY, AND HAND HYGIENE, INFECTION CONTROL,  
AND 2 HOURS OF ALZHEIMERS TRAINING FOR ASSISTED LIVING STAFF

ASCEND HEALTHCARE INSTITUTE IS AN APPROVED TRAINING VENDOR FOR  
THE MARYLAND DEPARTMENT OF MENTAL HEALTH AND HYGIENE OFFICE OF HEALTHCARE QUALITY

*Juana McAlloo, Instructor*

*November 5, 2014*

6301 IVY LANE SUITE 700  
GREENBELT, MD 20770  
410-782-1126 OR 301-220-1990



**UNIVERSITY OF MARYLAND**  
**Department of Psychiatry**  
**Mental Health Services Training Center**

This is to certify that

***Jeanette Mwamba***

*has attended a Training Activity co-sponsored by:*  
the University of Maryland Mental Health Services Training Center and the Maryland Mental Hygiene Administration.

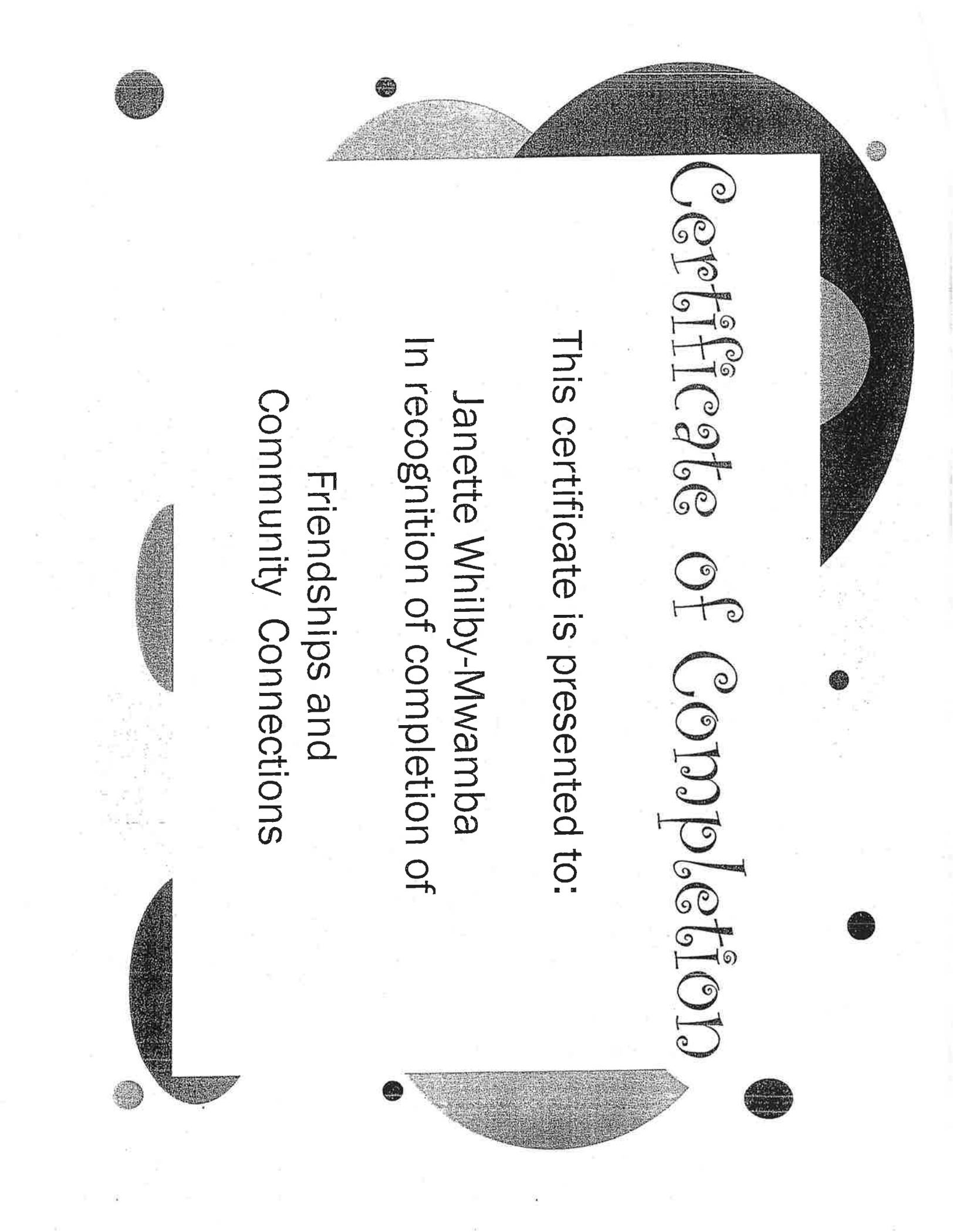
**Evidence-Based Practice Service Approach to Supported Employment**  
**The CLIP**  
**“Treatment Team Round”**

**Thursday, December 4, 2008**

The University of Maryland Mental Health Services Training Center certifies that this individual has participated in a program of 5.0 clock hours.

A handwritten signature in black ink, appearing to read 'Eileen B. Hansen', is written over a horizontal line.

Eileen B. Hansen, M.S.S.W., Program Director  
Mental Health Services Training Center



# Certificate of Completion

This certificate is presented to:

Janette Whilby-Mwamba

In recognition of completion of

Friendships and

Community Connections



BENEDICTINE OPEN COMMUNITY PROGRAM  
14299 Benedictine Lane ★ Ridgely, Maryland 21660  
Phone: 410.634.1990 ★ Fax: 410.634.2584  
MDOCP@benschool.org

*This is to Certify*  
***Janette Mwamba***  
*(House Counselor)*

***Successfully Completed***

***Introduction to Developmental Disabilities***  
***Dual Diagnosis***  
***Human Growth & Development***  
***HIPAA***  
***Communication Skills***  
***Individual Directed IP Planning & Outcomes***  
***Ten Performance Standards***  
***Fundamental Rights***  
***Seizures***

*Hours of Training: 5*

  
*Abigail Ricks, Instructor*

*Date: June 8, 2011*



**Certificate of Attendance**  
**For Cognitive Impairment / Alzheimer's, Dementia**  
**Mental Illness and Psychosocial Care**

Name: Darlene Finkbeiner

Presentation Date: 12/10/16 Number of Hours: 5.0

Presentation Location: Carlsbad

Name and contact information of provider: LD Training for Assisted Living Programs  
301-693-2678

Luis Dela Cruz, CMA | Director  
Luis Dela Cruz, CMA | Director

**Certificate of Attendance**  
**For Cognitive Impairment / Alzheimer's, Dementia**  
**Mental Illness and Psychosocial Care**

Name:           Dolore Taylor          

Presentation Date: 4/2/21 Number of Hours: 5.0

Presentation Location:           Cambury          

Name and contact information of provider: LD Training for Assisted Living Programs  
301-693-2678

          Frey Olan RN, CMJ, Dn            
*Clay Division RESIDENT*



**STATE OF MARYLAND  
DEPARTMENT OF HEALTH  
OFFICE OF HEALTH CARE QUALITY  
7120 SAMUEL MORSE DRIVE, SECOND FLOOR  
COLUMBIA, MARYLAND 21046-3422**

License No. 09AL4221

Issued to: Dimples Manor 5  
1508 Winters Court  
Cambridge, MD 21613

Type of Facility: Assisted Living

Level of Care: 3

Number of Beds: 5

Date Issued: March 23, 2022

Non-Expiring

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19, 1801, et. seq., Annotated Code of Maryland, including all applicable rules and regulations promulgated there under. This document is not transferable.

*Patricia Tomasko May, MD*

Executive Director

*Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.*

# HEARTSAVER

## Heartsaver® First Aid CPR AED



American  
Heart  
Association.

Mauline McGregor Williams

**has successfully completed the cognitive and skills evaluations  
in accordance with the curriculum of the American Heart Association  
Heartsaver First Aid CPR AED Program.**

**Optional modules completed:**

Heartsaver Total, Child CPR AED, Infant CPR, Exam

**Issue Date**

10/3/2022

**Renew By**

10/2024

**Training Center Name**

University of Maryland Upper Chesapeake Health System,  
Inc

**Instructor Name**

Juanita Darby

**Training Center ID**

MD01588

**Instructor ID**

03112329717

**Training Center City, State**

Bel Air, MD

**eCard Code**

226019053499

**Training Center Phone  
Number**

(443) 643-2900

**QR Code**



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# HEARTSAVER

## Heartsaver<sup>®</sup> First Aid CPR AED



American  
Heart  
Association.

**Christopher Ballin**

**has successfully completed the cognitive and skills evaluations  
in accordance with the curriculum of the American Heart Association  
Heartsaver First Aid CPR AED Program.**

**Optional modules completed:**

Heartsaver Total, Child CPR AED, Infant CPR, Exam

**Issue Date**

3/24/2021

**Renew By**

03/2023

**Training Center Name**

University of Maryland Upper Chesapeake Health System,  
Inc

**Instructor Name**

Juanita Darby

**Training Center ID**

MD01588

**Instructor ID**

03112329717

**Training Center City, State**

Bel Air, MD

**eCard Code**

216011004447

**Training Center Phone  
Number**

(443) 643-2900

**QR Code**



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Certificate for Successful Completion Of:  
OHCQ Approved  
80 Hour Assisted Living Manager Training Program

Name: Christopher Ballin

Presentation Date: 8/10/2021 Number of Hours: 80

Presentation Location: Bowie

Name and contact information of provider: LD Training for Assisted Living Programs  
301-693-2678

*Laura D. Dabson RN, CM/D*  
Laura Dabson RN, CM/D



**STATE OF MARYLAND  
DEPARTMENT OF HEALTH  
OFFICE OF HEALTH CARE QUALITY  
7120 SAMUEL MORSE DRIVE, SECOND FLOOR  
COLUMBIA, MARYLAND 21046-3422**

License No. 09AL0056

Issued to: Dimples Manor II  
1506 Winters Court  
Cambridge, MD 21613

Type of Facility: Assisted Living

Level of Care : 3

Number of Beds: 5

Date Issued: October 7, 2022

Non-Expiring

**\*\*NOTE\*\* - This facility increased their number of Beds from 4 to 5 beds.**

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19 § 1801, et. seq., Annotated Code of Maryland, including all applicable rules and regulations promulgated there under. This document is not transferable.

*Patricia Tomsko May, MD*

Executive Director

*Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.*