

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

August 26, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 39 Zoning Advisory Committee Meeting are as follows:

Property Owner: Philip E. Giannino, et ux
Location: S/S Berkfield Road, approximately 50' E of the c/l of Landover Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #17-1 - 1980) and other applicable Codes and Standards.

2. A building and other miscellaneous permits shall be required before the start of any construction.

3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is not required on plans and technical data.

4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

5. All the Group except Sub-Group Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 0'-0" to an interior lot line. Sub-Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 501, Section 501.1, Section 501.2 and Table 501.3. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your architect/engineer contact this department.

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. When filing for a required Change of Use/Compliance Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.

9. The proposed project appears to be located in a Flood Plain, Flood Hazard Area. Please see the attached copy of Section 510.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.

SPECIAL NOTE: 1. Comments: Two family dwellings require a minimum of 1 hour separation between dwellings. A day care with children over 2 1/2 years of age not to exceed 5 children is permitted as a one & two family R-3 use. Children under 2 1/2 are considered nursery and may not be permitted. Please contact this office for more information. 2. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. 3. Sealed drawings are required. Information by visiting Room 102 of the County City Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

1/22/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: October 21, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 86-178-SPH

New regulations governing child care facilities were adopted by the County Council on May 6, 1985. The site plan accompanying this petition is devoid of information upon which any comment can be made by this office.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:alm

1802.3.A.1

THIS SECTION APPLIES TO LOTS IN RECORDED SUBDIVISIONS THAT WERE IMPROVED WITH DWLS PRIOR TO BILL 100 1970.

1802.3.A.2.

THIS SECTION APPLIES TO SUBDIVISIONS THAT WERE PROCESSED AT LEAST TO THE POINT OF TENTATIVE APPROVAL PRIOR TO 1970

1802.3.B.

THIS SECTION PROVIDES MIN. AREA STANDARDS FOR DWLS THAT EXISTED PRIOR TO BILL 100, 1970 (A.I. ABOVE) AND DEF. STANDARDS IN ACCORDANCE WITH TENTATIVELY APPROVED SUBDIVISIONS THAT WERE TENTATIVELY APPROVED PRIOR TO BILL 100, 1970.

IT SHOULD BE NOTED THAT TENTATIVELY APPROVED PLANS INCLUDED DENSITY NOTES AND TYPES OF DWLS AND/OR LOT SIZES THAT REFLECTED TYPES OF DWLS THAT WERE BEING APPROVED VIA SAID TENT. PLAN. THIS WAS REQUIRED IN ACCORD WITH ZONING AND SUBDIV. REGS. IN EFFECT AT THE TIME.

IN RE: PETITION SPECIAL HEARING
S/S of Berkfield Road, approximately 50' E of the centerline of Landover Road (8407 Berkfield Road) - 15th Election District
Philip E. Giannino, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-178-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval to construct a two-family dwelling and to permit a Class A group child day care center (center), as more particularly shown on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel, Phyllis Giannino, the Petitioners' daughter and Director of the proposed center; Kenneth Tag, a contractor; and John Kratz and Graham Ruley, nearby residents, also testified on behalf of the Petitioners. Robert Murphy, a nearby resident, and numerous other individuals appeared in opposition. See Protestants' Exhibit 9.

Testimony indicated that the subject property, zoned D.R.5.5 and located off Pulaski Highway and Old Philadelphia Road, was first purchased by the Petitioners in 1955 and was improved with a single-family detached dwelling. In 1966, the State condemned the property for the purpose of extending Route 702 and the house was removed. However, the State decided not to proceed and the Petitioners bought the vacant lot back in 1984. They now wish to construct a two-family dwelling with a day-care center on the lot, which is located on Berkfield Road.

The proposed plan is for Ms. Giannino to reside in one apartment and operate the center located in the rear of the dwelling and to rent the second

RECEIVED FOR FILE
DATE 10/24/85
BY [Signature]

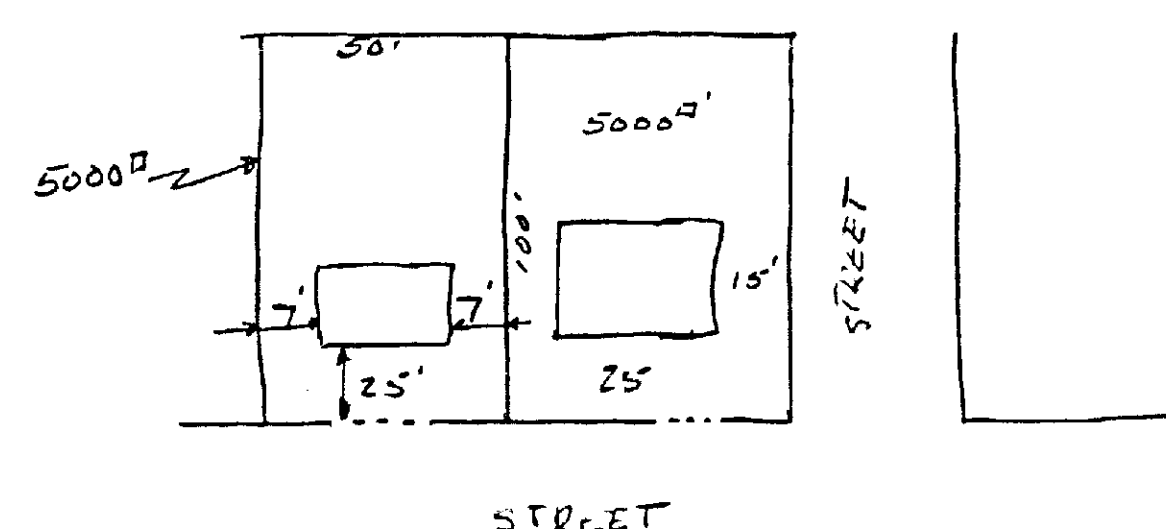
a)

* IN ACCORDANCE WITH ZONING/SUBDIVISION REGULATIONS BETWEEN 1955/1970 TENTATIVELY APPROVED PLATS WERE REQUIRED TO INDICATE DENSITY OR THE NUMBER OF DWL UNITS AND DWLS OR USES - OTHER THAN SINGLE FAM. DETACHED DWLS WERE GRAPHICALLY INDICATED ON THE PLAN. A DUPLEX DWL REQUIRED A LARGER LOT THAN A SINGLE FAM. DWL AND SEMI DETACHED GROUP AND SPT DWLS WERE GRAPHICALLY OUTLINED ON THE TENTATIVE PLAN.

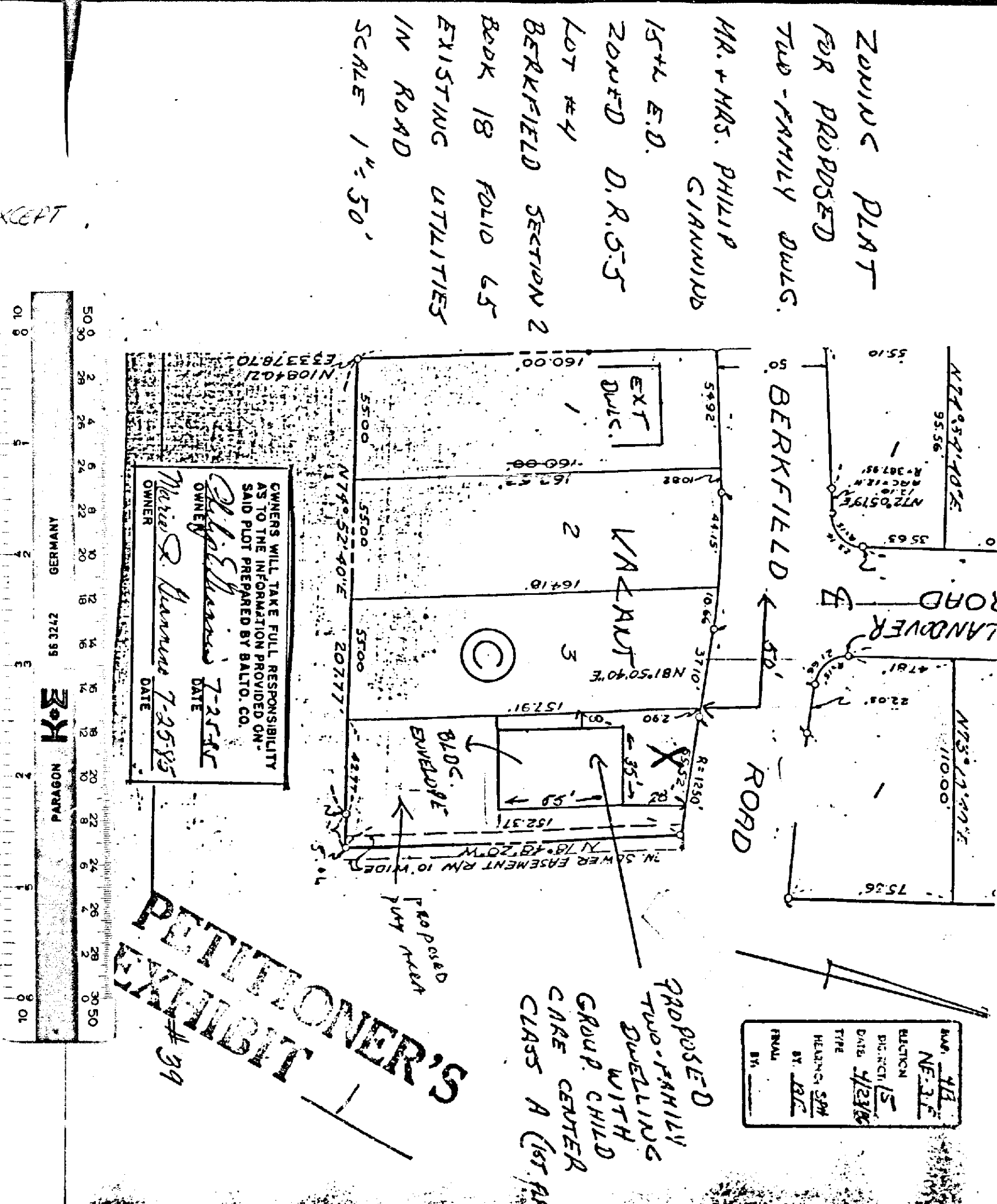
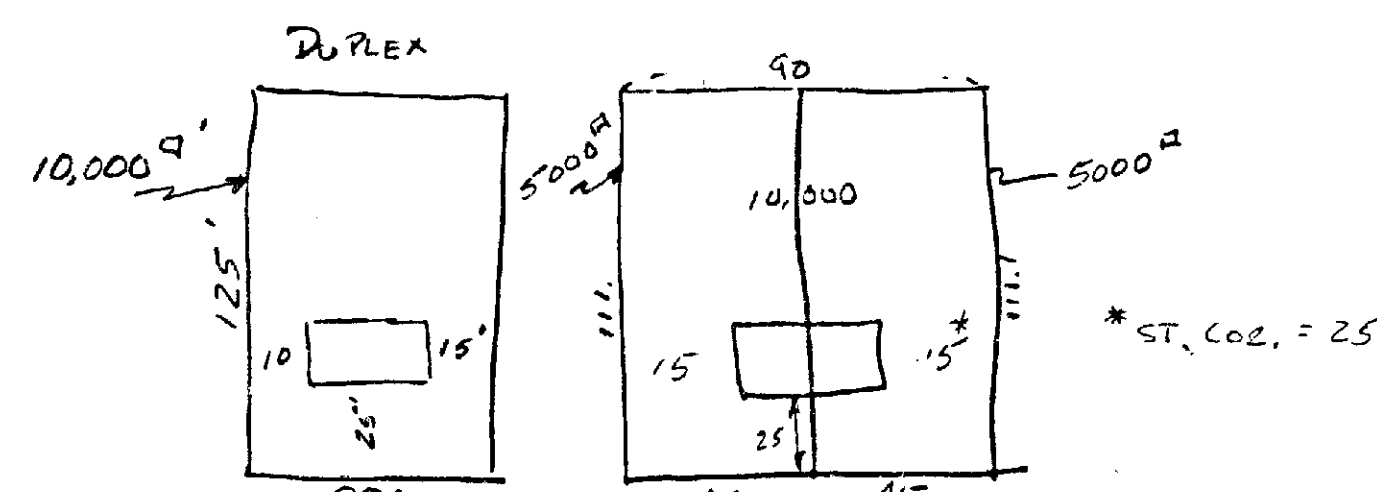
b) * AFTER 1955 EACH OF THE ABOVE USES HAD CORRESPONDING AREA STANDARDS. SEMI-DETACHED & DUPLEX WERE DESCRIBED SIMPLY AS 2-FAM DWL AND REQUIRED A LOT SIZE OF THE SAME DIM. AS A SINGLE FAM DWL. 5000' LOT WIDTH 50'

1945-1955 TWO FAM. DWLS
RES. ZONES A-B-C-D

LOT SIZE = 50' WIDTH 5000'
SETBACKS: FRONT 25' SIDE 7' EACH SIDE EXCEPT COR. LOTS ON SIDE STS. 15'



1955-1970 TWO FAM DWL R6 ZONE



apartment. The center would care for a maximum of 12 children and there would be one other employee, a teacher. The play area would be in the rear yard with a privacy fence placed around the sides and rear. The hours of operation would be from 7:00 a.m. to 5:30 p.m. The only on-site parking would be possibly two spaces in a driveway off Berkfield Road.

The Protestants object because they believe the center will cause further traffic congestion; the community is an old one, the development was approved in 1952, and there is no need for child care in this community because the older residents have few young children; the multi-family dwelling and center would not be consistent with the development; and real estate values will depreciate. Mr. Murphy raised various legal issues as well.

The Petitioners responded by emphasizing their commitment to the community, their daughter will be living there, and their wish to be good neighbors. They also pointed out that the new home will cost over \$70,000 to construct, which should increase property values, not decrease them. Peak hours for children to be dropped off and picked up would be from 7:00 a.m. to 9:00 a.m. and from 4:30 p.m. to 5:30 p.m. and would add no more than 12 additional vehicles to the neighborhood during those hours if all of the children arrived in separate vehicles. Indeed, this community would not be adversely impacted by the addition of either the two-family dwelling or the center. In fact, Rosedale Park exists in this neighborhood with access by Berk Avenue from Pulaski Highway to Berkfield Road, to Kendrick Road, to the park and its many ballfields. There is no other means of ingress or egress, which takes all traffic by the instant site. The Petitioners argued that the maximum traffic generated by a center here would in no way exacerbate the existing traffic problem.

The Petitioners seek relief pursuant to Section III.A.3, 1945 Baltimore County Zoning Regulations (BCZR), and Section 103.1, BCZR, and to Section 424.4.A, BCZR.

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Issues raised by the Protestants include the application of the Residential Transition Area (RTA); the language of Section 424.4.A, which limits Class A group child day care centers to single-family detached dwellings; failure of the Baltimore County Zoning Plans Advisory Committee (ZPAC) to review the proposed center, and failure to advertise the center in two newspapers.

Section 424.4.A.6.d, BCZR, addresses the RTA issue by permitting the Zoning Commissioner to modify Section 1B01.1.B.1.b.3, BCZR, as it pertains to such use in D.R. zones. The fact that the proposed center, as an accessory use, is a residential transition use does not preclude it from being permitted.

The fact that the ZPAC did not consider the center in its comments to the Zoning Commissioner also does not preclude its consideration and determination by the Zoning Commissioner after a public hearing. The ZPAC is an outgrowth of the Joint Zoning Advisory Committee (JZAC), which was established by Section 22-22(1), now Section 22-24(1), Baltimore County Code (BCC). The JZAC was created to advise the Zoning Commissioner on all zoning reclassification petitions. Section 22-26, BCC, requires that all variance and special exception petitions be forwarded to the Director of Planning for his consideration and written comments.

Since the Zoning Commissioner no longer entertains reclassification petitions and since the Petition filed herein is not for a variance or special exception, no regulation exists requiring a petition such as the instant one to be forwarded to anyone or any committee before the Zoning Commissioner may conduct a hearing. Indeed, reference to the ZPAC is only found in the Rules of Practice and Procedure of the Zoning Commissioner, Rule II, Sections A and C, promulgated pursuant to Section 500.8, BCZR, and its purpose is to prepare written comments for the Zoning Commissioner's consideration.

The "child day care" legislation imposes certain statutory requirements and limitations on such facilities and requires that owners of such facilities file

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plans showing compliance with those standards where specifically delineated. Responsibility for the administration and enforcement of the law is vested primarily with the Zoning Commissioner, who is responsible for reviewing the plans and ensuring that they comply with the statutory requirement in addition to his general duties and authority under the zoning laws. See particularly Section 424.4.A, as it applies to Class A group child day care centers.

The ZPAC has no statutory existence; it has no statutory responsibility. The only responsibility it has, as it is a creation of the Zoning Commissioner, is in an advisory and consultative role. Certainly, any role the ZPAC has, pursuant to Rule II, Section C, Rules of Practice and Procedure of the Zoning Commissioner, must be consistent with the purposes of the "child day care" bill. There is no question that the decisions of the Zoning Commissioner under this legislation would be of considerable interest to not only the residents of the County in general but specifically to other County officials whose areas of responsibility could be significantly affected. However, the ZPAC does no more than consult and advise. Neither the Zoning Commissioner nor any other decision-making official or agency is bound to agree with or adopt the ZPAC's recommendation. The ZPAC exercises no "zoning power". Therefore, the lack of referral to it by the Zoning Office or its failure to respond to a petition does not make a subsequent hearing before the Zoning Commissioner illegal. Specific authority is delegated to the Zoning Commissioner by the Baltimore County Charter, the BCC, and particularly, by Bill No. 47-85. Certainly, the Protestants had sufficient opportunity to respond to both the special hearing for the proposed two-family dwelling and the use permit for the proposed center and to register their concerns at the public hearing held.

The Protestants also argued that the center was not advertised. Section 424.4.A.2, BCZR, does not require advertising, only posting. This Petition was advertised and posted; the requirements have been satisfied.

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The remaining issue raised by the Protestants is that a Class A group child day care center is not permitted in a two-family dwelling. They are correct. Section 424.4.A is clear and unambiguous.

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a presumption of validity that must be accepted. Johnson & Wales College v. DiPietro, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Morgony v. Bevilacqua, 432 A.2d 661 (R.I., 1981). Section 413.2, BCZR, is clear and unambiguous.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Housing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 538 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in

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the context of the purpose underlying [its] enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gateswood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Height v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[s]ince the meaning of the plainest words in a statute may be controlled by the context. . . . In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

In applying these principles to the BCZR, particularly Section 413.2, the conclusion is inescapable that under the plain wording of Section 413.2, the policy as described above is in conflict and therefore wrong.

The intent of the BCZR must be determined as being construed as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific language delineating the use regulations in Section 413, BCZR, must be construed in light of all of the provisions concerning signs so that the several parts of those regulations are given their intended effect. Moreover, the relationship between those various provisions regulating signs must be reconciled as a whole. See Smith, supra; Board of Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 33; Anderson, American Law of Zoning, Section 16.08.

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"Zoning regulations are in derogation of common law rights and they cannot be construed to include or to exclude by implication that which is not clearly within their express terms." Yokely, Zoning Law & Practice, Sections 1-4 and 25-8; Aspen Hill Venture v. Montgomery County, 265 Md. 303 (1972). Landay v. MacWilliams, 173 Md. 460 (1938) a/k/a Landay v. Bd. of Zoning Appeals. Zoning regulations must be strictly construed and cannot be extended by implication to prohibit uses not clearly within their scope. Gino's of Maryland, Inc. v. Baltimore, 250 Md. 621 (1968); McQuillin, Municipal Corp., Section 25.72.

They also argued that the request for a multi-family dwelling should not be permitted.

Testimony was uncontroverted that such dwellings do not exist anywhere throughout Section 2 of Berkfield, which was approved by the Planning Commission of Baltimore County on October 29, 1952. See Record Plat Book, G.L.B. No. 18, page 65. In 1952, developments were approved under the 1945 BCZR, which permitted single-family and two-family dwellings, defined as a detached dwelling arranged or used for occupancy by not more than two families as separate house-keeping units, with not more than one entrance on any side and with one house-keeping unit over the other. The Petitioners propose such a dwelling here. Section 103.1 provides that the 1955 BCZR would not apply to any development, subdivision, or parcel of land for which the preliminary plan was originally submitted and approved or tentatively approved by the Planning Commission and would be governed by the law then in effect. Although the record plat does not show envelopes, it is obvious that the intent was to construct single-family dwellings by the subsequent construction undertaken by the developer.

It is clear that the language contained in Section 103.1 applies only to those plats submitted and approved and where substantial construction was begun prior to the adoption of the 1955 BCZR. The issue in this case is whether the

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record plat filed in 1952 is vested, and if so, whether two-family dwellings can now be constructed where none have been before, i.e., which BCZR applies.

There is no question that the subdivision record plat is vested. The standard to apply is found in Rockville Fuel & Feed Co. v. City of Gaithersburg, 266 Md. 117. To obtain a "vested right" in existing zoning and be protected from subsequent zoning change, the owner must obtain a building permit and there must be substantial construction. See Rockville, supra. These two prongs have been met. However, Section 1B02.3.A.1, BCZR, requires that any lot which is in a recorded subdivision approved by the Planning Commission and which has been used, occupied, or improved in accordance with the subdivision plan must be in accord with the provisions of Section 1B02.3, BCZR, generally, which applies to the use, occupancy, and development of, the alteration or expansion of structures upon, and administrative procedures.

The lot in question here was "used, occupied, or improved" by the Petitioners' single-family dwelling from 1955 to 1966. It was constructed in accordance with the approved subdivision plan. Although the subdivision plan was approved by the Planning Commission in 1952 and the 1945 BCZR in existence at that time permitted two-family dwellings, the construction of the single-family dwelling on this lot effectively substituted the 1955 BCZR for the 1945 BCZR, which do not permit a two-family dwelling on D.R.-zoned property unless certain dimensional requirements are met under Sections 1B02.3.C and 402, BCZR. These requirements cannot be met here since the lot measures approximately 55' x 158' x 152'. The removal or razing of the home in 1966, as a result of the State condemnation, is immaterial; in fact, the lot had been used and improved in accordance with the approved plan, as inferred by the construction in 1952 of single-family dwellings in Section 1 of Berkfield. It certainly was not the intent of the Planning Commission to approve this subdivision plan by permitting

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the mixture of single-family and two-family dwellings. If so, such a mixture would have been reflected on the plan itself and in the construction of the homes pursuant thereto.

Therefore, after due consideration of the testimony and evidence presented, construction of a two-family dwelling on this lot will not be approved. However, the Petitioners have presented sufficient evidence and have met their burden under Section 424.4 to establish a Class A group child day care center on this lot if accessory to a single-family detached dwelling, provided the conditions precedent to the granting of the center, as they are delineated below, are satisfied. A Class A group child day care center is permitted as a matter of right in a D.R.5-5 Zone, subject to certain conditions which must be met to the satisfaction of the Zoning Commissioner. These are delineated by legislation, and the Petitioners have satisfied these conditions.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request to construct a two-family dwelling on the instant lot should not be granted and the request for a Class A group child day care center, accessory to a single-family detached dwelling, should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of November, 1985, that a single-family dwelling and a Class A group child day care center is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. A revised site plan shall be submitted to the Zoning Commissioner for approval showing the following:
 - a. the size of the play area in the rear of the lot, which shall satisfy the requirements of the Department of Health;

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JUN 12 1986

- b. a six-foot-high privacy fence, one foot inside the rear and both side property lines of the play area, which shall extend to be attached to the rear of the building on both sides;
- c. appropriate screening placed between the privacy fence and the rear and side property lines to satisfy the Current Planning and Development Division with regard to the Baltimore County Landscape Manual;
- d. a paved semi-circular driveway in the front of the home, which will provide a drop-off and pick-up area for parents; and
- e. the building envelope and all lot dimensions.

2. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: John W. Nowicki, Esquire

Mr. Robert Murphy

People's Counsel

UNDER RECEIVED FOR FILM
DATE *November 22, 1985*
BY *[Signature]*

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Located on the south side of Berkfield Rd. approx. 50' east of the centerline of Landover Rd. and known as lot #4 as shown on the Plat of Section No. 2 Berkfield which is recorded in liber 18 folio 65.

PETITION FOR SPECIAL HEARING

15th Election District

LOCATION: South side of Berkfield Road, approximately 50' East of the centerline of Landover Road, (8407 Berkfield Road)

DATE AND TIME: Monday, October 28, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 for the construction of a two-family dwelling in accordance with Section III.A.3, and to permit a Class A Child Care Center pursuant to Section 424.4.A.3.

Being the property of Philip E. Giannino, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
S/S Berkfield Rd., approx. 50' : OF BALTIMORE COUNTY
E of Centerline of Landover Rd. : (8407 Berkfield Rd.),
15th District :

PHILIP E. GIANNINO, et ux, : Case No. 86-178-SPH
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 1st day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to John W. Nowicki, Esquire, 6916 North Point Rd., Baltimore, MD 21224, Attorney for Petitioner.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 24, 1985

John W. Nowicki, Esquire
6916 North Point Road
Baltimore, Maryland 21224

Re: Petition for Special Hearing
S/S Berkfield Rd., Approx. 50' E/
c/l of Landover Rd.
(8407 Berkfield Road)
15th Election District
Philip E. Giannino, et ux - Petitioners
Case No. 86-178-SPH

Dear Mr. Nowicki:

This is to advise you that \$62.90 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, and post it to the Zoning Office Building, Room 106, Towson, Maryland.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
DATE 10-30-85	ACCOUNT R-01-615-009
AMOUNT \$ 62.90	
RECEIVED BY Mr. & Mrs. Giannino	
FOR Advertising and Posting 86-178-SPH	
B 8653*****672028 001.6	
VALIDATION & SIGNATURE OF CASHIER	

John W. Nowicki, Esquire
6916 North Point Road
Baltimore, Maryland 21224

September 27, 1985

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
S/S Berkfield Rd., approx. 50' E/
centerline of Landover Rd.
(8407 Berkfield Road)
15th Election District
Philip E. Giannino, et ux - Petitioners
Case No. 86-178-SPH

TIME: 1:30 p.m.

DATE: Monday, October 28, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 14, 1984

Mr. Phillip E. and Marie R. Giannino
8015 Caradoc Dr.
Baltimore, Maryland 21237

RE: Demand for a public hearing on a proposed class A child care center 8407 Berkfield Road, 50 ft. E of the centerline of Landover Road extended 15th Election District

Dear Mr. and Mrs. Giannino,

The purpose of this letter is to notify you that the posting of your property for the above-referenced proposed child care center has resulted in a demand for a public hearing by Robert C. Murphy, Jr. on August 12, 1985.

If you wish to proceed, you must apply for a public special hearing without delay before the Zoning Commissioner. This procedure takes about 90 days to complete, and you would be responsible for paying \$100.00 filing fee plus the posting and advertising.

Since you have already filed for a special hearing on July 30, 1985 for the erection of a two-family dwelling, you may amend your request to include the child care center to be processed concurrently and no additional fees will be charged. If you wish to proceed, you should see me in this office as soon as possible to make these changes in the petition. If we do not hear from you within thirty days, it will be assumed that you have withdrawn your request for a child care center.

If you have any questions concerning this procedure, please call me in this office at 494-3391.

Very truly yours,
[Signature]
W. Carl Richards, Jr.
Zoning Associate III

cc: Mr. Robert C. Murphy Jr.
1222 Landover Road
Baltimore, Maryland 21237

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

August 14, 1985

Mr. Robert C. Murphy, Jr.
1272 Landover Road
Baltimore, Maryland 21237

RE: Demand for a Public Hearing on a Proposed Class A Child Care Center 8407 Berkfield Road, 50 feet E of the Centerline of Landover Road Extended 15th Election District

Dear Mr. Murphy:

This office has accepted your demand for a public special hearing on the above-referenced proposed child care center. Therefore, pursuant to Sections 424.4.A.3 and 500.7 of the Baltimore County Zoning Regulations, a public hearing is required if the applicant wishes to pursue the request.

I have enclosed a copy of the notification letter and, as you have requested, a copy of the procedural steps for all petitions. If the applicants decide to proceed, there will be another sign posted on the property 15 days prior to the hearing, giving the date, time, and place, as outlined in paragraph 5 of the enclosed procedural steps.

If you need any additional information concerning this procedure, you may visit this office and review the case file, or call me at 494-3391.

Very truly yours,

[Signature]
W. Carl Richards, Jr.
Zoning Associate III

WCR:mr

Enclosures

cc: File

JUN 12 1986

SCHEDULED DAILY PROGRAM

7:00		CENTER OPENS
7:00	TO 9:00	TABLE TOYS
8:00		BREAKFAST
9:00	TO 10:00	CLEAN UP AND LESSON
10:00		SNACK TIME
10:30	TO 12:00	OUTSIDE PLAY
12:00	TO 12:15	WASH HANDS, GET READY FOR LUNCH
12:15	TO 1:00	LUNCH - BATHROOM - STORY (IF TIME PERMITS)
1:00	TO 3:30	NAP TIME
3:30	TO 4:00	PUT AWAY COTS AND BED CLOTHES SNACK AND CLEAN UP
4:00	TO 5:30	OUTSIDE PLAY

PETITIONER'S
EXHIBIT 3

Linked below are objectives that should
like to cover during the school year:

- 1) Teach and Reinforce the colors red, blue, green, yellow, brown, purple, white, & black
- 2) Teach and Reinforce the following shapes - Circle - Square - Triangle - Rectangle
- 3) Seasons
- 4) Holidays & Birthdays
- 5) Family - themselves
- 6) Simple Science Experiments
- 7) The Concept of:
 - A) Up and Down B) Warm / Hot and Cold
 - C) Up and Down D) Rough-Smooth
 - E) Big-Little

8) Neighborhood and Community Workers

a) Animals

10) The Golden Rule

"Do unto others as you would have others do unto you"

11) Sharing and Taking Turns.

Purpose of Center

Center will provide:
warm
nurturing
stimulating environment for children

It will be a home away from home
reduced family group time
provide being comfortable together
provide to sit on a rug
and
get a hug.

Center will provide teachers who will be
certified
trained
caring adults.

Provider should

1. Project acceptance of children.
2. Implement methods fairly and consistently
3. Maintain reasonable expectations for children
4. Accept the environment children create for their activity.
5. Maintain emotional dependence.
6. Discourage unnecessary dependence
7. Communicate effectively with parents about their children.

PETITION FOR SPECIAL
HEARING
15th Election District
LOCATION: South side of Berk-
field Road, approximately 50' East of
the intersection of Landover Road, (6407
Berfield Road)
DATE AND TIME: Monday, Oc-
tober 23, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for special hearing under Section 50.7 for the construction of a two-family dwelling in accordance with Section III A.3, and on person's Class A Child Care Center pursuant to Section 42A.4.3.
Being the property of Philip E. Gannon, at or as shown on the plat filed with the Zoning Office.
In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any appeal for a stay of the issuance of said permit during this period and the appeal process. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of:
JANORIS HALLON,
Zoning Commissioner
of Baltimore County
Oct. 10, 1985

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 10, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 10, 1985

THE JEFFERSONIAN,

18 Kentel
Publisher

Cost of Advertising

27.50

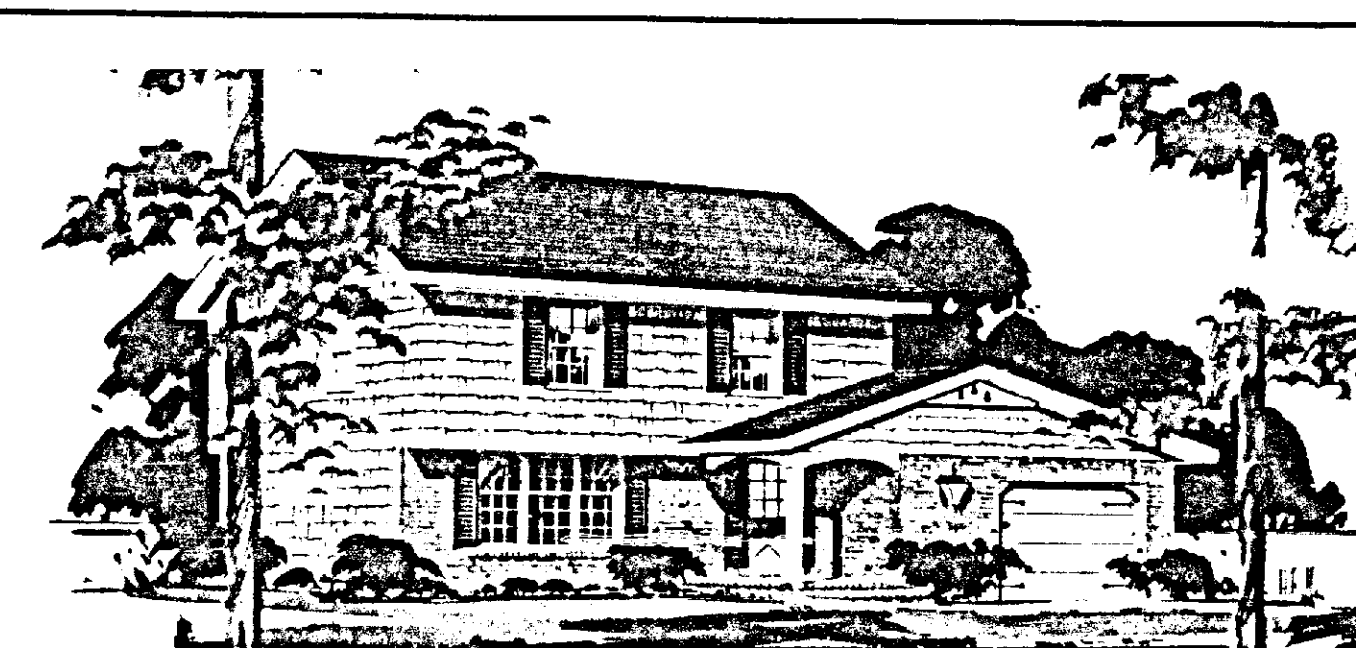
Teachers
provides
a safe environment
Let parents know when children are having problems
Prevent children from hurting themselves and one another as much as possible
Maintain emotional control
Meet physical needs of children
feeding
clothing etc.
have at least 04 hrs certificate
try to take a course now and then to update skills
keep in touch with head teacher or director about problems.

Children should:

1. Learn to do for themselves
asking for help when needed
2. Apply the Golden Rule
Do unto others as you would have others do unto you.
3. Accept people and things that are different
4. Learn to
Understand and accept and follow fair rules of discipline as a part of the basis for a smooth running group.
a. This should be reinforced by the parents
1. Parents should tell children to obey the teachers.
5. Learn rules regarding toys, materials, plants and food.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: Special Hearing
Petitioner: Phillip E. Gannon, et al.
Location of property: 6407 Berfield Rd., Towson, Md.
Location of Signs: 6407 Berfield Rd., Towson, Md.
Remarks: as per copy of Petitioner
Posted by: J. J. Gannon
Number of Signs: 1
Date of Posting: 10/1/85
Date of return: 10/1/85



THE HOPE VALLEY I

Designed by Herman H. York, AIA



THE HOPE VALLEY II

The easy line and uncluttered appearance of this 4 bedroom home invites warm family living. Double bath facilities are on upper story with convenient lavatory on the first floor. In addition to the living room, dining room and kitchen, a large laundry room, 2 spacious storage sections, room-sized foyer and a walk-in pantry await you.



21 W. Timonium Road Timonium, Md. 21093 (301) 252-3030

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By Order Of:
JANORIS HALLON,
Zoning Commissioner
of Baltimore County
Oct. 10, 1985

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

October 23, 1985

THIS IS TO CERTIFY, that the annexed advertisement of zoning office of Baltimore County was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for 11th day of October 1985; that is to say, the same was inserted in the issue of October 10, 1985

\$30.40

Kimbel Publication, Inc.
per Publisher.

By: J. J. Gannon

JUN 12 1986

1. You'll find joy in living in the simple beauty of this well planned home. The room-sized foyer (10 x 8) introduces the charms offered in this two story house. In addition to spaciousness, the foyer contains a convenient large closet with a graceful staircase leading to the upper chambers.

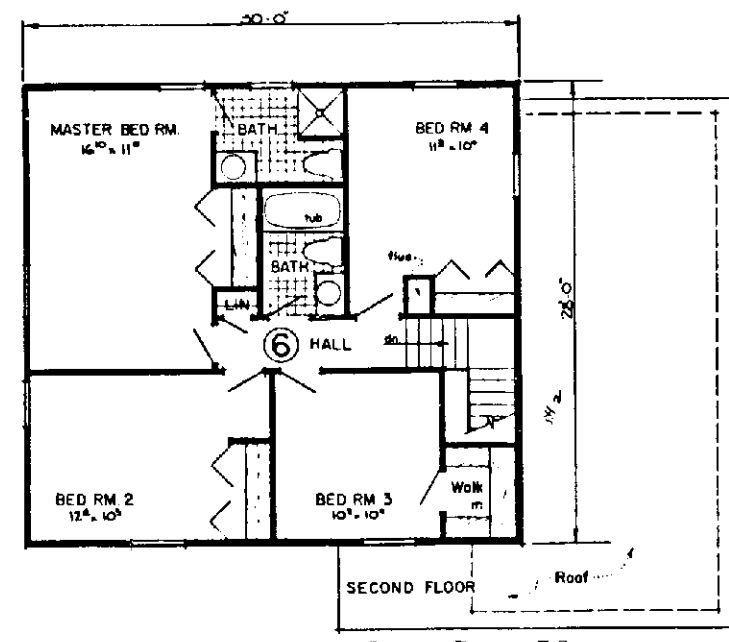
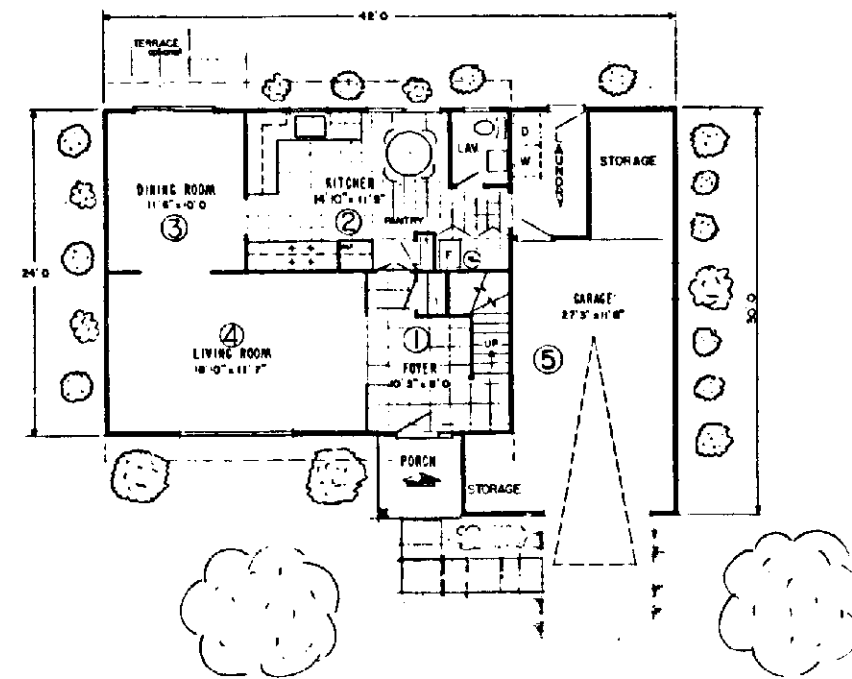
2. The large, country-styled kitchen not only has cabinet space galore - but has its own breakfast nook, walk-in pantry and adjacent laundry. The convenient lavatory nearby, saves many steps.

3. Dining will be a delight in the custom-sized separate dining room and as you step into this area, you catch a view of the charming terrace through the crystal-clear sliding glass doors.

4. Sheltered by the foyer is the living room, you'll certainly be pleased with the sweep of this formal area with its big, bright, double-sashed window.

5. What's a home without a garage, just an easy step away from the kitchen area....a real time-saver when carrying heavy shopping bags, groceries, and other supplies.

6. The second level offers a restful arrangement of rooms. Notice how the sleeping rooms circulate about the conveniently centered bathroom. The Master bedroom has its own private bath.



E duard P K acan
1220 Berk Ave

Ann Kawalski
1240 Kendrick Rd.

Nelan Barker
1225 Kendrick Rd.

William C. Barker
1225 Kendrick Rd.

Thomas J. Eklund
1228 Kendrick Rd.

Stephen Turner
1232 Landover Rd.

Dolores Rosefield
1219 Berk Ave

Norma Ruth
1239 Kendrick Rd.

Mary Albert
1228 Kendrick Rd.

Mae Baker
1224 Landover Rd

J.R. Shumaker Jr
1228 Landover Rd

Virginia W. Shumaker
1228 Landover Rd

Alan J. Sturd
1221 Landover Rd.

Charles W. Woffe
1230 Kendrick Rd

Charlotte Lettow
1228 Berk Ave

Bruce Shaw
1230 Berk Ave.

Frederick W. Mulholland Mark
3523 Alton Ave 21215

Sam Schmitt
715 Lenox Ave. Rd 21220

① Procedural concerns

#4 Site Plan ZPAC members contact
Re what data should be shown on plan -
should be done prior to the filing of the
petition (Not done here)

#5 advertised in 2 County newspapers?

Not: Balto Co ZPAC meeting on this petition
at that time was for approval of construction
of a two-family dwelling.

The petition itself shows it to be amended
8-19-85 to add "and to permit a class 'A'
child care center pursuant to sec. 424, 4A3

Thus, the member agencies of ZPAC, did
not have the opportunity to consider, conduct
site study, and comment on amended
portion of the petition namely a permit a
Class A child care center. (This was
discovered in writers 10-23-85, file review
& so reported to the zoning commissioner.)

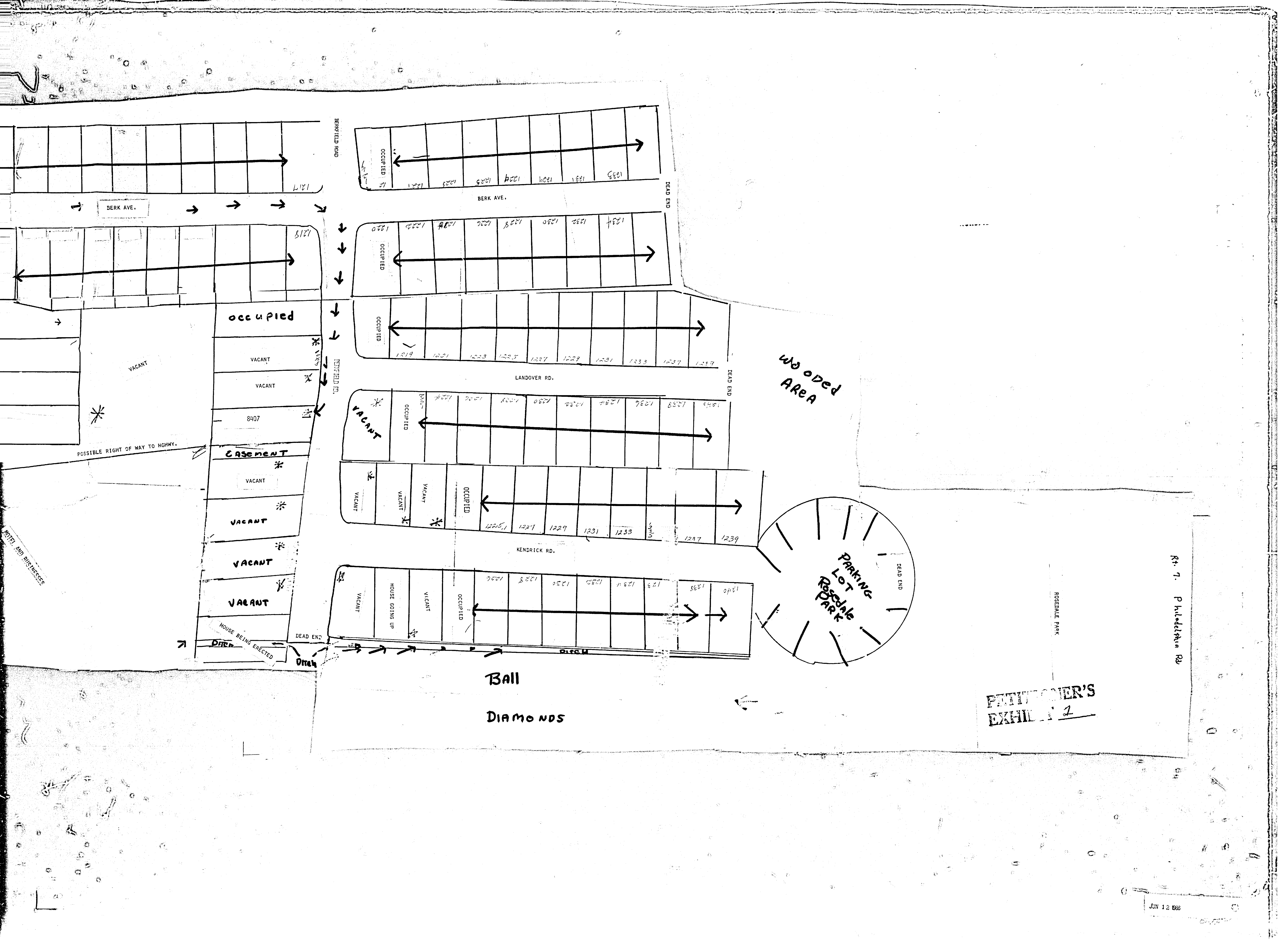
PROTESTANT'S
EXHIBIT 8

HAROLD L. MARGARET CHAPMAN
6003 ARIZONA AVE }
8405 BERKFIELD AVE }
Pearl M. Pierce
1219 Berk Ave.

FRANCIS A. AKMIGER
1212 Berk Ave
BALTIMORE MD 21237

Jim Kramershue
8401 BERKFIELD
BALTIMORE 134 MD 21237

PROTESTANT'S
EXHIBIT 9



BERK AVE.

BERK AVE.

DEAD END

occupied

VACANT

VACANT

8407

EASEMENT

VACANT

VACANT

VACANT

VACANT

HOUSE BEING ERRECTED

DEAD END

OCCUPIED

1219

1221

1223

1225

1227

1229

1231

1233

1235

1237

LANDOVER RD.

DEAD END

VACANT

OCCUPIED

1239

1241

1243

1245

1247

1249

1251

1253

1255

1257

1259

VACANT

VACANT

VACANT

OCCUPIED

1265

1267

1269

1271

1273

1275

1277

1279

1281

KENDRICK RD.

VACANT

HOUSE GOING UP

VACANT

OCCUPIED

1285

1287

1289

1291

1293

1295

1297

1299

1301

BALL

DIAMONDS

WOODED AREA

PARKING LOT

DEAD END

ROSEDALE PARK

Rt. 7 Philadelphia Rd

PATTON'S EXHIBIT 2

JUN 12 1988