

87-329-SPH

#205

NE/S of Winding Way, 1,195' from the c/l of Silver
Spring Rd. (8650 Winding Way)

11th Elec. Dist.

12/22/86

Special Hearing - filing fee \$100.00 - Richard O. Huffman, Jr., et ux

12/22/86

Hearing set for 2/10/87, at ~~1:30 p.m.~~ 4:30 p.m.

2/10/87

Advertising and Posting - \$73.19

2/13/87

Ordered by the Zoning Commissioner that the amendment to the site plan approved in Case No. 82-289-X to allow an addition to the existing building and to amend Restriction 1 of the Order in that case to permit 110 students in lieu of the permitted 60 students be approved and the Petition for Special Hearing is GRANTED with conditions.

IN RE: PETITION SPECIAL HEARING	*	BEFORE THE
NE/S of Winding Way, 1,195'	*	
from the centerline of Silver	*	ZONING COMMISSIONER
Spring Road (8650 Winding	*	
Way) - 11th Election District	*	OF BALTIMORE COUNTY
Richard O. Huffman, Jr.,	*	Case No. 87-329-SPH
et ux,	*	
	*	
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request an amendment to the site plan approved in Case No. 82-289-X to allow an addition to the existing building and to amend Restriction 1 of the Order in that case to permit 110 students in lieu of the permitted 60 students, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. John Schneider, a registered engineer, and Catherine Drayton, Baltimore County Department of Health, appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject 4.74-acre property, zoned D.R.5.5 and located on Winding Way adjacent to I-95, was granted a special exception for a nursery school and/or day care center with a maximum of 60 students in Case No. 82-289-X. The Petitioners wish to expand the facility to accommodate 110 students and have introduced an amended site plan, Petitioners' Exhibit 1, showing a 70' x 40' addition to the existing day care center building. The Petitioners presented a list of over 100 people waiting to enroll. There is no question as to the need for day care. There is also no question that the licensing authorities of Baltimore County, by Mrs. Drayton, believe that the Petitioners operate an excellent facility. It is also clear

that the property itself is large enough to handle the increase in students and that the traffic generated by the additional use would not be a problem on the feeder streets. See correspondence from the Department of Traffic Engineering to the Zoning Commissioner, dated January 8, 1987, indicating that it has "...no comment..."

The Petitioners also wish to extend the existing driveway an additional 12 feet in order to create a traffic loop on the site, which would parallel the sewer line placed through the buffer area required by Case No. 82-289-X. Inasmuch as the special exception granted therein falls within Section 1B01.1.C.11, Baltimore County Zoning Regulations (BCZR), which exempts any zoning petition prepared and filed prior to June 30, 1982 from the residential transition area (RTA) requirements, the placement of the additional 12 feet of driveway would not violate any zoning requirements.

The Petitioners seek relief pursuant to Section 500.7, BCZR.

After due consideration of the evidence and testimony presented, it is found that the amendments requested would not adversely affect the health, safety, and general welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested relief should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of February, 1987, that the amendment to the site plan approved in Case No. 82-289-X to allow an addition to the existing building and to amend Restriction 1 of the Order in that case to permit 110 students in lieu of the permitted 60 students be approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

1. 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.



Zoning Commissioner of
Baltimore County

AJ/srl

cc: Michael P. Tanczyn, Esquire ✓

People's Counsel