

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION  
End/Gaither Rd. 413.13' SW c/l Sublet Rd. (3300 Gaither Rd.) 2nd Election District 2nd Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 89-356-SPHX

Board of Child Care of the Balto. Annual Conference of the Methodist Church, Inc.  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requested, pursuant to a Special Hearing, approval of a nonconforming use and the following additions to existing improvements at the Board of Child Care facility at 3300 Gaither Road and a Special Exception to use the herein described property for a Community Care Center and/or Community Building for existing improvements and additions, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, represented by Duncan Cornell, Esquire, Law Offices of Hooper, Kiefer and Cornell, appeared and testified. The Petitioner was supported in its testimony by Mr. Rosenfelt, a professional engineer, and Ms. Judith Rabb of Rosenfelt and Woolfolk, Inc., Mr. Claude Libis and Ms. Jeanne Dewey. There were no Protestants.

The evidence and testimony, all of which was uncontradicted, tends to establish that the subject property consists of approximately 21 acres of ground situated west of Liberty Road and north of the Baltimore Beltway in the greater Milford Mill section of Baltimore County. The property is located at the end of Gaither Road and is depicted on Petitioner's Exhibit 1. The property is currently zoned D.R.5.5 and is improved with six (6) cottages, a gymnasium, and various ancillary recreational facilities.

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By M. B. Cook

There is also a large multi-purpose building, an administration building and a small building which provide additional residential and educational facilities.

The Board of Child Care of the Baltimore Annual Conference of the United Methodist Church, the Petitioner herein, has operated a facility for the care of neglected, abused and homeless children since 1876. The Board of Child Care is licensed by the State of Maryland, Department of Social Services and Department of Human Resources to provide care for neglected, abused and homeless children. Since approximately 1960, the Board has operated a residential care facility for children at this location. The site generally serves approximately 67 to 75 children. The children are housed in six (6) separate cottages and there are complete facilities to support the residential operation.

During the past few months, the Board of Child Care attempted to secure building permits to enlarge the Administration Building, place an addition upon the Garage and expand the Singewald Shelter (the sixth cottage).

All three of the additions are to currently existing facilities and are for the same uses as those existing facilities. The Board of Child Care was informed that they would not be permitted to obtain the necessary building permits because the property was not in compliance with current zoning and the proposed expansions exceeded the 25% extension language established in Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Section 104---Nonconforming uses, states as follows:

104.1-- A nonconforming use (as defined in Section 101) may continue except as otherwise

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specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used.

As a result of the denial of building permits for the expansion of these facilities, the Petitioner filed the necessary Petition for Special Hearing and Petition for Special Exception.

Extensive testimony was provided by the Petitioner concerning the beginnings of the operation of this facility in 1960. It is believed that the facility was originally created under the then zoning regulations which permitted "community buildings, swimming pools or other structures and/or land use devoted to civic, social, recreational and educational activities of the community", or "churches and other buildings for religious worship, including church schools and private schools." See 1955 B.C.Z.R. Sections 200.3 and 200.6.

The Petitioners provided lengthy testimony concerning the continuing use of this property over the years 1960 until present and. The evidence, clearly, establishes that the prerequisites for a legal nonconforming use as established in the current case law has been established.

The law of nonconforming use is provided in Section 104 of the B.C.Z.R. and was extensively interpreted in McKeny v. Baltimore County, 39 Md. App. 257, 385 A.2d 96 (1978).

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Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKeny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

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Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an excep-

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tion upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning or the date of the particular regulation.

The Zoning Commissioner is authorized to grant a legal nonconforming use status for any use that was either permitted as a matter of right or by special exception under the then existing zoning regulations when the use first came into existence. The use must have continued in the manner or fashion so long as there has not been a lapse in the use of more than one year. Clearly, the property described and the uses set forth in the extensive testimony have been consistently and fundamentally used as a religious worship center, a school facility, and community building providing social and educational activities for neglected, abused and homeless children. The use of this site, as a facility for the residential care of neglected, abused and homeless children is, clearly, a legal nonconforming use.

The issue before the Zoning Commissioner is whether or not the proposal, as set forth on Petitioner's Exhibit 1, would be an acceptable expansion or intensification of the original use. Clearly, the expansion would be in excess of the 25% rule as set forth in Section 104 of the B.C.Z.R.

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However, this problem is not fatal to the Petitioner's request because the Petitioner is entitled to relief for the special exception requested for a community building in the D.R.5.5 zone.

All of the Petitioner's witnesses testified extensively as to the prerequisites for a special exception and the operation of a community care center. There was also extensive testimony about the current operation and how it complies with the definition of a Community Care Center:

Community Care Center: A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision, or rehabilitation of alcoholics or drug abusers or physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. (pg. 1-9, B.C.Z.R.)

The evidence and testimony establish that this facility is operated by the Board of Child Care of the Baltimore Annual Conference of United Methodist Church which is a religious non-profit charitable organization and is licensed by the Maryland State Department of Health and Mental Hygiene and by the Maryland State Department of Social Services. Clearly, the facilities and services provided here are for abused and neglected children who are neither incarcerated or hospitalized. The Board of Child Care provides housing for the children, counseling, supervision and certain educational facilities.

It is clear that the B.C.Z.R. permits the Community Care Center use, as proposed, in a D.R.5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as

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delineated by Section 502.1 are satisfied by the Petitioner for this particular project.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

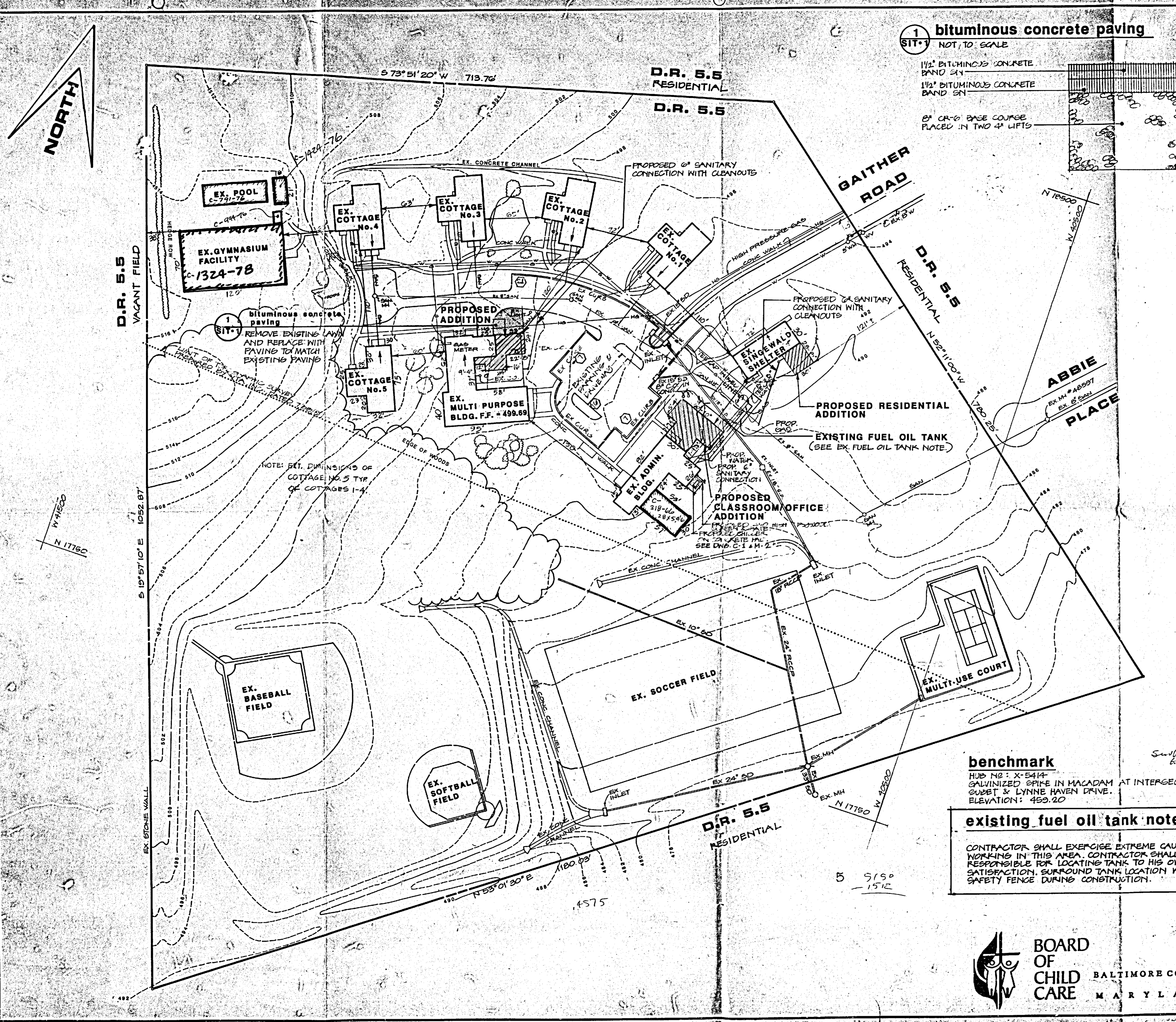
The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception for a Community Care Center should be granted, with certain restrictions, as more fully described below. The Petition for Special Hearing should be granted, with certain restrictions set forth below.

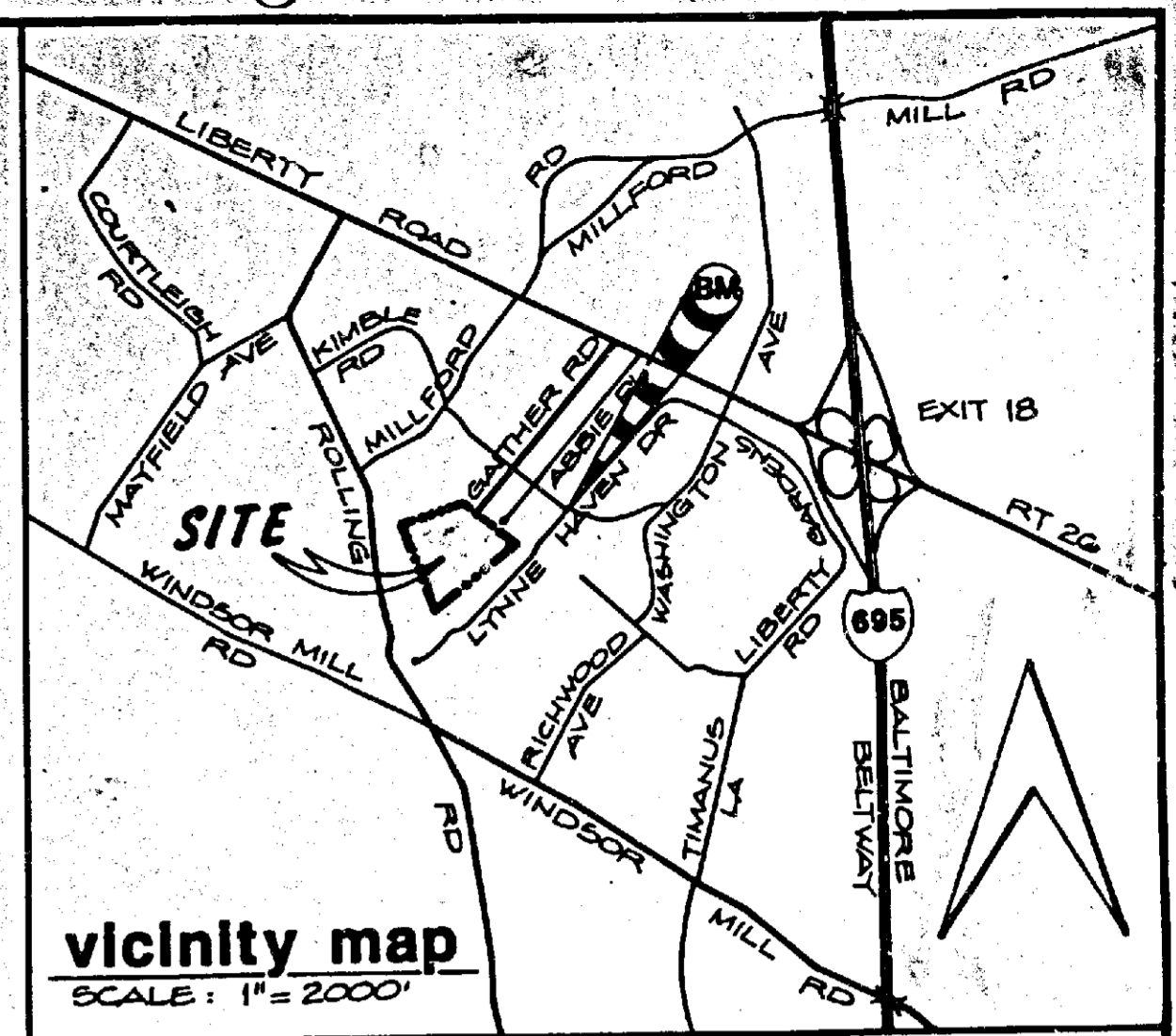
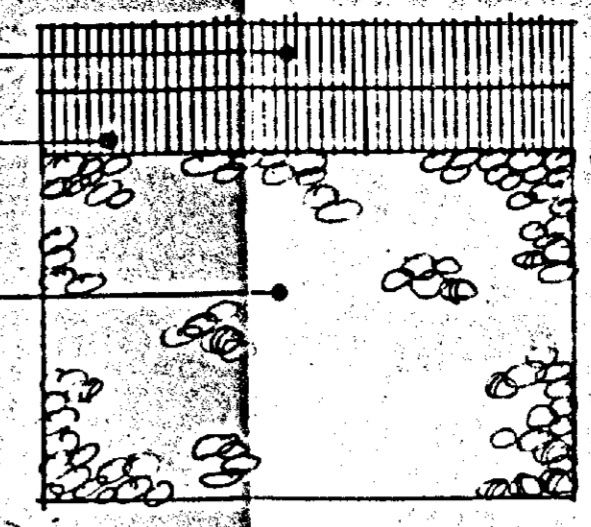
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of May, 1989, pursuant to a Special Hearing,

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**1 bituminous concrete paving**  
 NOT TO SCALE  
 1 1/2" BITUMINOUS CONCRETE BAND SN  
 1 1/2" BITUMINOUS CONCRETE BAND SN  
 8" CR-6 BASE COURSE PLACED IN TWO 4" LIFTS



**general notes**

- Site Data**  
 Owner: Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.  
 Address: 3300 Gaither Road, Baltimore, Md. 21207  
 Account Numbers: 0202-570-580  
 Tax Map: 87 5146.5 Parcel: 285  
 Deed Reference: GLB 344/498  
 Site Area: 18.8055 Acres
- Off-Street Parking Data**  
 Required Parking: Residential Units  
 12 residents/cottage x 5 cottages = 60  
 10 residents @ Director's house = 10  
 Total Residents: 70  
 Required Parking @ 1 space/3 residents: 14 spaces  
 Required Parking: Office and Administrative  
 Existing Floor Area: 5094 sq. ft.  
 Proposed Additional Floor Area: 2100 sq. ft.  
 Total Proposed Floor Area: 7194 sq. ft.  
 Required Parking @ 3.3 spaces/1,000 sq. ft.: 24 spaces  
 Total Required Parking: 38 spaces  
 Total Proposed Parking: 51 spaces (existing)
- Property line data is taken from existing plans and does not represent an outline survey. Topographic data, including existing structures and utilities, is taken from a topographic survey prepared by W.F. Associates, Inc., dated July 10, 1978, and plans provided by the Board of Child Care. For limits of field-run topography, see Site Plan.
- Development is exempt from Storm Water Management requirements (Disturbed Area less than 5,000 square feet). Development is exempt from Sediment/Erosion Control requirements (Disturbed Area less than 5,000 square feet).
- 'Waiver' from Landscape Plan requirements has been approved by Baltimore County Department of Current Planning.
- Utilities shown on these plans are for the convenience of the Contractor and do not represent tested locations. The exact location of underground utilities is unknown. Contractor shall notify Wisc Utility at 1-800-257-7777 at least 5 working days prior to starting any work. Contractor shall verify location of all utilities to his own satisfaction prior to starting any work shown on these plans. Any discrepancy between existing utilities shown on these plans and actual field conditions, including the discovery of utilities not shown on these plans, shall be reported immediately to Rosenfelt & Woolfolk, Inc. No further construction shall be done in the area of any discrepancy without authorization from a principal of Rosenfelt & Woolfolk, Inc.
- The Contractor shall use extreme caution during excavation and/or installation of all work shown on these plans. All utilities shall be fully protected from damage or interruption. If any utility damage or interruption occurs, the utilities shall be immediately restored to original condition by Contractor. The cost of the restoration shall be included in the original contract as part of the bid price. The cost of restoration shall not be incidental to the contract.
- Existing underground fuel tank and fuel lines at the northern end of the proposed addition to the Administration Building are to be protected at all times from vehicular traffic and construction activities. Surround tank with a safety fence prior to construction.
- Proposed development is a non-conforming use in a B.R.-S.3 zone. Proposed additions are less than 25% of ground floor area of improvements existing at time of last building permit approval.

**GAITHER ROAD FACILITY BUILDING ADDITIONS**  
**METHODIST CENTER**  
**gaither road**  
**SITE/GRADING PLAN**  
 2ND ELECTION DISTRICT  
 BALTIMORE COUNTY, MARYLAND

**benchmark**  
 HUB NO. 1: X-5414  
 GALVANIZED SPIKE IN MACADAM AT INTERSECTION  
 SUBET & LYNN HAVEN DRIVE.  
 ELEVATION: 459.20

**existing fuel oil tank note**  
 CONTRACTOR SHALL EXERCISE EXTREME CAUTION WORKING IN THIS AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING TANK TO HIS OWN SATISFACTION. SURROUND TANK LOCATION WITH SAFETY FENCE DURING CONSTRUCTION.

**BOARD OF CHILD CARE**  
 BALTIMORE COUNTY  
 MARYLAND

REVISIONS:	SCALE: 1" = 50'
	DATE: 7/12/88
	JOB NO.: 1451004
	DESIGNED: RER
	DRAWN: EMD
	CHECKED: J.N.H.
	DRAWING NUMBER:
	<b>SIT-1</b>
<b>ROSENFELT &amp; WOOLFOLK</b> INCORPORATED civil engineers • site designers • land planners water quality and stormwater management consultants Suite Eight Owings Mills Professional Center 10796 Westminster Road Owings Mills, MD 21117 Telephone: (301) 350-4888	

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 19, 1994

Judith M. Floam  
Project Planner  
Colbert, Matz, Rosenfelt & Woolfolk, Inc.  
3723 Old Court Road  
Suite 206  
Baltimore, MD 21208

RE: Zoning Verification  
Board of Child Care of Baltimore  
Rolling Road  
2nd Election District

Dear Ms. Floam:

Enclosed for your reference, please find a copy of the zoning policy that relates to your letter dated November 30, 1994.

As you did not specifically indicate the nature of the proposed population of these cottages, I made the assumption that it was to be the same type of children discussed in zoning case #89-356-SPHX. That order indicated the population to consist of "neglected, abused, and homeless children". I direct your attention to pg. 1-9.3 of the enclosure. It is this office's opinion that should a separate apartment be provided for the resident counselor, a determination of "family" could not be made. In order to establish that the proposed living arrangement meets the conditions of eligibility in the policy manual, a special hearing would be required.

Provided a determination of single family dwelling is made, the setbacks that will be required for the cottages are those listed in Section 1B01.C.1.b of the Baltimore County Zoning Regulations (BCZR).

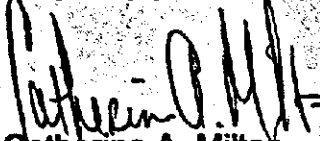
Regarding the existing garage proposal, it is suggested that you have a determination made at the special hearing that this use is considered accessory to both the proposal and the property that was subject in zoning case #89-356-SPHX.

It is also suggested that when a more concrete proposal is rendered, that you submit the proposal to the Development Review Committee (DRC) to see whether the project qualifies for any exemptions to the development regulations.

Judith M. Floam  
December 19, 1994  
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I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

  
Catherine A. Milton  
Planner I

CAM:scj



approval of a legal nonconforming use for the Board of Child Care facility at 3300 Gaither Road as a legal nonconforming church and other building of religious worship, including a church school or private school and/or a community building devoted to civic, social, recreational and educational facilities for the community, be and is hereby GRANTED.

IT IS FURTHER ORDERED that an expansion of the legal nonconforming use as shown on Petitioner's Exhibit 1 is in violation of Section 104 of the B.C.Z.R. and, therefore, is not permitted as an expansion of this legal nonconforming use.

IT IS FURTHER ORDERED that the Petition for Special Exception for the Community Building be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Exception for a Community Care Center be and is hereby GRANTED, as proposed and limited by Petitioner's Exhibit 1, subject, however, to the following restrictions:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

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JRH:smm  
cc: Peoples Counsel

Duncan Cornell, Esquire  
Hooper, Kiefer & Cornell  
343 North Charles Street  
Baltimore, Maryland 21201

Mr. Rosenfelt, P.E., Rosenfelt and Woolfolk, Inc.  
Ms. Judith Rabb  
10706 Reisterstown Road, Suite 8  
Owings Mills, Md. 21117

Mr. Claude Libis  
3300 Gaither Road,  
Baltimore, Maryland 21207

Ms. Jeanne Dewey  
409 Washington Avenue  
Towson, Maryland 21204

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Date *5/15/89*  
By *J. Robert Haines*

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 5, 1989



Dennis F. Rasmussen  
County Executive

F. Duncan Cornell, Esquire  
Hooper, Kiefer & Cornell  
343 North Calvert Street  
Baltimore, Maryland 21201-4361

RE: Case No. 89-356-SPEX  
Board of Child Care of the Baltimore Annual Conference  
of the Methodist Church, Inc., Petitioner

Dear Mr. Cornell:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been denied in part and granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:smm

cc: Peoples Counsel  
Mr. Claude Libis, Executive Director  
Board of Child Care  
3300 Gaither Road  
Baltimore, Maryland 21207

October 25, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
111 North Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Dear Commissioner Haines:

The Rockdale Civic and Improvement Association, whose jurisdictional area surrounds the property of the Board of Child Care of the Baltimore Annual Conference of the United Methodist Church, 3300 Gaither Road, Baltimore County, Maryland, was advised last winter by representatives of the Board of its plan to proceed with certain improvements to its property at 3300 Gaither Road, to wit:

- 1) a garage space for two vehicles and some additional storage area;
- 2) expansion of its office building; and
- 3) renovations to the Singewald Cottage.

The Rockdale Civic and Improvement Association has reviewed architectural plans prepared by Kerns Group Architect, dated April 26, 1988, which set forth in detail the improvements which the Board desires to make to its property. These plans are identified as A 0.1, A 1.1, A 1.2, A 1.3, A 1.4, A 2.1, A 2.2, A 2.3, A 3.1, A 3.2, A 3.3, A 3.4 and A 4.1. Included are M-1, M-2, M-3, M-4, M-5, M-6, M-7 and M-8. Also included are E-1, E-2, E-3, E-4, E-5 and E-6. The Association also reviewed the Site/Grading Plan dated July 12, 1988, Drawing Number SIT-1, as prepared by Rosenfelt & Woolfolk, Incorporated, Civil Engineers.

The Rockdale Civic and Improvement Association has no objections to the three improvements proposed by the Board of Child Care as set forth on the said architectural plans and the Site/Grading Plan and hereby signifies its approval of the property improvements. It would not oppose a special exception if one is requested.

The Association attaches to this letter of approval a copy of the said architectural plans and the Site/Grading Plan on which are noted the Association's approval of the improvements.

Very truly yours,  
CIVIC AND IMPROVEMENT  
ROCKDALE COMMUNITY ASSOCIATION

By *Dr. Cyril Byron*  
Dr. Cyril Byron, President

### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 5007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the following additions to existing improvements at the Board of Child Care facility at 3300 Gaither Road:

(See Attached Two Pages)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name) <i>N/A</i>	BOARD OF CHILD CARE OF THE BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INC.
Signature	Signature
Address	(Type or Print Name)
City and State	Signature
Attorney for Petitioner:	(Type or Print Name)
(Type or Print Name) <i>F. Duncan Cornell, Hooper, Kiefer &amp; Cornell</i>	Address
Signature	City and State
Address	Name, address and phone number of legal owner, trustee, purchaser or representative to be contacted
City and State	(Type or Print Name)
Attorney's Telephone No. <i>727-6700</i>	Name as noted herein
Date	Address
By	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this *4th* day of *January*, 19*89*, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the *8th* day of *MARCH*, 19*89* at *10* o'clock *A.M.*

*J. Robert Haines*  
Zoning Commissioner of Baltimore County.

ECC-80.1 (over)

(Continuation of Petition for Special Hearing by Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.)

1. An addition of 860 square feet to the Singewald Shelter.
2. An addition of 2156 square feet to the administration building which is to be used as classrooms for residents of the Board facility.
3. An addition of 1232 square feet to the multi purpose building. This addition is principally for the garaging of two motor vehicles and some additional storage space for food supplies, etc.

The Board of Child Care facility at 3300 Gaither Road consists of approximately 18.8 acres. The facility was put in place in 1960. The Board operates a residential care facility for neglected, abused and homeless children, ages 6-18, under contract with the State of Maryland, Department of Social Services. Sixty-seven children are housed in six separate cottages. There are complete facilities on the premises, such as a gym, swimming pool, athletic fields, administration building.

At the present time, the six cottages and other accessory structures occupy a floor area of 37,030 square feet. The swimming pool and play areas (tennis court, playing fields) are not included in this number.

The three improvements requested would enable the Board to better carry out its state mandated function. The improvements will not increase the number of children, except the addition to the Singewald shelter will permit an additional three children to enter the facility.

The following permits have been issued to the Board of Child Care for improvements:

- 316-66 for an addition to the administration building
- 791-76 for a swimming pool and fence
- 944-76 for a utility shed
- 1424-76 for a metal storage shed
- 1446-76 for fire damage
- 1324-78 for a gym
- 136-79 for underground tanks
- 52-87 for removal and replacement of tanks

(Continuation of Petition for Special Hearing by Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.)

The Zoning Commissioner is being asked to approve the land use and to approve the three improvements to 3300 Gaither Road requested.

The Zoning Commissioner is being asked to grant a Special Exception granting the Board of Child Care the right to erect the three improvements requested.

The Rockdale Civic and Improvement Association has reviewed the plans for the three improvements and has agreed that the Board should be granted a special exception. Copy of a letter dated October 25, 1988, is attached to this Petition and made a part hereof.

The Rockdale Community Association has no objection to the improvements to the Board of Child Care property at 3300 Gaither Road, Baltimore County, Maryland, appearing on this Site/Grading Plan.

CIVIC AND IMPROVEMENT  
ROCKDALE COMMUNITY ASSOCIATION  
By *Dr. Cyril Byron*  
Dr. Cyril Byron, President

#210

### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: *89-336-SAHX*

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A Community Care Center and/or Community Building with the following additions to existing improvements at the Board of Child Care facility at 3300 Gaither Road. (see attached two pages).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

LEGAL OWNER(S)  
**BOARD OF CHILD CARE OF THE BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INC.**  
 (Type or Print Name)  
 Signature \_\_\_\_\_  
 (Type or Print Name)  
 Signature \_\_\_\_\_

343 North Charles Street, 727-4700  
 Address Phone No.  
 Baltimore, Maryland 21201  
 City and State

Name, address and phone number of legal owner, contractor, architect or representative to be contacted  
*William L. Clark*  
 Name Attorney for Legal Owner as noted hereon  
 Address Phone No.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 4th day of JAN, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of MARCH, 1989, at 10 o'clock A.M.

*J. Robert Haines*  
 Zoning Commissioner of Baltimore County.

### ROSENFELT & WOOLFOLK INCORPORATED

civil engineers • site designers • land planners  
 water quality and stormwater management consultants

#### DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

**BOARD OF CHILD CARE OF THE BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INCORPORATED**  
 Gaither Road  
 Second Election District, Baltimore County, Maryland

Beginning for the same at the end of 608.57 feet on the second or North 52 degrees 11 minutes 00 seconds West 780.25 foot line of the land which by deed dated November 7, 1958, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. 3446 folio 498, was conveyed by Margaret Reich and Catherine Suter to Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Incorporated, said place of beginning being also on the centerline of Gaither Road (50 feet wide), South 40 degrees 26 minutes 26 seconds West 413.13 feet from the centerline intersection of said Gaither Road with Subet Road (50 feet wide) as laid out and shown on a plat of Littledale, dated January 8, 1952, and recorded among said Land Records in Plat Book G.L.B. 17 folio 19, thence running with and binding on the remaining portion of said second line.

- 1) North 52 degrees 11 minutes 00 seconds West 171.68 feet, thence running with and binding on the third, fourth, fifth and first lines of said land the four following courses,
- 2) South 73 degrees 51 minutes 20 seconds West 713.76 feet, thence
- 3) South 19 degrees 57 minutes 10 seconds East 437.84 feet, thence
- 4) South 19 degrees 57 minutes 10 seconds East 615.03 feet, and thence
- 5) North 53 degrees 01 minutes 30 seconds East 1180.03 feet, thence running with and binding on a portion of said second line,
- 6) North 52 degrees 11 minutes 00 seconds West 608.57 feet to the beginning.

Containing 18.805 acres of land, more or less.

Being all the land which was conveyed by Margaret Reich and Catherine Suter to Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Incorporated, by deed dated November 7, 1958, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. 3446 folio 498.

November 21, 1988

Sealed  
 OFFICE OF THE ZONING COMMISSIONER  
 BALTIMORE COUNTY, MARYLAND

Suite Eight Owings Mills Professional Center 10706 Reisterstown Road Owings Mills, MD 21117  
 Telephone: (301) 356-4600

ESTIMATED LENGTH OF HEARING - 1/2 HR.  
 FOR HEARINGS - NEXT TWO MONDAYS  
 ALL REVIEWED BY: *[Signature]* DATE: 12/16/88

#### Gaither Road Shelter Floor Area Calculations

Total Ground Floor Area of Existing Buildings	
Cottages	2915 s.f. each x 5 = 14,575 s.f.
Singewald Shelters	2,160 s.f.
Multi-Purpose Buildings	6,409 s.f.
Administration Building	5,150 s.f.
Gymnasium	8,400 s.f.
Pool Building	336 s.f.
<b>Total</b>	<b>37,030 s.f.</b>

Floor Area of Proposed Additions	
Singewald Shelter	860 s.f.
Administration Building	2,156 s.f.
Multi-Purpose Building	1,232 s.f.
<b>Total</b>	<b>4,248 s.f.</b>

Total Floor Area of Proposed Additions is 11.5% of Total Ground Floor Area of Existing Buildings (4,248/37,030)

### ROSENFELT & WOOLFOLK INCORPORATED

civil engineers • site designers • land planners  
 water quality and stormwater management consultants

#### DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

**BOARD OF CHILD CARE OF THE BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INCORPORATED**  
 Gaither Road  
 Second Election District, Baltimore County, Maryland

Beginning for the same at the end of 608.57 feet on the second or North 52 degrees 11 minutes 00 seconds West 780.25 foot line of the land which by deed dated November 7, 1958, and recorded among the Land Records of Baltimore County, Maryland, in Liber G.L.B. 3446 folio 498, was conveyed by Margaret Reich and Catherine Suter to Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Incorporated, said place of beginning being also on the centerline of Gaither Road (50 feet wide), South 40 degrees 26 minutes 26 seconds West 413.13 feet from the centerline intersection of said Gaither Road with Subet Road (50 feet wide) as laid out and shown on a plat of Littledale, dated January 8, 1952, and recorded among said Land Records in Plat Book G.L.B. 17 folio 19, thence running with and binding on the remaining portion of said second line.

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Containing 18.805 acres of land, more or less.

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November 21, 1988

Sealed  
 OFFICE OF THE ZONING COMMISSIONER  
 BALTIMORE COUNTY, MARYLAND

Suite Eight Owings Mills Professional Center 10706 Reisterstown Road Owings Mills, MD 21117  
 Telephone: (301) 356-4600

### LAW OFFICES HOOPER, KIEFER & CORNELL

343 NORTH CHARLES STREET  
 BALTIMORE, MARYLAND 21201-4361  
 (301) 727-4700

August 9, 1988

**RECEIVED**  
 AUG 9 1988  
 ZONING OFFICE

Mr. J. Robert Haines  
 Zoning Commissioner  
 111 North Chesapeake Avenue  
 Room 109  
 Towson, Maryland 21204

Dear Commissioner Haines:

This communication is being written to you on behalf of the Board of Child Care of the Baltimore Annual Conference of the United Methodist Church (Board).

The Board has operated facilities for the care of neglected, abused and homeless children since 1876. The Board is licensed by the State of Maryland, Department of Social Services, and the Department of Human Resources. Since 1960 the Board has operated a residential care facility for such children (ages 6 to 18) at 3300 Gaither Road in Baltimore County. The Board owns twenty-one acres at that site where sixty-seven children are sheltered. The children are housed in six separate cottages, and there are complete facilities such as a gym, athletic fields, swimming pool, administration building, etc. Since 1982, the Board has also operated a shelter for girls in need of emergency shelter on Nicodemus Road.

The Board's operation at 3300 Gaither Road is a pre-existing non-conforming use. Neither the State of Maryland nor Baltimore County operate such shelters--which are mandated by State law--and this most necessary social function is performed by charitable organizations such as the Board of Child Care.

A building permit has been applied for by the Board to enlarge the administration building, the garage, and the Singewald shelter. These improvements are badly needed to carry out the Board's function and to do it more efficiently.

The improvements which the Board hopes to complete do not exceed the twenty-five per cent extension permitted by the language of Section 104, Baltimore County Zoning Regulations.

#### Gaither Road Shelter Floor Area Calculations

Total Ground Floor Area of Existing Buildings	
Cottages	2915 s.f. each x 5 = 14,575 s.f. - 1958-1960
Singewald Shelters	2,160 s.f. - 1958-1960
Multi-Purpose Buildings	6,409 s.f. - 1958-1960
Administration Building	5,150 s.f. - 1958-1960
Gymnasium	8,400 s.f. - 11/15/78
Pool Building	336 s.f. - 12/4/76
<b>Total</b>	<b>37,030 s.f.</b>

Floor Area of Proposed Additions	
Singewald Shelter	860 s.f.
Administration Building	2,156 s.f.
Multi-Purpose Building	1,232 s.f.
<b>Total</b>	<b>4,248 s.f.</b>

Total Floor Area of Proposed Additions is 11.5% of Total Ground Floor Area of Existing Buildings (4,248/37,030)

*28,299*

### HOOPER, KIEFER & CORNELL

Mr. J. Robert Haines (2) August 9, 1988

Attached to this letter of request and made a part hereof are:

- (1) A site/grading plan called "Gaither Road Facility Building Additions" dated July 12, 1988, prepared by Rosenfelt & Woolfolk, Civil Engineers;
- (2) Calculation, also prepared by Rosenfelt & Woolfolk, demonstrating that the requested additions to the improvements at 3300 Gaither Road are within the twenty-five per cent extension permitted.

The Board is advised that your office must "sign off" on the zoning aspect of the application for a building permit, and this letter is a request that the Zoning Commissioner do so.

If there is any further information you require in connection with this request, please advise.

Respectfully,  
*[Signature]*  
 F. Duncan Cornell, Counsel  
 Board of Child Care of the  
 Baltimore Annual Conference of  
 the United Methodist Church

Enclosures: 2

CC: Mr. Carl Richards  
 Zoning Coordinator  
 Mr. Claude Libis, Administrator  
 Board of Child Care  
 M's. Judith Rabb  
 Rosenfelt & Woolfolk

#### B3 BUILDING PERMIT

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF THE ZONING COMMISSIONER  
 TOWSON, MARYLAND 21204

1300 BALTIMORE ROAD  
 BOARD OF CHILD CARE OF BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INCORPORATED  
 1300 BALTIMORE ROAD, BALTO., MD. 21201

1512 Admin. Bldg. '66  
 8400 Gym. '78  
 336 Pool Bldg '76  
 130 Shed '76  
 1875 Pool '76  
 12,253 B  
 4,248 A  
 46% increase since 1960

12,253  
 4,248  
 16,501 62% increase since 1960

28,299

10-25-78  
 10-25-78  
 10-25-78

PLANNING AND ZONING

318-66 ✓

Location: 3300 Gaither Rd. W. of Robert Rd. Use: Add. to Administration Bldg. Owner: Board of Child Care Balto. Conf. Meth. Church 3300 Gaither Road #21207

1446-76 ● C-2

Location: 3300 Gaither Road Use: fire damage Owner: Board of Child Care of The United Methodist Church

791-76 ✓ C-2

Location: 3300 Gaither Road Use: swim pool and fence Owner: Board of Child Care Balto conference of the United Methodist Church

1324-78 C-2

Location: 3300 Gaither Road Use: construct gym Owner: Board of Child Care of Balto.

944-76 ✓ C-2

Location: 3300 Gaither Road Use: utility shed Owner: Board of Child Care of Balto

1424-76 ✓ C-2

Location: 3300 Gaither Road Use: erect metal storage shed Owner: Board of Child Care

57-87

*3300 Gaither Road Removal of Repl. Metal Methodist Balto Child Care*

BALTIMORE COUNTY MARYLAND OFFICE OF THE BALTIMORE ENGINEER TOWSON, MARYLAND 21284

3300 GAITHER ROAD BOARD OF CHILD CARE OF BALTIMORE CONF. OF THE UNITED METHODIST CHURCH 3300 GAITHER ROAD, ROCKDALE, MD. 21207

OWNER: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

E/S ROLLING ROAD E. OF ROLLING ROAD

**A. TYPE OF IMPROVEMENT**

**C. TYPE OF USE**

**B. OWNERSHIP**

**D. TYPE OF CONSTRUCTION**

**E. RESIDENTIAL ONLY**

**F. DIMENSIONS - CURB FEET**

CONSTRUCT A UTILITY SHED 10' X 13'. REFER TO C-791-76. CONSTRUCTION PLANS MAILED-A, SCHUBLER PROFESSIONAL, 24 AL WATERS-A, SOME LINE

PLANNING AND ZONING

BALTIMORE COUNTY MARYLAND OFFICE OF THE BALTIMORE ENGINEER TOWSON, MARYLAND 21284

3300 GAITHER ROAD BOARD OF CHILD CARE OF BALTIMORE CONF. OF THE UNITED METHODIST CHURCH 3300 GAITHER ROAD, ROCKDALE, MD. 21207

OWNER: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

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**A. TYPE OF IMPROVEMENT**

**C. TYPE OF USE**

**B. OWNERSHIP**

**D. TYPE OF CONSTRUCTION**

**E. RESIDENTIAL ONLY**

**F. DIMENSIONS - CURB FEET**

INSTALL A SWIMMINGPOOL FOR THE CAMPUS AS PER BALTIMORE COUNTY REFER TO PERMITS ACROSS FOR FENCE. ON TO FILE-A, A. WATFIELD 6-23-76

OWNERSHIP: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

TYPE OF CONSTRUCTION: CONSTRUCT SWIMMING POOL

TYPE OF WATER SUPPLY: PUBLIC WATER

TYPE OF HEATING FUEL: GAS

TYPE OF SEWAGE DISPOSAL: SEWER

DIMENSIONS - CURB FEET: 10' X 13'

PLANNING AND ZONING

BALTIMORE COUNTY MARYLAND OFFICE OF THE BALTIMORE ENGINEER TOWSON, MARYLAND 21284

3300 GAITHER ROAD BOARD OF CHILD CARE OF BALTIMORE CONF. OF THE UNITED METHODIST CHURCH 3300 GAITHER ROAD, ROCKDALE, MD. 21207

OWNER: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

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TYPE OF HEATING FUEL: GAS

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DIMENSIONS - CURB FEET: 10' X 13'

PLANNING AND ZONING

BALTIMORE COUNTY MARYLAND OFFICE OF THE BALTIMORE ENGINEER TOWSON, MARYLAND 21284

3300 GAITHER ROAD BOARD OF CHILD CARE OF BALTIMORE CONF. OF THE UNITED METHODIST CHURCH 3300 GAITHER ROAD, ROCKDALE, MD. 21207

OWNER: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

E/S ROLLING ROAD E. OF ROLLING ROAD

**A. TYPE OF IMPROVEMENT**

**C. TYPE OF USE**

**B. OWNERSHIP**

**D. TYPE OF CONSTRUCTION**

**E. RESIDENTIAL ONLY**

**F. DIMENSIONS - CURB FEET**

ERECT A 6" HIGH CHAIN LINK FENCE AROUND POOL AREA. REFER TO 622956.

OWNERSHIP: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

TYPE OF CONSTRUCTION: CONSTRUCT FENCE

TYPE OF WATER SUPPLY: PUBLIC WATER

TYPE OF HEATING FUEL: GAS

TYPE OF SEWAGE DISPOSAL: SEWER

DIMENSIONS - CURB FEET: 10' X 13'

PLANNING AND ZONING

AL ERDI, P.E. PROFESSIONAL CONSULTANT 504 W. JOPPA RD., TOWSON, MD. 21284 P. O. BOX 871, COLLEGE PARK, MD. 20740 444-8888 - 888-8877

June 24, 1976

The Office of Planning and Zoning, Baltimore County Office Building-Towson, Md. 21284.

Re: Pool permit for The Board of Child Care, United Methodist Church, 3300 Gaither Rd.

Gentlemen:

Please find enclosed eight copies of Plot plans, three copies of construction plans, five data sheets, one affidavit and a supplementary detailed plot plan with the attached application for the above pool works.

The subject property was acquired by the United Methodist Church in 1958 after which the construction of the facility started. By 1960 the facility was in operation. It is believed that the addition of the pool to the present campus will greatly improve the services which the Child Care facility provides for the community.

Very truly yours,

Al Erdi, P.E.

Encl. 8  
CCL No. W. Lucas

BALTIMORE COUNTY MARYLAND OFFICE OF THE BALTIMORE ENGINEER TOWSON, MARYLAND 21284

3300 GAITHER ROAD BOARD OF CHILD CARE OF BALTIMORE CONF. OF THE UNITED METHODIST CHURCH 3300 GAITHER ROAD, ROCKDALE, MD. 21207

OWNER: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

E/S ROLLING ROAD E. OF ROLLING ROAD

**A. TYPE OF IMPROVEMENT**

**C. TYPE OF USE**

**B. OWNERSHIP**

**D. TYPE OF CONSTRUCTION**

**E. RESIDENTIAL ONLY**

**F. DIMENSIONS - CURB FEET**

ERECT METAL STORAGE SHED FOR SWIMMINGPOOL ACCESSORIES.

OWNERSHIP: AL ERDI, P. E., 504 W. JOPPA ROAD, TOWSON, MD. 21284

TYPE OF CONSTRUCTION: CONSTRUCT METAL STORAGE SHED

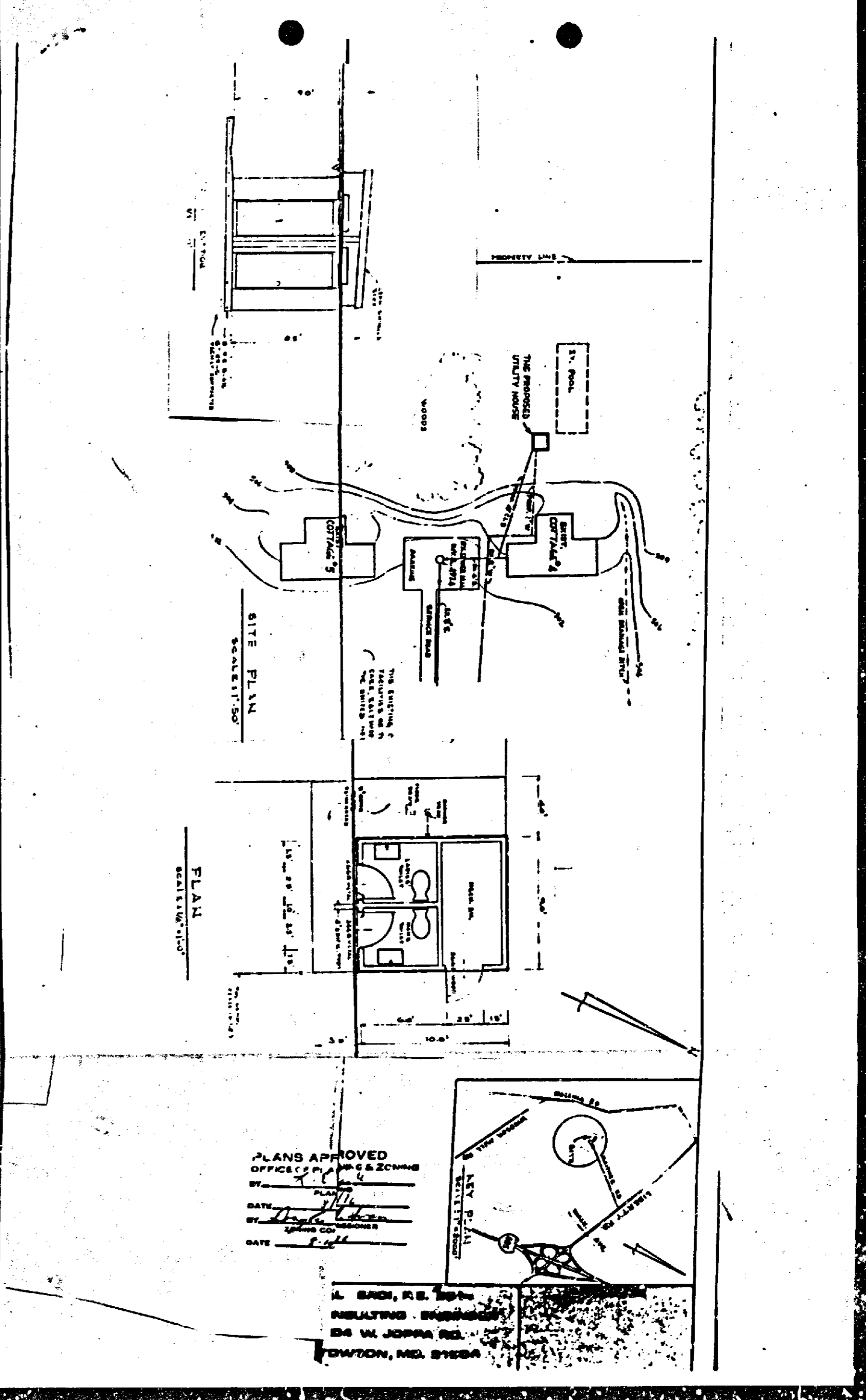
TYPE OF WATER SUPPLY: PUBLIC WATER

TYPE OF HEATING FUEL: GAS

TYPE OF SEWAGE DISPOSAL: SEWER

DIMENSIONS - CURB FEET: 10' X 13'

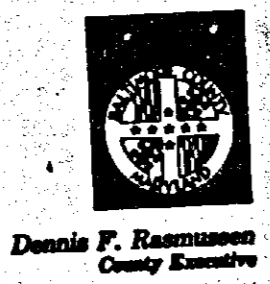
PLANNING AND ZONING



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
(301) 987-3353

J. Robert Haines  
Zoning Commissioner

2/3, 1989



Dennis F. Rasmussen  
County Executive

F. Duncan Cornell, Esquire  
Hooper, Kiefer & Cornell  
343 North Calvert Street  
Baltimore, Maryland 21201-4361

RE: Case No. 89-356-SPHX  
Board of Child Care of the Baltimore Annual Conference  
of the Methodist Church, Inc., Petitioner

Dear Mr. Cornell:

Enclosed is the old blueprint pertaining to the above captioned case that you sent to me under cover of your letter dated April 6, 1989. Thank you very much for your assistance. The Board of Child Care's Order will be forthcoming within the next few days.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mn  
cc: Mr. Claude Libis, Executive Director  
Board of Child Care  
3300 Gaither Road  
Baltimore, Maryland 21207

LAW OFFICES  
**HOOPER, KIEFER & CORNELL**  
343 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-4361  
(301) 987-4700  
FAX: (301) 623-4709

TOWSON OFFICE  
408 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284-4888  
882-3000  
ARTHUR S. HOOPER  
(1938-1978)

April 6, 1989

RECEIVED  
APR 6 1989  
ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Case No. 89-356-SPHX

Dear Mr. Haines:

At the hearing on the captioned case this morning, you asked for a copy of the original site plan of the Board of Child Care facility at 3300 Gaither Road.

Accordingly, you will please find enclosed a copy of the plan prepared by Tyler, Ketcham & Myers, Architects, dated 8/31/59, which shows the facilities that were planned and built on the site in 1960.

If you have any further needs or questions with respect to this case, please let me know.

Respectfully,  
F. Duncan Cornell  
F. DUNCAN CORNELL

FDC:acm

Enclosure

cc: Mr. Claude Libis  
Executive Director  
Board of Child Care  
3300 Gaither Road  
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
PETITION FOR SPECIAL HEARING  
End Gaither Rd., 413.13' SW C/L : OF BALTIMORE COUNTY  
Sublet Rd., (3000 Gaither Rd.)  
2nd Election District;  
2nd Councilmanic District  
BOARD OF CHILD CARE OF THE BALTIMORE ANNUAL CONFERENCE OF THE METHODIST CHURCH, INC., Petitioner

Case No. 89-356-SPHX

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.

Phyllis Cole Friedman  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

Peter Max Zimmerman  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
Towson, Maryland 21204  
887-2188

I HEREBY CERTIFY that on this 8th day of May, 1989, a copy of the foregoing Entry of Appearance was mailed to F. Duncan Cornell, Esquire, Hooper, Kiefer & Cornell, 343 N. Charles St., Baltimore, MD 21201, Attorney for Petitioner.

Peter Max Zimmerman  
Peter Max Zimmerman

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-356-SPHX  
Towson, Maryland

District: 2nd Date of Posting: 3/11/89  
Posted for: Special Exception  
Petitioner: Board of Child Care of Methodist Church Inc - Methodist Church  
Location of property: Sublet Rd., 413.13' SW Sublet Rd., 3300 Gaither Rd.  
Location of Sign: Facing NE at End of Gaither Rd. on Sublet Rd.  
Remarks: Phyllis Cole Friedman  
Posted by: Phyllis Cole Friedman Date of return: 3/14/89  
Number of Signs: 1

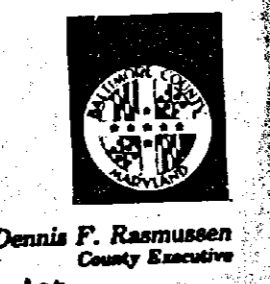
PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Phyllis Cole Friedman, P.E.</u>	<u>County Office Building, Inc.,</u>
<u>Judith / Babch</u>	<u>409 Washington Ave, Baltimore, MD 21201</u>
<u>Claude Libis</u>	<u>11</u>
<u>J. Robert Haines</u>	<u>3300 Gaither Rd 21207</u>
<u>Jeanne Dewey</u>	<u>343 N. Charles St 21201</u>
	<u>409 Washington Ave 21204</u>

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3353

J. Robert Haines  
Zoning Commissioner

2/4/89



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception  
CASE NUMBERS: 89-356-SPHX  
End Gaither Road, 413.13' SW c/l Sublet Road  
3300 Gaither Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.  
HEARING SCHEDULED: WEDNESDAY, MARCH 8, 1989 at 10:00 a.m.

Special Hearings: Nonconforming use and the following additions to existing improvements at the Board of Child Care facility at 3300 Gaither Road: 1) An addition of 800 sq. ft. to the Singswald Shelter; 2) An addition of 2156 sq. ft. to the administration building, which is to be used as classrooms for residents of the Board facility; 3) An addition of 1232 sq. ft. to the multi-purpose building (principally for the garaging of two motor vehicles and additional storage space).

Special Exceptions: A Community Care Center and/or Community Building.  
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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County  
cc: F. Duncan Cornell  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 2/28/89



Dennis F. Rasmussen  
County Executive

F. Duncan Cornell, Esq.  
Hooper, Kiefer & Cornell  
343 North Charles Street  
Baltimore, Maryland 21201

Re: Petitions for Special Hearing and Special Exception  
Case Numbers: 89-356-SPHX  
Petitioner(s): Board of Child Care of the Baltimore Annual Conference/Methodist Church  
Hearing: Wednesday, March 8, 1989 at 10:00 a.m.

Dear Mr. Cornell:

Please be advised that \$34.80 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: February 16, 1989  
Posted for: Special Hearing Special Exception  
Petitioner: Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.  
Location of property: End Gaither Road, 413.13' SW c/l Sublet Road  
Location of Sign: End of Gaither Road, on front of subject property  
Remarks:  
Posted by: J. J. Rosta Date of return: February 17, 1989  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, February 22, 1989  
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 Feb. 16, 1989.

THE JEFFERSONIAN,

S. Zebe Orlean  
Publisher

PO 09757  
reg 1125262  
price \$104.80

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petitions for Special Hearing and Special Exception  
CASE NUMBERS: 89-356-SPHX  
End Gaither Road, 413.13' SW c/l Sublet Road  
3300 Gaither Road  
2nd Election District - 2nd Councilmanic  
Petitioner(s): Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.  
HEARING SCHEDULED: WEDNESDAY, MARCH 8, 1989 at 10:00 a.m.  
Special Hearings: Nonconforming use and the following additions to existing improvements at the Board of Child Care facility at 3300 Gaither Road: 1) An addition of 800 sq. ft. to the Singswald Shelter; 2) An addition of 2156 sq. ft. to the administration building, which is to be used as classrooms for residents of the Board facility; 3) An addition of 1232 sq. ft. to the multi-purpose building (principally for the garaging of two motor vehicles and additional storage space).  
Special Exceptions: A Community Care Center and/or Community Building.  
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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21284  
494-3353

J. Robert Haines  
Zoning Commissioner

February 27, 1989

NOTICE OF REASSIGNMENT

CASE NUMBER: 89-356-SPHX  
PETITIONER(S): Board of Child Care of the Baltimore Annual Conference of the Methodist Church, Inc.  
LOCATION: Gaither Road

THE ABOVE MATTER, ORIGINALLY SCHEDULED TO BE HEARD ON March 8, 1989, HAS BEEN REASSIGNED. THE NEW HEARING DATE IS Thursday, April 6, 1989 at 10:00 a.m.

COPIES TO:

F. Duncan Cornell, Esq.  
File

J. ROBERT HAINES  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY



LAW OFFICES  
**HOOPER, KIEFER & CORNELL**  
343 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21204-4361  
(301) 727-4700

TOWSON OFFICE  
408 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284-4292  
883-3300  
ARTHUR V. HOOPER  
(1988-1978)

December 19, 1988

Mr. John J. Sullivan, Jr.  
Planning & Zoning Assoc. III  
Office of Planning & Zoning  
401 Bosley Avenue  
Room 406  
Towson, Maryland 21204

Re: Board of Child Care, etc.  
Item No. 210

Dear Mr. Sullivan:

Agreeably with your note of December 16, we enclose three copies of the description of the 18,805 acres which is the land involved in the Petition for Special Exception.

Thank you for directing our attention to the need for these additional copies.

Very truly yours,  
*F. Duncan Cornell*  
F. DUNCAN CORNELL

FDC:acm  
Enclosures: 3

LAW OFFICES  
**HOOPER, KIEFER & CORNELL**  
343 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21204-4361  
(301) 727-4700

TOWSON OFFICE  
408 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284-4292  
883-3300  
ARTHUR V. HOOPER  
(1988-1978)

December 12, 1988

Mr. John J. Sullivan, Jr.  
Planning & Zoning Assoc. III  
Baltimore County Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for a Special Hearing  
Board of Child Care of the  
Baltimore Annual Conference  
of the Methodist Church, Inc.  
3300 Gaither Road  
Item No. 210

Dear Mr. Sullivan:

As requested by your letter of November 28, 1988, enclosed please find Petition for Special Hearing with the appropriate words added to the Petition and three copies of Petition for Special Exception.

Thanking you for your assistance, I remain

Very truly yours,  
*F. Duncan Cornell*  
F. DUNCAN CORNELL

FDC:acm  
Enclosures: 6  
CC: Board of Child Care

89-356-SPHX  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
4th day of January, 1989

Petitioner F. Duncan Cornell  
Petitioner's Attorney F. Duncan Cornell

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 210, Zoning Advisory Committee Meeting of January 3, 1989  
Property Owner: Board of Child Care of Baltimore Annual Conf. of the Methodist Ch. Inc.  
Location: 3300 Gaither Road District: 2  
Water Supply: metro Sewage Disposal: metro  
COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal generator which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others \_\_\_\_\_

*John J. Sullivan, Jr.*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

F. Duncan Cornell, Esquire  
Hooper, Kiefer & Cornell  
343 North Charles Street  
Baltimore, MD 21201

RE: Item No. 210, Case No. 89-356-SPHX  
Petitioner: F. Duncan Cornell  
Petition for Special Hearing

Dear Mr. Cornell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

LAW OFFICES  
**HOOPER, KIEFER & CORNELL**  
343 NORTH CHARLES STREET  
BALTIMORE, MARYLAND 21204-4361  
(301) 727-4700

TOWSON OFFICE  
408 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21284-4292  
883-3300  
ARTHUR V. HOOPER  
(1988-1978)

December 14, 1988

Mr. John J. Sullivan, Jr.  
Planning & Zoning Assoc. III  
Baltimore County Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: Petition for a Special Hearing  
Board of Child Care of the  
Baltimore Annual Conference  
of the Methodist Church, Inc.  
3300 Gaither Road  
Item No. 210

Dear Mr. Sullivan:

As requested by you, please find enclosed check for \$100.00 representing costs in the captioned matter.

Very truly yours,  
*F. Duncan Cornell*  
F. DUNCAN CORNELL

FDC:dhc  
Enclosure (check)

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

November 28, 1988

F. Duncan Cornell, Esquire  
Hooper, Kiefer & Cornell  
343 North Charles Street  
Baltimore, Maryland 21201-4361

RE: Petition for a Special Hearing  
Board of Child Care of the Baltimore Annual Conference of the  
Methodist Church, Inc.  
3300 Gaither Road  
Item #210

Dear Mr. Cornell:

I have reviewed your petition for a Special Hearing filed in this office on November 22nd with W. Carl Richards, Jr., Zoning Coordinator. Per Mr. Richards, the words "Non Conforming Use and" should be added in the beginning of the petition request. Additionally, Mr. Richards suggested that it would be to your client's benefit to, as an alternative, file a petition for a Special Exception for a Community Care Center (or Community Building) in conjunction with this Special Hearing before any further processing. Enclosed are the three submitted petition forms and three blank Special Exception petitions.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,  
*John J. Sullivan, Jr.*  
John J. Sullivan, Jr.  
Planning & Zoning Assoc. III

JJS, Jr.:dt  
cc: File

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
(301) 887-3354

January 17, 1989

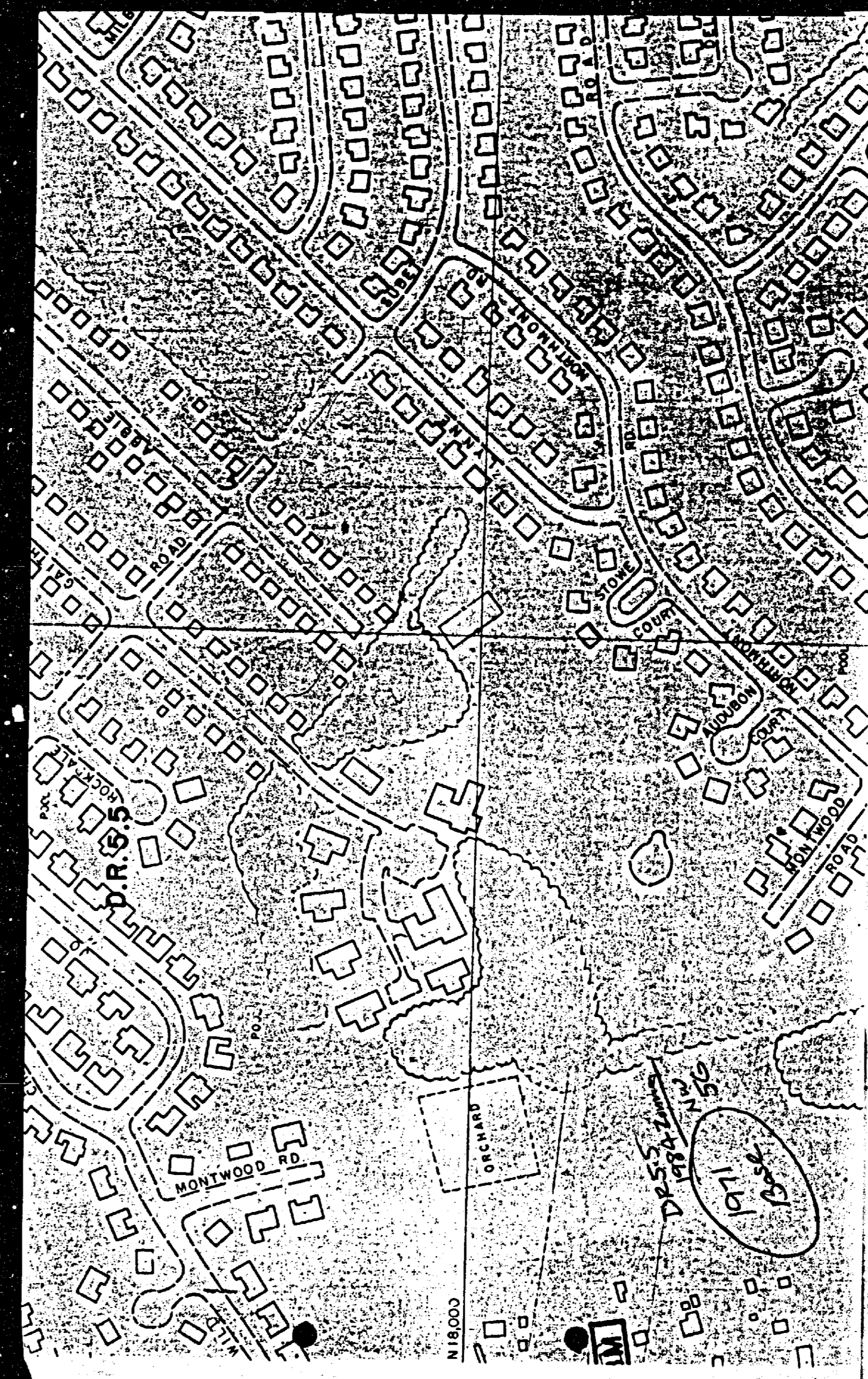
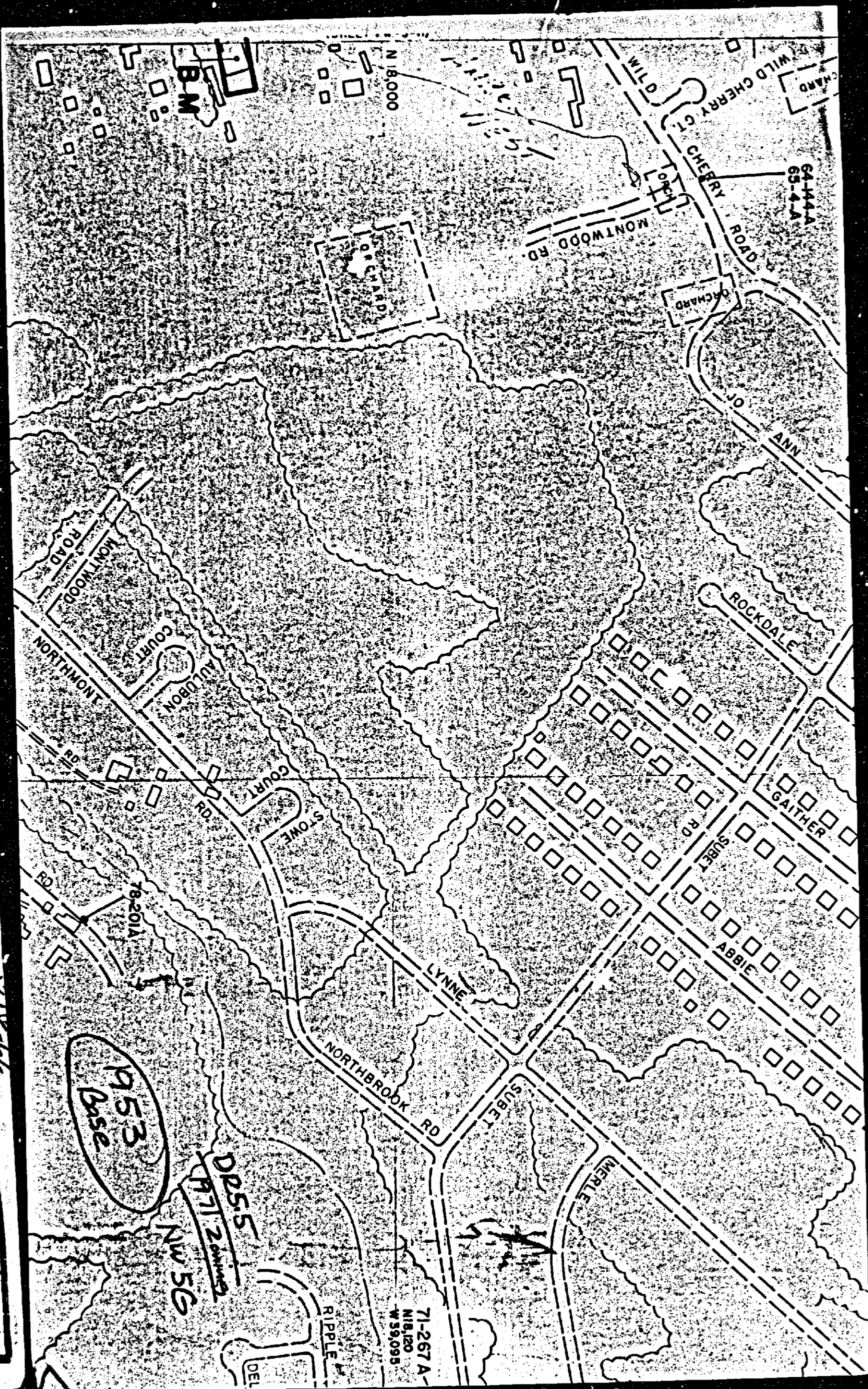
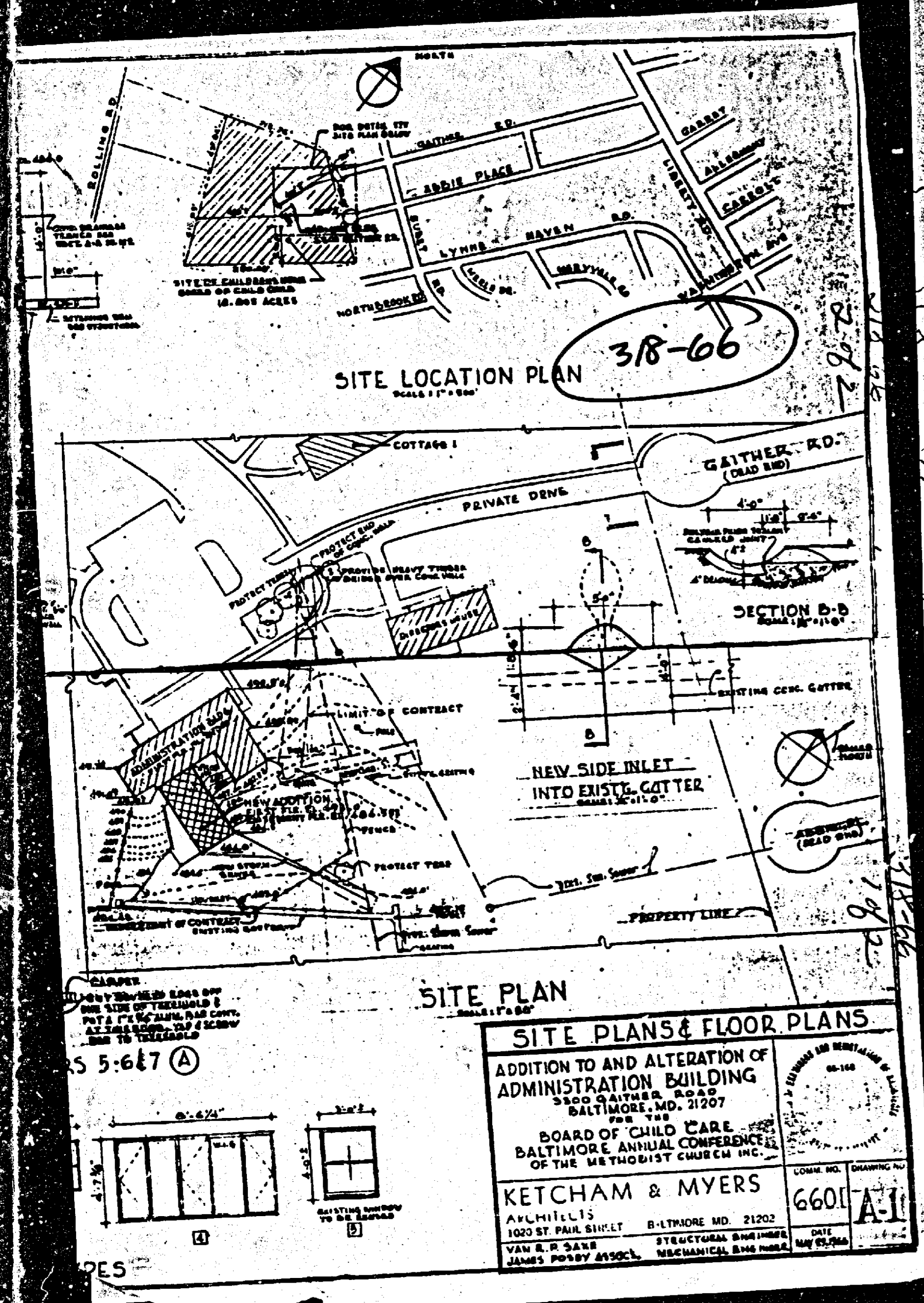
Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 210, 259, 260, 261, 262, 263, and 265.

*Nicholas S. Flannigan*  
Nicholas S. Flannigan  
Traffic Engineer Associate II

MSF/lw



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee    DATE: January 24, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Meeting of January 3, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for Items 210, 259, 261, 262, 263, and 265.

For Item 260, The Trustees of Mount Carmel Methodist Episcopal Church the following comment applies:

Mt. Carmel Road is a State Road. Prettyboy Dam Road is an existing County road, which shall ultimately be improved as a 40-foot cross-section on a 60-foot right-of-way. The property owner is responsible to dedicate the right-of-way and necessary slope easements, at no cost to the County.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s  
Encls.

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

January 12, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Bd. of Child Care of the Balto. Annual Conference of the Methodist Church, Inc.  
Location: 3300 Gaither Road

*Dennis T. Rasmussen*  
County Executive

Item No.: 210                      Zoning Agenda: Meeting of 1/3/89

- Gentlemen:
- Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.
- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Two (2) on-site fire hydrants shall be installed.
  - ( ) 2. A second means of vehicle access is required for the site.
  - ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
  - ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
  - (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
  - ( ) 6. Site plans are approved, as drawn.
  - ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 1-16-89  
Planning Group  
Special Inspection Division

NOTED & APPROVED: *John F. O'Neill*  
Fire Prevention Bureau

