

12-14-95

IN THE MATTER OF THE
THE APPLICATION OF
FATEMEH FALAHI AND MOHAMMAD
HAERIAN -PETITIONERS
FOR SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE NORTHWEST SIDE
TIMONIUM ROAD, 90' SOUTHWEST
OF CENTERLINE OF EDGEMOOR RD
(42 EAST TIMONIUM ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
* CASE NO. 94-271-XA
*
* * * * *

O P I N I O N

This matter comes before the Board on appeal of an Order in which a Petition for Special Exception and Petition for Variances were DENIED by the Deputy Zoning Commissioner on September 30, 1994.

This case was initially scheduled for hearing on February 28, 1995, but was postponed due to the retirement of a member of the Board of Appeals. The case was re-scheduled and the hearing commenced on Wednesday, July 5; Wednesday, July 12; and was continued and concluded on October 4, 1995. A public deliberation by the Board was then scheduled and conducted on Thursday, October 26, 1995.

The Appellant, Fatemeh Falahi, appeared and testified, represented by Michael P. Tanczyn, Esquire. Representing the Protestants was J. Carroll Holzer, Esquire. Peter M. Zimmerman, People's Counsel for Baltimore County, also participated in these proceedings.

Protestants' objections to an expanded child care center were primarily based on concerns for increased traffic difficulties and dangers at the location of the children's drop-off, and an undersized property requiring too many variances to comply with the zoning standards.

This matter centers on a combination of a special exception and variances for a Class B child care center in a D.R. zone involving a residential transition area (RTA). As defined in Section 1B01.1C.6B of the Baltimore County Zoning Regulations (BCZR), this petition, reduced from an initial request before the Deputy Zoning Commissioner of 40 children to 20 children, is a permitted use if not located in an RTA. As such, however, the property is subject to a special exception under Section 502.1 (BCZR), and also must comply with the bulk standards of Section 424.7.

This regulation requires specific standards for minimum lot size, setbacks, fencing, parking, height and impervious surface area for group child care centers in all D.R. zones. In requesting the special exception, Appellant seeks variances in side and rear yard setbacks, the square foot area of the property, and the extent of the impervious surface on the one-quarter acre property.

Ms. Falahi testified to the facts of her purchase of the subject property at 42 E. Timonium Road in November 1992, a single-family dwelling built in the community of Haverford in the 1950s. She told of the improvements made to a property littered with debris and abandoned materials, and of obtaining the necessary permits to enlarge the house and install a privacy stockade fence in the rear yard.

Appellant reviewed her years of experience in child care programs at Towson State University, and at a local church and her private residence. After completing the improvements to the subject property, she related of her establishing a family child care center at the residence as permitted by right under Section

101 of the BCZR, with her mother and brother in residence. In this Hearing, Counsel for the Appellant made special note that the center for eight children operated with no complaints from anyone until she made application for the Class B facility in January 1994.

The subject property zoned D.R. 5.5 has dimensions comparable to all the platted lots of Haverford, with the exception that it is one of a few constructed on a concrete slab. Also, the 60' x 125' site is bounded by the Timonium Shopping Center along its length, separated by a 15-foot buffer of grass and scrubs. A dilapidated, slatted chain-link fence extended down the middle of the buffer. At the time of purchase, Appellant assumed this parcel was available to her use, as a shed of a previous resident existed there. This misconception was later clarified when the shopping center owner relocated a new fence within one foot of the Falahi property boundary.

Directly across the buffer from the subject site, a large service station (Citgo) and garage facility has operated for many years. Other commercial uses are in the immediate vicinity, and Counsel for Appellant asserts that these commercial activities give a uniqueness to the residential character of the subject property, unlike any other in the community of Haverford.

Norman Gerber, readily recognized as an expert land planner, testified of his familiarity with the property, understanding of documents, County comments, and proposed modifications to the site plan. As an official in the Office of Planning & Zoning in the 1960s, Mr. Gerber told of his opposition to the shopping center and gas station, and foresaw the potential negative effect on the

subject property. All that he projected came to be. The fence on the buffer in 1992 was worthless as a shield to 42 E. Timonium Road. Of all the homes in Haverford, 42 E. Timonium Road is the only house that abuts the shopping center and station, both zoned B.M. With the addition of a cinema, Mr. Gerber opined that a small residential lot adjacent to the entrance to a busy commercial location, and other changes in the vicinity, have created a "unique" property.

Mr. Gerber remarked that the granting of a special exception would not be detrimental, but positive over the long run because a residential use would be continued. The subject property he perceived as under stress because of the traffic from the adjacent shopping center. With a Class B group child care center, the property would still maintain its residential character.

Mr. Gerber agreed that the granting of the special exception would be consistent with the regulations of Section 502.1. In regard to the variances required, he felt that the approval would be within the spirit and intent of the law at the subject location, and help the health and welfare of the community.

Ms. Kathleen Beadell testified on behalf of the Yorkshire-Haverford Community Association and of their resolution (2/17/94) to oppose the petition. Their concern centered on the drop-off and pick-up procedures during times of heavy traffic in the a.m. and p.m. Ms. Beadell referred to the subject location as a "scary place" for child care as parents' cars stack up in the short driveway, back out into Timonium Road, and often drop off and pick up children to and from cars facing the wrong way on Timonium Road.

Dr. Everett C. Carter, Professor of Civil Engineering &

Transportation and an expert in traffic engineering, first looked at the site (12/94) when asked by Mr. Louis Miller, neighbor to the child care location. Dr. Carter observed the gas station and shopping center access and heavy traffic volume as measured by Baltimore County at 25,000 vehicles a day. With a 40 m.p.h. limit on Timonium Road, Dr. Carter commented that it was not a good access road to a day care center. He noted that the gap between vehicles travelling on Timonium Road was negative at peak hours, and for parents discharging children from the driveway, the only way out was to back into Timonium Road. Dr. Carter testified that from traffic-safety considerations, the special exception should not be granted because of the heavy volume and speed of traffic, making drop-off and pick-up very unsafe for children and parents at peak hours.

Mr. Steven Weber, Chief of Traffic Engineering of Baltimore County, testified and related his comments to a greatly reduced traffic count at the location from those of Dr. Carter, and a level of service of "A" at the intersection of Timonium Road and Eastridge. In response to Counsel for Protestants, Mr. Weber explained why special consideration is given for discharge of children. Day care centers should have off-street unloading and turn-around areas where the car can return to the street without backing. The gaps needed for backing out are less numerous than for a vehicle going forward. Mr. Weber observed that the shopping center and gas station drive present a problem with a day care so close by, as parents try to "back out" of the day care at the same time the CITGO and shopping center traffic is trying to enter Timonium Road "going forward." Once out, the "backer" has to shift

gears and change direction, unlike the drivers from Citgo. Mr. Weber remarked that there have been no accidents at the day care center since 1993.

Testifying for Petitioner was James Ransome, a registered land surveyor, who prepared (1/20/95) the amended plat of the Falahi property, which in the original survey showed the fencing setback in the buffer of 15 feet, subsequently corrected to one foot from the Falahi property line. His plan called for an improvement for the driveway, turn around on the site, and parking on an extended drive for three cars. Mr. Ransome assumed that the impervious surface of the property had been there since the 1950s at 30 percent of the gross area. The extended driveway would utilize pervious material such as crusher run, and the impervious area is 39 percent of the site, while Section 424.7E limits it to 25 percent.

Mr. Ransome noted the uniqueness of the site abutting the commercial property and that the RTA didn't exist when Haverford was developed. Other lots abutting the shopping center face the street and not the shopping center, a marked difference. He testified that, if the special exception were granted, the Class B child care center would not be detrimental to the health, safety and general welfare of the community.

Diane Itter of the Office of Planning Community Conservation testified of her opposition to the petition. As one who reviews all plans and plats for special exceptions, she explained her familiarity with the location and of the area designated as a "Community Conservation Area." She felt that a special exception would cause an erosive effect on the community since several other

properties are similarly located next to the shopping center and a precedent could be established. Visiting the property in the a.m. and p.m. at peak traffic times, Ms. Itter concurred with previously mentioned traffic concerns. She took the position that, due to the number of variances requested, the special exception was problematical. Because of the plan's overcrowding of the land, the petition should be denied. The site as a family day care center for eight children is barely appropriate, but Ms. Itter remarked that jurisdiction for a family day care center is not within the authority of Baltimore County.

Louis W. Miller, a resident of the neighboring property at 44 E. Timonium Road for 39 years, described the community and recalled the construction of the shopping center and service station in 1962. He reviewed the occupancy of the subject property over the years, and the changing characteristic of the buffer strip and its general neglect. He acknowledged that he was not aware of the day care center for 6 months from September 1993 to February 1994, until notified of the Petition for a Class B center. Petitioner had informed him of the addition and improvements in the Spring of 1993 for her mother, niece and small children, but he was not told by her of the petition for a child day care center.

Mr. Miller's concerns as next door neighbor are that the expansion will exacerbate noise and congestion, and actual fear of what might happen over traffic problems that cause dangerous conditions now, much less with more children. He expressed concern for present violations of the number of permitted children at any one time for 8 and what it might be if expanded to 20.

Mr. Eric Rockel, President of the Greater Timonium-Lutherville

Community Council, stressed that the community is a conservation area to be protected and enhanced by restricting encroachment and traffic. The Council objects because the use of the property for group child care of up to 20 children is inappropriate for the location.

The Petition for a Special Exception to conduct a Class B child care center at the subject site is very questionable because of the several variances needed to make the undersized property appropriate for an increased enrollment from 8 to 20 young children.

Bill 200-90 amended the existing child care law and established pursuant to Section 1B01.1B.1.g.(10a) (BCZR) that Class B centers may be permitted provided that during the special exception process the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 (BCZR) will be "maintained."

From evidence and testimony heard, the Board has to assume that improvements and additions to the residence were not made in consideration of the requirements to be met for a special exception under the applicable law. In Appellant's plan, the bulk standards are far beyond the dimensions of the property, such as lot size, setbacks and impervious surface requirements.

Appellant asserts that the lot was created in the 1950s as one of hundreds of similar properties (60' x 125'), but in three decades has singularly been harmed by commercial development on adjacent land. She further asserts that the location is thereby unique because the businesses have a negative effect on her residential property and have caused a hardship.

In Cromwell v. Ward, 102 Md.App. 691 (1995), it is clarified that a variance may be granted because of the unusual physical characteristics of a property existing at the time of the zoning ordinance and which would result in peculiar and exceptional practical difficulties. The hardship in this case now arises because Appellant has to apply the requirements of the law to an undersized lot. On this issue, the Board feels, even if there was uniqueness to the property itself, the hardships to Appellant were incurred when she purchased the small property in 1992, after the enactment of Bill 200-90, and thereby the hardship was self-created.

The Board is appreciative of the negative effects of the shopping and auto service center on the Falahi's residential property, but as cited by Protestants, the property itself is similar to others in the vicinity and there is nothing unusual about the land. Section 307.1 (BCZR) permits variances for unique sites where strict compliance with the zoning regulations would result in practical difficulty. It has always been occupied by a resident and today has a worthwhile use as a family day care center. Denial of the variances does not result in an undue hardship.

From all the testimony, the Board is persuaded that the inadequate setbacks and buffering of the day care center, and the community concerns over traffic hazards are of such dimensions and difficulty that the enlarged day care center will be detrimental to the health, safety and welfare of the community.

In consideration of variances for the subject property, the Board feels that the property existing in an RTA must meet the bulk

standards of Section 424.7 and cannot be varianced. This precludes the Board from granting the special exception.

O R D E R

THEREFORE, IT IS this 14th day of December, 1995 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Exception to permit a Class B Group Child Care Center on the subject property where there is an RTA be and is hereby DENIED; and it is further

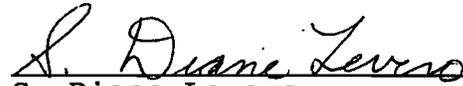
ORDERED that the requested variances seeking relief from the Baltimore County Zoning Regulations pertaining to setbacks, lot size and impervious surface area requirements be and are hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

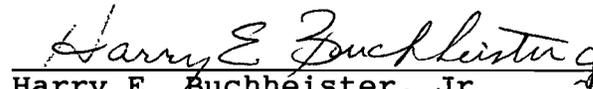
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Acting Chairman



S. Diane Levero



Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
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December 14, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Case No. 94-271-XA
Fatemeh Falahi, et al

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

encl.

cc: Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping
Center Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Mr. Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence S. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



10-18-97

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|---------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| Fatemeh Falahi and M. Haerin | * | COUNTY BOARD OF APPEALS |
| Petitioners, NW/s Timonium Road | * | BALTIMORE COUNTY |
| 42 East Timonium Road | * | CASE NO. 94-271-XA |

* * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT

The Protestants, Greater Timonium Community Council, Yorkshire-Haverford Community Association, Louis Miller, and Irene Graziano, Eric Rockell, Kathleen Beadell, and other individuals testifying before the Board, hereby submit this Memorandum in Lieu of Final Argument as requested by the County Board of Appeals (hereinafter CBA), by J. Carroll Holzer and Holzer and Lee.

STATEMENT OF THE CASE

The Petitioner has filed a Petition for Special Exception to permit a Class B child care center not to exceed twenty children pursuant to Baltimore County Zoning Regulation (hereinafter B.C.Z.R.) 1.B.01.b.6.(b) and B.C.Z.R. 424.5.A; a Petition for Variances to provide rear yard setbacks, a lot of 9,263 square feet in lieu of the required one acre, etc., all for the property known as 42 East Timonium Road located in northeastern Baltimore County in the Timonium area. The case was heard before the Deputy Zoning Commissioner, and on September 30, 1994, the Petition for Special Exception was denied and the Petitions for Variances were denied by an Order on that date. The Petitioners took an appeal to the CBA and the case was originally scheduled for Tuesday, February 28, 1995. A full day's testimony was taken, at which time the case was then continued due to a panel member leaving the Board. The case was rescheduled in its entirety for a hearing before a new Board. The case was heard before this Board on Wednesday, July 5, Wednesday, July 12, and Wednesday, October 4, 1995.

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COUNTY BOARD OF APPEALS
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The zoning for the subject site is DR-5.5, it is known as 42 East Timonium Road. It is within a "community conservation area" designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a forty-foot (40') planted fenced buffer area zoned DR as well as within the community known as Haverford, consisting of single family residences of the same size and lot description. The net lot area of the subject site is 7,463 square feet, while the gross area is 9,263 square feet. The site has been adequately photographed and identified in Protestants' Exhibit Numbers 2, 3, and 25-29 A & B.

STATEMENT OF FACTS

The facts presented during the course of the two and a half days of testimony will be incorporated into those relevant portions of the legal argument.

LEGAL ARGUMENT

I. As a matter of law, the CBA should deny the Special Exception in view of the required variances requested by the Petitioners.

The Protestants hereby adopt the previously submitted Memorandum on behalf of the People's Counsel of Baltimore County dated June 30, 1990, in which this issue was ably raised by Peter M. Zimmerman. This case involves a combination of Special Exceptions and Variances for principal use, class B group, child care centers in a DR- zone involving residential transition areas (RTA's). B.C.Z.R. 424.5A. It is the Protestants' position that upon your review of the following statutes and case law, the use can not be properly allowed as requested by this Petitioner. Bill #200-90 passed by the County Council on October 15, 1990, amends the child care center law and creates, pursuant to B.C.Z.R., Section 1B01.1.b1g(10a) that "class B group child care centers may be permitted provided that the Zoning Commissioner determines, during the Special Exception

process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained" (emphasis supplied) and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. B.C.Z.R. Section 424.7 provides the specific bulk standards for minimum lot size, setbacks, fencing, parking, height, and impervious surface area for group child care centers in all DR- zones. The present Special Exception presents a multitude of variances of B.C.Z.R. 424.7. The presence of the combination of Special Exceptions/variances is a bar to approval. See the case of Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md. App. 324 (1995). In that case, Judge Cathell, speaking for the Court of Special Appeals in the Chester Haven case stated as follows:

"All of its variance requests concern what it perceives to be necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7.

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom.

“The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is permitted use because the legislative body had made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that established certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails.” Pages 11-12.

II. Subject property does not meet the “uniqueness” standard of B.C.Z.R. 307.1.

Even if this Court does not find that the Chester Haven case supports the proposition that the combination Special Exception/Variance is a bar to approval, there is a second basis upon which it is clear that these variances can not be granted. That is, even if there were no Special Exception requested, it does not appear that the requested variances meet the “uniqueness” standard of B.C.Z.R. 307.1. and Cromwell v. Ward, 102 Md. App. 691 (1995). Here the subject property does not meet the “uniqueness” standard. In the Cromwell v. Ward case, the Court of Special Appeals there stated, again by Judge Cathell, the following:

Quoting 2 Rathkopf, The Law of Zoning Planning:

“Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner...will be regarded as having been self-created, barring relief.” Pages 431-32.

Quoting Bowman v. City of York:

“[A] variance [may be granted]...only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of

the enactment [of the zoning ordinance], 'would result in peculiar and exceptional practical difficulties.'" Pages 434-35.

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located....' The...argument that the insufficient width...constitutes a special circumstance of 'shape' is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The Court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity...'

Continuing in Cromwell: "In the case sub judice, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435.

Quoting Xanthos v. Board of Adjustment:

"...in order to justify a variance...the applicant [must] show...that there are special conditions with regard to the property...:

'What must be shown...is that the property itself contains some special circumstance that relates to the hardship complained of....

'...The property is neither unusual topographically or by shape, nor is there anything extraordinary about the piece of property itself. Simply having an old building on land upon which a new building had been constructed does not constitute special circumstances.'" Page 436.

Quoting Prince William County Board of Zoning Appeals v. Bond:

"...the hardship allegedly created by the ordinance must 'not [be] shared generally by other properties in the same zoning district and the same vicinity....' [It then held] 'The limitation imposed by the zoning ordinance is one shared by all property owners in the A-1 district.' Page 437.

Quoting McQuillin, Municipal Corporations:

“It is *fundamental* that the difficulties or hardships must be *unique* to justify a variance; they must be *peculiar to the application of zoning restrictions to particular property* and not general in character...[I]t is not uniqueness of the plight of the owner, but uniqueness of the land causing the plight, which is the criterion...”
Page 438 (Excerpt of quotation).

Judge Cathell concludes:

“We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it always has been - a property’s peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance’s more severe impact on the specific property because of the property’s uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.” Page 439.

Quoting Ad+ Soil, Inc., v. County Commissioners:

“The essence of Ad+ Soil’s argument...is that the setback requirements ...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements...The Board declined to grant the variances, concluding that the Ad+ Soil’s ‘hardship’ was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance.” Page 439.

Quoting Pollard v. Board of Zoning Appeals:

“Self-inflicted or self-created hardship...is never considered proper grounds for a variance...[W]here the applicant creates a nonconformity, the Board lacks power to grant a variance.” Page 439.

Judge Cathell concludes:

“Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.”
Pages 439-40.

Xanthos v. Board of Adjustment:

“...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming b additional construction.”

In the Matter of Umerley Circuit Court for Baltimore County (Byrnes, J.):

“Uniqueness cannot be created by the owner.” Page 6.

“There is nothing unusual about the shapes of lots 2 and 5. They are rectangles.” Page 9.

In addition, this Board of Appeals sitting In the Matter of Gordon L. Harrison Case number 95-280-XA, analyzed this issue in a similar request for a group child care center in the Essex area of Baltimore County. In that Opinion, rendered on September 28, 1995, the Board found, in rejecting the Petition for Special Exception and for a Variance the following: “Class B group child care centers are permitted [in a DR- zone] by Special Exception, provided that the Zoning Commissioner determines during the Special Exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained....” The fact that compliance with the bulk standards will not be maintained precludes the Board from granting the Special Exception.

The Board also found in that case that the variances may be granted under Cromwell only if strict application of the regulation due to unique circumstances would result. In that case they found the subject property was a parcel similar in shape, size, and appearance to many other parcels in the area.

Such is the case here. A review of the testimony of Louis Miller will result in the conclusion that 42 East Timonium Road is no different than many other lots in Haverford subdivision. It is also

clear from review of Petitioner's Exhibit Numbers 12 and Protestant's Exhibit Numbers 4 (DZC) and 19 (CBA), as well as Protestant's Exhibit Numbers 22 and 23 (the plat for Haverford) that there is nothing unusual or unique about this lot as it pertains to the uniqueness necessary to grant a variance under the Cromwell case.

III. Assuming arguendo that Section 502.1 B.C.Z.R. must be examined, the Petitioner has failed to meet her burden factually in that there will be a detriment to the health, safety, and welfare of the community and neighborhood if the Special Exception is granted.

A. Lack of Buffering

Mr. Louis Miller, the next-door neighbor to the Petitioner, testified as to his opposition in regard to the variances being granted to the side yard setback and various buffering requirements. He indicated that there is inadequate space to comply with the County regulations requiring fencing and buffering and that the Petitioner's yard abuts his yard and that he will be able to see and hear and be aware of the additional children, up to twenty in number, which are the subject of this Special Exception request. Not only the nature of the small yard in relation to his, but also the lack of suitable buffering and the size of the lot will cause adverse impact upon the use and enjoyment of his back yard.

Kathleen Beadell, testifying on behalf of the Yorkshire Community Association, likewise objected to the noise of back yard play and the inadequate size of the proposed day care operation in this neighborhood.

Diane Amrhein, a licensed family day care mother, testified as to the safety of children in such a small environment even for the eight allowed as family day care home notwithstanding expansion

to twenty or more. She was also concerned with the traffic and safety to herself and neighbors due to the parking and traffic movement surrounding the location. She was also opposed to expansion due to the general welfare of the close neighbors due to noise from the small area.

B. Traffic

Traffic was a universal complaint of all of the witnesses who testified and whose testimony was proffered; that is, Mr. Lubin, Mr. Manion, and Mr. Kern. The testimony basically centered on the difficulty of parents dropping their children off while being required to utilize Timonium Road and inadequate parking area and turn-around area for the existing family day care home for eight children. There was plentiful testimony in regard to the parents of the day care children backing onto Timonium Road, causing traffic hazards, as well as illegal parking causing congestion in front of the family day care home. There was also ample testimony concerning various individuals' episodic experiences of traffic near-misses as a result of all of the turning movements into the day care as well as the parents dropping-off and picking up children. Many of the Protestants testified to illegal parking in front of the subject site as well. (See Protestant's Exhibit Number 3 [DZC] videotape.)

Protestants called Dr. Everett Carter, who was qualified as an expert and who testified that Timonium Road was a busy county arterial with average daily trips of over 25,000 vehicles per day; that the proposed site has a very narrow driveway with no capacity to turn around offstreet; that because of the high level of trips both morning and evening on Timonium Road that there are an increased conflicts which would be at the driveway of 42 East Timonium Road if this were approved. Also, Carter's testimony centered upon the basic acceptable gap for a left turn from a stop sign controlled driveway is about six seconds and in the evening at this location, an acceptable gap is only available 4.6% of the time, and in the morning peak hour, an acceptable gap may be presented only

8% of the time. In addition, Carter testified that there was a safety issue of 58 traffic citations being issued in 1994 for speeding and that conflicts exist on this road. His conclusion was that this application should be denied because it cannot provide adequate gaps for entering and leaving the site; there is inadequate site driveway width; there is no offstreet turnaround; and there is real concern for safety of small pre-school children by the parents dropping off and picking up children from curbside.

In addition, Steve Weber from the Baltimore County Traffic Engineering Department testified that his agency has always advocated that day care centers should have an offstreet pickup and dropoff area for children to ensure that this activity is not taking place next to moving traffic. He also found that an on-site turnaround area should be provided to minimize backing up into the street. It is clear that both of these criteria are not met by the subject site. Mr. Weber also testified as to the traffic volumes during morning and evening rush hours determined by Baltimore County traffic counts. He also furnished traffic volumes generated as a standard for child care centers. This standard is 4.65 trips per child registered and thus produces, for twenty children, 93 trips per day at the location. (Protestant's Exhibit Number 5 [DZC].)

C. Planning

The Planning Department's comments submitted as Petitioner's Exhibit Numbers 20-22 and as testified to by Diane Itter concluded that twenty children would overcrowd the site; that the subject site is too small and that the variances are too many; that the drop off provisions and pick up provisions are inadequate and having paving in the front yard to provide parking is not a good solution; and finally that they recommend denial. In addition, the Planning Office accurately pointed out that this was a "community conservation area" and that the language in the B.C.Z.R. previously

referred to as Section 1B01.1 required that this Special Exception not be varied in order to be obtained. The Planning Office's comments supported the strict interpretation of the Chester Haven case. Diane Itter also testified that she heard Norman Gerber's expert testimony on behalf of the Petitioner and she testified to the contrary of his conclusion.

Eric Rockell, testifying on behalf of the Greater Lutherville-Timonium Community Council along with a number of the other Protestants, objected to the precedential nature of granting what they perceived as a commercial operation into a purely residential neighborhood and were concerned about the dominant effect of that decision. The Council's Rule 8 statements were submitted subsequent to the hearing as permitted by the ruling of the CBA.

D. Prognosis of Compliance

Based upon Mr. Louis Miller's testimony and the following exhibits I this record, Protestants believe that the Petitioner will not comply with all applicable restrictions for the operation of this center if granted:

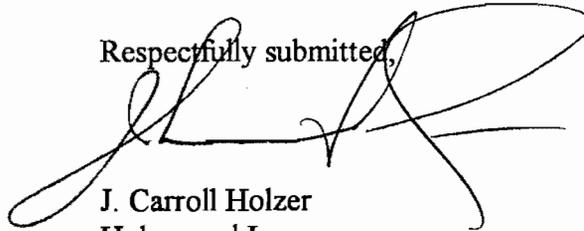
- (1) Protestant's Exhibit Number 31, child care ADM, conference agreement exceeds allowed capacity and mix.
- (2) Safety violations.
- (3) Resident occupancy violations.
- (4) Non-compliance with required record-keeping.
- (5) Using non-licensed space.
- (6) Encroachment on non-owned buffer property, Protestant's Exhibits (DZC) 8, 9, 10.
- (7) Misrepresentation on building application permits, Protestant's Exhibits (DZC) 11, 13.

- (8) Purchase of property deed of assignment signed under oath and penalty, perjury, Protestant's Exhibit Number 15.
- (9) Introduced signed lease for off-street parking knowing such lease was negated by letter from the lessor, Protestant's Exhibit Number 7, Petitioner's Exhibit Number 9.

SUMMARY

Protestants submit that based upon the cases and Zoning Regulation sections previously cited, this Honorable Board should deny the Special Exception and Request for Variance.

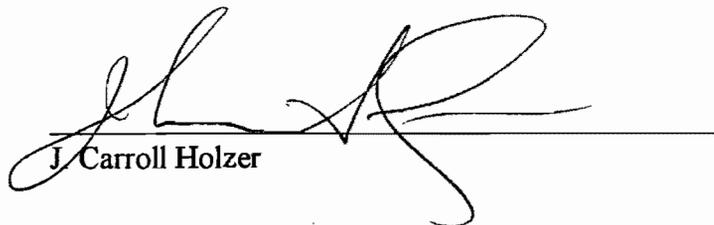
Respectfully submitted,



J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 18th day of October 1995, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed, postage pre-paid, to Mike Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Baltimore, Maryland, 21201-4026; and Peter Max Zimmerman, People's Counsel for Baltimore County, Basement, Old Courthouse, Towson, Maryland, 21204.



J. Carroll Holzer

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(410) 296-8823 - (410) 296-8824
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October 18, 1995

County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

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Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners

Gentlemen:

Enclosed please find Memorandum submitted on behalf of the Petitioners in the above matter.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi

10-18-95

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAHI AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | | |
| 42 East Timonium Road | * | |
| 8th Election District | | |
| 4th Councilmanic District | * | Case No. 94-271-XA |

* * * * *

PETITIONERS' MEMORANDUM

NOW COMES, Petitioners, Fatemeh Falahi and Mohammad Haerian, by their attorney, Michael P. Tanczyn, Esq., and submit this Memorandum as requested by the County Board of Appeals for Baltimore County to assist the Board in its deliberations and decision in the above matter.

FACTS

The Petitioners purchased the subject property Lot 12 on the Haverford Plat at 42 East Timonium Road by deed admitted into evidence in this case and recorded among the Land Records of Baltimore County in Liber 9499, folio 334, in the Fall of 1992.

The site is bounded by an entrance/exit of Timonium Shopping Center and the adjacent existing gas station as well as additional commercial uses to the West of the property; the shopping center and residences in the platted community of Haverford are located to the North, and by residences to the East and to the South including a large three story apartment dwelling on what is known as Lot 1 of Haverford, directly across the street

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from the Petitioners' property.

Following purchase of the property in November of 1992 the Petitioners made a general cleanup of what was agreed was a messy rear and side yard and squared off the rear of the building by improvement work done according to permits admitted into evidence. Petitioners then sought and obtained approval to operate a child care center for eight (8) or fewer children (which is permitted of right in residential zones without requiring zoning approval throughout Baltimore County as well as other counties in the State of Maryland). Petitioners began operating the child care facility in September of 1993 and first applied for zoning approval for a Class B group child care center and specified variances in January of 1994. Petitioners sought a special exception to permit a Class B group child care center pursuant to Section 1.B.01.1.B.6.b and Section 424.5.A et seq of the Baltimore County Zoning Regulations.

By undisputed testimony Haverford was a platted community as shown on a Petitioners' Exhibit and was built out in the early 1950s pursuant to the approved plan found in TB No. 21, folio 23, as recorded among the Land Records of Baltimore County.

It is also undisputed that there were no child care regulations in existence in the Baltimore County Zoning Regulations at the time that this subdivision was platted and then built out.

Petitioners had also obtained a courtesy pre-inspection

from the State of Maryland Child Care Licensing Administration following completion of her site improvements, also admitted as a Petitioners' Exhibit, which approved her facility as built with the play area provided for up to 20 children subject to meeting any local requirements.

It is undisputed in the testimony of all Protestants that none of the Protestants were aware of a child care facility at 42 East Timonium Road from September of 1993 until they were made aware by government officials of the filing of a Petition for Special Exception some time in the Winter of 1994, so unobtrusive was the center as operated by Petitioner, Fatemeh Falahi, for the eight (8) children at 42 East Timonium Road.

Fatemeh Falahi further testified without contradiction at each and every hearing at which she has testified, both before the Deputy Zoning Commissioner as well as before the County Board of Appeals, that until the first hearing before the Deputy Zoning Commissioner not one of her neighbors had come to her with any complaints concerning any aspect of the operation of her child care center and that, if they would have, she would have done everything within her power to mitigate or alleviate the concerns, which was borne out by her exhibit that after the complaint was made about parking at her facility by the parents on discharge and pickup of the children when she promptly sent a letter to all parents after which, indisputably, the problems, which the neighbors believed

were so severe but which they had kept to themselves and had not shared with Mrs. Falahi, were mitigated greatly, if not totally eliminated.

It is further undisputed that no traffic accidents have occurred in the front of 42 East Timonium Road or at the exit from the shopping center throughout any time pertinent or relevant to these proceedings, and that on the Petitioners' plans as amended, the provisions for employee parking were provided by the extension of the driveway into her rear yard for the necessary parking spaces for the employees. The pickup and dropoff point for the child care facility as proposed, and as expressly limited at all hearings and pursuant to documentation submitted to the hearing authorities by the Petitioners to no more than 20 children with hours of operation as stated on the exhibit, was located on the shopping center entrance side of 42 East Timonium Road to the rear of the facility, shielded and sheltered to the extent possible from the residential community of Haverford.

Furthermore, before opening the child care center in September of 1993, it is similarly not disputed that the Petitioners erected a large, high stockade-style fence enclosing her rear yard at 42 East Timonium Road, which served as an efficient noise buffer for the remainder of the community by virtue of the fact that no one was aware that a child care facility was even being conducted at this location throughout the Fall of 1993,

even though the Petitioners had begun operations in September of 1993.

Petitioners would ask the Board to take note of its own prior decisions in the case of Star Construction Company, 4314-X, to discern the chronology as to the creation of a buffer screen on shopping center land between the shopping center entrance and the residential use of 42 East Timonium Road as well as the role of the community association of Haverford in correspondence recorded in that proceeding decided in the late 1950s and early 1960s whereby the gasoline service station and service garage was first approved for the property to the West of the Petitioners' site.

ISSUES PRESENTED

1. Whether on the evidence presented the special exception for a Class B group child care center should be granted.
2. Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

ISSUE 1

Whether on the evidence presented the special exception for a Class B group child care center should be granted.

The authority of the County Board of Appeals as set forth in the Baltimore County Charter, Section 602.B, is to hear cases, which include appeals from Orders relating to zoning. The County Board of Appeals of Baltimore County was established pursuant to

Maryland Annotated Code, Article 25A, Section 5(U), which permitted counties to establish a county board of appeals with jurisdiction over matters relating to zoning. Relay Improvement Association v. Sycamore Realty Company, Inc., ___ Md.App. ___ (July 5, 1995).

The Baltimore County Code, Section 26-132 provides that any appeal from the Zoning Commissioner shall be made to the County Board of Appeals which shall dispose of the appeals in accordance with the Charter and the Board's own rules of procedure.

Section 603 of the Baltimore County Charter provides that all hearings held by the Board shall be held de novo unless otherwise provided by legislative act of the County Council and shall be open to the public. The County Board of Appeals therefore had jurisdiction to consider the appeal de novo as filed by the Petitioners.

As to the granting of a special exception, the special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and therefore valid. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981).

Before the Court of Appeals in Schultz v. Pritts (supra) the issue was whether the appeals board in Carroll County had improperly denied the requested special exception use to develop a funeral establishment and a variance for reduction of the minimum front yard requirements. The Court of Appeals in Schultz set out

the legal standard for judicial review of the grant or denial of the special exception use:

" . . . The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any fact or circumstance negating the presumption*. The duties given the Board are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. . . ."

In reviewing the pertinent Baltimore County Zoning Regulations, the Petitioners' request was for a Class B group child care center which is a permitted use under Section 1.B.01.1.A.10.B under DR zones for up to forty (40) children if not located in an RTA. It is only a special exception use when located in an RTA, as

is herein defined in Section 1.B.01.1.C.6.B.

The County Board of Appeals recently has considered another case involving a request for special exception for a Class B group child care center in the matter of Gordon L. Harrison, et ux, 95-280-XA, in which the Board apparently misconstrued and misstated the pertinent section of the Baltimore County Zoning Regulations describing Class B child care centers as permitted by special exceptions. In fact, the section stated by the County Board of Appeals in that decision refers to residential transition areas as defined in Section 1.B.01.1.B and the section enumerated by the County Board of Appeals in that opinion is entitled "Exceptions to Residential Transition" for uses which are exempt from meeting RTA requirements where bulk standards are maintained, pursuant to Section 424.7. The Board in that case then confused the existence of RTA which requires that a special exception be sought where RTA is implicated with the stated section in the RTA regulations, which specifically exempts uses from meeting RTA requirements where bulk standards are otherwise met in deciding to deny the special exception on the erroneous belief that bulk standards could not be varianced.

The Board similarly in that case overlooked the provisions in RTA regulations 1.B.01.1.B.1.c.1 and 2 which provides for variancing requirements under RTA pursuant to Section 307, where the hearing officer makes findings as otherwise required by

Section 26-206 or Section 26-282 of the Code.

The use requested in this case of a Class B child care center as limited by the Petitioners to no more than 20 children (emphasis supplied) is an RTA use as defined in Section 1.B.01.1.B.1.d.2. Therefore, this case provides an opportunity for the Board to correct the error contained in the previous decision in the Gordon L. Harrison, et ux case, 95-280-XA for the reasons hereinafter stated.

The Baltimore County Zoning Regulations in Section 502.1 set out the requirements for factors which must be considered by the Board before granting a special exception. Being mindful of the decision reached in Schultz v. Pritts (supra) at 1326:

“ . . . The presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses. Consequently, the bald allegation that a funeral home use is inherently psychologically depressing and adversely influences adjoining property values, as well as other evidence which confirms that generally accepted conclusion, is insufficient to overcome the presumption that such a use promotes the general welfare of a local community. Because there were neither facts nor valid reasons to support the conclusion that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than would result from the location of any funeral home in any residential zone, the evidence presented by the protestants was, in effect, no evidence at all. . . Anderson v. Town of Chesapeake Beach, 23 Md.App. at 624-25, 329 A.2d at 724 (emphasis added) (citations omitted).”

The testimony from the Protestants on the special exception was that they feared noise from the child care center and that they feared a traffic impact due to the addition of 12 more children to the 8 already permitted for pickup and dropoff twice per day.

It is undisputed that there have been no automobile accidents related to the operation of this child care center at this location and that parking is permitted in front of the Petitioners' property at 42 East Timonium Road as well as parking being permitted in the driveway adjacent to the pickup and dropoff point.

Furthermore, the testimony of the Protestants' expert witness, Dr. Everett Carter, was apparently based on erroneous information given him by one or more of the Protestants in which he erroneously found that Timonium Road in the vicinity of this site had an average daily traffic count of 25,000 vehicles per day. (Emphasis supplied.) Dr. Carter's only time on site had been one rush hour day in the winter from 7:30 until not quite 8:30 a.m., and he performed no traffic count to verify the data provided him; nor had any other Protestants, to dispute the testimony of Stephen Weber of the Baltimore County Department of Traffic Engineering; who subsequently testified that in 1991 on Timonium Road east of York Road, traffic in both directions would have been measured at 14,000 cars per day for a 24 hour period. (Emphasis supplied.)

Dr. Carter further gave testimony that, according to a reference book he was using, the Class B group child care center would generate 4.65 trips per child for a daycare center. He overlooked or ignored any limitation proposed by Petitioners that proposed in lieu of a child care center for up to 40 children as proposed in the Zoning Regulations for this type of a center, she would voluntarily limit herself to no more than 20 children.

Similarly, Dr. Carter's gap analysis for the spacings between vehicles was similarly flawed because it was based on the erroneous numbers given him by the Protestants, which were contradicted by Mr. Weber. Dr. Carter used his estimate for the morning rush hour of 1,515 vehicles where Mr. Weber estimated the a.m. peak on Timonium Road east of York Road, excluding any turnoffs prior to reaching the Petitioners' site such as the gas station or the shopping center, to be 1,120 cars. The Department Comments from Baltimore County as to traffic do not mention any concern as to increase by 12 children.

Similarly, in the afternoon rush hour traffic analysis Dr. Carter estimated 1,846 vehicles between 4:45 and 5:45 p.m. while Mr. Weber's estimate for the traffic heading East on Timonium Road from York before accounting for any traffic turnoffs into the community or into the office building, gas station, or the shopping center prior to reaching 42 East Timonium Road, to be 1,414 vehicles at Eastbound and Westbound Timonium Road at York Road.

(Emphasis supplied.)

Mr. Weber similarly classified traffic service levels at York and Timonium Roads to be at Level C, and at Timonium and Eastridge (the first traffic signal east of the property on Timonium Road) to be Level A, both as of April of 1995, meaning traffic from 12 additional children could be easily absorbed.

Dr. Carter in his report erroneously stated that Timonium and York operated at Level E, or close to failure, which flawed his analysis and his conclusions. Therefore, Dr. Carter's conclusions were flawed because his data was flawed. Similarly, his assumption of 4.65 trips per child, while it may be accurate for a 40 child center, would be inaccurate for a scaled down center of the type proposed by the Petitioners in this case and would be spread throughout the day rather than limited to rush hours.

It was undisputed that the special exception, if granted, would not increase the population due to the hours of operation which were during daytime hours. Furthermore, the nearest Protestants testified that they were awake well before 7:30 in the morning and that they were retired and generally at home during the day, and that specifically Mr. Miller had not noticed any use of the Petitioners' property to take care of 8 children from September of 1993 until some time in January of 1994, and then only after he was notified by governmental officials in Baltimore County that a Petition for the instant request had been filed.

There is no Protestant testimony, credible or coherent, which would establish that this use would tend to create congestion in the roads, streets or alleys by the addition of transportation requirements for 12 more children on roads which are operating well within capacity and on which there have been no traffic accidents due to the operation of a child care center from September of 1993 to the present.

There was no testimony whatsoever that the use would be detrimental to health, safety or general welfare or would create a potential hazard from fire, panic or other dangers, nor would it violate the provisions of Baltimore County Zoning Regulations, Sections 502.1.E, F, G, or H.

As the Court of Appeals pointed out in Schultz v. Pritts (supra) at 1325:

"Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material, if the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." (cases omitted)

Otherwise, as the Court of Appeals pointed out in Schultz (supra), the evidence presented is in effect no evidence at all which is legally sufficient.

Therefore, the Petitioners have met their burden to show that the special exception use is permitted within the zone and, indeed, is presently permitted for up to 8 children without any zoning approvals throughout Baltimore County and has therefore met her burden and the special exception should be granted if the variances are granted.

ISSUE 2

Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

Without repeating the portion of the argument stated in Issue 1, the County Board of Appeals recently in the case of Gordon L. Harrison, Case Number 95-280-XA, erroneously concluded after misreading Section 1.B.01.1.B.1.G.10.A as prohibiting special exceptions where bulk standards could not be met by confusing that section with the following subsection C of the Baltimore County Zoning Regulations which expressly permits special exceptions for Class B child care centers and the other relevant sections of the Zoning Regulations allowing the hearing officer, in considering a special exception, to grant variances under the authority of Section 307 and Baltimore County Code Section 26-206 and Section 26-282 where properties are located in RTA areas.

The matter of the Board's ability to consider and grant zoning approvals where statutory requirements were an apparent contradiction to Charter approved jurisdiction was considered in the case of Hope v. Baltimore County, 288 Md. 656, 421 A.2d 576. As the Court pointed out in Hope (supra):

"Section 602 of the Baltimore County charter after referring to appeals from certain types of orders provides in Section 602(d) in unmistakably clear language that the board is to 'hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Article 25A . . . as amended . . .'. The approval or disapproval of a subdivision plat is an administrative or adjudicatory order. The section refers to 'all' such orders.

There would have been no need to insert in Constitution Art. XI-A, Section 1 the provision that public local laws inconsistent with the provisions of the charter were to be thereby repealed unless it had been contemplated that the people of a county in adopting a charter might thereby enact charter provisions inconsistent with prior acts of the General Assembly. The power granted counties under Art. 25A, Section 5(U) is '[t]o enact local laws providing . . . for the establishment of a county board of appeals' etc. It follows that when the people of Baltimore County placed a provision relative to a board of appeals in their charter they were acting pursuant to the authority granted under Constitution Art. XI-A and Section 5(U). If one had the slightest doubt of the intent of the charter it would be dispelled by reference to the Reporter' Notes. Those to Section 601 state:

Section 601. *County Board of Appeals; Appointments; Terms; Compensation.* The legal authority for the creation of a County Board of Appeals is contained in Article 25A, Section 5(V) of the State Code, as amended by the Acts of 1953, Chapter 199. This statute expressly authorizes the chartered county to enact local laws providing for the establishment of a County Board of Appeals 'whose members shall be appointed by the

county council'. [Proposed Home Rule Charter
for Baltimore County, Maryland with Reporter's
Notes and Index (1956) 135-36.]

Art. 25A, Section 5(V) has since been renumbered to the present Section 5(U). Constant reference is made to Section 5(V) or, as it is now, Section 5(U) in the several pages of Reporter's Notes dealing with Article VI of the Baltimore County Charter. The plain meaning of the charter provisions is to embrace all of the authority granted under Section 5(U). This provides for a right of appeal in the matter of any 'approval . . . or other form of permission or of any adjudicatory order,' language sufficiently broad to grant a right of appeal from the approval or disapproval of a subdivision plat.

It is suggested that '[i]t would be unreasonable and illogical to interpret the thrust of Article 25A, Section 5(U) as mandatory rather than discretionary.' It certainly does not mandate that a county create a board of appeals implementing the powers there granted. Here Baltimore County in its creation of its board of appeals has indicated an intent that the board's powers are to be those set forth in Art. 25A, Section 5(U). Once having availed itself of that power, then it follows that Section 5(U)'s provisions must be applicable. The concluding sentence of the section is, 'The review proceedings provided by this subsection shall be exclusive.' This provision appeared at the time of the original enactment by the General Assembly of what is now Section 5(U) by Chapter 670 of the Acts of 1951. Accordingly, under Constitution Art. XI A, Section 1 providing that enactment of a charter would constitute repeal of all public local laws inconsistent with the charter provisions, the right of appeal provided in the preexisting county code was repealed. Thereafter, if Baltimore County had attempted to enact a statute concerning appeals inconsistent with the exclusive right of appeal provided in Article 25A, Section 5(U) it would have been acting in a manner not permitted by its own charter. Obviously, it could repeal the charter provision."

In the case before the Board, the provisions of 1.B.01.1.B.1.C, Variance of RTA, expressly proposes that the hearing officer may reduce RTA upon making findings and

determinations as called for in that section. That dovetails absolutely and should be read in pari materia with the provisions of Section 307.1 to allow for a reasonable reading of the Zoning Regulations, including the bulk standards of 425.5 and 425.7 so as not to violate the Court's clear holding in Hope v. Baltimore County (supra) which says that any statute in violation of Charter powers is nugatory.

The first prong which the Petitioner must meet under the provisions of Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995), is to show unique circumstances affecting the property. In this case, every single child care regulation ever enacted by Baltimore County, and particularly those presently the law as promulgated by Bill 200-90, were enacted after the platting and development of Haverford as a subdivision in the early 1950s, which was built out substantially in accordance with the subdivision plat.

The testimony of Norman Gerber, expert witness for the Petitioners, on the uniqueness of the Petitioners' property pointed out, in pertinent summary, that the Petitioners' property was the closest property most immediately affected by its proximity to the shopping center entrance and exit as well as the gas station and other commercial buildings to the west, more so than any other lot in the community of Haverford.

Furthermore, since this Petition was originally filed and

heard by the Deputy Zoning Commissioner, at the prompting of the community association, the developer of the Timonium Shopping Center removed the slatted high buffer screen fence shown in numerous pictures in evidence which had been located in the center of the buffer strip adjacent to the Petitioners' property and had put an open metal fence with wooden bollards around the perimeter of the buffer area, thereby opening up the view of all of the commercial uses aforesaid to the West for the Petitioners' property, provided even more reason to favorably consider the requested use as a Class B group child care center as limited by the Petitioners' request for no more than 20 children as this site as a buffer between the more intense commercial uses and the residential community to the east, north and south of this property.

The testimony of Norman Gerber, expert witness for the Petitioners, further established that the grant of the special exception requested and the variances requested would be in keeping with the Baltimore County Zoning Regulations in that the use as requested would provide a buffer between the commercial uses and the residential uses to the North, South and East of the Petitioners' property and the commercial uses to the West. Mr. Gerber forcefully expressed his opinion that the opening up of the commercial use view to 42 East Timonium Road would make this property even less viable than before for continued residential

use.

He further observed that the original owners at the time of the approval of the gas station in Case 4314-X, the Kopelke's, not only had moved away from the property after utilizing it as their residence, but had held it out for rental for several different subsequent tenants. Of those tenants, at least one of engaged in what Mr. Gerber had observed what he believed to be a prohibited automobile repair facility in the side and rear yard closest to the shopping center at 42 East Timonium Road on occasions when Mr. Gerber was in the area while his vehicle was being worked on at the adjacent approved gas station and service garage.

Mr. Gerber noted that, of the variances requested, none if granted would result in new construction on the Petitioners' property and further that the 1990 child care regulation requirements of a 20 foot vegetative buffer on both side and rear yards would be of little utility in view of the existing stockade fence which enclosed the Petitioners' rear yard as well as the fact that the Protestants did not even know that the Petitioner was operating a child care facility from September of 1993 until they had been given word that a Petition had been filed in the Winter of 1994.

As to the other side yard area variances, those are based on the distances from the existing house to the side yard lot line

with the nearest adjacent residential property owner, and the testimony of all Protestants was that they could not hear any sounds coming from the house relating to the child care activity, and so the reason for the greater distance did not appear to be either a necessity or of any utility in strictly enforcing the bulk standards.

Mr. Gerber also found that the location of the dropoff and pickup point on the side of 42 East Timonium Road furthest away from the residential neighbors and closest to the shopping center entrance driveway and the gas station to be the best location of that entrance to shelter or shield the residential community and neighbors from the coming and going of the child care parents and children.

Mr. Gerber also found that this proposed use and the area variances would be in keeping with the spirit and intent of the zoning regulations and could be granted without injury to the public health, safety and general welfare.

There was no testimony of any kind of danger posed to the neighbors or to the neighborhood from flooding, so the request for an exception from impervious area requirements as first requested would be properly granted by the Board.

In pictures submitted by the Petitioner in her rebuttal case on the last day of hearing the Board will be aware of the fact that a substantial portion of the Petitioners' front yard has been

covered with pavers. If the Petitioners' request is granted a substantial number of those pavers would be removed and the area put back in porous surface than that which presently exists on the site and as is permitted under current residential zoning regulations.

The practical difficulty which the Petitioners, as well as any other child care provider, would have in meeting bulk standards as contained in the variance requests made by Petitioners, is that this area as was much of Baltimore County was platted out and developed in the 1950s, 1960s, 1970s, and even 1980s, well prior to the passage of Bill 200-90 which put in certain requirements. Those requirements, like any other requirement in the Baltimore County Zoning Regulations, may be varianced pursuant to Section 307 of the Baltimore County Zoning Regulations whenever the requirements of Section 307.1 are met. In this case they are all met because the practical difficulty or impossibility of the Petitioners to meet the requirements of the Baltimore County Zoning Regulations was created, not when the property was purchased but when it was platted back in 1953. Therefore, that is not something that is of the Petitioners' making and is not a self-inflicted injury.

More to the point, the failure of the Protestants to adduce any evidence whatsoever of real harm or danger to their health, safety or general welfare in the form of lack of any noise

emanating from the Petitioners' facility with 8 children, which she has had from September of 1993, casts the Protestants' objections in the proper light. They are objecting based on technicalities which are of no moment when you consider that the child care center has not negatively affected any Protestants. Indeed, none of them were even aware that any child care was taking place on the site from September of 1993 until a Petition was filed in the Winter of 1994. All of the Protestants' action thereafter were designed solely to thwart the use of the Petitioners' site for a child care facility and opened up the site to adjacent commercial uses to make it less viable than before as a residence.

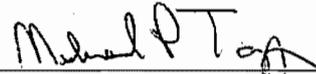
The Zoning Regulations clearly empower the County Board of Appeals as hearing officer to consider not only the use but the reasons for the requests for the area variances and the real effect of the grant of those variances on a neighborhood in which residential children in great numbers are permitted of right in any residence and the protests of the Protestants can be seen in a proper light.

If the test under the Zoning Regulations properly stated is, has the Petitioner shown a good faith reason why she cannot meet with the area requirements where as here no new construction of improvements will be occasioned by the grant of the variances or the special exception, then the Petitioners have met their burden and the special exceptions ought be granted.

CONCLUSION

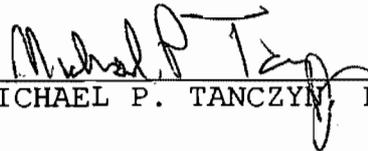
For the reasons and argument stated aforesaid, the Petitioners request the County Board of Appeals grant the special exception with limitations as requested by the Petitioners and the variances requested.

Respectfully Submitted,



MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204
Telephone: (410) 296-8823
Attorney for the Petitioners

I HEREBY CERTIFY that on this 18th day of October, 1995 a copy of the foregoing was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer & Lee, 305 Washington Avenue, Suite 502, Towson, Maryland, 21204, attorney for the Protestants; and to Peter Max Zimmerman, Esquire, Baltimore County People's Counsel, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.



MICHAEL P. TANCZYN, ESQ.

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - NW/S Timonium Road, *
 90' SW of c/l of Edgemoor Road * DEPUTY ZONING COMMISSIONER
 (42 East Timonium Road)
 8th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District *
 * Case No. 94-271-XA
 Fatemeh Falahi and *
 Mohammad Haerian - *
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 42 East Timonium Road, in northeastern Baltimore County. The Petitions were filed by the owners of the property, Fatemeh Falahi and Mohammad Haerian. The Petitioners seek a special exception to permit a Class B Group Child Care Center for no more than 40 children on the subject property, pursuant to Sections 1B01.1.b.6.b and 424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, variances are being requested from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 7.

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Appearing at the hearing on behalf of the Petitions were Fatemeh Falahi, property owner, J. Finley Ransone, Registered Land Surveyor, and Harriet Douthirt, Director of the Day Care Center for Towson State University. The Petitioners were represented by Michael P. Tanczyn, Esquire. Many residents of the surrounding community appeared in opposition to the Petitioners request. On their behalf, Louis Miller, Howard White, and Eric Rockel sat at the Protestant's trial table and participated in these proceedings, which took place over the course of three hearing days.

Testimony and evidence presented revealed that the subject property consists of a gross area of 9,263 sq.ft., zoned D.R. 5.5 and is improved with a one-story frame dwelling which is currently used as a residence and a day care center for up to eight (8) children. The Petitioners are desirous of expanding the day care center use to provide day care services for up to 20 children. While the special exception requested is for a maximum of 40 children, the Petitioners have agreed to limit the number of children to 20 as a result of recent findings by the State Licensing Department.

Appearing and testifying on behalf of the Petitioners was Harriet Douthirt. Ms. Douthirt holds a Masters Degree in Elementary Education from Goucher College and is the Director of the Day Care Center at Towson State University. Ms. Douthirt testified that she met Ms. Falahi approximately 14 years ago while a student at Towson State. She testified that she has referred families from her facility at Towson State to Ms. Falahi's day care center. Ms. Douthirt stated that it is very rare for her to refer children to other facilities, but because she has such good faith in Ms. Falahi's abilities to operate a day care center, she often refers families to Ms. Falahi. Furthermore, Ms. Douthirt testified that she is aware that Ms. Falahi is very cautious about who she will accept into her

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day care center. In her opinion, Ms. Falahi operates an excellent child day care facility and she supports her request to increase the number of children attending the center from 8 to 20.

Also appearing and testifying on behalf of the Petitioners was J. Finley Ransone, Registered Land Surveyor. Mr. Ransone prepared the site plan for the property which was marked into evidence as Petitioner's Exhibit 7. Mr. Ransone testified that during the course of the site plan preparation, he learned that approximately 5 feet of the paved portion of the 10-foot wide driveway which serves the present day care center is located on the adjacent property owned by the Timonium Shopping Center Associates Limited Partnership. Mr. Ransone testified that it is not possible for a vehicle to utilize this driveway without trespassing onto the shopping center property. Therefore, the pick up and delivery of children to the site is severely compromised by this title flaw.

Ms. Falahi testified that she purchased the subject property in November, 1992 and that she has operated a licensed day care facility at this site since September 15, 1993. She stated that the property is used as both a residence and a child day care center, which caters to children from the infant stage to up to 7 years of age. Ms. Falahi testified that she did not order a Title Search at the time of her purchase and that the property was in deplorable condition. She testified that she has made extensive improvements since her purchase of the property. Mrs. Falahi testified that she is present on a daily basis at the day care center and that she currently provides services for 8 children. Ms. Falahi testified that she had a survey performed by the State Licensing Department and that they advised her that the size of her facility could accommodate up to 20 children. Thus, she has requested the special exception to expand her

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current operation to provide services for a maximum of 20 children. She testified that the parents of the children currently enrolled at the day care center use Timonium Road to drop off and pick up their children. Ms. Falahi stated that she would like to use the shopping center driveway for this purpose but has been denied such use by its owners. Furthermore, the shopping center owners have advised Ms. Falahi that she is no longer permitted to trespass onto their property and have requested that she remove any improvements located thereon. This would include the 5-foot section of the paved driveway, an existing shed, and fencing.

Mr. Martin Pechter, a representative of the Timonium Shopping Center Associates Limited Partnership, appeared and testified in opposition to Ms. Falahi's request. Mr. Pechter testified that Ms. Falahi must terminate all encroachment onto the shopping center property. He testified that the owners of the shopping center property will pursue legal action in the event appropriate steps are not taken to remove all encroachments on their property. He further testified that Ms. Falahi has been placed on notice that the parents of those children attending her day care center must cease utilizing the driveway to the shopping center to drop off and pick up their children.

Also appearing and testifying in opposition to the Petitioners' request was Carolyn London. Ms. London is opposed to the Petitioners' request to increase the number of children at this facility. She testified that in her opinion, such an increase would be harmful to the residential character of this neighborhood. She cited tremendous traffic problems when parents drop off and pick up their children. She also cited noise problems relative to the use of the property as a day care center and projected an increase in such noise in the event the relief requested is

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granted. Furthermore, she opposes the variances requested for this site, arguing that the relief requested is excessive.

Ms. Kathleen F. Beadell appeared and testified in opposition to the relief requested on behalf of the Yorkshire Community Association. Ms. Beadell is President of that Association and has lived in the Timonium area all of her life. Ms. Beadell believes that any increase in the number of children permitted at this site, particularly to 20 or 40 children, would adversely affect the value of surrounding homes in this community. She also cited the lack of an appropriate delivery and pick up site for the children, inadequate parking, and stated that the noise generated by the operation of this day care facility is detrimental to the surrounding community.

Ms. Diane Itter, a representative of the Office of Planning and Zoning and a Community Planner for the Cockeysville area, appeared and testified in opposition to the Petitioners' request. She testified that in her opinion, the special exception requested is in direct conflict with the Master Plan and is inconsistent with the Community Conservation Area plan for this locale. She further testified that the privacy fence which has been constructed around this site is an inadequate buffer from the adjacent residential properties and believes that the subject property is too small in area and size to support an increase in the number of children up to 20. She also cited traffic safety concerns and indicated there have been numerous traffic violations committed by parents dropping off and picking up their children at the day care center.

Ms. Diana Amrhein appeared and testified in opposition to the Petitioners' request. Ms. Amrhein testified that she has been a licensed day care mother since 1976 and that she currently operates a day care

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center in her home. In her opinion, based on her experience, the Falahi property is too small to accommodate 20 children. Ms. Amrhein testified that an increase in the number of children at this facility would increase the amount of noise emanating from the site and would be unreasonable for the surrounding neighbors. She further testified that the pick up and delivery area for children is not efficient and causes traffic problems. She concluded that the subject site is not an appropriate candidate for the special exception and variance relief sought.

Mr. John Mannion appeared and testified in opposition to the Petitioners' request. Mr. Mannion testified concerning the issue of traffic along Timonium Road. He testified that his personal automobile has been struck by passing motorists on three occasions and that he was forced to construct a driveway on his property in order to avoid parking on Timonium Road. He further testified that he has witnessed motorists making U-turns in the middle of Timonium Road and crossing over the yellow line to pick up or drop off children. Mr. Mannion noted Timonium Road is a snow emergency route, which in times of bad weather, does not permit the parking or stopping of vehicles. He also joined in opposing any increase in the number of children permitted to attend this day care center.

Mr. Howard White testified in opposition to the Petitioners' request. Mr. White resides directly behind the subject site on Edgemoor Road. Mr. White testified that he specifically chose to live in this neighborhood due to the lack of children in the area and the fact that most homeowners are older residents without children. He testified that he is particularly sensitive to the noise generated by young children and feels that any increase in the number of children at this site would exacerbate an already uncomfortable situation. He is concerned over the im-

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pact this day care center will have on the value of his property and is strongly opposed to the special exception relief requested.

Mr. Guy Kern appeared and testified in opposition to the Petitioners' request. He testified as to the existing traffic problems on Timonium Road. He believes that any increase in the number of children at this site will cause additional traffic problems.

Mr. George Lubin also appeared and testified in opposition to the Petitioners' request. Mr. Lubin believes that the requested special exception constitutes another commercial encroachment into this residential community and asked that the relief requested be denied.

Mr. Louis Miller, adjoining property owner, appeared and testified. Mr. Miller's testimony was best characterized by a video tape presentation he made at the hearing. Mr. Miller had video-taped the day care center operation from the window of his residence for approximately 8 hours. He edited the tape down to 17 minutes and played the tape at the hearing. The video presentation made by Mr. Miller clearly depicted the numerous traffic problems and safety hazards associated with the present day care operation which currently provides services for only 8 children. Mr. Miller testified that an increase in the number of children permitted at this site would only exacerbate those problems depicted in the video.

After the presentation of Mr. Miller's testimony and evidence, the Petitioners recalled Mr. Ransone for further testimony. Mr. Ransone testified that the site plan has been revised to show additional screening which is being proposed in order to mitigate the effects of this day care center on surrounding residents.

Ms. Falahi also offered additional testimony. Ms. Falahi testified that she has received permission from Mr. Fred C. Yoo, who operates

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the adjacent gasoline service station on Timonium Road, to park three automobiles on his lot. Furthermore, Ms. Falahi testified that she has made some changes in their operating schedule which allows parents to drop off and pick up their children in a more efficient manner. On cross examination, Ms. Falahi admitted that she received a letter from Mr. Yoo revoking the parking arrangement previously agreed upon for three parking spaces. She also stated that she had received notification from the owners of the shopping center property requesting that any encroachments on their property be removed.

The Petitioner introduced a new witness, Mr. Norman Gerber, an expert planner and land use consultant. Mr. Gerber testified that he is very familiar with the subject site and the traffic on Timonium Road and that he has driven by this area on a number of occasions. Mr. Gerber testified that in his opinion, the use of this property as a day care center is an appropriate use. He believes that this property is a prime candidate for rezoning in that it sits on the border of commercial and residential properties. Mr. Gerber further argued that it is not the ideal residential property, given its close proximity to the commercial zone adjacent to it and the amount of traffic in this area of Timonium Road.

On cross examination, Mr. Gerber admitted that vehicles utilizing the driveway to this site cannot do so without trespassing onto that portion of the driveway located on the shopping center property. However, he pointed out that the trespassing issue is not a proper issue before me and is one that should be pursued in the Circuit Court for Baltimore County.

Mr. Gerber also offered testimony concerning the vegetative buffer requirements from which the Petitioners are seeking relief. Mr. Gerber testified that a vegetative buffer is not necessary at this location in

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that the Petitioners have provided a privacy fence around the perimeter of this site, which, in his opinion, is an adequate buffer for the surrounding residences. He testified that any buffer on the inside of this fence would provide little, if any, benefit to the surrounding neighbors. However, on cross examination, it was pointed out that a vegetative buffer required by the regulations must be constructed on the exterior of this privacy fence and not the interior. Obviously, inasmuch as this privacy fence is located on the property line, this 20-foot vegetative buffer cannot be located on the exterior of this fence. Furthermore, it is clear that this site, given its small size, cannot accommodate any vegetative buffer around its perimeter.

After the conclusion of Mr. Gerber's testimony, the Protestants offered two additional witnesses. Mr. Howard White, who had testified on a previous day, again reiterated his opposition to the Petitioners' request and noted that the Petitioners have only provided a setback of 48 feet on the east side of the existing dwelling to the rear property line and that an additional variance should have been requested. A review of the site plan revealed that the west side satisfies the requirements for a 50-foot distance from the rear property line; however, the east side clearly shows a distance of only 48 feet from the rear property line. It does appear that an additional variance should have been requested.

Lastly, Mr. Eric Rockel, a representative of the Greater Timonium Council, testified in opposition to the Petitioners' request. Mr. Rockel is opposed to the special exception and variance relief requested in that it conflicts with the Master Plan and does not conform to the Community Conservation Area plan for this locale. Furthermore, Mr. Rockel testified that the variances from landscaping and buffer requirements do not promote

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the residential character of the community. He is very much concerned over the adverse effects on traffic the operation of this child care center currently has which he believes will only be exacerbated by any expansion. He testified that this site is just too small an area to accommodate this special exception relief requested.

As noted previously, the testimony and evidence offered by both the Petitioners and the Protestants in this case spanned several days. Each side entered into evidence many exhibits, all of which are contained within the file. After carefully considering all the testimony of the witnesses who testified and after fully reviewing the exhibits entered into evidence, I find that the Petitioners' request for special exception and variances should be denied. It is clear that the subject property is not an appropriate candidate to permit the expansion of the existing day care center beyond the 8 children currently attending. Several issues prevent me from allowing the expansion of this day care facility. Those issues involve the lack of an adequate and proper drop off and pick up plan. The driveway that is currently used forces parents to either pull in from and back out onto Timonium Road, or stop along Timonium Road and impede the flow of traffic. The traffic flow along this stretch of Timonium Road is very heavy. Furthermore, the driveway that is currently utilized by the Petitioner is only partially owned by them. Half of this driveway is located on property owned by the Timonium Shopping Center, who, by letter, has notified the Petitioners to cease and desist using that portion of their driveway.

Another issue which prevents me from granting the Petitioners' request is the size of the property itself. Due to the small size of this lot, the Petitioners are forced to request several variances. Of particu-

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lar concern is the variance from the 20-foot vegetative buffer requirements which should be located outside the 50-foot setback required from the existing dwelling to the property line. There simply is not enough room to provide this buffer, which would greatly assist in reducing the amount of noise generated at this site and buffer its use from neighboring residences.

One particular piece of evidence which clearly demonstrated the problems which currently exist at this site was the video tape provided by Mr. Miller. Mr. Miller was able to capture the traffic congestion caused by parents dropping off and picking up their children at this site. To allow an increase in the number of children permitted at this day care center would only exacerbate the traffic problems which currently exist.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a Class B Group Child Care Center for no more than 40 children (or 20 children as modified herein), pursuant to Sections 1B01.1.b.6.b and 424.5.A of the B.C.Z.R., in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-

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foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area, in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to continue to operate the existing day car center facility in accordance with the dictates of the B.C.Z.R. and all other applicable laws and ordinances.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fateme Falahi and Mohammad Haerian - Petitioners
Case No. 94-271-XA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093

Ms. Carolyn London, 41-43 E. Timonium Road, Timonium, Md. 21093

Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, Md. 21204

Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, Md. 21093

Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, Md. 21093

People's Counsel; File ✓

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6/28/94

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 PETITION FOR VARIANCE ZONING COMMISSIONER
 42 Timonium Road, NW/S Timonium Rd., *
 90' SW of c/l Edgemoor Road, 8th FOR BALTIMORE COUNTY
 Election Dist., 4th Councilmanic *
 Fatemeh Falahi and M. Haerian, M.D. * CASE NO.: 94-271-XA
 Petitioners
 * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

RECEIVED
 JUNE 28 1994
 MDAS

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

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#271



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

94-271-XA

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for

a Class B Group Child Care Center pursuant to BCZR 1.B.01.^C6.b and BCZR 424.5.A for up to but not to exceed 40 children

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

FATEMEH FALAHI
(Type or Print Name)

Fatemeh Falahi
Signature

MOHAMMAD HAERIAN, M.D.
(Type or Print Name)

M. Haerian
Signature

10630 Pot Spring Road 252-0636
Address Phone No.

Cockeysville, MD 21030-3017

City State Zipcode
Name, Address and phone number of representative to be contacted.

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Michael P. Tanczyn
Signature

606 Baltimore Avenue, Suite 106
Address Phone No. (410) 296-8823

Towson, MD 21204
City State Zipcode

Michael P. Tanczyn, Esq.
806 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
Address Phone No.

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ESTIMATED LENGTH OF HEARING 1 hr. +
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MSK DATE 1/6/94

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Date

By

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

42 East Timonium Road

94-271-XA

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s)

BCZR 424.7.B without a 20 ft. perimeter vegetative buffer

to provide sideyard setbacks of 13.66 ft and 14.05 feet in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer.

BCZR 424.7.A to provide a lot of 9,263 sq. ft. in lieu of required 1 acre (Continued)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.

(Type or Print Name)

Signature

606 Baltimore Avenue

Suite 106

Address

296-8823

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

FATEMEH FALAHI

(Type or Print Name)

Signature

MOHAMMAD HAERIAN, M.D.

(Type or Print Name)

Signature

10630 Pot Spring Road

Address

252-0636

Phone No.

Cockeysville, MD 21030-3017

City

State

Zipcode

Name, Address and phone number of representative to be contacted

MICHAEL P. TANCZYN, ESQ.

606 Baltimore Avenue, Suite 106

Towson, MD 21204

Address

296-8823

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 hr. +

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MDK

DATE: 1/6/94

Printed with Soybean Ink on Recycled Paper

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94-271-XA

BCZR 424.7.B to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer.

BCZR 424.7.E to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

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MAY 10 1994

REV 2/14/95

94-271-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s)

BCZR 424.7.B - to provide side yard setbacks of 13.66' & 14.05' without a 20' perimeter vegetative buffer in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer;

BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre.

BCZR 424.7.A to provide a minimum rear yard setback of 48' in lieu of 50' without a 20'*** of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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.

***vegetative buffer

BCZR 474.7.E impervious area 25% of gross area

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Michael P Tanczyn
Signature

606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.

Towson, MD 21204
City State Zipcode

Legal Owner(s):

FATEMEH FALAHI
(Type or Print Name)

Fatemeh Felechi
Signature

MOHAMMAD HAERIAN, M.D.
(Type or Print Name)

M. Haerian
Signature

10630 Pot Spring Road 252-0636
Address Phone No.

Cockeysville, MD 21030-3017
City State Zipcode
Name, Address and phone number of representative to be contacted.

MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW

2/14/95
WCR



Printed with Soybean Ink
on Recycled Paper





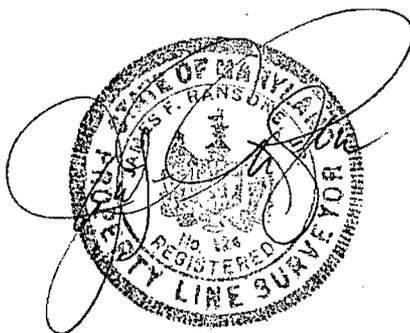
94-271-XA

ZONING DESCRIPTION

for the property located at
No. 42 East Timonium Road

BEGINNING for the same at a point on the northwesterly right of way line of Timonium Road, 80 feet wide distant South 36 degrees 17 minutes 20 seconds West from the center of Edgemoor Road, 50 feet wide; thence running and binding on the outlines of the property of the petitioners herein, and binding on the northwest side of Timonium Road, South 36 degrees 17 minutes 20 seconds West 60.00 feet; thence leaving said road, North 53 degrees 42 minutes 40 seconds West 126.40 feet, thence North 40 degrees 06 minutes 02 seconds East 60.13 feet, thence South 53 degrees 42 minutes 40 seconds East 122.39 feet to the place of beginning.

BEING Lot No. 12, Block D, as shown on a plat entitled "Section Three, Part of Blocks D - E - F - F1 - G - H & I, HAVERFORD" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 21 folio 23.



#271

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 15, 1994

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Case No. 94-271-XA, Item No. 271
Petitioner: Fatemeh Falahi and Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 16, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

MICROFILMED

Zoning Plans Advisory Committee Comments
Michael P. Tanczyn, Esquire (Item 271)
Date: February 15, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmm
Enclosures

Zoning Plans Advisory Committee Comments

Michael P. Tanczyn, Esquire (Item 271)

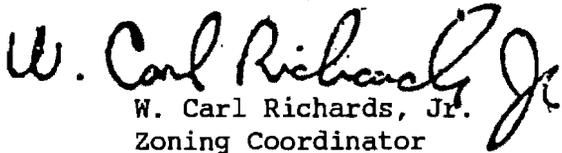
Date: February 15, 1994

Page 2

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If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

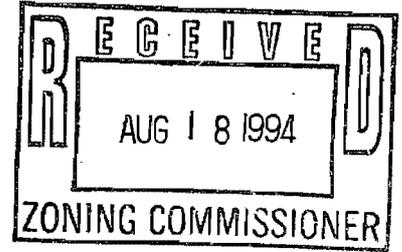
Sincerely,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmm
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 17, 1994

SUBJECT: 42 E. Timonium Road

REVISED COMMENT

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

A revised plan (1st amendment) dated 5/16/94, but received on 7/19/94 has been submitted for the proposed Class B Group Child Care Center.

As previously indicated, due to a number of factors and site constraints, the Special Exception for a Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan still does not note the proposed number of employees. Provisions for drop-off and pick-up have been noted (note 7) on the site plan. However, the drop-off/pick-up provision is still inadequate since it involves the necessity for cars to back out onto Timonium Road, a busy major arterial road.

Note 6 on the site plan indicates three spaces for employee parking to be provided off-site at the Fred C. Yoo service station. A letter from Mr. Yoo is needed indicating that he has given permission for the parking as well as a site plan showing that he has surplus parking which can be shared/leased.

The site plan still indicates half of the driveway off-site on the property owned by Timonium Shopping Center Associates Limited Partnership. This is within an area set aside as a buffer between the shopping center and the residential community according to the plan for Special Exception for Service Station approval in 1961.

Previous comments are still applicable with regard to the area Variance and the impervious area Variance.

Prepared by: *Diana [Signature]*

Division Chief: *Gary L. Kerns*

PK/JL:pat

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 9, 1994
Zoning Administration and Development Management

FROM: *Rob* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 8, 1994
Item No. 271, Case No. 94-271-XA

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual. A final landscape plan must be approved as a condition of releasing permits.

The existing driveway appears to be offsite and there is no onsite drop-off pick-up area. Adequate onsite maneuvering must be provided.

RWB:sw

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Administrator

7-29-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 271
CASE NO: #94-271-XA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Jim
94-271-XA
2/22/94

BALTIMORE COUNTY, MARYLAND

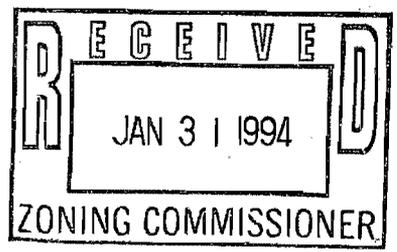
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: January 27, 1994

SUBJECT: 42 E. Timonium Road



INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

The proposal for Special Exception for Class B Group Child Care Center and numerous Variances is requested for 42 East Timonium Road. This site is within a Community Conservation Area designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a secondary means of access to the Timonium Shopping Center as well as several single-family residences.

Due to a number of factors and site constraints, the proposal for a Special Exception for Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan does not indicate the number of employees, hours of operation and does not make provisions for either off-street parking or for the drop-off and pick-up of children. Timonium Road is a busy major arterial road with no parking permitted and is posted accordingly. The existing macadam driveway, which is partly off-site, could accommodate a maximum of three (3) cars subject to blockage. However, paving the front yard to provide parking is not a good solution since it would detract from the residential character of the area. This issue of adequate parking and site drop-off/pick-up of children must be addressed for any child care operation, Class A or Class B.

The existing wood fence would provide somewhat of a barrier between the outdoor play area and the adjacent dwellings but it does not completely enclose the rear yard. Some planting should be provided between the adjacent dwellings and the wood fence. A dilapidated chain link fence with slats (shown as being off-site) is in disrepair. The area within the fence to the side and rear apparently cannot be incorporated within the proposed outdoor play area since it is under restrictive covenant and under different ownership.

MICROFILMED

The area Variance request from Section 424.7A is also of some concern; the net lot area is only 7,463 sq. ft. while the gross area is 9,263 sq. ft. The BCZR requirement of one (1) acre minimum lot area does not indicate whether the requirement is for net or gross area, if it is for net area the Variance required is greater than indicated on the Petition form.

The impervious area Variance request from Section 424.7E is also of some concern due to the fact that on such a small site the actual useable area for outdoor play area is further limited when 38% of the site area is either building or paving.

Should the applicant's request be granted, the size of the child care center should be limited to 12 children.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL:pat

MICROFILMED

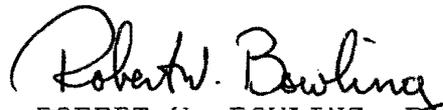
BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 24, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 24, 1994
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual.


ROBERT W. BOWLING, P.E., Chief
Developers Engineering Section

RWB:s

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +271 (MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

DAVID N. RAMSEY, ACTING CHIEF

for

~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

MONITORING

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco
Deputy Zoning Commissioner

DATE: March 17, 1994

FROM: Pat Keller
Deputy Director
Office of Planning & Zoning

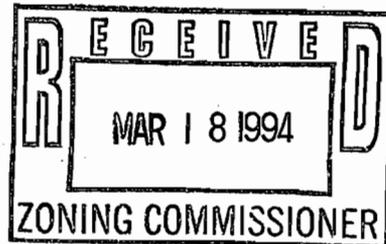


SUBJECT: CASE NO. 94-271XA - 42 E. TIMONIUM ROAD

I would like to clarify any possible misconceptions concerning a continued zoning hearing, Case No. 94-271XA. The Office of Planning and Zoning is not negotiating a revised plan with the applicant. Comments dated January 27, 1994 are still applicable to this site. If a revised plan is submitted, I would suggest that the applicant, her attorney or representative meet and discuss this with the representatives from the Haverford Community Association, Yorkshire Community Association and Greater Timonium Community Council prior to any continued hearing.

DI:lw
DI94-271/PZONE/TXTLLF

c: Michael Tanczyn, Esq.
Norman Gerber
Louis Miller
Martin Pechter



RECORDED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FATEMEH FALAHY & MOHAMMAD HAERIAN, M.D.

LOCATION: NW/8 TIMONIUM RD., 90' SW OF CENTERLINE EDGEMOOR RD.
(42 EAST TIMONIUM RD.)

Item No.: 271 (MJK) Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1991 edition prior to occupancy.

RECEIVED

JAN 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



ZONING ADVISORY COMMITTEE AGENDA
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF FEBRUARY 27, 1995
FORMAL OR INFORMAL RESPONSE DUE AT MARCH 6, 1995 MEETING

\$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
- # ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
- # ZADM, Development Control Work File (Joyce Watson)
- * ZADM, Development Management (David Flowers)
- * ZADM, Development Management (Kurt Kugelberg)
- * ZADM, Development Control (John Alexander)
- \$& Public Works, Development Plan Review (Dennis A. Kennedy)
- \$* Planning Office Director (Pat Keller)
- # Planning Office (Jeffrey Long)
- * Recreation and Parks (Ronald Schaeffer); MS #52
- # DEPRM (Larry Pilson) - 2 plats
- * DEPRM, Air Quality Management (Dave Filbert); MS #3404
- & State Highway Administration, Access Permits Division (David N. Ramsey)
- & Fire Prevention, Plans Review (Lt. Robert Sauerwald); MS #1102F
- * Dept. of Permits & Licenses, Building Plans Review (Dick Seim); MS #1106
- * Economic Development Commission, Business Develop. (Susan Brennan); MS #2M07
- * Highways (Richard Cox); MS #1003
- * Community Development (Amy Johanson); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF ELDERLY HOUSING, Community Development (Frank Welsh); MS #1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5708).

ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
MEETING OF FEBRUARY 27, 1995

- + Non-Residential or Complex Residential
- \$ Residential, Non-Administrative
- * Administrative Variance (Posting Procedure Only, if not challenged)

Revised Petitions and Plans were dropped off for Item #271; Case #94-271-XA (Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.) on 2/14/95. This case has a hearing scheduled before the Board of Appeals on February 28, 1995.

| | |
|---------------------|---|
| Item Number: | * 284 (JJS) |
| Legal Owner: | Louis T. Toth & Celene M. (Czajkowski) Toth |
| Contract Purchaser: | N/A |
| Critical Area? | No |
| Location: | E/S White Oaks Avenue, 2414' E of centerline Hilton Avenue (#752 White Oaks Avenue) |
| Existing Zoning: | D.R.-2 |
| Proposed Zoning: | <u>Administrative Variance</u> to allow a side yard setback of 10 feet for an open projection (deck) in lieu of the required 11-1/4 feet. |
| Area: | .313 +/- acre |
| District: | 1st Election District 1st Councilmanic District |
| | |
| Item Number: | + 285 (WCR) DROP-OFF; NO REVIEW |
| Legal Owner: | Richard O. Huffman, Jr. & Elizabeth S. Huffman |
| Contract Purchaser: | White Marsh Child Care, Inc. |
| Critical Area? | No |
| Location: | NE/end Winding Way, N of Silver Spring Road; also NW/S I-95 (#8650 Winding Way) |
| Existing Zoning: | D.R.-5.5 |
| Proposed Zoning: | <u>Special Hearing</u> to approve an expansion of a special exception for a child care center in a D.R.-5.5 zone by adding a 60-foot by 40-foot addition to the existing day care structure to accommodate additional children by modifying the approval of the special exception obtained previously in case #82-289-X, to establish a nursery school/day care facility; #87-329-SPH to expand the nursery school/day care facility; and #89-7-SPHA to permit a church use to share the day care facility. |
| Area: | 4.74 +/- acres |
| District: | 11th Election District ? Councilmanic District |
| Misc.: | Zoning Cases #87-7-SPHA; #87-329-SPH; #82-289-x |

(OVER)

Item Number: + 286 (JRA)
Legal Owner: Amir Aviram & Cicero H. Brown
Contract Purchaser: N/A
Critical Area? No
Location: NE/S Reisterstown Road, NC Reisterstown Road and Hammershire Road (#11629 Reisterstown Road -- Owings Mills Car Wash)
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Special Hearing to approve a revised zoning plan and order as approved in zoning cases.
Area: 49,299 square feet
District: 4th Election District
3rd Councilmanic District
Misc.: Zoning Cases #93-82-SPHX, #77-45-X, #65-157-X
Limited Exemption Approved 11/7/94

Item Number: * 287 (JRF)
Legal Owner: Richard C. Schmidt
Contract Purchaser: N/A
Critical Area? Yes
Location: N/S Holly Neck Road, 630' +/- of centerline Goff Road (#2106 Holly Neck Road)
Existing Zoning: R.C.-5
Proposed Zoning: Administrative Variance to allow a front yard setback of 16 feet (for an open projection deck) in lieu of the required 37.5 feet.
Area: 40,000 square feet
District: 15th Election District
5th Councilmanic District
Misc.: Stop Work Order per Building Inspector (B-222573; B-222574; B-222578)

Item Number: * 288 (JLL)
Legal Owner: Virginia W. Gordon
Contract Purchaser: N/A
Critical Area? No
Location: E/S Greenlea Drive, 445' N of Old Court Road (#5 Greenlea Drive)
Existing Zoning: D.R.-1
Proposed Zoning: Administrative Variance to permit a side yard setback of 16 feet in lieu of the required 20 feet for a proposed 10-foot by 12-foot addition.
Area: 1.27 acres
District: 3rd Election District
2nd Councilmanic District
Misc.: Provisional Approval Permit #B-226021

| | |
|---------------------|--|
| Item Number: | + 289 (JRA) |
| Legal Owner: | Donald O. Peck & Helen S. Peck |
| Contract Purchaser: | Priceless Carpets |
| Critical Area? | No |
| Location: | E/S Greenspring Drive, 1320' S of centerline Timonium Road (#1967 Greenspring Drive) |
| Existing Zoning: | M.L.-I.M. |
| Proposed Zoning: | <u>Variance</u> to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet. |
| Area: | .501 acre |
| District: | 8th Election District 4th Councilmanic District |
| Misc.: | Zoning Hearing #76-99-A |

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 3, 1994

Mr. Louis Miller
44 E. Timonium Road
Timonium, MD 21093

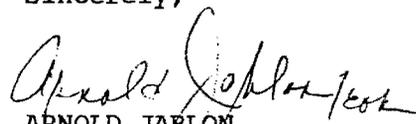
RE: Petition for Special Exception and
Variance
90' S/W of c/l of Edgemoor Road
(42 E. Timonium Road)
8th Election District
4th Councilmanic District
Fatemeh Falahi and
Mohammad Haerian-Petitioners
Case No. 94-271-XA

Dear Mr. Miller:

Please be advised that an appeal of the above-referenced case was filed in this office on October 28, 1994 by Michael P. Tanczyn, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,


ARNOLD JABLON
Director

AJ:eoh

c: Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue,
Baltimore 21204
Ms. Carolyn London, 41-43 E. Timonium Rd., Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, MD 21093
Ms. Diana Itter, Office of Planning and Zoning
People's Counsel

MICROFILMED



APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

Petitions for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Special Exception
and Variance
2(a) - 1 Photograph
2(b) - 1 Photograph
2(c) - 4 Photographs
2(d) - 4 Photographs
2(e) - 5 Photographs
3 - Daily Schedule
4(a) - 4 Photographs
4(b) - 4 Photographs
4(c) - 2 Photographs
4(d) - 6 Photographs
5 - Department of Human Resources, Child Care
Administration-Summary of Findings
6 - Plat of property
7 - Plat to Accompany Special Exception
and Variance
7(a) - Letter of Support
7(b) - Letter of Support
7(c) - Letter of Support
7(d) - Letter of Support
7(e) - Letter of Support
8 - Letter from Fatemeh Falahi
9 - Lease Agreement
10 - Curriculum Vitae-Norman E. Gerber

Protestant's Exhibits: 1 - Sketch of exits & entrances onto Timonium
Road
2 - Descriptions and 14 Photographs
3 - Video Tape and 2 Photographs
4 - Plat of property
5 - Traffic Survey
6 - Workbook-Office of Child Care Licensing
and Regulation
7 - Letter to Fatemeh Falahi from Fred Yoo
8 - Letter to Petitioners, c/o Michael
Tanczyn, from Kathleen Gallogly
Cox (2/22/94)
9 - Letter to Michael Tanczyn from Kathleen
Gallogly Cox (3/9/94)
10 - Letter to Fatemeh Falahi from Martin
Pechter (7/1/94)
11 - Application for Permit

MICROFILMED

- 11 - Application for Permit
- 12 - Partial Plat
- 13 - Application for Permit
- 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

- 1. Roster of Protestants to speak at hearing
- 2. 20 Letters in Opposition to Petitions
- 3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
- 4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

Deputy Zoning Commissioner's Order dated September 30, 1994

Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030
Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204
Ms. Carolyn London, 41-41 Timonium Road, Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council, P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
Ms. Diana Itter, Office of Planning and Zoning
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

RECORDED

APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

- ✓ Petitions for Special Exception and Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) and Protestant(s) Sign-In Sheets
- ✓ Petitioner's Exhibits:
 - ✓ 1 - Plat to Accompany Special Exception and Variance
 - ✓ 2(a) - 1 Photograph
 - ✓ 2(b) - 1 Photograph
 - ✓ 2(c) - 4 Photographs
 - ✓ 2(d) - 4 Photographs
 - ✓ 2(e) - 5 Photographs
 - ✓ 3 - Daily Schedule
 - ✓ 4(a) - 4 Photographs
 - ✓ 4(b) - 4 Photographs
 - ✓ 4(c) - 2 Photographs
 - ✓ 4(d) - 6 Photographs
 - ✓ 5 - Department of Human Resources, Child Care Administration-Summary of Findings
 - ✓ 6 - Plat of property
 - ✓ 7 - Plat to Accompany Special Exception and Variance
 - ✓ 7(a) - Letter of Support
 - ✓ 7(b) - Letter of Support
 - ✓ 7(c) - Letter of Support
 - ✓ 7(d) - Letter of Support
 - ✓ 7(e) - Letter of Support
 - ✓ 8 - Letter from Fatemeh Falahi
 - ✓ 9 - Lease Agreement
 - ✓ 10 - Curriculum Vitae-Norman E. Gerber
- Protestant's Exhibits:
 - ✓ 1 - Sketch of exits & entrances onto Timonium Road
 - ✓ 2 - Descriptions and 14 Photographs
 - ✓ 3 - Video Tape and 2 Photographs
 - ✓ 4 - Plat of property
 - ✓ 5 - Traffic Survey
 - ✓ 6 - Workbook-Office of Child Care Licensing and Regulation
 - ✓ 7 - Letter to Fatemeh Falahi from Fred Yoo
 - ✓ 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - ✓ 9. Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - ✓ 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - ✓ 11 - Application for Permit

RECEIVED
COUNTY BOARD OF APPEALS

94 NOV -3 AM 11:32

✓E

- ✓ 11 - Application for Permit
- ✓ 12 - Partial Plat
- ✓ 13 - Application for Permit
- ✓ 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

- ✓ 1. Roster of Protestants to speak at hearing
- ✓ 2. 20 Letters in Opposition to Petitions
- ✓ 3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
- ✓ 4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

✓ Deputy Zoning Commissioner's Order dated September 30, 1994 (DENIED)

✓ Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

- c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030
- * Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204
 - Ms. Carolyn London, 41^{43E} Timonium Road, Timonium, MD 21093
 - Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
 - Mr. Eric Rockel, c/o Greater Timonium Community Council, ~~Box~~ Box 276, Timonium, MD 21093 (98 W. RIDGELY RD)
 - Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093
 - People's Counsel of Baltimore County, M.S. 2010
 - ~~Mr. Howard White, 19 Edgemoor Road, Timonium, MD 21093 Deceased~~

Request Notification: Patrick Keller, Director, Planning & Zoning
 Lawrence E. Schmidt, Zoning Commissioner
 Timothy M. Kotroco, Deputy Zoning Commissioner
 Ms. Diana Itter, Office of Planning and Zoning
 W. Carl Richards, Jr., Zoning Supervisor
 Docket Clerk
 Arnold Jablon, Director of ZADM

(MR MILLER #254-3444)
 LOUIS MILLER, 44 E. TIMONIUM ROAD, TIMONIUM, MD 21093

REQUESTS NOTIFICATION BY
 WRITTEN REQUEST DTD 1/18/95:
 Mr. Richard Jarvis Hoffman
 35 Cinder Road
 Timonium, MD 21093

J. Carroll Holzer, Esquire
 HOLZER AND LEE
 305 Washington Ave., Suite 502
 Towson, MD 21204
 COUNSEL FOR PROTESTANTS

WHILE YOU WERE OUT

| | | | |
|--|------------------|-------------------------------|--|
| FOR <u>Kathi</u> | DATE <u>1/11</u> | TIME <u>3:40</u> A.M. P.M. | |
| M. <u>Lou Miller</u> | | | |
| OF _____ | | | <input checked="" type="checkbox"/> PHONED |
| PHONE <u>252-3444</u> | | | <input checked="" type="checkbox"/> RETURNED YOUR CALL |
| AREA CODE | NUMBER | EXTENSION | <input type="checkbox"/> PLEASE CALL |
| MESSAGE <u>re 94-271</u> | | | <input type="checkbox"/> WILL CALL AGAIN |
| <u>Holzer to represent at hearing before</u> | | | <input type="checkbox"/> CAME TO SEE YOU |
| | | | <input type="checkbox"/> WANTS TO SEE YOU |
| SIGNED <u>CBA - ENTRY of Appearance</u> | | | TOPS FORM 4898 |

11/29/94 -Notice of Assignment for hearing scheduled for Tuesday,
February 28, 1995 at 10:00 a.m. sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
Ms. Diane Itter
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/23/95 -Memo dated 2/14/95 from Sophia Jennings /ZADM; forwarding copies of amended petition, description, plat, etc.; revisions to be placed on ZAC agenda for 2/27/95 meeting.

2/28/95 -Notice of Assignment sent to parties; case scheduled for Friday, March 24, 1995 at 9:00 a.m. /Day #2; also scheduled for Friday, March 31, 1995 at 9:00 a.m. /Day #3 (if third day needed). Added J. Carroll Holzer, Esquire, as counsel for protestants. Continued dates as agreed to and confirmed with Counsel 2/28/95.

3/23/95 -Matter postponed from day #2 3/24/95 by CBA (death in family); reassigned for hearing day #2 to previously held date of Friday, March 31, 1995 at 9:00 a.m.; will assign Day #3 if needed on 3/31/95. All parties notified by telephone morning of 3/23/95 regarding postponement and reassignment to 3/31/95 as Day #2.

-Notice of PP and Reassignment sent to parties; matter to be heard for hearing day #2 on previously held date of Friday, March 31, 1995 at 9:00 a.m.

3/24/95 -T/C from M. Tanczyn - two-day jury trial may require entire week; could possibly conflict with Friday 3/31/95 hearing for Day #2 of subject matter. He will advise as soon as he knows for certain.

3/28/95 -Letter from M. Tanczyn -- confirming above comments. Requesting information re next available dates should trail run over into Friday 3/31/95.

- T/C from Eve /M. Tanczyn's office -- trial will not be completed until some time next week; therefore, will require postponement of 3/31/95 hearing date. Told her scheduled would be reviewed and parties contacted by Wednesday 3/29 regarding postponement and possible rescheduling. Note composition of Board and limitations on hearing dates that can be rescheduled.

3/30/95 -T/C from M. Tanczyn; jury trial settled; however, matter is pending in Frederick County (postponed from earlier date; unable to obtain postponement from Judge; 3/31/95 must go forward in Frederick). Must request postponement. Parties contacted; matter will be postponed; to be rescheduled to date when all parties available. Also -composition of Board will be consideration due to term limits.

Notice of Postponement sent to parties; to be reset as soon as possible.

5/15/95 -Notice of Assignment for hearing scheduled for two days; namely, Wednesday, July 5, 1995 and Wednesday, July 12, 1995 at 10:00 a.m., sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/12/95 -Notice of Assignment sent to parties; Day #3 scheduled for Wednesday, October 4, 1995 at 10:00 a.m., upon confirmation of availability of counsel. (NOTE: Howard White {recently deceased} removed from file at request of Mr. Louis Miller.)

10/04/95 -Hearing concluded. Memos due from counsel on 10/18/95; scheduled for deliberation on 10/26/95; notice to be sent.

Memo received from Holzer 10/18/95
" " " Tanczyn 10/18/95
Copies to Board members 10/19/95

10/05/95 -Notice of Deliberation sent to parties; scheduled for Thursday, October 26, 1995 at 9:00 a.m.; copies to K.M.B.

10/13/95 -Received requested Rule 8 papers from Greater Timonium Community Council.

10/26/95 -Deliberation concluded. Board to deny petitions for special exception and variances; written Opinion and Order to be issued; appellate period to run from date of that written Order. (K.B.M.)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 30, 1995

RECEIVED
BOARD OF APPEALS
JUN 30 PM 2:17

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petitions for Special Exception
and Zoning Variance
42 East Timonium Road - 8th Election
District, 6th Councilmanic
Petitioners - FATEMEH FALAHI and
MOHAMMAD HAERIAN
Case No. 94-271-XA

Dear Chairman Schuetz:

This is the first in a series of combination special exception and variances for principal use Class B Group Child Care Centers in D.R. (density residential) zones involving Residential Transition Areas (RTA's). See BCZR 424.5A. Upon review of the applicable statutes and case law, it appears that the use cannot properly be allowed.

Bill 200-90 (enclosed) amended the child care center law. As a result, BCZR 1B01.1B1g (10a) allows such special exceptions, "provided... that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained. ..." BCZR 424.7 provides the specific bulk standards for minimum lot size, setbacks, parking, height, and impervious surface area for group child care centers in all D.R. zones.

The present special exception presents multiple variances of BCZR 424.7. Even were there no special exception, it does not appear that the requested variances meet the "uniqueness" standard of BCZR 307.1 and Cromwell v. Ward, 102 Md.App. 691 (1995) (excerpt enclosed). The presence of the combination special exception/variance is a second bar to approval. See Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md.App. 324 (1995).

The specific statutory prerequisite under BCZR 1B01.1B1g (10a) of BCZR 424.7 compliance for group child care centers in the RTA is yet a third layer of preclusions.

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
June 30, 1995
Page Two

This office is thus interested in the defense of the zoning maps in this case. In view of the clear legal issue, the undisputed material facts about the proposal, and the presence of counsel for other parties, we do not find it necessary to present additional testimony.

We also enclose an outline of relevant excerpts from the Cromwell and Chester Haven cases.

Please accept this letter as a memorandum in lieu of oral argument.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures

cc: Michael P. Tanczyn, Esquire

J. Carroll Holzer, Esquire

COUNTY COUNCIL OF BALTIMORE COUNTY MARYLAND
LEGISLATIVE SESSION 1990, LEGISLATIVE DAY NO. 19

BILL NO. 200-90

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,
424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
 2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
 3. Zoning Regulations, as amended, be and it is hereby repealed.
-

1. SECTION 2. AND BE IT FURTHER ENACTED, that Sections
2. 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B., 424.5.A. and B., and
3. 424.7 be and they are hereby added to the Baltimore County Zoning
4. Regulations, as amended, to read as follows:

5. 1B01.1. - General Use Regulations in D.R. Zones.

6. A. Uses Permitted as of Right.

7. 10.B. CLASS A GROUP CHILD CARE CENTERS AND CLASS B
8. GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40 CHILDREN, IF NOT
9. LOCATED IN A RESIDENTIAL TRANSITION AREA, SUBJECT TO THE REQUIREMENTS
10. OF SECTION 424, AND FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS
11. AND NURSERY SCHOOLS.

12. 1B01.1.

13. B.1. Residential Transition Areas and Uses Permitted
14. Therein.

15. c. Exceptions to residential transition.

16. 10.A. CLASS A AND CLASS B GROUP CHILD CARE CENTERS,
17. PROVIDED THAT THE ZONING COMMISSIONER DETERMINES, DURING THE SPECIAL
18. EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A
19. WAY THAT COMPLIANCE WITH THE BULK STANDARDS OF SECTION 424.7 WILL BE
20. MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO
21. BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING
22. RESIDENTIAL PREMISES.

23. 1B01.1.

24. C. USES PERMITTED BY SPECIAL EXCEPTION.

25. 6B. CLASS B GROUP CHILD CARE CENTERS FOR MORE THAN 40
26. CHILDREN SUBJECT TO THE STANDARDS SET FORTH IN SECTION 424, AND FAMILY
27. CHILD CARE HOMES, GROUP CHILD CARE CENTERS AND NURSERY SCHOOLS, AND

1. CLASS A AND CLASS B GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40
 2. CHILDREN, IF LOCATED IN A RESIDENTIAL TRANSITION AREA.

3. Section 424 - Family Child Care Homes, Group Child Care Centers,
 4. and Nursery Schools

5. 424.5.A. ALL OTHER PRINCIPAL USE GROUP CHILD CARE CENTERS AND
 6. NURSERY SCHOOLS IN RESIDENTIAL ZONES ARE PERMITTED IN ACCORDANCE WITH
 7. THE FOLLOWING SCHEDULE:

8. GROUP CHILD CARE CENTERS

| 9. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|---------------------------|------------|---------|-----------------|
| 10. | RC 2 | SE | SE | SE |
| 11. | RC 3 | SE | SE | SE |
| 12. | RC 4 | N | N | N |
| 13. | RC 5 | SE | SE | SE |
| 14. | D.R. (ALL ZONES): | | | |
| 15. | | <u>N/A</u> | | |
| 17. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 17. | 40 OR FEWER CHILDREN | C | C | C |
| 18. | 40 OR FEWER CHILDREN AND | SE | SE | SE |
| 19. | RTA IS APPLICABLE | | | |
| 20. | R.A.E. 1, 2 | C | C | C |
| 21. | PERMITTED ONLY WITHIN | | | |
| 22. | APARTMENT BUILDINGS OF | | | |
| 23. | 50 OR MORE UNITS AND | | | |
| 24. | SUBJECT TO SUPPLEMENTAL | | | |
| 25. | REGULATIONS OF PARAGRAPHS | | | |
| 26. | 200.2.B. and 201.2.B. | | | |

27. B. GROUP CHILD CARE CENTERS IN BUSINESS AND MANUFACTURING
 28. ZONES ARE PERMITTED AS A NONCOMMERCIAL ACCESSORY OR PRINCIPAL USE IN
 29. ACCORDANCE WITH THE FOLLOWING SCHEDULE:

| 30. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|----------------------------|------------|---------|-----------------|
| 31. | R-0: | | | |
| 32. | | <u>N/A</u> | | |
| 33. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 34. | 40 OR FEWER CHILDREN | C | C | C |
| 35. | O-1, O-2 | R | R | R |
| 36. | O.T. | C | C | C |
| 37. | ONLY PERMITTED WITHIN | | | |
| 38. | BUILDINGS OF PRINCIPAL | | | |
| 39. | USES PERMITTED IN 207.3.A. | | | |
| 40. | BUSINESS ZONES | R | R | R |
| 41. | M.R., M.H., M.L. & | | | |
| 42. | M.L.R. ZONES | R | R | R |

43. R = PERMITTED AS OF RIGHT
 44. SE = PERMITTED BY SPECIAL EXCEPTION
 45. N = NOT PERMITTED
 46. C = PERMITTED SUBJECT TO ADDITIONAL CONDITIONS

2. The following standards apply to group child care centers
3. located in D.R. Zones:

4. A. MINIMUM LOT SIZE: 1 ACRE FOR THE FIRST 40 CHILDREN
5. PLUS 500 SQUARE FEET PER CHILD FOR
6. EVERY CHILD BEYOND 40 CHILDREN

7. B. MINIMUM SETBACK
8. REQUIREMENTS:

9. FRONT: 25 FEET FROM STREET LINE OR THE
10. AVERAGE SETBACK OF THE ADJACENT
11. RESIDENTIAL DWELLINGS, WHICHEVER
12. IS LESS

13. SIDE: 50 FEET FROM PROPERTY LINE, WITH
14. 20' PERIMETER VEGETATIVE BUFFER

15. REAR: 50 FEET FROM PROPERTY LINE, WITH
16. 20' PERIMETER VEGETATIVE BUFFER

17. C. PARKING, DROP OFF AND DELIVERY AREAS SHALL BE LOCATED
18. IN THE SIDE OR REAR YARDS UNLESS THE ZONING COMMISSIONER, UPON THE
19. RECOMMENDATION OF THE DIRECTOR OF PLANNING, DETERMINES THAT SAFETY
20. ~~OR-NEIGHBORHOOD-COMPATIBILITY-WILL-BE-IMPROVED~~ THERE WILL BE NO
21. ADVERSE IMPACT BY USING THE FRONT YARD FOR PARKING, DROP OFF OR
22. DELIVERY PURPOSES. IN ALL CASES THESE AREAS SHALL BE LOCATED OUTSIDE
23. OF THE REQUIRED BUFFER AREA.

24. D. MAXIMUM HEIGHT: 35 FEET

25. E. MAXIMUM IMPERVIOUS
26. SURFACE AREA: 25% OF GROSS AREA

27. SECTION 3. AND BE IT FURTHER ENACTED, that Section 424.1.B. of
28. the Baltimore County Zoning Regulations, as amended, be and it is
29. hereby repealed and re-enacted, with amendments, to read as follows:

30. 424.1 - General. Family child care homes, group child care
31. centers, and nursery schools shall meet the following requirements:

32. B. In addition, with respect to group child care centers
33. and nursery schools, outdoor play space abutting residential property
34. shall be fenced [, if required by the Zoning Commissioner]. FENCES
35. SHALL BE SOLID WOOD STOCKADE OR PANEL, A MINIMUM HEIGHT OF 5 FEET, AND
36. NO CLOSER TO THE PROPERTY LINE THAN TWENTY (20) FEET.

37. SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
38. effect forty-five days after its enactment.

Variance Standards

Cromwell v. Ward: 651 A.2d 424

Quoting 2 Rathkopf, The Law of Zoning and Planning,

"Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner... will be regarded as having been self-created, barring relief." Page 431-32

Quoting Bowman v. City of York:

"[A] variance [may be granted] ... only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of the enactment, [of the zoning ordinance] 'would result in peculiar and exceptional practical difficulties.'" Page 434-35

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located'....The ...argument that the insufficient width ...constitutes a special circumstance of "shape" is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity..."

Continuing in Cromwell: "In the case sub judice, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435

Variance Standards: Cromwell v. Ward (Continued)

Quoting Xanthos v. Board of Adjustment:

"...in order to justify a variance...the applicant [must] show...that there are special conditions with regard to the property...:

'What must be shown...is that the property itself contains some special circumstance that relates to the hardship complained of...

'...The property is neither unusual topographically or by shape, nor is there anything extraordinary about the piece of property itself. Simply having an old building on land upon which a new building has been constructed does not constitute special circumstances." Page 436

Quoting Prince William County Board of Zoning Appeals v. Bond:

"...the hardship allegedly created by the ordinance must "not [be] shared generally by other properties in the same zoning district and the same vicinity.'...[It then held] "The limitation imposed by the zoning ordinance is one shared by all property owners in the A-1 district." Page 437.

Quoting McQuillin, Municipal Corporations:

"It is *fundamental* that the difficulties or hardships must be unique to justify a variance; they must be peculiar to the application of zoning restrictions *to particular property* and not general in character...[I]t is not uniqueness of the plight of the owner, but uniqueness of the land causing the plight, which is the criterion...." Page 438 (Excerpt of quotation)

Judge Cathell concludes:

"We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it always has been - a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." Page 439

Variance: Self-Created Hardship

Cromwell v. Ward:

Quoting Ad + Soil, Inc. v. County Comm'rs:

"The essence of AD + Soil's argument .. is that the setback requirements ...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements... The Board declined to grant the variances, concluding that Ad + Soil's 'hardship' was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance." Page 439

Quoting Pollard v. Board of Zoning Appeals:

"Self-inflicted or self-created hardship ...is never considered proper grounds for a variance....[W]here the applicant creates a nonconformity, the board lacks power to grant a variance." Page 439

Judge Cathell concludes:

"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted." 439-40.

Xanthos v. Board of Adjustment:

"...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming by additional construction."

In the Matter of Umerley Circuit Court for Baltimore County (Bynes, J.)

"Uniqueness cannot be created by the owner." Page 6

"There is nothing unusual about the shapes of lots 2 and 5. They are rectangles." Page 9

**The Chester Haven Case: Prohibition of Special Exceptions with Variances
Discussion of Grandfathered Development**

Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County

"All of its variance requests concern what it perceives to be a necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property owner caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom."

"The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is a permitted use because the legislative body has made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails." Page 11-12 (Emphasis supplied)

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAH AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | | |
| 42 East Timonium Road | * | |
| 8th Election District | | |
| 4th Councilmanic District | * | Case No. 94-271-XA |

* * * * *

SUBPOENA DUCES TECUM

PLEASE issue a Subpoena for the following person to appear and testify before the County Board of Appeals for Baltimore County on Wednesday, July 12, 1995, at 10:00 a.m. to testify for the Petitioners before the County Board of Appeals for Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204:

STEVE WEBBER
 Department of Traffic Engineering
 County Courts Building
 401 Bosley Avenue, 4th Floor
 Towson, Maryland 21204

and to bring with him the most recent traffic count figures for Timonium Road, eastbound and westbound, at York Road, and for Timonium Road at Eastridge, specifically for 1992 and for any more current period which Baltimore County may have.

Michael P. Tanczyn
 MICHAEL P. TANCZYN, ESQ.
 606 Baltimore Avenue, Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823
 Attorney for the Petitioners

RECEIVED
 COUNTY BOARD OF APPEALS

JUL 19 AM 1:20

Kathleen A. Keeshammer
 SECRETARY, COUNTY BOARD OF APPEALS

IN THE MATTER OF
Eatemeh Falahi and
Mohammad Haerian
NW/s Timonium Rd.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. 94-271-XA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Steve Weber
Address: Traffic Engineering
County Courts Bldg.
Towson, MD

Name: J. Carroll Holzer, Esq.
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
County Board of Appeals of
Baltimore County

Cost: \$ _____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
95 FEB 23 PM 12:19

IN THE MATTER OF
Fatemeh Falahi and Mohammad
Haerian NW/s Timonium Rd.
42 E. Timonium Rd.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. 94-271-XA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday March 24, 1995 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave. Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Betty Botsko, Regional Manager
Address: Child Care, Admin. region III
409 Washington Ave. LL8
Towson, MD 21204

Subpeonae Following:
Results of investigation of
complaint of 3/9/95 for 42 East
Timonium Rd.

Name: J. Carroll Holzer
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Ce
County Board of Appeals of
Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
95 MAR 16 PM 3:27

IN THE MATTER OF
fatemeh Falahi and
Mohammad Haerian
NW/s Timonium Rd.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. 94-271-XA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Diane Itter
Address: Planning, County Courts Bldg
Bosley Ave. Towson, MD

Name: J. Carroll Holzer, Esq.
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
County Board of Appeals of
Baltimore County

Cost: \$ _____

Summoned: _____, 19____

Not served: _____, 19____

Sheriff of Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
95 FEB 23 PM 12: 18

Comm. copy

ROSTER TO TESTIFY AT ZONING HEARING 2/22/94, 9:00AM, 106 BALTO. CO. OFFICE BLDG. RE: SEPECIAL PETITION & VARIANCES, 42 E. TIMONIUM RD, TIMONIUM, MD 21093.

| SEQUENCE | APPX. TIME | NAME & ADDRESS | |
|----------|------------|--|--|
| 2 | | JOHN MANNION 37 E. TIMONIUM RD. | TRAFFIC & SAFETY ZONING |
| 3 | | HARRY HARMAN 52 E. TIMONIUM RD. | ZONING, ILLEGAL TRAFFIC ACTIVITY |
| | | MARTIN PECHTER OWNER-TIMONIUM SHOPPING | ENCROACHMENT ON BUFFER ZONED AREA |
| | | HARRY WIEDEFELD DON GAIRTH 45 E. TIMONIUM RD. | ZONING, NOISE ETC. |
| | | HOWARD WHITE 19 EDGEMORE RD | ZONING, NOISE, BUFFERS ADJOINING PROPERTY |
| | | GUY KERN 17 E. TIMONIUM RD | ZONING, VARIANCES TRAFFIC, SAFETY |
| | | DIANNE AMRHEIN 10 EDGEMORE RD. | RESIDENT FAMILY DAY CARE MOTHER - SAFETY QUALITY OF CARE |
| 1 | | CAROLYN & LEWIS LONDON 43 E. TIMONIUM RD. | RENTAL PROPERTY VALUE NOISE, TRAFFIC, SAFETY |
| | | KATHY BEADELL 30 NORTHWOOD DR. PRESIDENT-YORKSHIRE COMMUNITY ASSOC. 300 MEMBERS INCLUDES OLD HAVERFORD | REALTY VALUES |
| | | ERIC ROCKEL PRESIDENT, GREATER TIM. COMM. COUNCIL (22 ASSOC.) | GENERAL ZONING, RESIDENTIAL CHARACTER CROSS EXAM. THEIR CASE |
| | | LOUIS W. MILLER 44 E. TIMONIUM RD. ADJOINING PROPERTY | HISTORY, ZONING, COMMENTS, NOISE, PLAT, SAFETY. DAY CARE STATS TRAFFIC COUNTS BELIEVABILITY OF INTENT |
| | | OTHERS WHO WISH TO SPEAK | |

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 28, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Revision Review
Case #94-271-XA
42 East Timonium Road
8th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The 50-foot rear yard setback is required pursuant to Section 424.7, subsection B, not A.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Planner I

A handwritten signature in black ink, appearing to read "J. Merrey", written over the typed name.

JCM:scj

Enclosure (receipt)

c: Board of Appeals



BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

file copy

TO: K. Howanski
D. Levero
H. Buchheister

DATE: October 19, 1995

FROM: Kathi

SUBJECT: Fatemeh Falahi et al -Petitioners
Case No. 94-271-XA

As indicated on the Notice of Deliberation sent to you October 4th, the above-referenced case is scheduled for public deliberation on Thursday, October 26, 1995 at 9:00 a.m.

Enclosed for your review prior to this deliberation are the following documents:

1. Petitioners' Memorandum filed by Michael P. Tanczyn, Esquire, on behalf of Fatemeh Falahi and Mohammad Haerian, Petitioners.
2. Memorandum in Lieu of Final Argument filed by J. Carroll Holzer, Esquire, on behalf of Protestants in this matter.

Should you have any questions regarding the above, please call me.

Attachments



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahe and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

Kathleen C. Weidenhammer
Administrative Assistant



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: FATEMEH FALAH AND MOHAMMAD HAERIAN -
Petitioners / Case No. 94-271-XA

DATE : Thursday, October 26, 1995 @ 9:00 a.m.

BOARD /PANEL : Kristine K. Howanski, Acting Chairman (KKH)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Michael P. Tanczyn, Esquire, Counsel for Petitioners; J. Carroll Holzer, Esquire, Counsel for Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for special exception and variances presented to the Board; testimony and evidence received over three hearing days; namely, July 5, July 12, and October 4, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

KKH: Opening comments: We are here to deliberate the Falahi case, #94-271-XA, a case in which Counsel were kind enough to submit memorandum on the matter, and I am assuming at this point that my colleagues have considered the memorandums and gone over their notes. One of the items we did have to pull, and I think, Mr. Holzer, you need to be aware of this as a matter of courtesy, Mr. Tanczyn cited Star Construction case; we did not have that in our records. And Ms. Weidenhammer was kind enough to make a copy of that Order that Mr. Tanczyn cited, so we do have a copy of that.

[At this point in deliberation, Mr. Holzer indicated that he had been in contact with Mr. Tanczyn, and was aware of this.]

Well, I just wanted to say that for the record that we had looked at that. Diane?

SDL: I will be very brief. This is a very involved case, and I don't want to spend 1/2 hour going over my thoughts; I'll just hit the main points.

This case is similar to Gordon L. Harrison in which the Board

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

rendered an opinion on September 28, 1995 in that both Fatemeh Falahi and Gordon Harrison sought a special exception to operate a Class B group child care center, and sought variances - buffer, lot size, etc. In Harrison, the Board based its decision on Section 1B01.1.B.1g(10a) of the zoning regulations. The Petitioner in the subject case before us argued in memorandum that the Board had misconstrued this section, which was in fact exception from residential transition. Petitioner pointed out this was to exempt Class A and B group child care centers from RTA where bulk standards are otherwise met. I'm not an attorney, but I have read this carefully, and it seems to me that, while it is true about exceptions from RTA, it is clear that bulk standards per section 424.7 must be met. I've read over my notes and was especially impressed by Diana Itter from Planning, who is familiar with the law which is the basis for this section. Must comply with this section to get the special exception. Bulk standards must be maintained. Due to number of variances requested, the granting would cause overcrowding of land, and Planning recommended denial.

I will be interested to hear how the other Board members feel about the zoning law; I agree with Planning and the Board in Harrison. I would deny on the basis that the bulk standards will not be maintained; however, I do want to say that, even if this is not the case and I would consider the request for variances, I would say that this property does not meet uniqueness; similar to other lots in the neighborhood. I would, therefore, deny the variances. This would be the main reason, but there are others.

KKH: Even if we went beyond this, this is a factual matter?

SDL: I want to make that clear because I don't know what the others will do.

HEB: I'll pick up on the uniqueness. With all the testimony and commentary, I spent several hours yesterday and days prior to this deliberation; it's difficult. My first consideration was the question of the location of the property and the limitations of the property. Looking at the Haverford community, I see some uniqueness to this site. Many houses in Haverford border the shopping center, but it's their backyard that faces the commercial site, unlike the Falahi property. Also, other properties are not adjacent to a service station, an auto repair facility. Only this subject property in the total community has this unique characteristic. The size of property, values of property throughout the community are the same. But this location gives it a unique aspect. Mr. Gerber

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

testified to the appearance of the property and recalled back at the time the shopping center, gas station, etc., were perceived, he opposed this. And he projected that this location at 42 E. Timonium Road was going to have changes, different from the other properties. Mr. Gerber also felt that the petition satisfied all the criteria for a special exception under 502.1. Petitioner has emphasized that none of the protestants were aware of the child care facility for eight children for the first 6 months of its operation. Very unobtrusive operation, until petition for special exception was filed. No one, by testimony of Mrs. Falahi, ever came to her with a complaint. Once the request for up to 40 children became known to the community, now reduced to 20, it's understandable why mounting concern arose, particularly in regard to safety in the unloading of children.

The Petitioner, in my opinion, has pointed out some contradictions in the expert testimony regarding traffic; number of vehicles a day, time period between vehicles, etc; discrepancies in testimony. In view of the present enrollment of eight children, traffic effects on the operation of the facility appear to be manageable, but observers this past year, since notice of petition, have noticed driveway problems, things such as wrong way stops for unloading, etc. Obviously, Mrs. Falahi and members of her staff cannot readily regulate or control parents in traffic procedures which I'm sure she has recommended they follow. Safety issue could increase. Measures taken to extend the driveway on the property and provide better discharge location in front of residence might reduce vehicle problems under present enrollment. Obviously buffer area between Falahi property and shopping center, which they thought they owned initially, was utilized by her but that has since changed, and has added to the difficulty of vehicle access and egress to site.

In granting the special exception, we must consider whether the Falahi petition is in the interest of the general welfare. Would the neighboring properties be adversely affected? It's argued that the case of Class B child care limited to 20 children in RTA with a shopping center on one side and single-family dwelling on the other, does not have to dovetail absolutely with bulk standards, 402.7. Louis Miller, immediate neighbor, testified at length to his objection to expansion to 20 children and increase in noise, confusion, undersized lot, etc. He contends that the variances for side yard setback are extreme and cannot be met by size of the property; that the parking and pick-up procedures are frightening as observed, in his opinion. Other witnesses testified to inappropriateness of location for center of up to

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

20. Mr. Weber, Chief of Traffic Engineering, opined that day care centers should have off-street unloading and turn-around areas where cars can return to street without backing, one of the problems at the present location. The turn-around area for the subject site is in the front yard. Ms. Itter of Planning and Community Conservation asserted that due to the traffic observed, drop off conditions, overcrowding of land and number of variances on various regulations, the special exception for more students should be denied. I feel the site is appropriate as it presently exists, a family day care home. But not the requested expansion. The Petition for special exception and variances should be denied.

KKH: For varying reasons, I am going to concur with my Board members. I sat on the Harrison case, and the Harrison case was an interesting case legally and perhaps more sympathetic factually than this case. We had attorneys on both sides citing various facts and what struck me at that time was any way you looked at it, the emphasis on each one, whichever statute you went through, emphasis on ultimate obligation was that the bulk standards otherwise had to be met. And I'm always willing to re-examine facts and I did - but I do not see where this Board is permitted to variance the bulk standards. I think that Mr. Tanczyn hit essentially on the issue ultimately when he did that. I'm not troubled that we are a Board of limited jurisdiction and statutes as drafted now do not permit us to variance that. That does not strike me as unconstitutional or anything. With respect to the initial prong, I would have to be of the view that just as a matter of law, we are not allowed to permit the variances in this case insofar as they ask us to go against bulk standards.

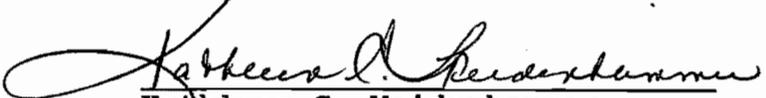
Assuming, however, that we could do that, I think then we need to look, and I would look at the uniqueness question. I grappled with both your positions; was it not unique because it's the same size, or was it unique because it's next to a gas station? My reading was that the property itself has to be unique in character, and that I had to keep my eyes closed to the fact that there was a gas station nearby. Property was not particularly unique in shape from any other property around it. It also has a use, as Mr. Buchheister noted, and it has present use as family day care. So again, there were not circumstances to prevent property from having use. As I said, I did find the Harrison case factually sympathetic. On this one, I will have to say that, even if I were wrong on the applicability of the bulk standards and our inability to variance them, and even if I am wrong that the property is not unique, I was persuaded by substantial amount of testimony as to the difficulties of health, safety, and welfare issues that

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

would be raised with more intensive use of this property. And so, even though it may be, and I think she is to be commended for working so hard to provide this kind of service, this property seems to small, and I think we do have to defer to the experts and neighbors who have concerns about fitting up to 12 children at any given time onto that relatively small lot. I will say what I said in Harrison; this is how I read the statute, and if the County Council thinks that is a shame -- that we really should have people like Mrs. Falahi allowed to have larger day care centers on their property, I think the recourse has to be the County Council changing laws; not the Board ignoring statutes.

So for varying reasons, we appear to be in concurrence. We may be issuing a separate or joint opinion, depending on how we agree with the whole gamut of arguments. We will try to issue an opinion as soon as practicable; appeal lies 30 days from that time.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant

271

To the Hearing Officer:

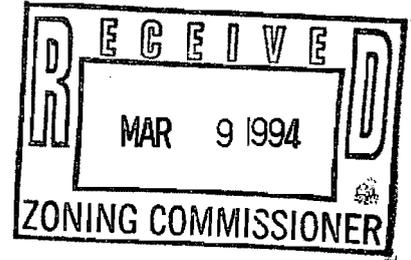
On the request for variance,
the specific language is worded
awkwardly. The attorney's language
should match the site plan, but
it might be a good idea to have
him clarify ^(confirm) his requests at the
hearing

Mitch

1/6/94

MICROFILMED

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827



March 9, 1994

Timothy K. Kotroco, Deputy Zoning Commissioner
ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 94-271-XA, Item 271
42 East Timonium Road
Petition of Fatemeh Falahi & Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Kotroco:

I represent the Petitioner, Mrs. Falahi, for the matter for which a continued hearing date was set for March 10, 1994.

Based on comments received shortly before the first hearing date from the Office of Planning and issues raised by the Timonium Shopping Center Limited Partnership, we have worked to attempt to address the concerns raised. We have hired expert witnesses who are in discussions with the Office of Planning, and we would like to request a continuance on behalf of the Petitioner of the continued hearing on March 10, 1994 to allow attempts to occur to resolve the concerns expressed. These attempts are likely to result in a plat revision regarding employee parking and drop-off area and may require comment by the County.

We would therefore respectfully request that the matter be continued when called on March 10, 1994. If you believe this an appropriate way to proceed, please let me know and I will appear and request a continuance on March 10, 1994 for the record.

You will recall that, when we adjourned, we were still involved in the direct examination of the Petitioner and we have an expert witness whose opinion should be expressed on the plat when revised, rather than commenting on a plat which we believe will be revised.

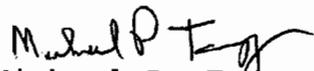
MICROFILMED

Timothy K. Kotroco, Deputy Zoning Commissioner
Re: Case No. 94-271-XA, Item No. 271

March 9, 1994
Page 2

I thank you for your consideration of this request and look forward to hearing back from you today, if possible.

Very truly yours,


Michael P. Tanczyn

MPT/ed

HAND DELIVERED

*Tanczyn offered to make
all phone calls to
continue hearing.*

2480-94
5/12/94

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

May 11, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Please reschedule this case for hearing. The revision to the plan is coming from the engineer and will be submitted to the County with the revision fee as soon as we receive it.

As the Protestants' case was heard last time, we anticipate no more than 1/2 day to conclude.

We would like this scheduled so that a decision might be rendered prior to the Fall 1994 school term.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed

cc: Ms. Fatema Falahi

Dictated but not read.

MICROFILMED

RECEIVED
MAY 12 1994

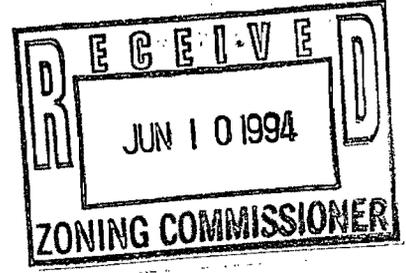
ZADM

file

Law Offices

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848



June 8, 1994

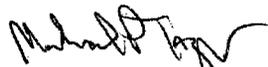
Timothy Kotroco, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Kotroco:

Pursuant to my conversation with your secretary, enclosed is a copy of my May 11, 1994 letter to Gwen Stevens of the Zoning Office requesting that the above matter be reset for hearing.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

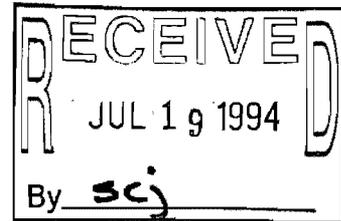
MICROFILMED

MICHAEL P. TANCZYN, P.A.

Law Offices
Suite 106, 106 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

June 13, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204



Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find the revised plans in the above matter together with our check for the filing fees for the revisions.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi

**REVISED PLATS
DROP-OFF
NO REVIEW
7-19-94 WCR**

MICROFILMED

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

October 28, 1994

Ms. Eileen Hennegan
Office of the Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variances

Dear Ms. Hennegan:

Please note an appeal from the Decision of September 30, 1994 in the above matters to the County Board of Appeals for Baltimore County on behalf of the Petitioners.

Enclosed you will find my check made payable to Baltimore County in the amount \$460.00.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: Norman E. Gerber, AICP
Ms. Fatema Falahi

RECEIVED

OCT 28 1994

ZADM

MICROFILMED

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

February 14, 1995

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

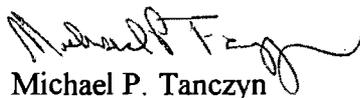
Re: Case No. 94-271-XA / Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find Amended Petition for Variance as well as 10 copies of the amended plats to reflect changes which have occurred adjacent to the lot and within the plan of the Petitioner.

This matter is scheduled for hearing before the County Board of Appeals for Baltimore County on February 28, 1995.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi
Mr. J. Finley Ransone

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

March 27, 1995

Honorable William Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
95 MAR 29 AM 11:03

Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners
Hearing Date - March 31, 1995 @ 9:00 a.m.

Dear Mr. Hackett:

This will confirm my telephone conversation with Kathy. I was very sorry to hear about the death of Jud Lipowitz's father.

I am involved in a jury trial starting today which was scheduled for two days but may go the entire week. We will let you know later in the week.

I would appreciate it if the Board could advise of the first available dates in the event my trial runs over to Friday.

Very truly yours,



Michael P. Tanczyn

MPT/ed

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi
Norman E. Gerber, AICP
Mr. J. Finley Ransone

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

94-271-XA

Mail notice of New date to:

| NAME | ADDRESS |
|---|--|
| * Diane Atte | Public Planning Office |
| * MARTIN DECHTER | 40 York Road STE 200 TOWNSH 21204 Timonium Shopping Center Assoc. CT PTS 4r |
| * CAROLYN LONDON | 41-43 E. Timonium Rd |
| * LOUIS W. MILLER 252-3444 | 44 E. TIMONIUM RD |
| Thomas S Amrhein | 10 Edgemoor Road |
| Diana M. Amrhein | 10 Edgemoor Road |
| Marylea H. Miller | 44 E. Timonium Rd. |
| Henry C. Wiedefeld | 45 E. TIMONIUM RD |
| John P. MANNION | 37 E. Timonium Rd |
| Harold E. MANNION | 37 E. TIMONIUM RD |
| Stephenie Moulden | 53 E. Timonium Rd |
| WILLIAM A. MOULDEN | 53 E. TIMONIUM RD |
| HARRY V. HARMAN | 52 E TIMONIUM RD |
| WALT DANIELS | 9 SCOTTSDALE CT |
| * Eric Rocket for Greater Timonium Community Council, P.O. Box 276, 9B W. Ridgely Rd. | |
| * Kathleen F. Beadell For Yorkshire Community ASS. 30 Northwood Dr. | |
| HAROLD W. Thompson Sr Yorkshire Community ASS. 108 OAKWAY ROAD 21093 | |
| Jack D. Maust | 11 Northwood Rd. |
| Guy Kern | 17 Timonium Rd. 21093 |
| Dorothy KERN | 17 E. TIMONIUM RD. 21093 |
| Irma Lubin | 5 Hathaway Rd 21093 |
| George Lubin | 5 Hathaway Rd 21093 |
| HOWARD WHITE | 19 EDGEMOOR RD 21093 |
| Chalee G. Zapp | 35 EAST TIMONIUM 21093 |
| Neromen D. Zapp | 35 E. TIMONIUM 1 |

MICROFILMED

DND. CITIZEN

PLEASE PRINT CLEARLY

~~DEPUTY~~ CITIZEN(S) SIGN-IN SHEET

NAME

ADDRESS

Douglas N Oler

11 Hammen Ave

Debra D. Miller

9 Hammen Ave

EUGENE GOTSCH

33 EDGEMOOR RD

DIANA GOTSCH

"

DIANA AMRHEIN

10 " "

Eugene Lubin

5 Hathaway Rd

George GEORGE LUBIN (G.P.)

5 HATHAWAY Rd.

" Dorothy Kern

17 E Timonium Rd. 21093

Guy Kern

" " "

Jim Keishear

57 E. Timonium Rd

MAUREEN MANNION

37 E Timonium Rd 21093

John MANNION

37 E. TIMONIUM RD 21093

LOUIS W MILLER

40 E TM RD 21093



Aug 23, 1994

94-271 XA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Taxczyn

606 Baltimore Ave Towson Md 21204

Fatemeh Falahi

42-E Timonium Rd Timonium MD 21094



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

*Renewed
Notice
7/31/95*

Mr. Eric Rockel

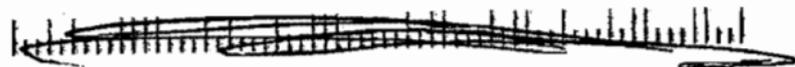
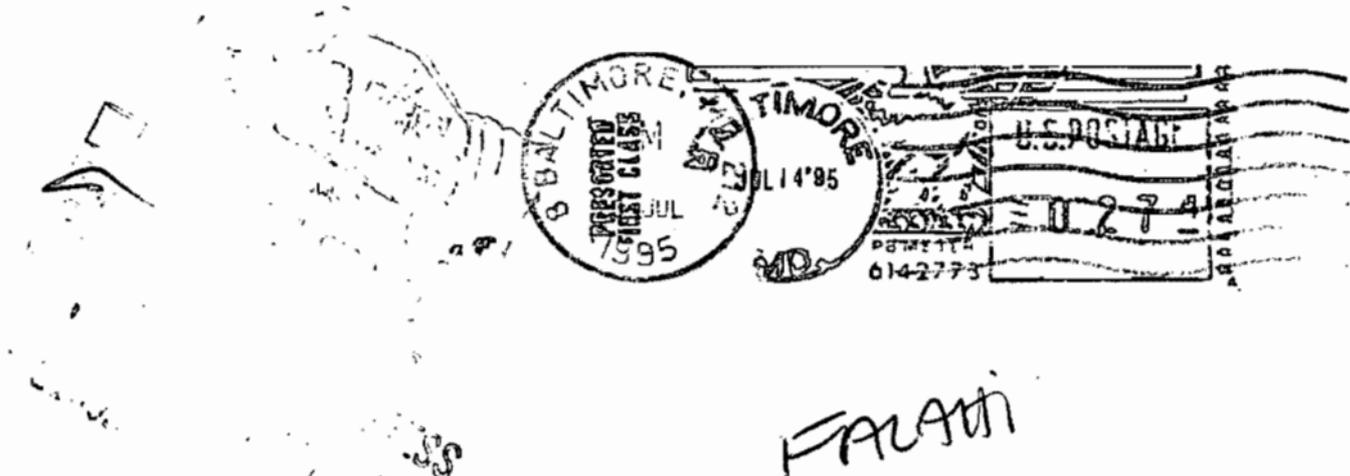
c/o Greater Timonium Community Council

~~P.O. Box 276~~
Timonium, MD 21093

Box 276

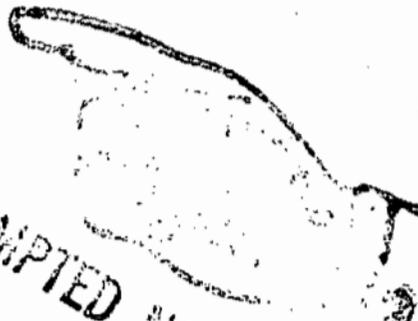
9B West River Rd.

21093



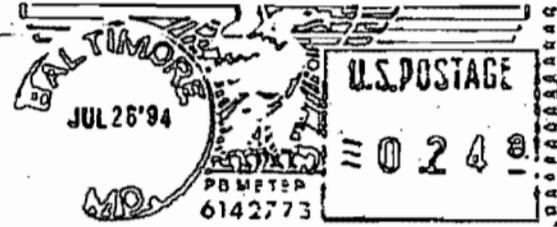


Baltimore County Office of Zoning Administration
 and Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204



ATTEMPTED NOT KNOWN

REGISTERED
FIRST CLASS



RECEIVED

JUL 29 1994

ZADM

Eric Rockel
 P O Box 276
 Timonium MD 21093

GS



CASE NO. 94-271-XA

90 ft. S/W of c/l of Edgemoor Road
(42 E. Timonium Road)

8th Election District

Appealed: 10/28/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

PH-271 XA

District: 8th Date of Posting: 6/24/94

Posted for: Special Exception + Variance

Petitioner: Fatemeh Falaki + Mohammad Hagerin

Location of property: 42 E Timonium Rd, Nw/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 7/1/94
Signature

Number of Signs: 2

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Town, Maryland

94-771-X1A

District 824

Date of Posting 7/14/94

Posted for: Special Exception & Variance

Petitioner: Fatemeh Fajabi & Mohammed Hazerian

Location of property: 112 E Timonium Rd, 901 501 Edgemoor Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by W. Stealy
Signature

Date of return: 7/14/94

Number of Signs: 2



MICROFILMED

RECEIVED
COUNTY BOARD OF APPEALS
94 DEC 30 PM 2:31

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 94-271-XA
Townson, Maryland

District 8th Date of Posting 12/27/94

Posted for: Appeal Fatchi

Petitioner: Fatemeh & Mohammad Haerian

Location of property: 42 E Timonium Rd, N/A/S

Location of Signs: Facing roadway, on property being appealed for zoning

Remarks: _____

Posted by M. H. Hesterly Date of return: 12/30/94
Signature

Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-271-XA

District: 9th Date of Posting: 11/4/94

Posted for: Appeal

Petitioner: Fatema Fala

Location of property: 42 E. Timonium Rd.

Location of Signs: Facing roadway on property being appealed
for zoning.

Remarks: _____

Posted by: M. Stealy Date of return: 11/18/94
Signature

Number of Signs: 1



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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #94-271-XA
(Item 271)

42 E. Timonium Road
NW/S Timonium Road, 90'
SW of c/1 Edgemoor Road
8th Election District
4th Councilmanic

Petitioner(s):

Fatemeh Falahi and
Mohammad Haerian

Hearing: Tuesday,

February 22, 1994 at
9:00 a.m. in Rm. 106,
County Office Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children **Variance** to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area, in lieu of the maximum 25% of the gross area.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

1/20, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20, 1994.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

MICROFILMED



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

94-271-XA

Account: R-001-6150

Number

Date 1/6/94

Taken In By: MJC

Item Number: 271

Falahi, Fatemeh - 42 East
 Timonium Road

020 - Zoning Variance - \$1250.00

050 - Special Exception - \$1300.00

080 - 2 signs (\$35.00 each) - \$170.00

\$1620.00

MICROFILMED

02AD000294N15NR0

\$1620.00

BA 00110594K01 05 94

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 271 (WCR)
 Case #94-271-XA

Date 7/19/94

DROP-OFF REVISIONS — NO REVIEW

Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road
 8th Election District
 4th Councilmanic District
 Michael P. Tanczon, Esquire

#110 - REVISIONS ----- \$100.00
 (Check from Attorney)

REVISIONS (PLATS) AND CHECK WERE RECEIVED ON 7/19/94. (CHECK WAS DATED 7/5/94; ACCOMPANYING LETTER WAS DATED 6/13/94)

MICROFILMED

03A03#0453MICHRC \$100.00
 BA C011:30AM07-19-94

Please Make Checks Payable To: Baltimore County



Baltimore County
**Zoning Administration &
 Development Management**
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 271 (WCR)

Case #94-271-XA

Date 2/14/95

drop-off — no review

#110 - REVISIONS ----- \$100.00
 (Revised Petition for Variance & Plats)

Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road

Scheduled for Board of Appeals Hearing on 2/28/95

Attorney: Michael P. Tanczyn

Check from Michael P. Tanczyn, P.A.

03A03#0088MICRRC

\$100.00

BA 009:05AM02-15-95

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 150287

DATE November 2, 1994 ACCOUNT R-001-6150

AMOUNT \$460.00

RECEIVED Michael P. Tanczyn, Esq.

FROM: 42 E. Timonium Road - 94-271-XA

FOR: Appeal-Special Exception and Variance
Cost of Sign

91401#0007MICHRD

460.00

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8818 ✓

DATE 6/22/94 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED FROM: Michael P. Janczyn

FOR: Sign

01A01#0103MICHR0 \$35.00
BA 0011446M04-22-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

OFFICE OF FINANCE

LEGAL ADVERTISING

410-296-8823 C8501

INVOICE NO. 8201416173



PATUXENT PUBLISHING COMPANY

10750 Little Patuxent Parkway
Columbia, MD 21044
Advertising/Towson Office (410) 337-2400
Columbia Office (410) 730-3990 (Ext. 381)
Billing (410) 730-3990 (Ext. 285)

MICHAEL P. TANCZYN, ESQ.
606 BALTIMORE AVENUE, #106
TOWSON, MD 21284

- Columbia Flier
- Howard County Times
- Laurel Leader
- Soundoff!
- Free Press
- Arbutus Times
- Catonsville Times
- Ownings Mills Times
- Towson Times
- Northeast Thomas Booster
- Northeast Times Reporter
- Baltimore Messenger
- Jeffersonian

HEARING 94-271-XA

| DATE | | | DESCRIPTION | LINES | TIMES | TOTAL LINES | RATE | AMOUNT |
|--------------------------|----------|--|---|-------|-------|-------------|------------------|--------|
| START | STOP | | | | | | | |
| 01/19/94 | 01/20/94 | | NOTICE OF HEARING ~~~~ The Zoning Commissioner of Baltimore County, b y authority of the Zoning Act and R egulations of Baltimore County will hold a public hearing on the prope rty identified herein in Room 106 o f the County Office Building, 111 W | 97 | 1 | 97 | LG | 77.42 |
| SKIP INSERTIONS | | | | | | | | |
| PUBLICATIONS ▶ 8 | | | | | | | ADJUSTMENTS | |
| P.O. NO. JEFF 1 187 | | | | | | | PROOF CHARGES | 0.00 |
| | | | | | | | PREPAID AMOUNT | 0.00 |
| PAYMENT DUE UPON RECEIPT | | | | | | | TOTAL AMOUNT DUE | 77.42 |
| ORIGINAL | | | | | | | | |

MOHAMMAD HAERIAN, M.D.
FATEMEH FALAHİ
10630 POT SPRING ROAD
COCKEYSVILLE, MD 21030-3017

6168

2/15 94 7-161091 520

Pay to the order of Patuxent Publishing \$ 77.42

seventy seven and 42/100 DOLLARS

LUTHERVILLE OFFICE 427
MARYLAND NATIONAL BANK
LUTHERVILLE, MARYLAND 21093

Fateme Falahe MP

⑆052000168⑆ 6168 0001334432⑈

MICROFILMED



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 271

Petitioner: Fatemeh Falahi + Mohammad Haerian, M.D.

Location: 42 East Timonium Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael P. Tanczyn, Esquire

ADDRESS: 606 Baltimore Avenue, Suite 106
Towson, MD. 21204

PHONE NUMBER: 296-8823

AJ:ggs

MICROFILMED

(Revised 04/09/93)





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

*Returned 10/18 -
not deliverable
as addressed.*

Kathleen C. Weidenhammer
Administrative Assistant



TO: PUTUXENT PUBLISHING COMPANY
JANUARY 20, 1994 Issue - Jeffersonian

Please forward billing to:

Michael P. Tanczyn, Esq.
606 Baltimore Avenue, #106
Towson, Maryland 21204
296-8823

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 14, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Fatemeh Falahi and Mohammad Haerian
Michael P. Tanczyn, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA (Item 271)
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Tanczyn:

The above-referenced case has been rescheduled for July 22, 1994 at 9:00 a.m. in Rm. 106 of the County Office Building, allowing two hours for your client's to present their case.

The property will be re-posted by July 1, 1994. Since the property must be re-posted, there is a \$35.00 fee due. Please advise your client of same.

If we can be of any further assistance to you, please do not hesitate to contact our office at 887-3391.

Sincerely,

Charlotte Minton

Charlotte Minton
Office Assistant

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

NOTICE OF REASSIGNMENT

Rescheduled from March 10, 1994

CASE NUMBER: 94-271-XA

42 Timonium Road

NW/S Timonium Road, 90' SW of c/l Edgemoor Road

8th Election District - 4th Councilmanic

Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to,
but not to exceed, 40 children.

Variance to provide side yard setbacks of 13.66 feet and 14.05 feet,
without a 20-foot perimeter vegetative buffer, in lieu of the required
50 feet from the property line on each side with a 20-foot perimeter
vegetative buffer; to provide a rear setback of the required 50 feet
from the required 1 acre; to provide a rear setback of the required 50
feet from the property line without the required 20-foot perimeter
vegetative buffer; and to provide a maximum impervious surface area of
38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: FRI. JULY 22, 1994 at 9:00 a.m. in Rm. 106, County Office Bldg.

ARNOLD JABLON
DIRECTOR

cc: Kathleen F. Beadell
Diana Itter
Carolyn London
Louis W. Miller
Martin Pechter
Eric Rockel

RECORDED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF REASSIGNMENT

Continued from 3/10/94; Rescheduled from 7/22/94
CASE NUMBER: 94-271-XA (Item 271)
42 Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.

Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20-foot perimeter vegetative buffer; to provide a rear setback of the required 50 feet from the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20-foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: TUESDAY, AUGUST 23, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon", written in a cursive style.

ARNOLD JABLON
DIRECTOR

cc: Michael P. Tanczyn, Esq.
Fatemeh Falahi
Diane Itter, OPZ, MS 3402
Carolyn London
Louis Miller
Eric Rockel
Kathlee Beadell
M. Dechter



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 29, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th Election District
4th Councilmanic District

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks of
13.66' & 14.05' w/o 20' perimeter vegetative
buffer, in lieu of req'd 50' ea side w/buffer;
rear yd setback of 50' as req'd, but w/o req'd
20' vegetative buffer; lot area of 9,263 sq.
ft. in lieu of req'd 1 acre; imprv surface 38%
of gross area in lieu of max permitted 25%.

9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR: TUESDAY, FEBRUARY 28, 1995 at 10:00 a.m.

- cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller W. Carl Richards, Jr. /ZADM
Lawrence E. Schmidt Docket Clerk /ZADM
Timothy H. Kotroco Arnold Jablon, Director /ZADM
Ms. Diane Itter

Copy to: Mr. Richard Jarvis Hoffman (1/23/95)

Kathleen C. Weidenhammer
Administrative Assistant

Day #1

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

RECEIVED
COUNTY BOARD OF APPEALS

95 FEB 23 PM 2:37

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 28, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

ASSIGNED FOR:

FRIDAY, MARCH 24, 1995 at 9:00 a.m. /Day #2 and
FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #3 /if needed)

(Above dates as verified and confirmed with Counsel on 2/28/95.)

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
 Fatemeh Falahi and Mohammad Haerian Appellants /Petitioners
 J. Carroll Holzer, Esquire Counsel for Protestants
 Ms. Carolyn London
 Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
 Mr. Eric Rockel /Greater Timonium Community Council
 Ms. Kathleen Beadell /Yorkshire Comm. Assn.
 Mr. Howard White
 Mr. Louis Miller
 People's Counsel for Baltimore County
 Pat Keller Richard Jarvis Hoffman
 Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM
 Timothy M. Kotroco Docket Clerk /ZADM
 Ms. Diane Itter Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 23, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

Handwritten notes: Ppd 3/30/95 @ reg. of Counsel for Petitioners Court Conflict

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

which was scheduled for hearing on 3/24/95 (Day #2) has been POSTPONED by the Board; Day #2 to be heard on 3/31/95 (previously being held for possible Day #3); and has been

REASSIGNED FOR: FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #2

(Above date as verified and confirmed with Counsel on 2/28/95.)

- cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller Richard Jarvis Hoffman
Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM
Timothy M. Kotroco Docket Clerk /ZADM
Ms. Diane Itter Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 30, 1995

SECOND NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Cont'd from 2/28/95

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks; rear
yd setback; lot area of 9,263 sq. ft. in lieu
of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

which was scheduled for hearing on 3/31/95 (Day #2) has been POSTPONED at the request of Counsel for Appellants /Petitioners due to conflict with Court scheduled hearing; Counsel notified by telephone 3/30/95 of this postponement. To be reassigned at the earliest possible date, upon confirmation of said date with Counsel.

- | | |
|--|-------------------------------------|
| cc: Michael P. Tanczyn, Esquire | Counsel for Appellants /Petitioners |
| Fatemeh Falahi and Mohammad Haerian | Appellants /Petitioners |
| J. Carroll Holzer, Esquire | Counsel for Protestants |
| Ms. Carolyn London | |
| Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership | |
| Mr. Eric Rockel /Greater Timonium Community Council | |
| Ms. Kathleen Beadell /Yorkshire Comm. Assn. | |
| Mr. Howard White | |
| Mr. Louis Miller | |
| People's Counsel for Baltimore County | |
| Pat Keller | Richard Jarvis Hoffman |
| Lawrence E. Schmidt | W. Carl Richards, Jr. /ZADM |
| Timothy M. Kotroco | Docket Clerk /ZADM |
| Ms. Diane Itter | Arnold Jablon, Director /ZADM |

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks; rear
yd setback; lot area of 9,263 sq. ft. in lieu
of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR

WEDNESDAY, JULY 5, 1995 at 10:00 a.m. /Day #1
WEDNESDAY, JULY 12, 1995 at 10:00 a.m. /Day #2

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

*To 10/04/95
Page #3*

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 12, 1995.

NOTICE OF ASSIGNMENT /Day #3

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks; rear
yd setback; lot area of 9,263 sq. ft. in lieu
of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR WEDNESDAY, OCTOBER 4, 1995, at 10:00 a.m. /Day #3
(Above date confirmed by Counsel at conclusion of Day 2.)

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

2/28/95 @ 10⁰⁰ a.m.,
~~3/24/95 @ 9⁰⁰ a.m. - Day # 1 PPD~~
~~3/31/95 @ 9⁰⁰ a.m. - Day # 2 PPD~~
 7/05/95 @ 10⁰⁰ a.m. - Day # 1 ✓
 7/12/95 @ 10⁰⁰ a.m. - Day # 2 ✓
 10/04/95 @ 10⁰⁰ a.m. - Day # 3 ✓

Order issued 12-14-95

10/26/95 @ 9⁰⁰ a.m. - libby.

(1052)

2 OF 4

764-94

2/15/94
to file

OPPOSITION
LETTERS

16 Edgemoor Road
Timonium, Maryland 21093
February 6, 1994

Baltimore County Zoning Commissioner
Room 106, Balto. Co. Office Bldg.
Towson, Maryland 21204

RE: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance Petition

To Whom It May Concern:

Approximately 6-1/2 years ago, prior to purchasing our home in the Haverford community the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism. The York Road corridor as stated previously is highly over commercialized, and to extend such commercialism into a stable residential community does not serve the best interest of the taxing paying property owners and the community as a whole.

We therefore emphatically oppose encroachment of commercialism, of any kind beyond the existing zoning boundaries. There is absolutely no justification for any accptions to the existing zoning classification and boundaries.

We hereby request our oppositon to the subject variance petition to be so recorded.

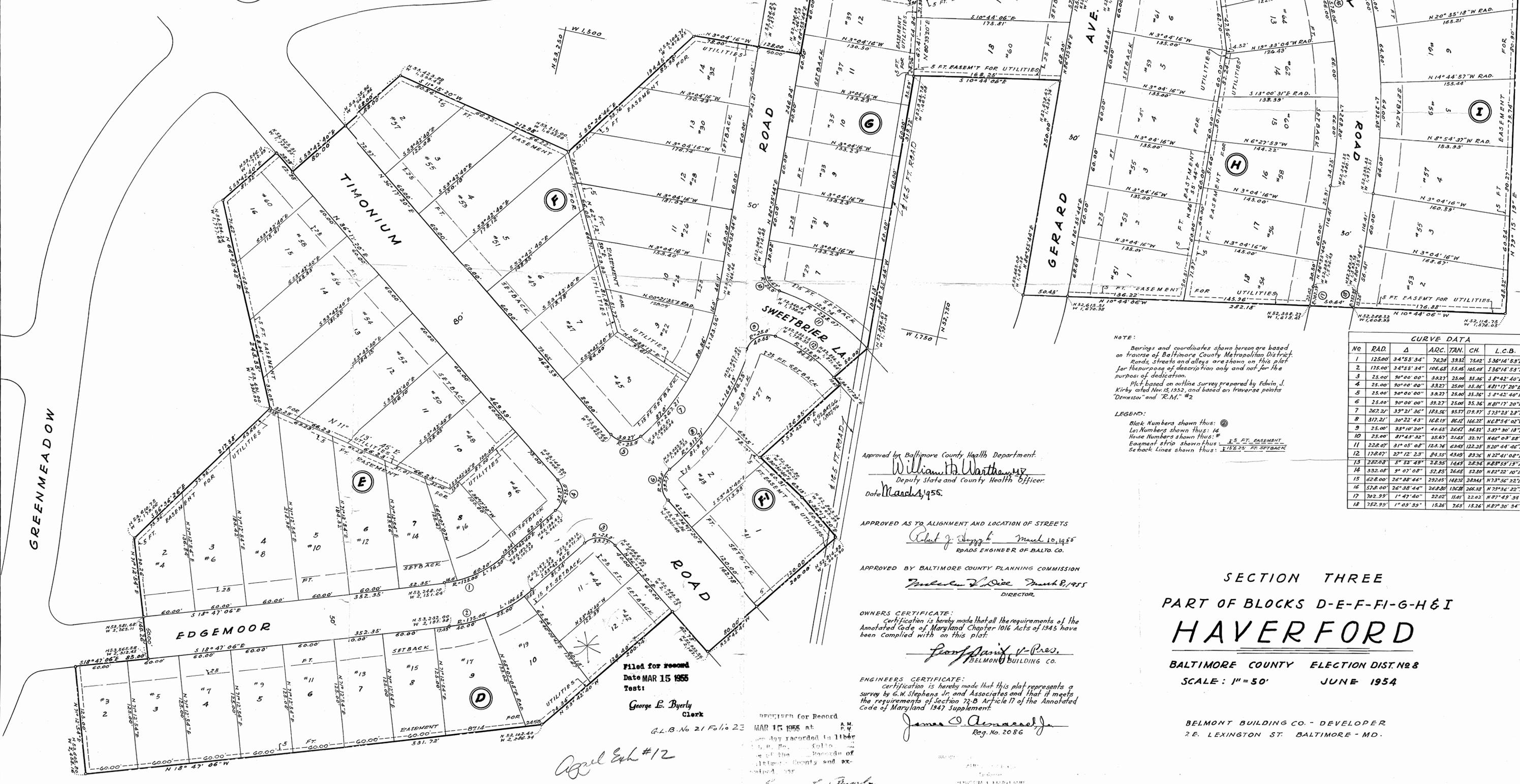
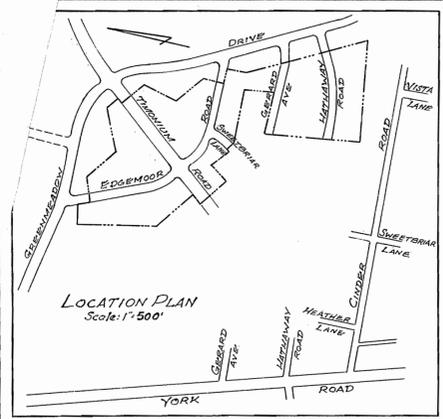
Very truly yours,

Thomas D. Berry
Kieran F. Devine

Thomas D. Berry,
Kieran F. Devine

RECEIVED
FEB 14 1994
ZADM

MICROFILMED



NOTE:
 Bearings and coordinates shown hereon are based on traverse of Baltimore County Metropolitan District. Roads, streets and alleys are shown on this plat for the purpose of description only and not for the purpose of dedication.
 Plat based on outline survey prepared by Edwin J. Kirby dated Nov. 15, 1952, and based on traverse points "Dennis" and "R.M." #2

CURVE DATA

| No | RAD. | Δ | ARC. TAN. | CH. | L.C.B. |
|----|--------|-----------|-----------|--------|------------|
| 1 | 125.00 | 34°55'34" | 76.20 | 39.32 | 536°14'53" |
| 2 | 175.00 | 34°55'34" | 106.68 | 55.65 | 105°00'53" |
| 3 | 25.00 | 90°00'00" | 3.82 | 25.00 | 3°42'40" |
| 4 | 25.00 | 90°00'00" | 3.82 | 25.00 | 89°17'20" |
| 5 | 25.00 | 90°00'00" | 3.82 | 25.00 | 3°42'40" |
| 6 | 25.00 | 90°00'00" | 3.82 | 25.00 | 89°17'20" |
| 7 | 26.21 | 39°21'36" | 18.34 | 93.57 | 573°23'28" |
| 8 | 317.21 | 30°22'43" | 168.15 | 86.12 | 166°22'46" |
| 9 | 75.00 | 93°10'20" | 46.65 | 26.42 | 33°30'18" |
| 10 | 75.00 | 81°43'32" | 35.67 | 21.63 | 146°08'58" |
| 11 | 228.07 | 31°05'08" | 128.74 | 63.83 | 120°44'26" |
| 12 | 178.07 | 27°12'23" | 84.35 | 43.89 | 122°41'06" |
| 13 | 282.08 | 5°22'49" | 28.95 | 14.83 | 183°53'19" |
| 14 | 332.08 | 5°07'08" | 32.85 | 26.48 | 182°22'10" |
| 15 | 628.00 | 26°38'44" | 292.05 | 148.78 | 173°36'32" |
| 16 | 578.00 | 26°38'44" | 268.80 | 138.88 | 173°36'32" |
| 17 | 782.99 | 1°47'40" | 22.02 | 11.01 | 187°49'39" |
| 18 | 752.99 | 1°09'30" | 15.26 | 7.63 | 182°30'34" |

LEGEND:
 Black Numbers shown thus: (C)
 Lot Numbers shown thus: 14
 House Numbers shown thus: #
 Easement Strip shown thus: 5 FT. EASEMENT
 Setback Lines shown thus: 15 FT. SETBACK

Approved by Baltimore County Health Department.
William H. Warthen
 Deputy State and County Health Officer.
 Date March 4, 1955.

APPROVED AS TO ALIGNMENT AND LOCATION OF STREETS
Robert J. Suggs March 10, 1955
 ROADS ENGINEER OF BALTO. CO.

APPROVED BY BALTIMORE COUNTY PLANNING COMMISSION
Melvin L. Rice March 8, 1955
 DIRECTOR

OWNERS CERTIFICATE:
 Certification is hereby made that all the requirements of the Annotated Code of Maryland, Chapter 1016 Acts of 1945 have been complied with on this plat.

James H. V. Pres.
 BELMONT BUILDING CO.

ENGINEERS CERTIFICATE:
 Certification is hereby made that this plat represents a survey by G.W. Stephens Jr. and Associates and that it meets the requirements of Section 72-B Article 17 of the Annotated Code of Maryland, 1947 Supplement.

James O. Adams
 Reg. No. 2086

Filed for record
 Date MAR 15 1955
 Test:
George E. Byerly
 Clerk

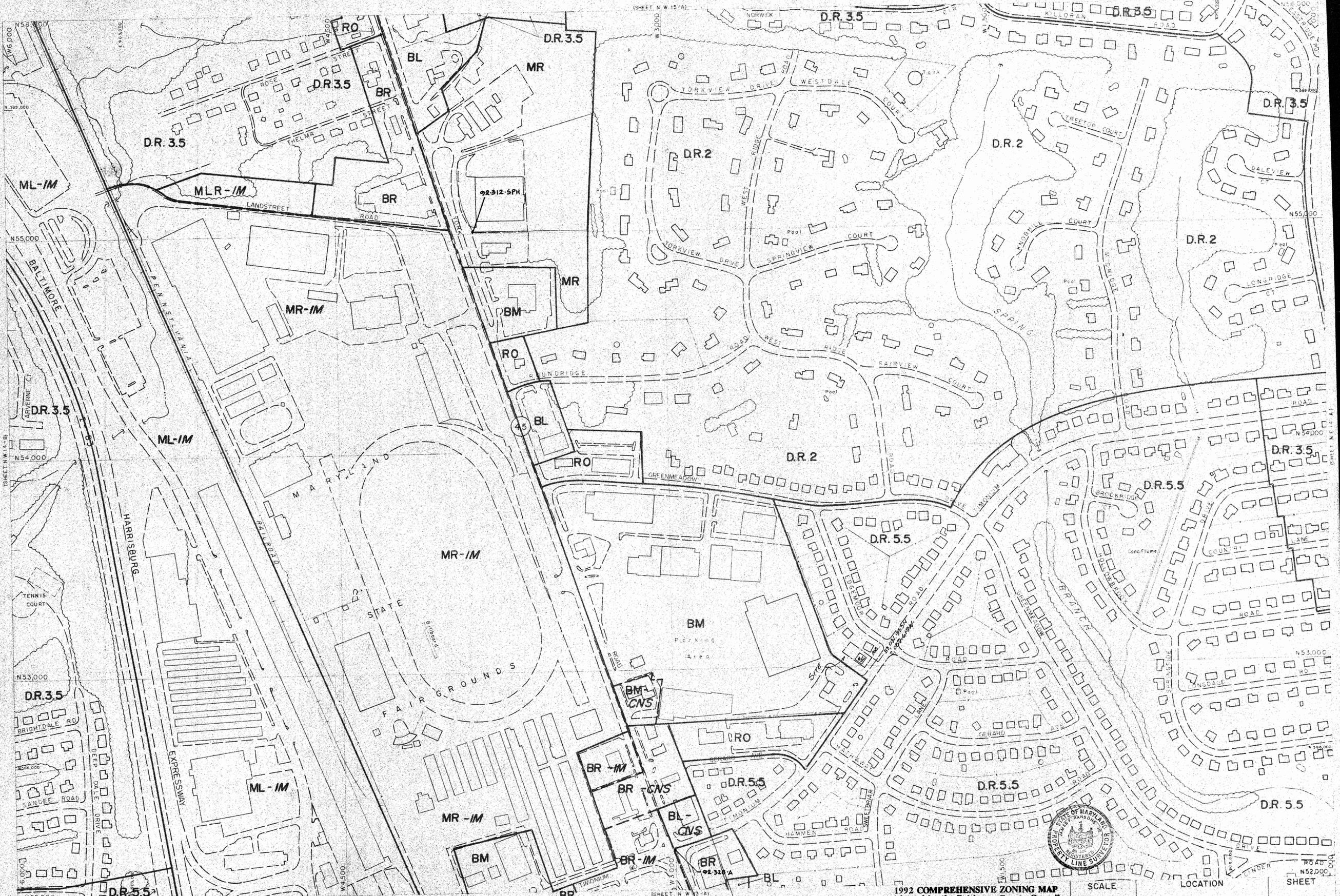
RECEIVED for Record
 MAR 15 1955 at
 11:00 A.M.
 day recorded in Liber
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

April 12

SECTION THREE
 PART OF BLOCKS D-E-F-G-H-I
H A V E R F O R D

BALTIMORE COUNTY ELECTION DIST. NO. 8
 SCALE: 1"=50' JUNE 1954

BELMONT BUILDING CO. - DEVELOPER
 2 E. LEXINGTON ST. BALTIMORE - MD.



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard
Chairman, County Council

SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1986

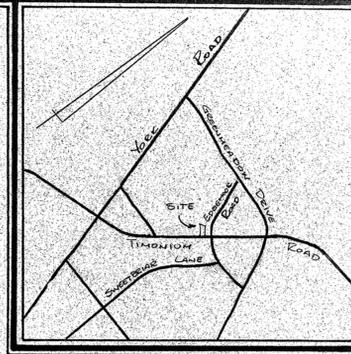
LOCATION
SHEET
NW
14-A
TIMONIUM
J. FINLEY RANSONE & ASSOCIATES
Registered Land Surveyors
P. O. Box 10160
Towson, MD 21285-0160

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

#271

94-271-46

MICROFILM



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. EXISTING ZONING: D.R. 5.5 BALTO. CO. MAP NW 19A
2. CURRENT USE: RESIDENCE & DAY CARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS
 $GSA \div GFA = 9,263' \div 1,836' = 5.045$
4. IMPERVIOUS AREA = 3,533'
% OF SITE = 38% OF G.S.A.

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION*
OF
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1642 EAST TIMONIUM ROAD
AND KNOWN AS
LOT #12 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-F1-G-H & I
HANEFORD
REF: PB No. 21 FOLIO 23

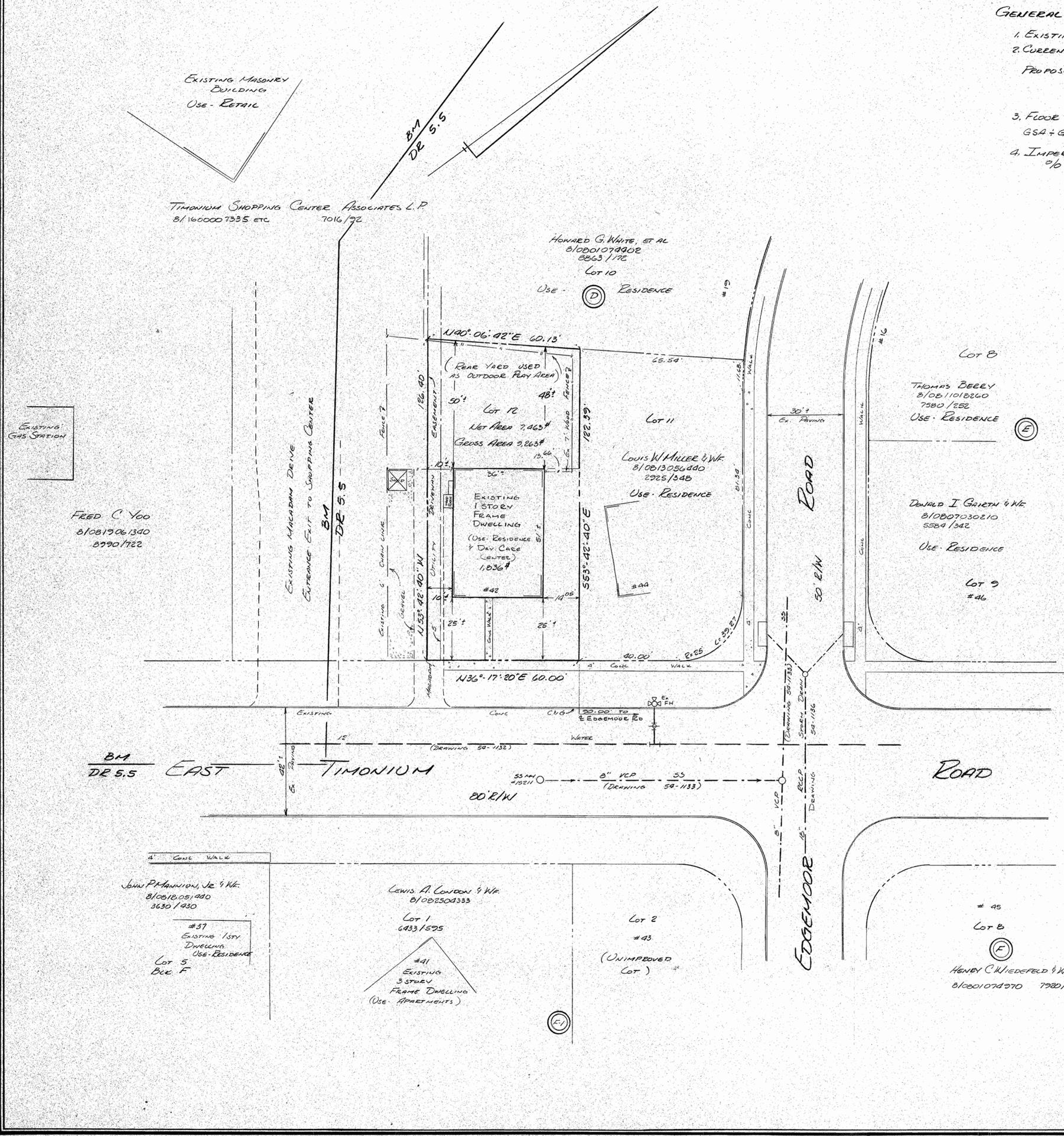
* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MRS. FATEMEH FALANI
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 252-0636 666-3540
TAX AC# 810211067650
DEED REF: 2499/324

94-271-XA

#271

| | |
|---|---------------------|
| SCALE: 1" = 20' | DATE: Nov. 21, 1993 |
| | |
| J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448 | |
| J# 9309-1001 | F# 88-121 |



EXISTING MASONRY BUILDING
USE - RETAIL

TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
8/1600007335 ETC. 7016/92

HOWARD G. WHITE, ET AL
8/0001074902
8863/172

THOMAS BERRY
8/0811018260
7580/152
USE - RESIDENCE

DONALD I. GAETH & WIFE
8/0807030210
5584/342
USE - RESIDENCE

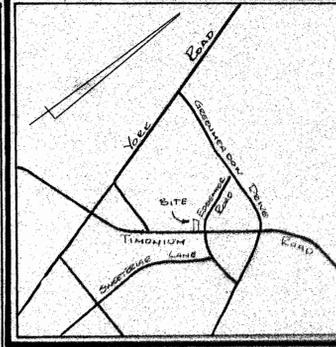
LOUIS W. MILLER & WIFE
8/0813056440
2925/348
USE - RESIDENCE

FRED C. YOO
8/0819061340
8990/722

JOHN P. MANNING, JR. & WIFE
8/0818051440
3620/430

LEWIS A. CONDON & WIFE
8/0825083333

HENRY C. WIEDEFELD & WIFE
8/0801074970 7920/212



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. EXISTING ZONING: D.R.S.5 BALTO. CO. MAP NW 19A
2. CURRENT USE: RESIDENCE 4
DAY CARE CENTER
PROPOSED USE: RESIDENCE 4 CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS
GSA ÷ GFA 9,263 ÷ 1,836 = 5.045
4. IMPERVIOUS AREA = 3,533 #
% OF SITE = 38% OF G.S.A.
5. OWNER TO INSTALL DOUBLE EDW OF COMPACT EVERGREEN SCREENING AS SHOWN
6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED OFF-SITE ON THE PROPERTY OF FRED C. YOO.
7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION*
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1642 EAST TIMONIUM ROAD
AND SHOWN AS
LOT 1612 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-G-H-I
HAVERFORD
REF: PB 16.21 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 90 CHILDREN WITHIN A R.T.A.

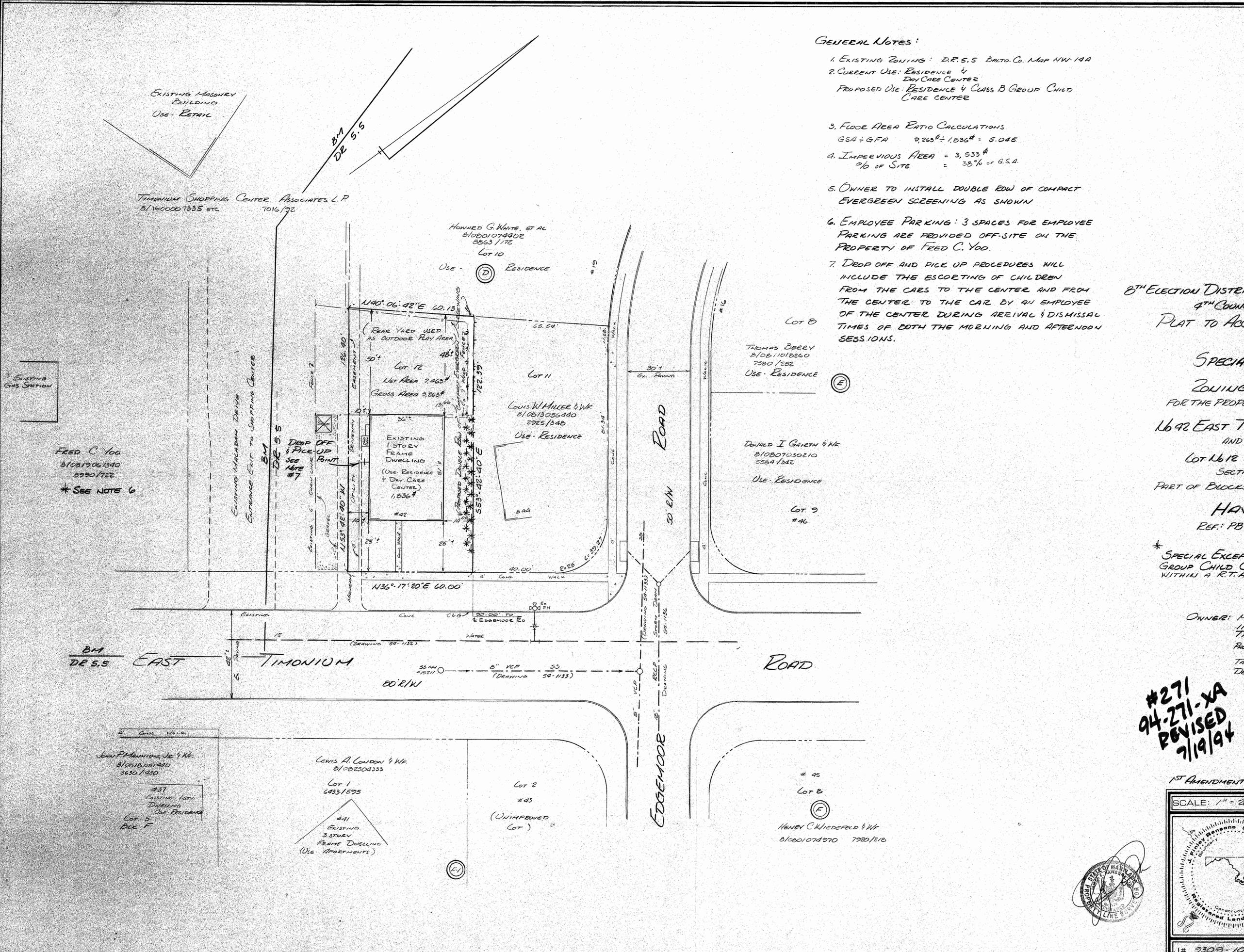
OWNER: MRS. FATEMEN FALANI
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 252-0636 666-3590
TAX AC# 81081067650
DEED REF: 3499/1334

#271
94-271-XA
REVISED
7/19/94

MICROFILMED

1ST AMENDMENT: 5/16/94 - ADD NOTES 5,6,7 & DETAILS

| | |
|---|---------------------|
| SCALE: 1" = 20' | DATE: Nov. 21, 1993 |
| | |
| J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448 | |
| J# 9309-1001 | F# 88-121 |



TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
8/1600007835 ETC 7016/92

HONNED G. WHITE, ET AL
8/0801074002
8863/172
Lot 10
Use - Residence

THOMAS DEELY
8/081101860
7580/152
Use - Residence

DAVID I. GAETH & WIFE
8/0807030210
5584/142
Use - Residence

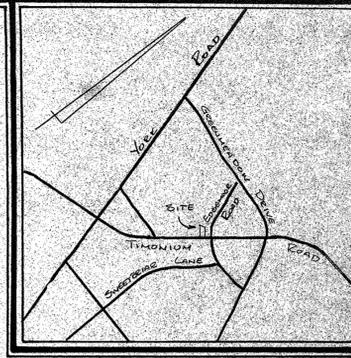
LOUIS W. MILLER & WIFE
8/0813056400
2985/1348
Use - Residence

FRED C. YOO
8/0819001340
8790/182
* SEE NOTE 6

JOHN P. MANNING, JR. & WIFE
8/0818051400
3630/1430

LEWIS A. CONDON & WIFE
8/082504333

HENRY C. WIEDEFELD & WIFE
8/0801074070 7920/1218



VICINITY MAP
SCALE 1" = 1000'

GENERAL NOTES:

1. EXISTING ZONING: D.R. 5.5 BALTO. CO. MAP NW 14A
2. CURRENT USE: RESIDENCE & DAY CARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS
GSA + GFA 9,265[#] = 1,836[#] = 5.085
4. IMPERVIOUS AREA = 3,533[#]
% OF SITE = 38% OF G.S.A.
5. OWNER TO INSTALL DOUBLE ROW OF COMPACT EVERGREEN SCREENING AS SHOWN
6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED ON SITE.
7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A

SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT

1642 EAST TIMONIUM ROAD
AND ANNUNAS

LOT #12 BLOCK D
SECTION THREE

PART OF BLOCKS D-E-F-F1-G-H & I

HAVERFORD

REF: PB No. 21 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MRS. FATEMAH FALAH
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 252-0636 666-3540
TAX AC# 51061067650
DEED REF: 2499/334

94-271-XA
REV 2/14/95

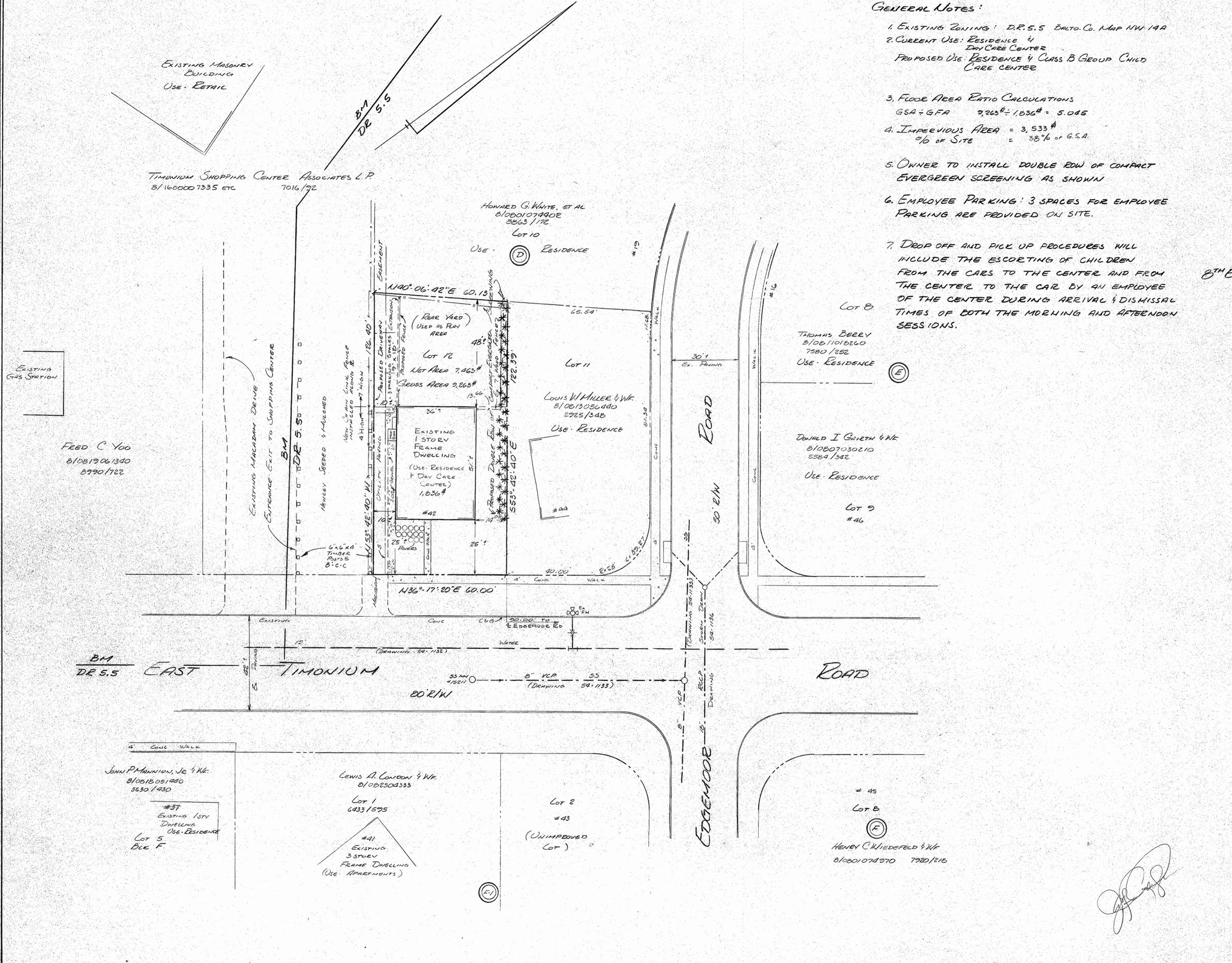
MICROFILMED

2ND AMENDMENT: 11/2/95 ADD NEW FENCE ALONG SOUTHWESTLY E
1ST AMENDMENT: 5/16/94 ADD NOTES 5, 6, 7 & DETAILS

SCALE: 1" = 20' DATE: Nov. 21, 1993

J. FINLEY RANSONE & ASSOCIATES
REGISTERED
LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 9309-1001 F# 88-121



EXISTING MASONRY BUILDING
USE - RETAIL

TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
8/1600007335 ETC 7016/92

HOWARD G. WHITE, ET AL
8/0001074902 2563/172
LOT 10
USE - RESIDENCE

THOMAS BEEBY
8/0611018260 7580/1252
LOT 8
USE - RESIDENCE

LOUIS W. MILLER & WIFE
8/10613056440 2925/1348
LOT 11
USE - RESIDENCE

DAVID I. GAYTH & WIFE
8/10807030210 5584/1342
LOT 9
#46
USE - RESIDENCE

FRED C. YOO
8/10819061340 3790/1722

JOHN P. MANNING, JR. & WIFE
8/10618081740 3630/1430
LOT 5
BCE F

LEWIS A. CONDON & WIFE
8/10223003333
LOT 1
6433/1575
#41
EXISTING 3 STORY FRAME DWELLING
(USE - APARTMENTS)

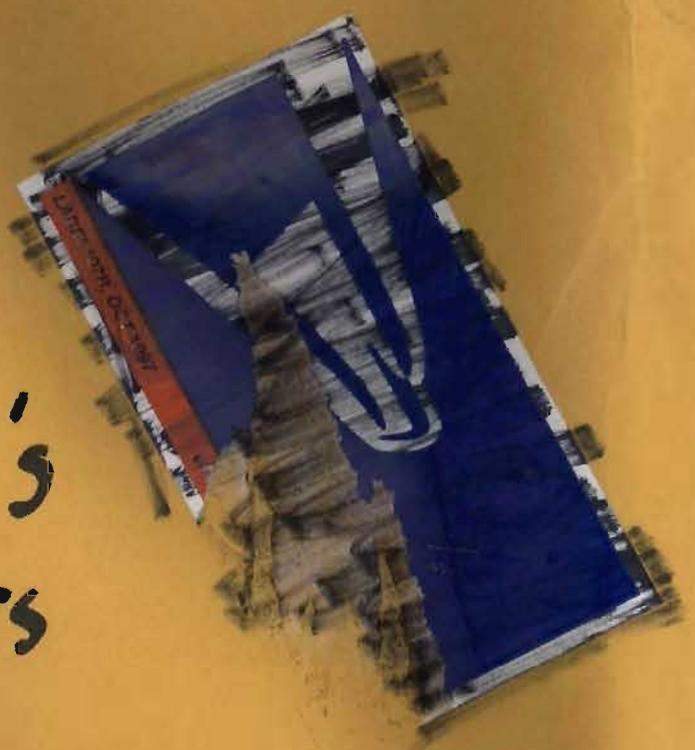
LOT 2
#43
(UNIMPROVED LOT)

HENRY C. WIEDERFELD & WIFE
8/10601074970 7920/1216
LOT 6
#45

[Handwritten Signature]

PROTESTANT'S

PROTESTANT'S EXHIBITS



3 OF 4



BALTIMORE COUNTY

Cont. G/L # 19

SCALE
1" = 200' ±

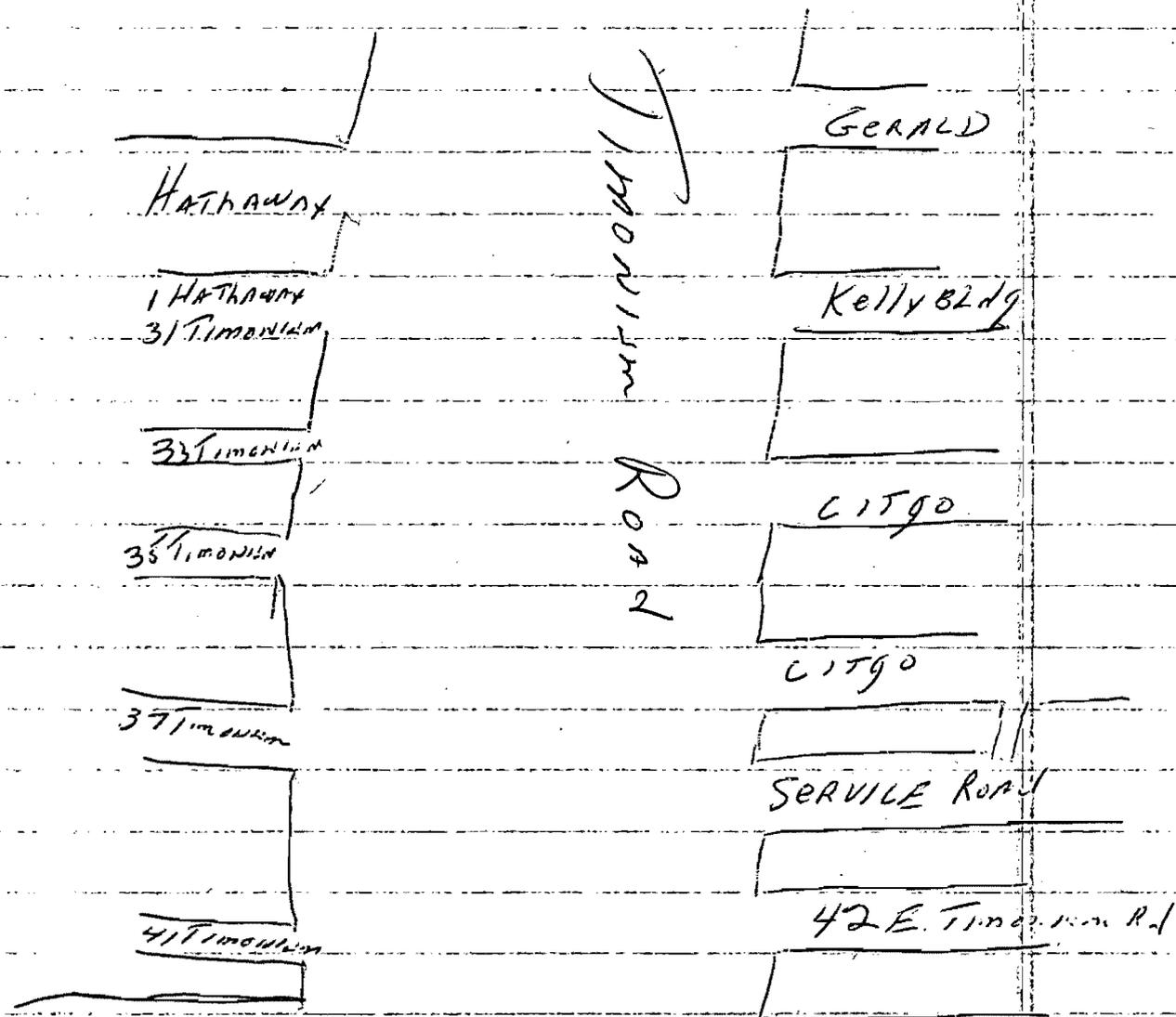
LOCATION
14A NW

(SHEET N. W. 13-A)

Protestants #3
(Video & 2 photos)
94-271-XA



YORK RD



Timonian Rd

SEXISTS
ENTRANCES

SEXISTS
ENTRANCES

PROTESTANTS
EXHIBIT NO. 1

DOLANEY VALLEY RD

MICROFILMED

CENTER ASSOCIATES L.P.

7016/92

LM
EXH. —
B

HOWARD G. WHITE, ET AL
810801074402
8863/178

Lot 10

Use



RESIDENCE

$N140^{\circ}06'42''E$ 60.13'

(REAR YARD USED AS OUTDOOR PLAY AREA)

50'

48'

Lot 12

Net Area 7,463[±]

Gross Area 9,265[±]

Lot 11

Condition of fence

LOUIS W. MILLER &
810813056400
2925/348

Use: RESIDENCE

EXISTING 1 STORY FRAME DWELLING

(Use: RESIDENCE or DAY CARE CENTER)
1,036[±]

#42

$S53^{\circ}42'40''E$ 33.38'

122.39'

#44

$N36^{\circ}11'20''E$ 60.00'

20.00' TO EDGEWOOD RD

EDGEWOOD RD

WATER

(DRAWING 59-1132)

MICROFILMED

8" VCP

55

(DRAWING 59-1133)

80 R/W

LM
EXH. —
C

EXISTING MICHIGAN DRIVE
ENTRANCE EXT TO SHOPPING CENTER

DE 55

BM

FENCE 7

EXISTING 6' CHAIN LINK

GENEVA

$N53^{\circ}42'40''W$

Original Dimension

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

25'

TIMONIUM

MLS# (BC)57759
42 Timonium Road
Timonium

--- S e t t l e d ---
Zip: 21093 Map: BC19A12
Gr. Cap: \$0

Prot. Ex. 22
-1- Residential
List: \$99,500
Ground Rent: \$120

Desc. :Rancher Detached 3 Bedrooms 1/0 BATHS Age: Unknown
:Brick Home Compo Roof

Rooms :LR: 09x16/ DR: 09x10/ KT: 07x11/
:MB: 10x14/1 B2: 12x09/1 B3: 10x11/1
:Sunporch-Screened

Floor :Formal LRoom Lr/Dr Combo

Ament. :WW Carpet

Lwr Lvl :Slab

Heat :Fuel-Gas Heat-Fha Window A/C

Site :Parking Pad Corner Lot

Lot :60/60 13 X 122 39/126 40

Utils. :Public Water Public Sewer Public Gas Cable Tv

Deed :Lib: 5165 Fol: 365

Ann.Fees:TX: \$999 G&E: \$1,779

Finance :Curr Loan Pd

Excluded:Ceiling Fan Refrigerator Dryer Exter Shed

Show :Call Office Poss: 60-90 Poss: Negot

*Contract:10/20/92 D.O.M.: 125 Sold Price: \$85,000
*Settled :11/09/92 Loan: A19 Rate: 8.00 Term: 09 GR: \$120
:Mtg: BP: 0.00 SE: 0.00 Mortg. Amt: \$60,000
:CB: 8330 W. H. C. Wilson & Company PH: (410)433-7800

Dir. :East Of York Rd - 2 Blocks On Left 24 Hour Notice To Show

Remarks :Property Presently Rented-Call Agent To Show. Nice Home With

:Wonderful Screen Porch. 24 Hour Notice To Show

:Porch 15 X 17 - Screened

SV) Seller Incentive:

DU: N BB: Y BB1:

SU: SU1:

LA: Joe Wade, Iii

PH: ()494-0204 CO: 3 CPOUFS

TL: ER

B#: 8330 W. H. C. Wilson & Company PH: (410)433-7800

MLS# (BC)57759

All information is deemed reliable but not guaranteed by the Broker or MARIT
-- Copyright (C) 1995 By Mid-Atlantic Real Estate Information Technologies --

=====
Run Date: 02/05/95
=====

Tax Reports

Run Date: 02/05/95

| Zip | Address | Land \$ | Improv \$ | Total \$ | Own-Occ |
|----------|---|-------------------------------|-----------|---------------------------|---------|
| 21093 3 | Edgemoor Rd OW: Weaver John A | \$46,750 LD: Impslt 2 Pt 3 | \$49,580 | \$96,330 AS: \$36,860 | H |
| 21093 4 | Edgemoor Rd OW: Strachan Thora B | \$46,680 LD: Imps | \$56,170 | \$102,850 AS: \$38,830 | H |
| 21093 5 | Edgemoor Rd OW: Young Robert L | \$46,120 LD: Impspt Lt 3 | \$81,700 | \$127,820 AS: \$49,010 | H |
| 21093 6 | Edgemoor Rd OW: Darley Stuart L | \$47,700 LD: Imps | \$69,350 | \$117,050 AS: \$45,150 | H |
| 21093 7 | Edgemoor Rd OW: Todd Robert A | \$46,500 LD: Imps | \$61,750 | \$108,250 AS: \$41,870 | H |
| 21093 8 | Edgemoor Rd OW: Whitaker Earle L, Jr | \$48,370 LD: Imps | \$58,940 | \$107,310 AS: \$42,680 | H |
| 21093 9 | Edgemoor Rd OW: Kaifer Thelma A | \$46,500 LD: Imps | \$62,100 | \$108,600 AS: \$42,000 | H |
| 21093 10 | Edgemoor Rd OW: Amrhein Thomas Stewart | \$48,240 LD: Imps | \$71,680 | \$119,920 AS: \$47,390 | H |
| 21093 11 | Edgemoor Rd OW: Scesney Gladys H | \$46,500 LD: Imps | \$65,650 | \$112,150 AS: \$43,240 | H |
| 21093 12 | Edgemoor Rd OW: Stewart James C | \$47,670 LD: Imps | \$66,550 | \$114,220 AS: \$45,000 | H |
| 21093 14 | Edgemoor Rd OW: Treuting George J | \$47,030 LD: Imps | \$0 | \$47,030 AS: \$44,920 | H |
| 21093 16 | Edgemoor Rd OW: Berry Thomas | \$45,940 LD: Imps | \$62,900 | \$108,840 AS: \$42,060 | H |
| 21093 17 | Edgemoor Rd OW: Veiga Joseph V, Jr | \$47,320 LD: Imps | \$54,130 | \$101,450 AS: \$38,630 | H |
| 21093 19 | Edgemoor Rd OW: White Howard J, 3Rd | \$47,380 LD: Imps | \$55,050 | \$102,430 AS: \$38,040 | H |
| 21093 24 | Edgemoor Rd OW: Dzbinski Katherine M | \$47,130 LD: Imps | \$81,210 | \$128,340 AS: \$49,560 | H |
| 21093 27 | Edgemoor Rd OW: Vanleeuwen Wm H | \$47,790 LD: Imps | \$79,590 | \$127,380 AS: \$48,850 | H |
| 21093 28 | Edgemoor Rd OW: Nickel Richard E | \$47,890 LD: Imps | \$77,260 | \$125,150 AS: \$49,130 | H |

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1990, LEGISLATIVE DAY NO. 19
BILL NO. 200-90

*Cont. Gth
#21*

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,
424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
3. Zoning Regulations, as amended, be and it is hereby repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Proposed Amendments to
the Baltimore County
Zoning Regulations

*Prot. Exp ID
20*

REGARDING



CHILD CARE

A Final Report of
The Baltimore County
Planning Board

November 16, 1989

~~ED~~
Prot. Esh #18

REVIEW/ANALYSIS

of the

Traffic Impact

of the Proposed

Child Care Center

at

42 East Timonium Road
Baltimore County
Case No. 94271

by

Everett C. Carter
10509 Unity Lane
Potomac, MD 20742

February 1995

Reissued July, 1995

Everett C. Carter

Prot. Esh
17

Transportation Studies Center
Department of Civil Engineering
University of Maryland
College Park, Maryland 20742
(301) 405-1950 ✓

10509 Unity Lane
Potomac, MD 20854
(301) 762-0176

EDUCATION

B.S.C.E. Virginia Polytechnic Institute, 1958
M.E. (Transportation), University of California, Berkeley, 1959
Ph.D. (Transportation), Northwestern University, 1969

ACADEMIC EXPERIENCE

University of Maryland: Professor, Department of Civil Engineering, 1972 to present;
Associate Professor 1970-1972; Chairman 1973-1977;
Director, Transportation Studies Center, 1975 to 1985
West Virginia University: Associate Professor 1969 and 1970; Assistant Professor 1963-1969
Northwestern University: Teaching Assistant 1961-1962

COURSES TAUGHT

Regional Transportation Planning, Urban Transportation Planning, Urban Problems, Transportation Engineering, Transportation Economics and Administration, Highway Laws, Traffic Engineering Characteristics and Operations, Highway Engineering, Airport Planning and Design, Civil Engineering Planning, Geometric Design of Highways.

PROFESSIONAL SOCIETIES AND HONORS

American Society of Civil Engineers, Transportation Research Board, Institute of Transportation Engineers, American Public Works Association, Sigma Xi, Chi Epsilon, Tau Beta Pi, Phi Kappa Phi, American Road and Transportation Builders Association, American Society for Engineering Education.

PROFESSIONAL EXPERIENCE

Consultant on Traffic Impact Studies for various citizen groups and developers, 1980 - present.

AFFIDAVIT

Prot. Sub # 16

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
YORKSHIRE COMMUNITY ASSOCIATION.

ATTEST:

Mary Lee Das

Kathleen F. Beadell

Mary Lee Das
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKAFDV

Prot Exh # 15

LIBER 9499 PAGE 334

C REC/F 15.00

C T TX 275.00

C DOCS 425.00

CC IMP 51.00

ASSIGN 0.00

DEED OF ASSIGNMENT

THIS DEED OF ASSIGNMENT, Made this 9th day of November 1992, by and between PHYLLIS J. BURKE, formerly known as Phyllis J. Riggleman and Phyllis J. Kopelke, party of the first part, Grantor; and FATEMEH FALAHI and MOHAMMAD HAERIAN, husband and wife, parties of the second part, Grantees

WITNESSETH: That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid or to be paid in connection with this conveyance being EIGHTY FIVE THOUSAND AND NO/100THS DOLLARS (\$85,000.00), this day paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and assign unto the said Grantees, as tenants by the entireties their assigns, the survivor of them and the personal representatives and assigns of the survivor, all that lot of ground situate and lying in the County of Baltimore, State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as Lot No. 12, Block D as shown on the Plat entitled, "Section Three, Part of Blocks D, E, F, F1, G, H & I, Haverford" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book GLB No. 21, folio 23. The improvements thereon being known as No. 42 Timonium Road.

BEING ALL AND THE SAME PROPERTY which by Deed of Assignment dated February 8, 1971, and recorded among the Land Records of Baltimore County, Maryland in Liber OTG No. 5165, folio 365, was granted and assigned by James Richard Kopelke and Phyllis J. Kopelke, husband and wife unto Phyllis J. Kopelke, now known as Phyllis J. Burke, the within Grantor, subject to the payment of an annual ground rent of \$120.00, payable in even and equal half-yearly installments on the 16th days of April and October, in each and every year.

TOGETHER WITH the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anyway appertaining thereto.

TO HAVE AND TO HOLD the said described property and premises unto and to the use of the said Grantees, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor for all the rest and residue of the term of years yet to come and unexpired therein with the benefit of renewal forever,

AGRICULTURAL TRANSFER TAX 03A03#0024TLTRTX \$1,360.00
NOT APPLICABLE BA C002:52PM11-18-92

SIGNATURE DW DATE 11/11/92

15
State Dept of Assessor & Taxation for Baltimore County
DW 11/11/92
Date

004

ISSUED

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

3-2-93

DEA: COO/UB
HISTORIC DISTRICT/BLDG

PERMIT #: B156355
RECEIPT #: A197701
CONTROL #: MR
XREF #:

PROPERTY ADDRESS: 42 Timonium Rd
SUBDIV: Timonium MD 21093

YES NO
DO NOT KNOW

FEE: \$25.00 rev
PAID: 25.00
PAID BY: APP
INSPECTOR: LE

TAX ACCOUNT #: 08-11-06760 DISTRICT/PRECINCT: 08 06
OWNER'S INFORMATION (LAST, FIRST): FATEMEH FAKHRI MOHAMMAD HAERIAN
NAME: FATEMEH FAKHRI MOHAMMAD HAERIAN
ADDR: 42 Timonium Rd

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION

NAME: FATEMEH FAKHRI
COMPANY: OWNER
ADDR1: 42 Timonium Rd
ADDR2: Timonium MD 21093
PHONE #: 66635410 MHC. LICENSE #:

BUILDING 1 or 2 FAM CODE BOCA CODE

APPLICANT SIGNATURE: FATEMEH FAKHRI TRACT: BLOCK: EL 1 PL 1
PLANS: CONST PLOT PLAT DATA
TENANT
CONTR: owner
ENGR:
SELLR:

- TYPE OF IMPROVEMENT
- 1. NEW BLDG CONST
 - 2. ADDITION
 - 3. ALTERATION
 - 4. REPAIR
 - 5. WRECKING
 - 6. MOVING
 - 7. OTHER

DESCRIBE PROPOSED WORK: (Enclose screened in porch on rear of ex, SFD w/ Drywall + Finishes + construct addition on side of enclosure 20 square ft house. To be used as family room + bathroom) 35x16x10=560 SF This permit cancels + replaces B155789MR - change in constr site 2/22/96

TYPE OF USE

- RESIDENTIAL
- 01. ONE FAMILY
 - 02. TWO FAMILY
 - 03. THREE AND FOUR FAMILY
 - 04. FIVE OR MORE FAMILY (ENTER NO UNITS)
 - 05. SWIMMING POOL
 - 06. GARAGE
 - 07. OTHER

- NON-RESIDENTIAL
- 08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 - 09. CHURCH, OTHER RELIGIOUS BUILDING
 - 10. FENCE (LENGTH HEIGHT)
 - 11. INDUSTRIAL, STORAGE BUILDING
 - 12. PARKING GARAGE
 - 13. SERVICE STATION, REPAIR GARAGE
 - 14. HOSPITAL, INSTITUTIONAL, NURSING HOME
 - 15. OFFICE, BANK, PROFESSIONAL
 - 16. PUBLIC UTILITY
 - 17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
 - 18. SIGN
 - 19. STORE, MERCANTILE, RESTAURANT (SPECIFY TYPE)
 - 20. SWIMMING POOL (SPECIFY TYPE)
 - 21. TANK, TOWER
 - 22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
 - 23. OTHER

- TYPE FOUNDATION
- 1. SLAB
 - 2. BLOCK
 - 3. CONCRETE
 - BASEMENT
 - 1. FULL
 - 2. PARTIAL
 - 3. NONE

TYPE OF CONSTRUCTION

- 1. MASONRY
- 2. WOOD FRAME
- 3. STRUCTURE STEEL
- 4. REINFC. CONCRETE

TYPE OF HEATING FUEL

- 1. GAS
- 2. OIL
- 3. ELECTRICITY
- 4. COAL

TYPE OF SEWAGE DISPOSAL

- 1. PUBLIC SEWER
- 2. PRIVATE SYSTEM
- 3. SEPTIC
- 4. PRIVY
- EXISTS PROPOSED
- EXISTS PROPOSED
- EXISTS PROPOSED

CENTRAL AIR: ESTIMATED COST: \$72,000

TYPE OF WATER SUPPLY

- 1. PUBLIC SYSTEM
- 2. PRIVATE SYSTEM
- EXISTS PROPOSED
- EXISTS PROPOSED

PROPOSED USE: SEPT + ADDITION
EXISTING USE: SEPT

OWNERSHIP

- 1. PRIVATELY OWNED
- 2. PUBLICLY OWNED
- 3. SALE
- 4. RENTAL

RESIDENTIAL CATEGORY

- 1. DETACHED
- 2. SEMI-DET.
- 3. GROUP
- 4. TOWNHSE
- 5. MIDRISE
- 6. HIGHRISE

BUILDING SIZE

LOT SIZE AND SETBACKS
LOT SIZE: 5600
FRONT SETBACK: 10
SIDE SETBACK: 10
REAR SETBACK: 10
CORNER LOT:

APPROVAL SIGNATURES

BLDG INSP: [Signature]
BLDG PLAN: [Signature]
FIRE: [Signature]
BED: [Signature]
PUB SERV: [Signature]
ENVRNMT: [Signature]
PERMITS: [Signature]

PAID CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND. NO PERMIT FEES REFUNDED.

MICROFILMED

PROTESTANT'S
EXHIBIT NO. 12

Greater Timonium Community Council

Box 276, 9 B West Ridgely Road,
Lutherville-Timonium, Maryland 21093

Mr. Timothy Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

August 22, 1994

Re: Case No. 94-271-XA
42 East Timonium Rd.

Dear Mr. Kotroco:

We are writing to voice our displeasure with the proposal that would request a special exception and a variety of variances for 42 East Timonium Road. In our estimation the property is too small to provide for such use, and due to its size, the variances are excessive in number. The adjoining residential properties will suffer a loss of privacy if this proposal is granted.

In addition, the adjoining neighbors have demonstrated to us that the traffic flowing from this site presents a hazardous situation at present, and it can only get worse if the enrollment increases.

We urge you to deny these zoning requests.

**PROTESTANTS
EXHIBIT NO. 14**

Sincerely,



Eric Rockel, President

cc: J. Owen

MICROFILMED

EXN. 11 COPY

5

APPLICATION FOR PERMIT

BALTIMORE COUNTY MARYLAND

OFFICE OF THE BUILDING ENGINEER

TOWSON, MARYLAND 21204

OEA: DMN

PERMIT: B155793

PROPERTY ADDRESS: 42 Timonium Rd

HISTORIC DISTRICT/BLDG

RECEIPT: A-7866

CONTROL: ML

YES NO

KREPI: 10

SUBDIV: Hatfield

DO NOT KNOW

PAID: 10

TAX ACCOUNT #: 08-11-067650

DISTRICT/PRECINCT

PAID BY: App

OWNER'S INFORMATION (LAST, FIRST)

28 06

INSPECTOR: CF

NAME: Edlah Fatemeh

ADDR: 42 Timonium Rd

APPLICANT INFORMATION

NAME: Faten Falah

COMPANY: owner

ADDR1: 42 Timonium Rd

ADDR2: Timonium MD 21093

PHONE: 410-663-3540

APPLICANT SIGNATURE: X Faten Falah

PLANS: CONST PLOT 1 PLAT DATA

TENANT: owner

ENGR: owner

SELLER:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH UNLESS HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS

BUILDING 1 or 2 FAM

CODE: 90 BOCA CODE

TYPE OF IMPROVEMENT

1 NEW BLDG CONST

2 ADDITION

3 ALTERATION

4 REPAIR

5 WRECKING

6 MOVING

7 OTHER

TYPE OF USE

RESIDENTIAL

01 ONE FAMILY

02 TWO FAMILY

03 THREE AND FOUR FAMILY

04 FIVE OR MORE FAMILY

05 (ENTER NO UNITS)

06 SWIMMING POOL

07 GARAGE

08 OTHER

TYPE FOUNDATION

1 SLAB

2 BLOCK

3 CONCRETE

BASEMENT

1 FULL

2 PARTIAL

3 NONE

TYPE OF CONSTRUCTION

1 MASONRY

2 WOOD FRAME

3 STRUCTURE STEEL

4 REINF CONCRETE

TYPE OF HEATING FUEL

1 GAS

2 OIL

3 ELECTRICITY

4 COAL

TYPE OF WATER SUPPLY

1 PUBLIC SYSTEM

2 PRIVATE SYSTEM

TYPE OF SEWAGE DISPOSAL

1 PUBLIC SEWER

2 PRIVATE SYSTEM

3 SEPTIC

4 PRIVY

DESCRIBE PROPOSED WORK: Erect 6' high wooden fence in rear + side yard. 2 1/2" x 4" lumber. Any fence to be removed at owner's expense if not used. Rear fence adjoining rear yard.

- 08 AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09 CHURCH, OTHER RELIGIOUS BUILDING
10 FENCE (LENGTH, HEIGHT)
11 INDUSTRIAL, STORAGE BUILDING
12 PARKING GARAGE
13 SERVICE STATION, REPAIR GARAGE
14 HOSPITAL, INSTITUTIONAL, NURSING HOME
15 OFFICE, BANK, PROFESSIONAL
16 PUBLIC UTILITY
17 SCHOOL, COLLEGE, OTHER EDUCATIONAL
18 SIGN
19 STORE, MERCANTILE, RESTAURANT
20 SPECIFY TYPE
21 TANK, TOWER
22 TRANSIENT HOTEL, MOTEL (NO. UNITS)
23 OTHER

ESTIMATED COST: 700.00

PROPOSED USE: FENCE

EXISTING USE: FENCE

OWNERSHIP

1 PRIVATELY OWNED

2 PUBLICLY OWNED

3 SALES

4 RENTAL

RESIDENTIAL CATEGORY

1 DETACHED

2 SEMI-DETACHED

3 GROUP

4 TOWNHOUSE

5 MIDRISE

6 HIRISE

7 GARAGE DISPOSAL

8 BATHROOMS

9 KITCHENS

CLASS: 204

LIBER: 11

FOLIO: 13

APPROVAL SIGNATURES

DATE

BUILDING SIZE: 600 sq ft
FLOOR: 1
WIDTH: 20 ft
DEPTH: 30 ft
HEIGHT: 6 ft
STORIES: 1
CORNER: 0

BLDG INSP:
BLD PLAN:
FIRE:
SEDI:
ZONING: 09
PUB SERV:
ENVRMNT:
PERMITS:

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND

NO PERMIT FEES REFUNDED

2/2/95

PROTESTANT'S EXHIBIT NO. 11

MICROFILMED

PLOT PLAN

OWNER Fatemeh Falahi F.F

Application No. _____

ADDRESS 42 Titanium Rd

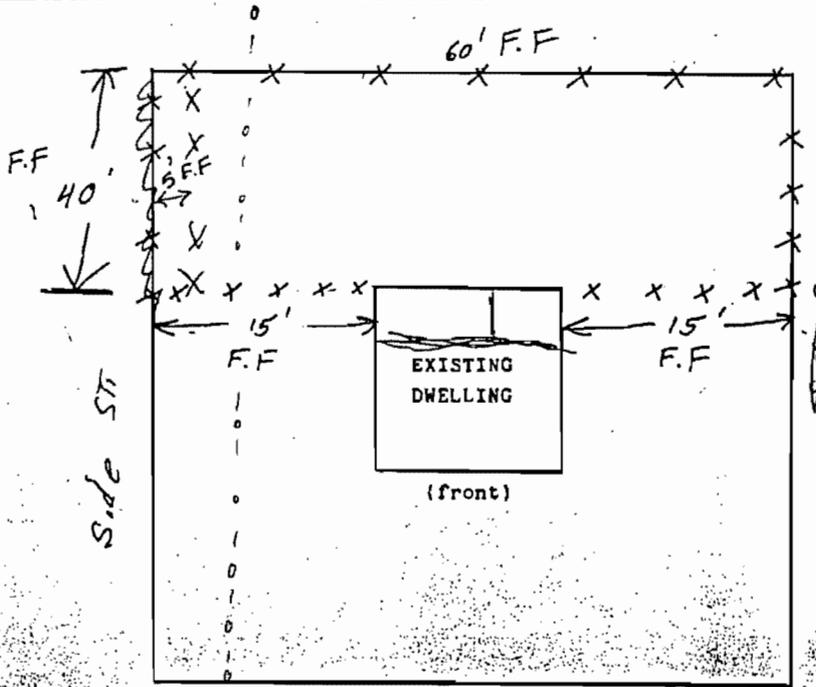
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback _____ Left side setback _____
Rear yard setback _____ Right side setback _____

NOTE:

PROPERTY LINE (H.S.W)
Cannot fence access easements.



ROAD NAME Titanium Rd

6/9/1

Timonium, Citgo
40 E. Timonium Road
Timonium, Maryland 21093
July 10, 1994

Patemeh Falahi
42 E. Timonium Road
Timonium, Maryland 21093

Dear Ms. Falahi:

In result of my growing business, I cannot provide parking space in my parking lot anymore. My parking lot is very congested and in a month or two I am planning to add a state inspection station and coin-operated vacuum machines so it makes it very difficult to share any parking space with you. I would like to withdraw from the contract we made last March. Until you find parking space at a different location you can still use my parking space temporarily. I hope you understand my situation.

Sincerely,



Fred C. Yoo

**PROTESTANT'S
EXHIBIT NO. 7**

MICROFILMED

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

February 22, 1994

HAND DELIVERED

Fatemeh Falahi
Mohammad Haerian, M.D
10630 Pot Spring Road
Cockeysville, Maryland 21030-3017

c/o Michael P. Tanczyn, Esquire

Dear Mr. Tanczyn:

This firm has been retained by Timonium Shopping Center Associates Limited Partnership, which owns property located adjacent to the property you own at 42 East Timonium Road. As clearly evidenced by the attached survey, there are certain encroachments on the property owned by our client. These include macadam and gravel drives, fencing and a shed as also shown on your site plan.

Without expressing any opinion as to the zoning relief you currently request, please be advised that we intend to take appropriate legal action to secure our client's interest in the adjacent property. Accordingly, please take the necessary steps to remove all encroachments on the Timonium Shopping Center property.

If you wish to discuss this matter, please feel free to contact me.

Sincerely,

Kathleen Gallogly Cox

KGC/cjc
Enclosures

TANCZYN.KGC

MICROFILMED

PROTESTANTS
EXHIBIT NO. 8

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD H. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES HCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

March 9, 1994

Michael P. Tanczyn, Esquire
Michael P. Tanczyn, P.A.
606 Baltimore Avenue, Suite 606
Towson, Maryland 21204

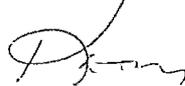
Re: Timonium Shopping Center Associates Limited Partnership
Our File No.: 16899 110166

Dear Mike:

I am writing to confirm our conversation of March 8, 1994. Unfortunately, my clients are not in a position to accommodate your proposal for continued use of portions of our property. Accordingly, we must insist that all encroachments in our property be removed.

As we discussed, please let me know your client's proposal on the timing for these actions to be taken. Additionally, I understand that you have authorized us to remove the shed from the property, but will make arrangements to have your client remove any property first which remains in the shed. Please let me know when that action is taken.

Sincerely,



Kathleen Gallogly Cox

KGC/cjc

cc: Mr. Martin H. Pechter

2-TANCZYN.KGC

PROTESTANT'S
EXHIBIT NO. 9

MICROFILMED



July 1, 1994

Fatemeh Falahi
10630 Pot Spring Road
Cockeysville, MD 21030-3017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear Ms. Falahi:

As you are aware from our numerous conversations and correspondence from my attorney Ms. Cox, you encroaching on the property of Timonium Shopping Center. As the management company responsible for the center I have informed you verbally, and in writing that the situation must be corrected immediately.

Tristar Management plans to begin work on a fence which will be located approximately 1 - 1.5 feet off of the property line as shown on the attached plat. This fence will eliminate a substantial part of your driveway and a portion of your back yard. As you have a child care business which is currently utilizing the back yard area I would suggest that you immediately make arrangements to cease using the Timonium Shopping Center property so that when the contractors begin work there is no danger to the children. It is also important that you immediately arrange to create an enclosure on your property in the rear for the children to play, so that when the existing fences are removed, once again there is no danger to the children.

If by some chance you decide not to pursue the expansion of the commercial use on your property thereby satisfying the neighboring residential community, I would be happy to reconsider the taking of your driveway.

Please accept this letter as your notice that on or about July 15, the above noted work will begin. Please make all of the appropriate arrangements to have all of your personal property removed, and all necessary safeguards for the children in place. Thank you in advance for your cooperation.

Very truly yours,

NOT A PARTS
EXHIBIT NO. 10

File
Martin Rechter
President

MICROFILM

cc: Kathleen Cox, Esquire

40 York Road - Suite 200 / Towson, Maryland 21204 / (410) 321-8460 / (410) 321-8777 / Fax (410) 821-5288

Forward

A major purpose of the Office of Child Care Licensing and Regulation (OCCLR) is the establishment and enforcement of minimum standards of health and safety for out-of-home child care. We have updated the family day care regulations and you are expected to use the updated version to maintain your registration or to obtain a new registration.

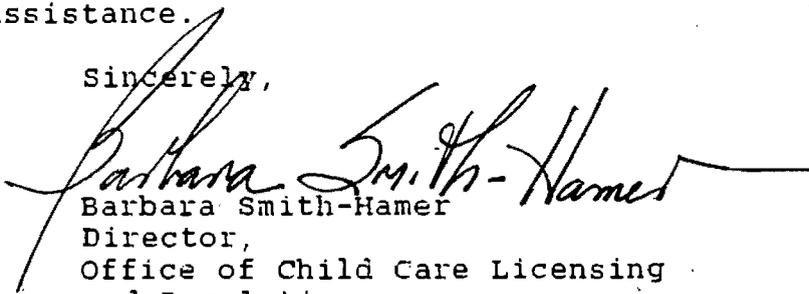
In addition to providing training on the regulations, we are also giving you this workbook entitled Understanding the Family Day Care Regulations, A Workbook for Providers to provide you with in-depth information about the Family Day Care Regulations. We believe that the Workbook will become a good friend over time.

We are very interested in making this Workbook the best that it can be. We ask you to use it during and after training and let us know what you think about it. Address your comments directly to me by December 1, 1990. It will be very helpful if you follow the guidelines for comments provided on the next page.

Our plan is to establish a working group to refine the Workbook. We will update the Workbook and will distribute the final version to newly registered providers and to existing providers when they renew their certificates.

Thank you in advance for your assistance.

Sincerely,


Barbara Smith-Hamer
Director,
Office of Child Care Licensing
and Regulation

**PROTESTANTS
EXHIBIT NO. 6**

MICROFILMED

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

SUMMARY DATA ABSTRACTED AND CALCULATED FROM TRAFFIC SURVEYS ATTACHED FOR TIMONIUM & YORK ROAD, WEDNESDAY, 2/26/92 FOR EAST & WEST BOUND ON TIMONIUM ROAD AND EASTRIDGE RD & TIMONIUM ROAD, JUNE 17, 1993 FOR EAST AND WEST BOUND TRAFFIC. COMPLETE SOURCE DATA IS ATTACHED WITH COVER LETTER FROM CHIEF, TRAFFIC ENGINEERING, BALTIMORE COUNTY.

| TIMONIUM & YORK 2/26/92 WEDNESDAY | | | | EASTRIDGE & TIMONIUM RD 6/17/93 THURSDAY | | | |
|--------------------------------------|---------------------|-----------------------|--------------------------|---|---------------------|-----------------------|--------------------------|
| TIMES A.M. | EAST/WEST | | | TIMES A.M. | EAST/WEST | | |
| | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS | | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS |
| 7:00-8:00 | 1248 | 20.8 | 1.04 | 7:00-8:00 | 647 | 10.9 | 0.54 |
| 7:15-8:15 | 1468 | 24.5 | 1.04 | 7:15-8:15 | 868 | 14.5 | 0.72 |
| 7:30-8:30 | 1515 | 24.5 | 1.22 | 7:30-8:30 | 911 | 15.2 | 0.76 |
| 7:45-8:45 | 1467 | 24.5 | 1.22 | 7:45-8:45 | 940 | 15.7 | 0.78 |
| 8:00-9:00 | 1465 | 24.5 | 1.22 | 8:00-9:00 | 906 | 15.1 | 0.76 |
| | | | | P.M. | | | |
| 4:00-5:00 | 1553 | 25.9 | 1.29 | 4:00-5:00 | 1205 | 20.1 | 1.00 |
| 4:15-5:15 | 1753 | 29.2 | 1.46 | 4:15-5:15 | 1283 | 21.38 | 1.07 |
| 4:30-5:30 | 1749 | 29.2 | 1.46 | 4:30-5:30 | 1302 | 21.70 | 1.09 |
| 4:45-5:45 | 1846 | 30.8 | 1.54 | 4:45-5:45 | 1342 | 22.37 | 1.12 |
| 5:00-6:00 | 1737 | 29.0 | 1.45 | 5:00-6:00 | 1381 | 23.02 | 1.15 |

| | | TOTAL CARS EAST/WEST | | | | TOTAL CARS EAST/WEST | |
|-------------|---------------------|-----------------------|--------------------------|-------------|---------------------|-----------------------|--------------------------|
| | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS | | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS |
| 7:00-9:00AM | 2713 | 22.61 | 1.13 | 7:15-9:00AM | 1553 | 14.79 | 0.74 |
| 4:00-6:00PM | 3290 | 27.42 | 1.37 | 4:00-5:45PM | 2246 | 21.39 | 1.07 |
| TOTALS | 6003 | 25.01 | 1.25 | TOTALS | 3799 | 18.09 | 0.90 |

| AVERAGE DAILY TRIPS | | AVERAGE DAILY TRIPS | |
|---------------------|-------|---------------------|-------|
| EAST | 14633 | EAST | 11630 |
| WEST | 24459 | WEST | 13866 |
| TOTALS | 39092 | TOTALS | 25466 |

**ALL 1/26/92 FIGURES WOULD BE INCREASED BY 2% PER YEAR TO UPDATE OR 4% PER TRAFFIC ENG. LM LM EXH 94271CAR

**PROTESTANTS
EXHIBIT NO. 5**

MICROFILMED

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED:

EXHIBIT _____

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD. & EAST SIDE OF 19 EDGEMORE RD. WHITE PROPERTY.
2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD.
3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD.- NOTE HEIGHT OF ROOF LINE.
4. ENCROACHMENT OF FENCE INTO BUFFER ZONE TO 6' CHAIN LINK SLATTED FENCE.
5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS.
6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE.
7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TEAR UP OF BUFFER ZONE.
8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY
9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94
10. CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD 2/15/94
11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94
13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD.
14. REAR VIEW OF 44 E. TIMONIUM RD FACING NORTH WEST FROM TIMONIUM RD. NOTE REAR PICTURE WINDOWS, KITCHEN WINDOWS, BASEMENT STEPS. COMPARE THIS VIEW WITH #1 PICTURE FOR CLOSENESS OF HOUSES, FENCE, AND YARDS.

94271PIC

PROTESTANTS
EXHIBIT NO. 2 - I - XIV

MICROFILMED

①

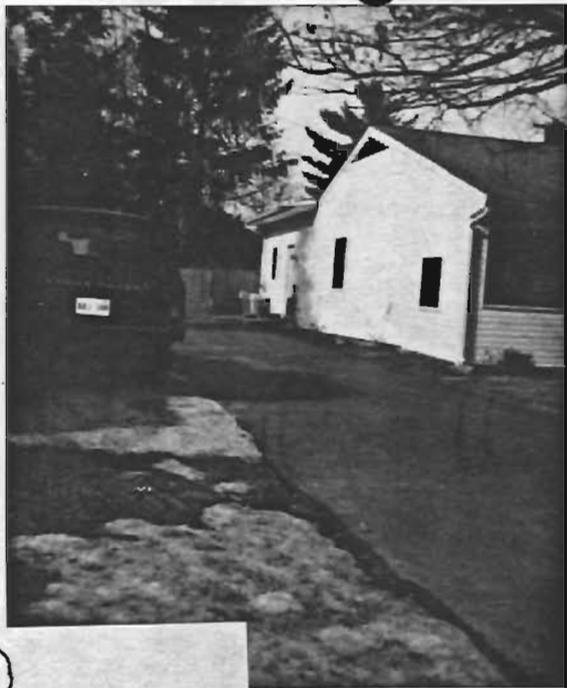


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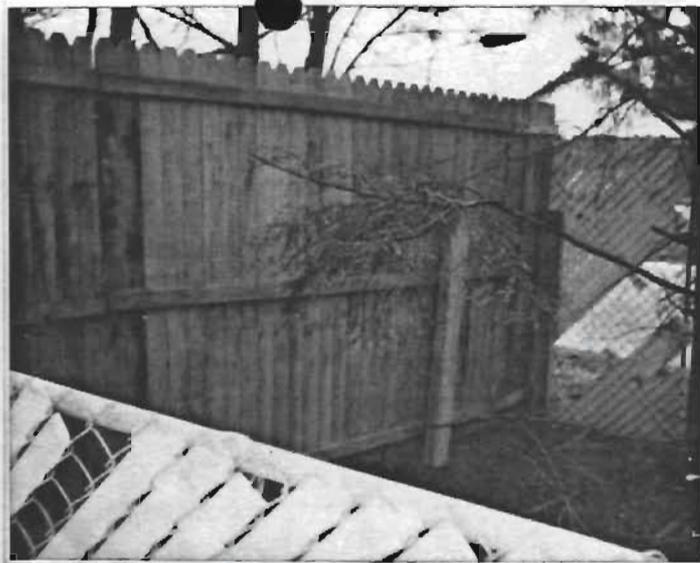


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MICROFILMED



5



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MICROFILMED



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11

MICROFILMED

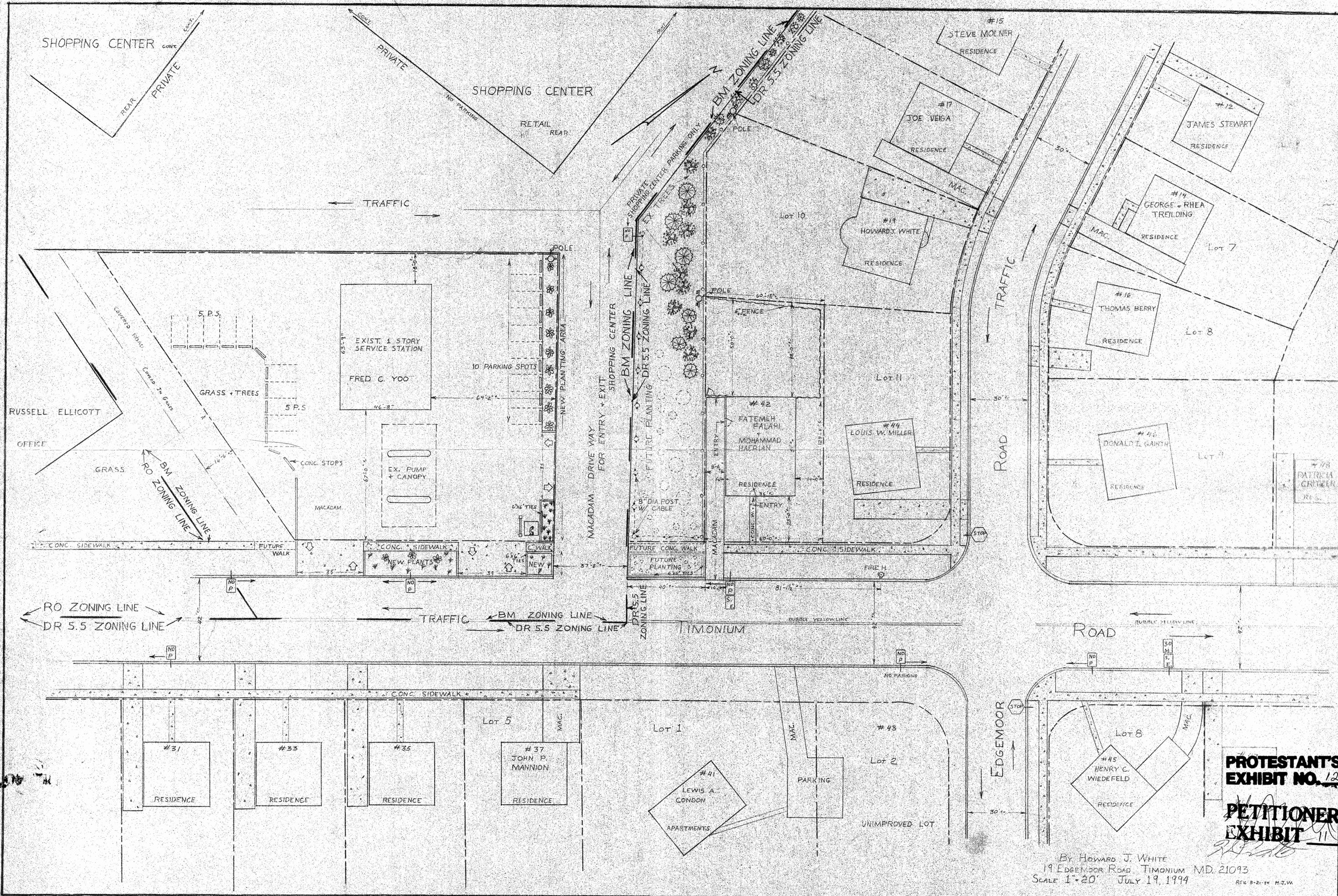


13



14 -1

MICROFILMED



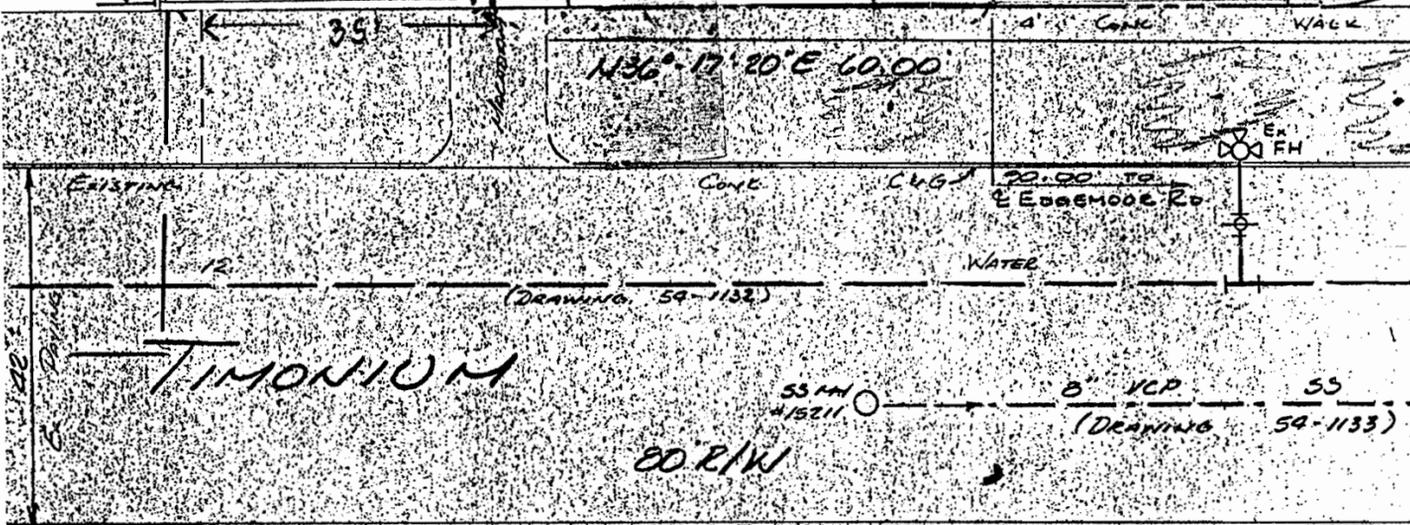
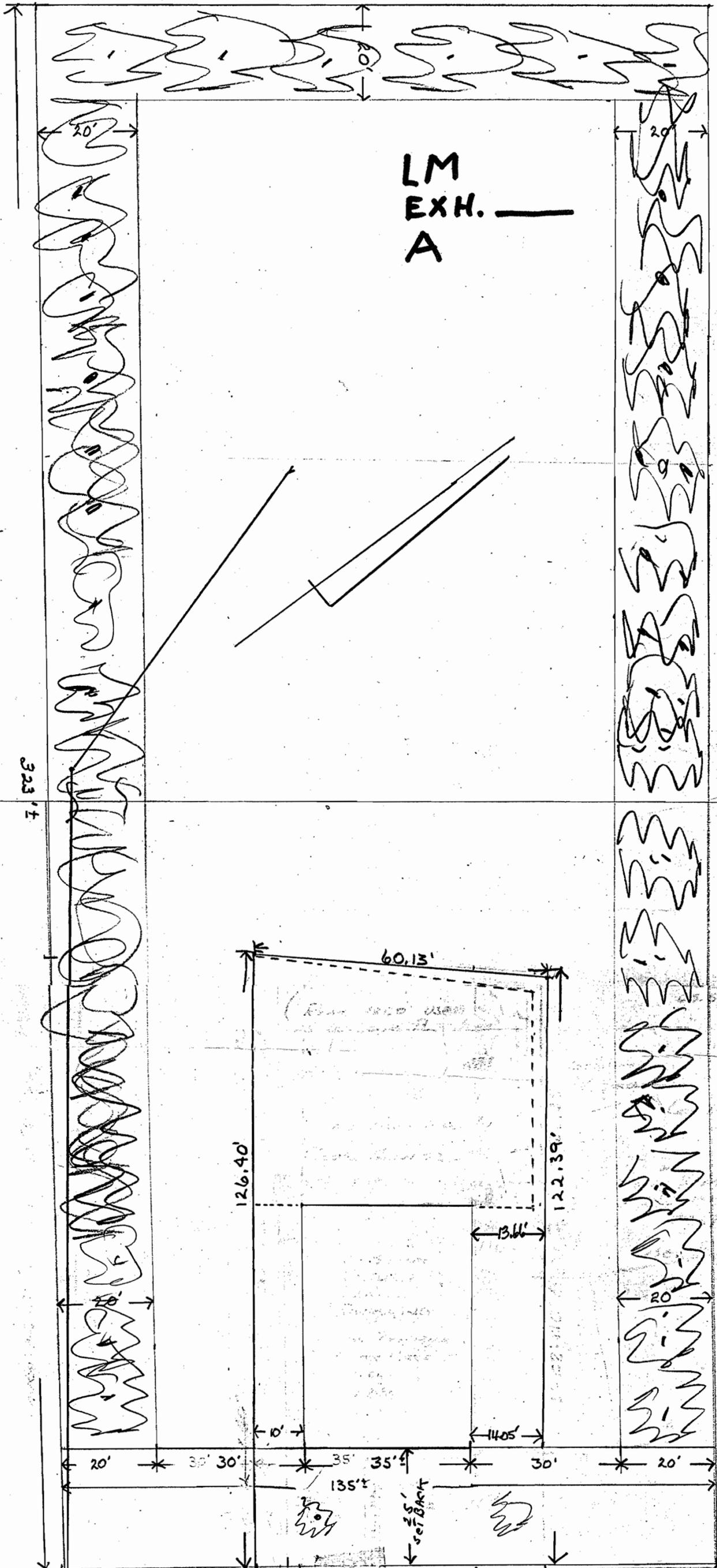
**PROTESTANT'S
EXHIBIT NO. 12**

**PETITIONER
EXHIBIT**

By HOWARD J. WHITE
19 EDGEMOOR ROAD TIMONIUM MD. 21093
SCALE 1"=20' JULY 19, 1994

REV. 8-21-74 H.J.W.

**PROTESTANT'S
EXHIBIT NO. 4**



Lewis A. Condon & Wf
81002504333
Lot 1

Lot 2

EXHIBIT

MICROFILMED

PETITIONER'S
EXHIBITS

4 OF 4

Petitioner's Exhibits 2A & 2B
94-271-XA



Case No. 94-271-XA
Petitioner's Exhibit No. 2C

From The East



From the West



Case No. 94-271-XA
Petitioner's Exhibit No. 20
North Side Timonium Road



Case No. 94-271-XA
Petitioner's Exhibit No. 2E
South Side Timonium Road







Prot. Ex. 26A

MAY
95



Prot. Ex. 28A





6



5



7



8



14



13



16



15



18



17



↑
FIRE PLUG

①



MAR 95 LM 3/23/95

③

②

Prot. Ex. 29A



MAR 95 LM 3/23/95

④



FEB 95 LM 2/?/95



FEB 95 LM 2/?/95



MAR 21, 1995 LM



MAR 21, 1995 LM



Case No. 94-271-XA
Petitioner's Exhibit No. 4C





as Sub #13



Cal. Smith





PETITIONER'S EXHIBIT
2/25/95

#17







PETITIONER'S EXHIBIT NO. 22





PLAINTIFF'S EXHIBIT NO. 24A





24B
PETITIONER'S EXHIBIT NO. 24B



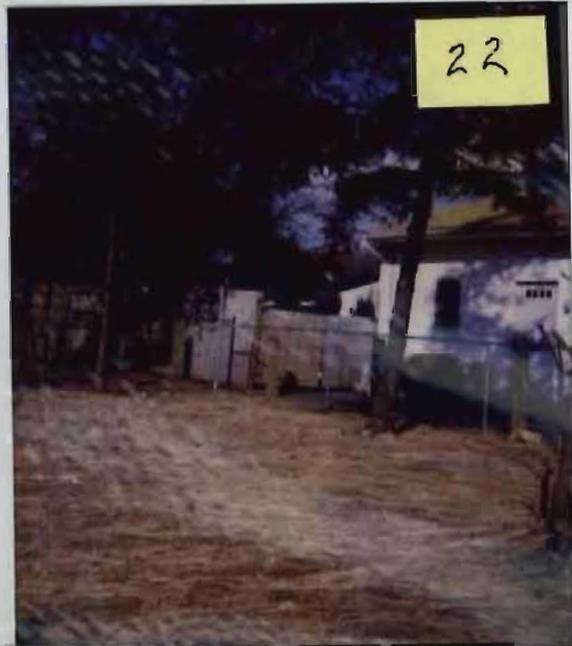
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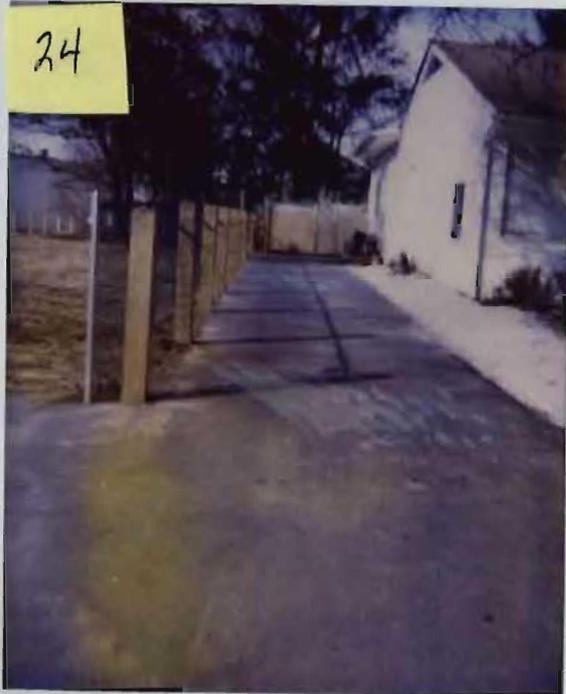
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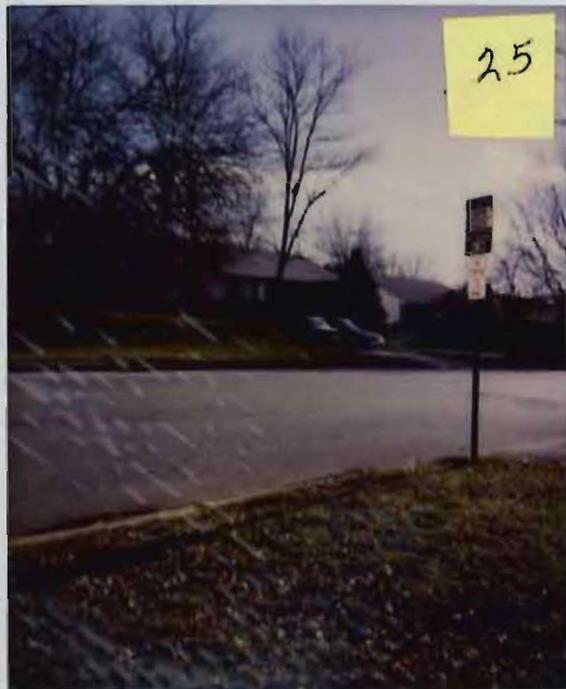
23



22



24



25



15

24 A



16



17

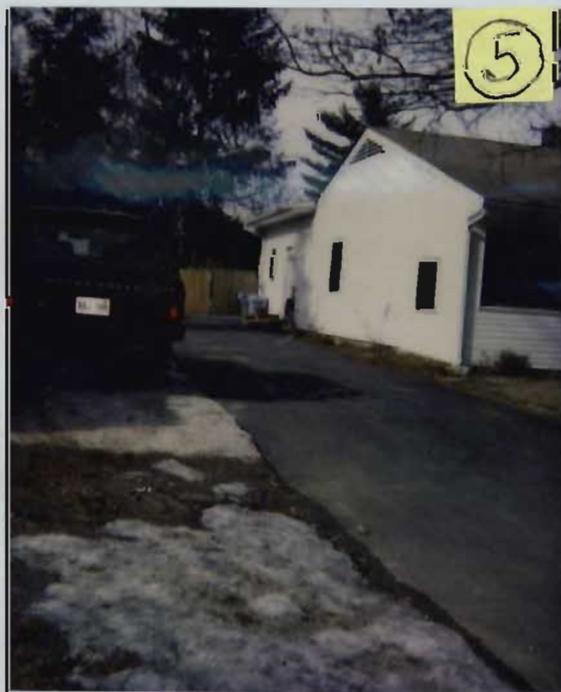
Prot.

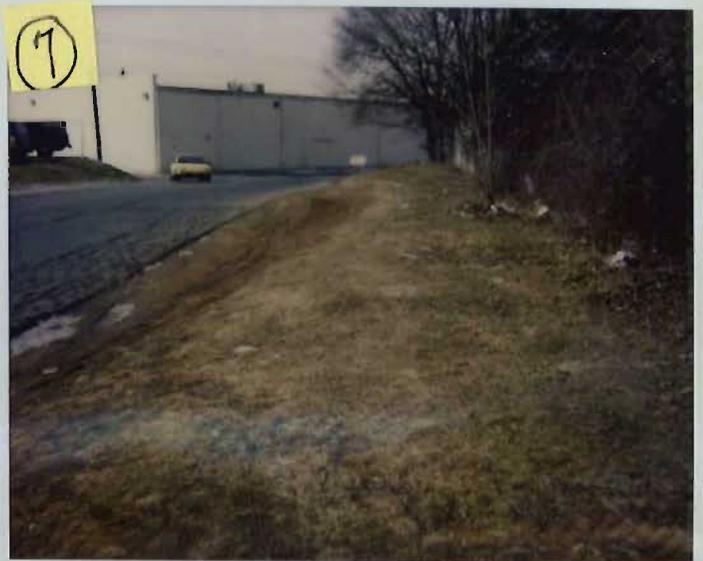


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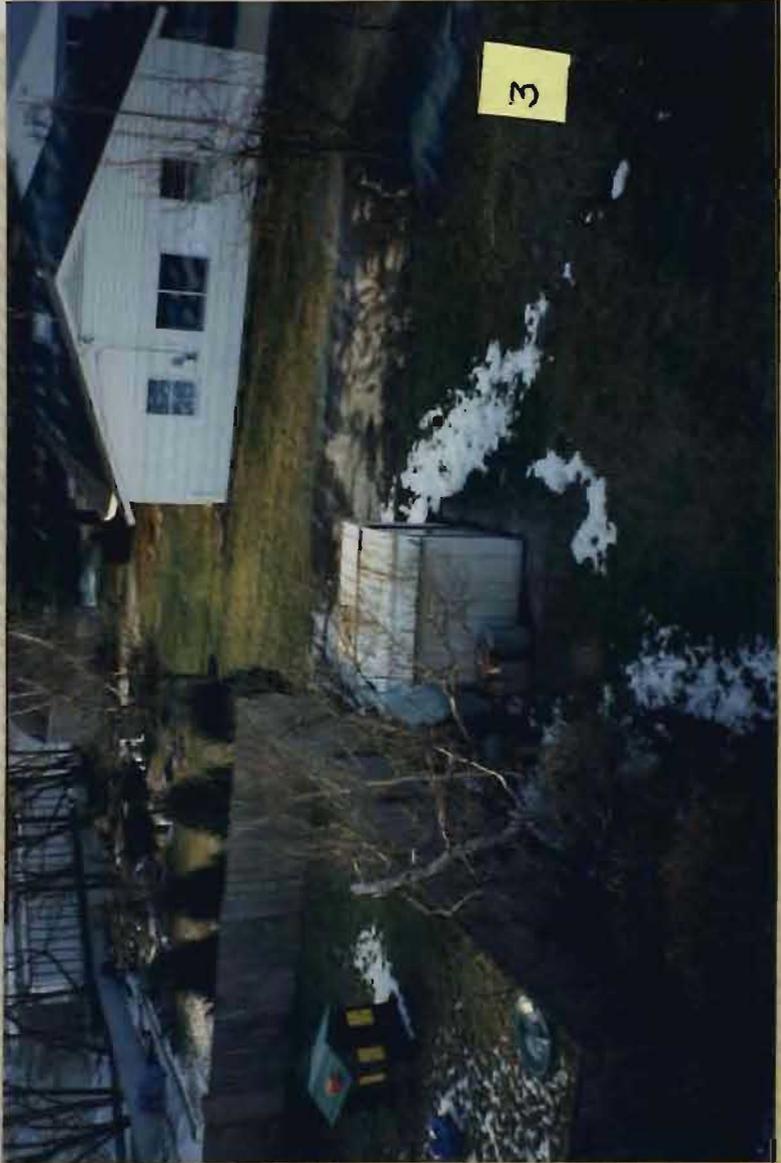






Phot. Ex 254

Prot. Ex 254

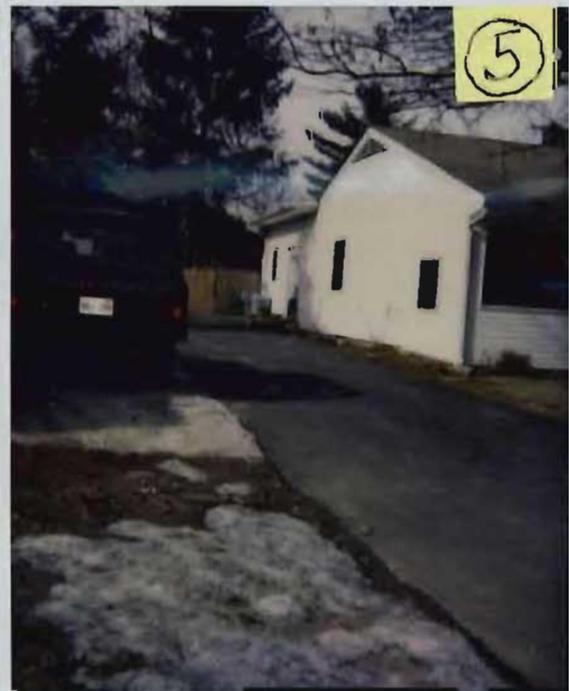




1/11

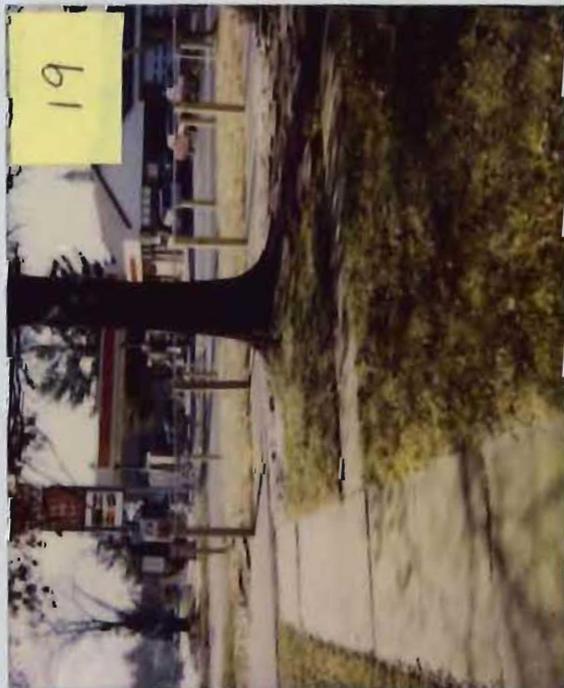
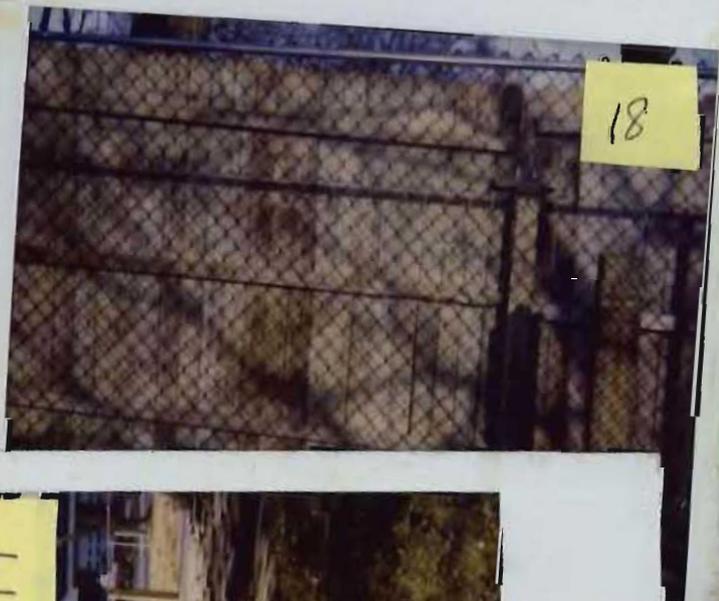
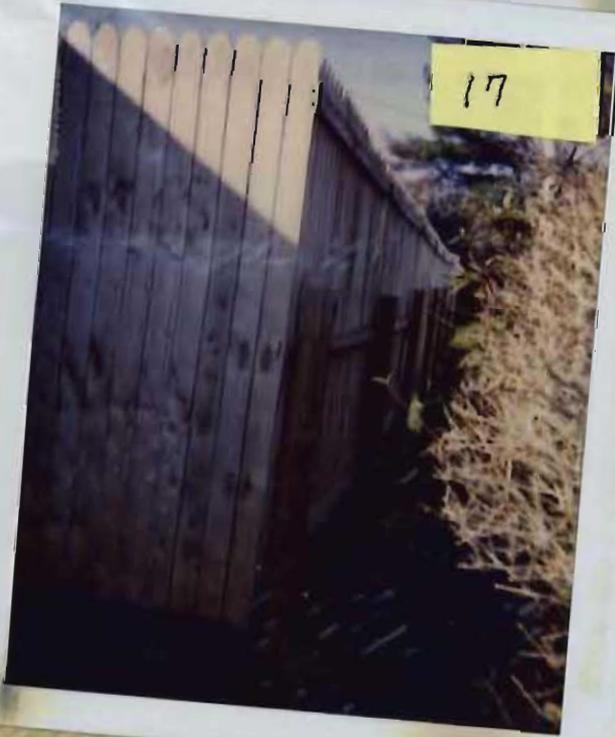
1/11

1/11





Prot. Ex 24 A

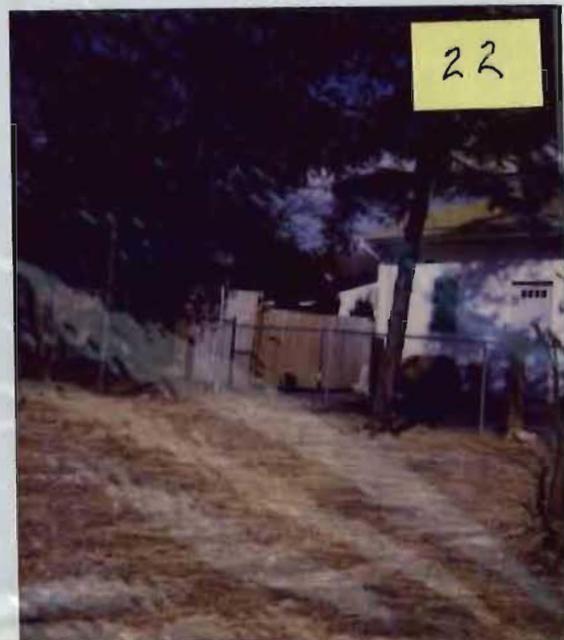




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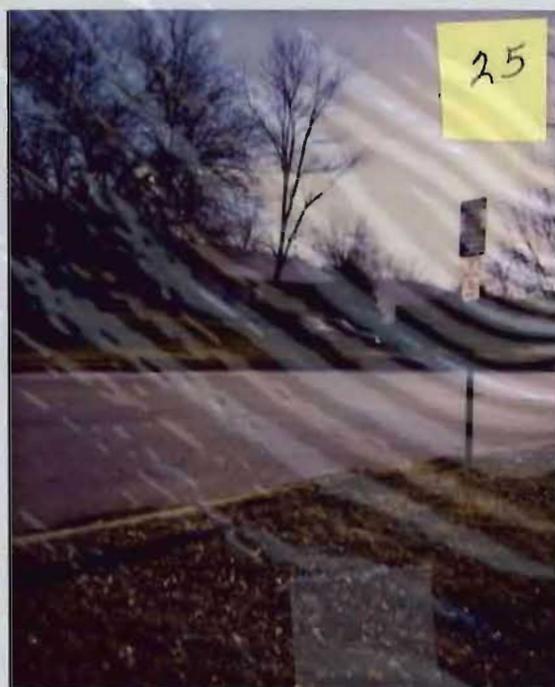
21



22



24



25

PETITIONER'S EXHIBIT NO. 21





PETITIONER'S EXHIBIT NO. 248





PETITIONER'S EXHIBIT NO. 22





PLAINTIFF'S EXHIBIT NO. 24A



Exh. 27A



#18



19





Case # 94-271 XA
Fatemeh Falahi

Case # 94-271 XA

Fatemeh Falahi

Petitioner - Appellant & Exhibits

Exhibit #1 - File from DCC.

Exhibit 4A-D - Series of attached photos of subject school

Exhibits 1-10 are those on the file from the DCC hearing.

Exhibit #11 - Amended Plat

Exhibit #12 - Plat of Havenford.

Exhibit #13 - Two Photos (Miller Rd. yd.) 2/25/95

" #14 - Panoramic View of Gas Station & Entry to Shog Ct

" #15 - " " Driveway to Sub. Site

" #16 - Four Photos (Fence & Bottle)

" #17 - Three Photos (Entry to Shog Ct)

" #18 - Panoramic View (Shog Ct & Bldgs)

" #19 - Panoramic View (Sub. Site, etc, Blue fence

" #20 - Panoramic View (from Shog Ct Rear to Jim. Rd. + buffer

" #21 - Photo of 7/3/95 of fence in rear of Shog.

" #22 - Photo of station, stakes on prop. line.

" #23 - Amended Application from M. Janeygo

24A - Photos - from driveway of subject property

24B - Photos - to show driveway and that parking is permitted

Verified 7/12/95

Verified 10/04/95

Ech 27 B

21B

7D

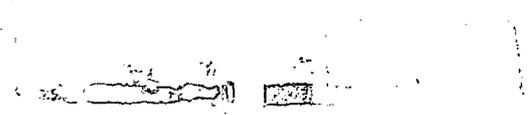
BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBIT ATTACHED

EXHIBIT _____

PHOTO TAKEN ON JULY 11, 1995 APPX 5:30PM, BY M. MILLER.

1. PHOTO SHOWS PARENT PARKED ON EAST SIDE OF TIMONIUM RD. AND WALKING FROM WEST TO EAST AND STOPPED BY TRAFFIC WITH SMALL CHILD FROM FAMILY DAY CARE HOME AT 42 E. TIMONIUM RD.



FILE: 94271PC7

Child Care Center Inspection Report
SUMMARY OF FINDINGS

| | |
|--|-----------------------|
| Center: <i>Fatemeh Falahi-Haerian</i> | Date: <i>12-16-92</i> |
| 1. Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. 2. Record additional comments following enumeration of regulations. | Time Limit |
| <p><i>A preliminary site inspection was completed today. Ms. Fatemeh Falahi-Haerian requested the inspection. She is currently a family child care provider, residing at 10630 Pot Spring Rd, J1030, 4666-3540. The prospective center is located at 42 Timonium Rd, J1093. The building is a ranch house, with no basement. It is part brick and part wood frame. It is approximately 30-40 years old. The rear patio is going to be rebuilt into a large room. The room will be wood construction and there are plans to have a bathroom with toilet, sink, shower and diapering area. The building has public water and sewage. The heat is gas heat.</i></p> | |

OWNER'S
 MONITORING
 NO. 5

MICROFILMED

Louis A. Klenka Jr.
Signature Of Agency Representative

Fatemeh Falahi-Haerian
Signature of Person Interviewed



● Daily schedule ●

7:30 to 9:00 Free play - music

9:00 morning snack

9:30 to 10:30 work time

10:30 to 11:30 outside play

11:30 to 12:00 Lunch

12:00 to 12:30 story

12:30 to 1:00 movie

1:00 to 3:00 nap

3:00 to 3:30 snack

3:30 to 4:00 music - story - movie

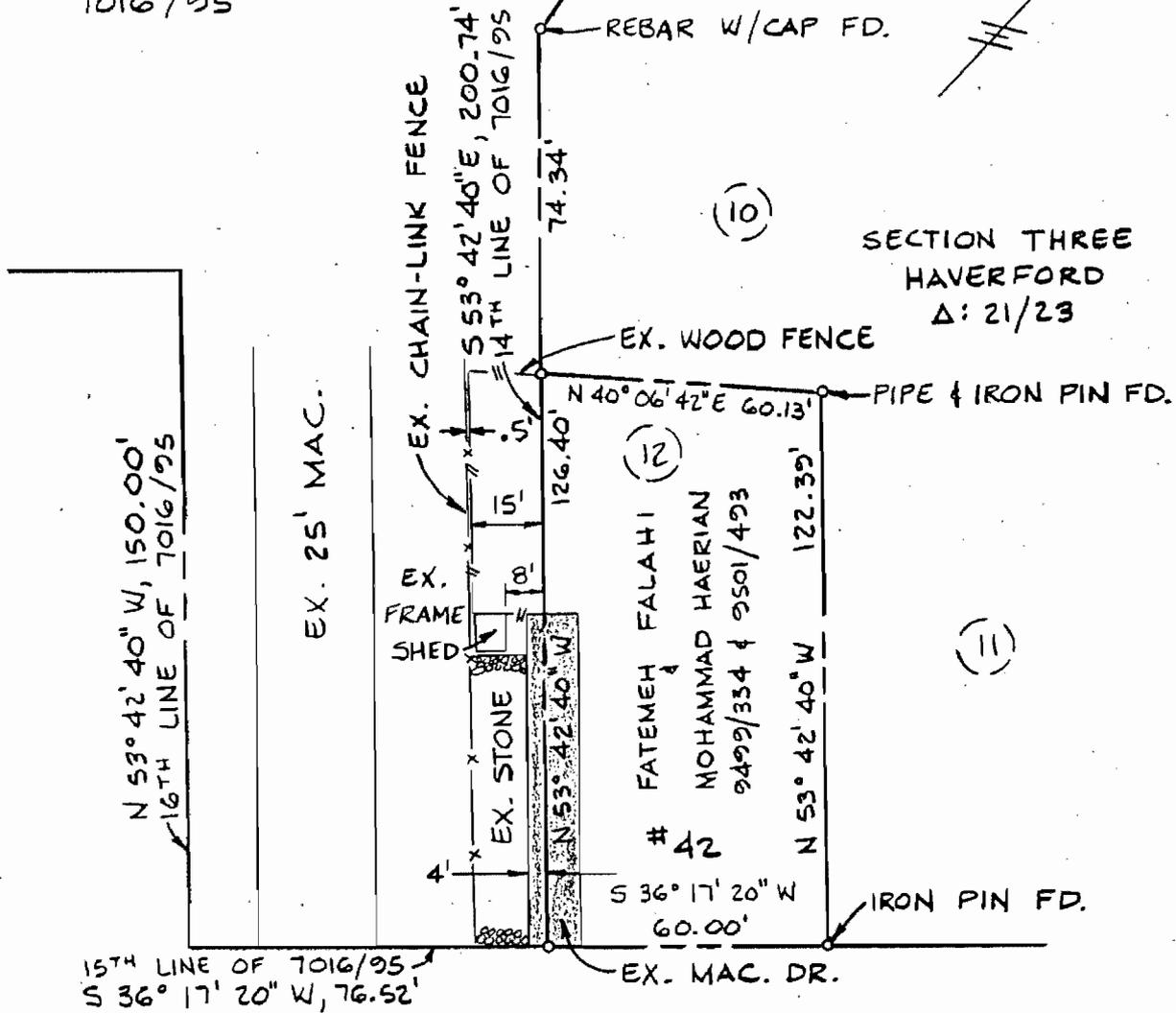
4:00 to 5:30 Free play outside or inside

PETITIONER'S
EXHIBIT NO. 3

MICROFILMED

S 18° 47' 06" E, 477.84'
13TH LINE OF 7016/95

TIMONIUM SHOPPING CENTER
ASSOCIATES LTD. PARTNERSHIP
7016/95



TIMONIUM ROAD
(80' R/W)

PETITIONER'S
EXHIBIT NO. 6



PLAT SHOWING
SURVEY OF ENCROACHMENTS
ONTO THE PROPERTY OF
TIMONIUM SHOPPING CENTER
ASSOCIATES LTD. PARTNERSHIP
E.H.K., JR 7016/95
SCALE: 1" = 40' DATE: 2-17-94



Y. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

MICROFILMED



7B

To whom it may concern:

re: **FATI HAERIAN FALAHI**
DAYCARE CENTER

Recently, it has come to my attention that re-zoning is necessary to allow Fati to continue running "the best" preschool daycare center in this area.

What makes this center excel is Fati herself. She spends all of her time at the house/center with the children as well as the girls she supervises. Fati works with the kids developing them into intelligent, well-behaved, friendly children. That is a remarkable job that takes a certain type of person that is hard to find in this day and age.

My 3 year old son, Michael, has been with Fati since she first started her own daycare service. My confidence in her demonstrated abilities and caring attitude with my son and the other children makes my decision very easy when it comes to deciding where my "expected child" will go when born.

In the 3 years I have known Fati, I have also met her family and it is easy to see why she treats adults and children in such a positive way and respectful way.

So I urge you to consider favorably when considering the re-zoning issue involving an excellent person and her rare ability to shape our children into all that they can be. Please call me if I can be of any further assistance in this matter at 1-410-560-0386.

Sincerely yours,

A handwritten signature in cursive script that reads "Michael C. Howachyn".

Michael C. Howachyn

MICROFILMED

7C

February 21, 1994

Mrs. Sheri Rakvin
5 Oaklyn Circle
Shrewsbury, PA 17361

RE: FATIMA FALAHI

Dear Sir/Madam:

I have know Mrs. Fatima Falahi since 1991 when I began using her service for three years. My two children, a toddler and an infant, are currently under her excellent care. As a Mother who works full-time I am very happy and grateful to have found such a wonderful person to care for my children. Leaving them with her it is like leaving them with my own Mother. Mrs. Falahi spends an enormous amount of time teaching the children the values of sharing and being kind to each other. Watching her with the children has shown me how responsible and caring she is. It is my sincere hope that Mrs. Falahi will be allowed to expand her excellent services to other mothers seeking good child care.

Sincerely,


Sheri L. Rakvin

MICROFILMED

70

CHRISTINA HARNETT-HASSON, Ph.D.

Psychologist

4307 Long Green Road
Long Green, Maryland 21092
(301) 592-3825

2/14/94

To Whom It May Concern:

Re: Fati Falahi Haerian

I am pleased to have this opportunity to write in support of Mrs. Haerian's appeal to the court. I have known Mrs. Haerian for approximately fourteen years. At the present time, I am an Assistant Professor of Psychology at the College of Notre Dame of Maryland and, I maintain a practice in Clinical Psychology in the Towson area.

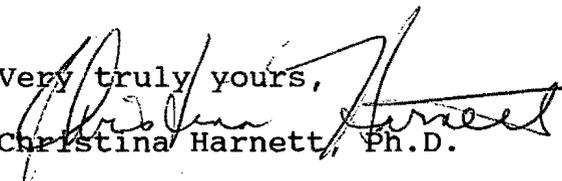
As most modern families, my husband and I find it necessary to both work in order to meet the financial responsibilities to our family. In interviewing for "day care mothers", we sought someone who loved children, was cognizant of developmental issues, and who cared for the children as if they were her own. We could not have made a better choice than Mrs. Haerian.

My children, three-year old twin boys, have been in Mrs. Haerian's care since they were eighteen months old. In short, they adore her. In addition to the day to day necessities, Mrs. Haerian provides an educational environment in which my children have prospered. At two, they knew the alphabet; shortly thereafter knew colors, shapes and the rudiments necessary for reading. Today, they are verbally expressive and developmentally advanced. I am pleased to say that I receive numerous compliments on how "advanced" the twins are and I attribute the majority of their gains to Mrs. Haerian.

In an age in which all parents are concerned about abuse or neglect, I consider myself very fortunate to have the caliber of daycare Mrs. Haerian provides. Mrs. Haerian is adamant in her philosophy of providing an atmosphere that is loving, enriching, supportive, and physically and emotionally healthy for her charges. In her commitment to the welfare of children, she is quite simply beyond reproach.

I heartily encourage you to support Mrs. Haerian in her commitment to serve the children of our community. Baltimore county families will be the recipients of excellent childcare.

Very truly yours,


Christina Harnett, Ph.D.

MICROFILMED

7A
1 Overshot Court
Phoenix, MD 21131
February 16, 1993

Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

I am writing on behalf of the Daycare Center run by Mrs. Fatemeh Falahi Haerian at 42 Timonium Road. The association my family has had with the daycare has been nothing short of extraordinary.

Mrs. Haerian has been caring for my children since July 24, 1991. My eldest son was five weeks old when she began to care for him so that I could return to work at the Space Telescope Science Institute. In all of that time, I have never had to worry about the care that he was receiving while away from me.

My second child also attends the Daycare Center. He started on a part time basis while my office allowed me to work from home part time.

Now that he is eight months old, it is necessary for him to attend full time. It is wonderful for a working parent to know that your children can be together and with someone who cares for them. The older one likes to think he helps take care of the baby while they are at "Miss Fati's".

Not only are the children cared for, they are learning as they would in a preschool environment. So the two-and-half year old, who is now old enough to attend some preschools, does not have to leave his baby brother in order to do so. He is learning at the Daycare. His language skill and knowledge is excellent for a child of his age, thanks to Mrs. Haerian. Without having to leave the care of someone who has been with him since he was an infant, he will be able to start school at the same level (or even ahead) of other children who have attended pre-schools. He has also acquired wonderful skills in learning to play with others, share, and follow instruction. These skills in socialization are invaluable. I have also received many parenting tips and wonderful guidance based on her own parenting experience. We first time parents need the resource of information which she provides.

I interviewed several licensed providers just after the birth of my first child. Most of them would have given my child a bottle and changed his diaper, but that would have been about the extent of their care.

Children need much more than that; I am very, very lucky to have found Mrs. Haerian. My office frequently ponders starting a daycare for employees. It would be convenient, but, I would not use it. The care Mrs. Haerian provides and the bond my children have for her and her staff is too important.

MICROFILMED

She continuously works to improve the Daycare Center so that the children are stimulated. As parents, we appreciate the safe setting which she has provided. She selects and hires wonderful helpers who have an interest and a background in caring for children. The entire staff is attentive to our children's needs. There is a six foot privacy fence around the premises. This allows the children to run and play safely, away from the road and out of the sight of anyone who would harm a child. Inside are charts and bulletin boards similar to a school. There is a schedule to the day; the children are not just running wildly. They read together, paint together, have lunch together (it is incredible to see a table of three year olds sitting and eating lunch nicely with manners and table conversation!), nap together and play together. I couldn't possibly imagine a more wonderful environment in which my children spend their time away from me.

I believe that all of the parents of the children which attend the daycare would agree that we have become an extended family, with Mrs. Haerian as the head. She and her staff are always invited to birthday parties, as you would any other relative. Our children don't feel as though they are away from their family when they go to the daycare. They receive love as they would from a biological family.

In this day and age, when there is so much abuse and neglect of children, Mrs. Haerian has provided a safe harbor and shining beacon to those of who must work outside of the home. In speaking with other working parents, I have learned that it is very unusual for my children to have had the same daycare provider, which we have been more than just happy with, for all of this time. Quality care like this is gold. I hope that when my children are of school age, their teachers will show at least half as much interest in their well being. Our future generations would be much better off if we could mass produce Mrs. Haerian's Daycare Center.

Sincerely,



Elizabeth A. Mitchell

RESOLUTION

Prot. Ex. 30
For Identification

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE POSITION OF THE GREATER TIMONIUM COMMUNITY

COUNCIL AS ADOPTED BY THE BOARD OF DIRECTORS ON THE

ZONING MATTER KNOWN AS:

BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE

CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

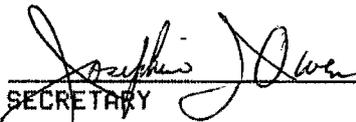
IS THAT:

1. OPPOSED TO PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AGUUST, 1994.

ATTEST:

GREATER TIMONIUM COMMUNITY COUNCIL



SECRETARY



PRESIDENT

GTCCRES2

CHILD CARE ADMINISTRATION

REGION III

CONFERENCE AGREEMENT

The following represents a voluntary agreement between Fatemeh Haerian, registered family child care provider, and the Child Care Administration (CCA), represented by Betty Botsko, Regional Manager, Region III, Baltimore County.

The following facts are not in dispute:

- 1) Ms. Haerian was issued her first Family Child Care Registration for her residence at 10630 Pot Spring Road, Cockeysville, MD, on July 29, 1991. Initially, she was given a capacity of six (6). She requested an increase to eight (8) in April, 1992. This was approved on April 24, 1992.
- 2) On June 25, 1993, Ms. Haerian submitted a written request to care for four (4) infants. It was denied until she submitted a missing medical on the required second adult.
- 3) On September 9, 1993, Ms. Haerian reported the completed purchase of a house located at 42 East Timonium Road, Timonium, MD. The house was to be occupied by her niece and two (2) children. A certificate of registration was issued by this Office to Ms. Haerian on September 30, 1993. The capacity was set at seven (7).
- 4) On January 28, 1994, the Office received a complaint that Ms. Haerian was over capacity. An unannounced complaint inspection was made by Lou Valenti, Licensing Specialist, on January 31, 1994. At that time there were five (5) violations of COMAR 07.04.01. They were as follows:
 - .23 Capacity was exceeded by one (1) on this date. Ms. Haerian admitted to the same violations once or twice during 1993.
 - .19 Protective barriers and electrical outlet covers were not in place.

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS TAKEN BY L. MILLER FEB 95, MAR 21, 1995 AND MARCH 23, 1995.

1. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:15PM, 3/23/95.
2. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:30PM, 3/23/95.
3. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
4. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
5. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995.
6. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995. (FIRE PLUG)

Exh 28B

NEW

7B

BALTO. CO.-ZONING CASE 92-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED. EXHIBIT _____
ALL PHOTOS 1 THRU 17 TAKEN BY L. MILLER IN FEB. 1995

1. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX. 5:15 PM.
2. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/14/95, APPX 5:20 PM.
3. NOTE TRAFFIC 2/14/95, 5:00PM, TIM. RD. AT 44-42 TIM. RD.
4. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX 5:30 PM. LOADING CHILD IN CAR. NOTE TRAFFIC.
5. SOUTH WEST ON TIM. RD IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. NOTE ALSO THREE CARS PARKED IN FRONT 2/14/95 APPX 5:30 PM
6. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY, OTHER CARS IN DRIVEWAY, 2/15/95, APPX. 5:20PM
7. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY. NOTE TRAFFIC AND OTHER CARS PARKED IN DRIVEWAY AND ROAD. 2/15/95, APPX 5:30PM
8. SOUTH WEST ON TIMONIUM RD LOOKING AT TRAFFIC ENTERING SERVICE STATION NOTE BACKED UP ON TIM. RD. 2/10/95, APPX 5:10 PM.
9. SOUTH WEST ON TIM. RD. LOOKING AT TRAFFIC EXITING SHOPPING CENTER RD. NOTE CARS PARKED IN FRONT OF 42 E. TIM. RD 2/10/95 APPX 5:20PM
10. TRAFFIC IN SERVICE STATION, 2/10/95 APPX 5:10PM [REDACTED]
11. TRAFFIC ENTERING SERVICE STATION FROM LEFT TURN OFF TIM. RD. ALSO CARS WAITING TO EXIT SHOPPING CENTER RD ONTO TIM. RD 2/10/95 APPX 5:15PM
12. CARS AWAITING EXIT ON SHOPPING CENTER RD TO TIM. RD. 2/10/95 APPX 5:15PM
13. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95 APPX 5:00 PM
14. CAR [REDACTED] PARKED IN POSTED AREA, 2/6/95, APPX 4:30PM. (OWNERS CAR)
15. CAR [REDACTED] PARKED IN POSTED AREA, 2/9/95, APPX 5:20PM
16. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95, APPX 5:20PM.
17. RED CAR PARKED FOR OVER 30 MINUTES IN FRONT OF FIRE PLUG 2/21/95 APPX 5:30PM
18. POSTED SNOW EMERGENCY & NO PARKING SIGNS AT 42 E. TIM. RD AND BUFFER AREA. SHOPPING CTR ENTRANCE AND EXIT (SEE CAR), SERVICE STATION ENTRANCE AND EXIT ALSO WEST OF AREA. 2/20/95, APPX 4:00PM.

FILE: LOTUS-94271PC2

Exh 26 B

7c

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS NO. 1,2,3,4 TAKEN JULY 3, 1995 BY L. MILLER.

PHOTOS NO. 5, 6, 7, 8 TAKEN MAY 12, 1995.

1. LOOKING WEST FROM TIM. RD. INTO 42 E. TIM. RD DRIVEWAY TO SHOW [REDACTED] SIZE, NEW BUFFER ZONE PROTECTIONS AND SCREENINGS.
2. LOOKING SOUTH WEST FROM SIDEWALK AT 42 E. TIMONIUM RD. TO SHOW [REDACTED] DRIVE AND NEW SCREENING ON BUFFER ZONE.
3. LOOKING WEST FROM CORNER OF ENTRANCE ROAD TO SHOPPING CENTER SHOWING SCREENING NEW AND OLD STILL INTACT ON BUFFER ZONE.
4. LOOKING NORTH WEST FROM ENTRANCE ROAD TO OLD SCREENING ON BUFFER ZONE BETWEEN 42 E. TIM. RD AND BACK ACCESS ROAD TO SHOPPING CENTER. NOTICE "NO PARKING" SIGNS.
5. LOOKING SOUTH WEST ON TIMONIUM RD. NOTE CAR [REDACTED] PARKED IN POSTED AREA. NOTE ALSO BACK END OF CAR IN DRIVEWAY. OWNERS CAR IS PARKED ON TIM. RD.
6. LOOKING WEST FROM SIDEWALK INTO DRIVEWAY OF 42 E. TIMONIUM RD. NOTE NEW FENCE AND BALLARDS FOR PROTECTION OF BUFFER ZONE. NOTE ALSO LOWER LIMBS CUT OFF HEMLOCK PINES PRIOR TO NEW FENCE. THOSE PINES WERE PLANTED IN THE BUFFER ZONE IN 1961.
7. LOOKING NORTH EAST ACROSS BUFFER AREA FROM ENTRANCE ROAD. AGAIN NOTE LOWER LIMBS OFF TREES, STOCKAGE FENCE, TRASH AND GRABAGE CANS.
8. LOOKING NORTH WEST FROM ACCESS ROAD TO PICK UP AND DROP OFF AREA OF DRIVEWAY. NOTE AGAIN TRASH AND CANS AND SMALL SIZE OF DRIVEWAY. NOTE ALSO MOST OF THIS TRASH WAS INSIDE THE STOCKADE FENCE PREVIOUS TO CHILD CARE ADM. INSPECTION OF MARCH 1995.

FILE: 94271PC5

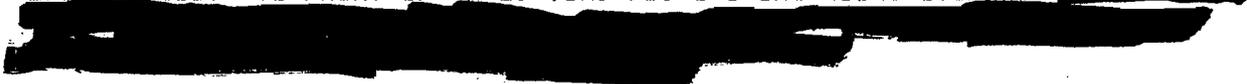
Exh 25 B

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTOS EXHIBITS ATTACHED

EXHIBIT _____

ALL PHOTOS 1 THRU 4 TAKEN FROM MY HOUSE ROOF (L. MILLER) BY HOWARD WHITE
FEB. 17, 1995 AT APPX 4:30PM.

1. LOOKING SOUTH WEST FROM 44 E. TIM. RD ROOF TO SHOW SIZE OF BACK YARD
AND CLOSENESS TO 44 E. TIM. RD SIDE YARD AND NO VEGETATIVE FUZZERING.
2. SAME VIEW AS 1 ABOVE ONLY CLOSER.
3. LOOKING WEST FROM 44 E. TIM. RD ROOF TO PARTIAL BACK OF 42 E. TIM. RD.
TO 19 EDGEMOOR RD SIDE AND BACK YARD, HOWARD WHITE PROPERTY.
4. LOOKING SOUTH TO FRONT OF 42 E. TIM. RD. SHOWING ROUND STONES. 


Exh. 24 B.

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTO NUMBERS 1 THRU 16 DEPICT THE AREA PRIOR TO NOVEMBER 1994.

PHOTO NUMBERS 17 THRU 25 DEPICT THE AREA ON THE SOUTH SIDE OF 42 E. TIM. RD. AFTER NOVEMBER 1994.

- OLD
NEW**
1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD & EAST SIDE OF 19 EDMORE RD. H. WHITE PROPERTY (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
 2. SOUTH VIEW FROM CORNER OF EDMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
 3. SOUTH VIEW FROM EDMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD. - NOTE HEIGHT OF ROOF LINE. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
 4. VIEW OF SOUTH SIDE OF 44 E. TIMONIUM RD. NOTE PICTURE WINDOW, DOOR, KITCHEN AND BEDROOM WINDOW, AND BASEMENT STAIRS. (PHOTO TAKEN BY L. MILLER, MAY, 1992)
 5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND [REDACTED] ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS. VEHICLE IS OWNERS. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
 6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
 7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TRACKS AND TEAR-UP OF BUFFER ZONE. (PHOTO TAKEN BY L. MILLER, FEB 4, 1994)
 8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
 9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94 (PHOTO TAKEN BY L. MILLER, FEB. 7, 1994)
 10. CONGESTION IN DRIVE WAY, AGAIN VAN PARKED [REDACTED] ON TIM. RD. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
 11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED [REDACTED] ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
 13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDMORE RD. (PHOTO TAKEN BY L. MILLER, MAY 1992)
 14. SOUTH WEST VIEW FROM 19 EDMORE RD. (H. WHITE PROPERTY) SHOWING THE FENCE CONSTRUCTION AND ENCROACHMENT INTO BUFFER ZONE BY 15 FT. PROPERTY LINE IS 42" SLATTED GREEN FENCE.

(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)

15. EAST VIEW FROM H. WHITE PROPERTY 19 EDGEMOOR RD OF FENCE IN REAR OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
16. SOUTH VIEW FROM 44 E. TIM. RD SIDE YARD OF FENCE CONSTRUCTION OF NORTH REAR YARD OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
17. WEST VIEW FROM SOUTH PROPERTY LINE OF 44 E. TIM. RD. OF FENCE CONSTRUCTION OF NORTH SIDE YARD OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, JAN 2, 1995)
18. NORTH VIEW FROM SHOPPING CTR BUFFER AREA OF SOUTH SIDE OF BACK YARD OF 42 E. TIM. RD. NOTE [REDACTED] SPLICING, ETC.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
19. VIEW FROM EDGEMOOR RD LOOKING SOUTH WEST OVER SHOPPING CENTER BUFFER AREA NEWLY PROTECTED AND READY FOR COMPACT EVERGREEN SCREENING PLANTING NOTE DRIVEWAY OVER SIDEWALK AND TIRE TRACKS IN NEW SEEDED AREA.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
20. ANOTHER VIEW OF SOUTH FENCE CONSTRUCTION OF BACK YARD OF 42 E. TIM. RD. WEST FENCE EXTENDED OVER LINE, NOTE PANEL SPLICE.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
21. ANOTHER VIEW LOOKING NORTHEAST OVER BUFFER AREA TO SOUTH SIDE FENCE OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
22. NORTH WEST VIEW OF SHOPPING CENTER BUFFER AREA [REDACTED] SHOWING FENCE GATE TO BACK YARD AND ENTRANCE OFF DRIVEWAY TO DAY CARE HOME.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
23. WEST VIEW OF DRIVEWAY OF 42. E. TIM. RD FROM SIDEWALK. NOTE SMALL SIZE. FROM HOUSE TO PROPERTY LINE IS ONLY 10 FEET.....
(PHOTO TAKEN BY L. MILLER, 1/2/95)
24. WEST VIEW OF DRIVEWAY OF 42 E. TIM. RD FROM ROADWAY. SEE CONTINUED ENCROACHMENT OF DRIVEWAY ON BUFFER AREA BETWEEN CURB AND PROPERTY LINE.
(PHOTO TAKEN BY L. MILLER, 1/25/95)
25. SNOW EMERG. AND NO PARKING SIGN AT CORNER OF DRIVEWAY TO 42 E. TIM RD. SIGN ARROW TO EAST TIMONIUM SHOPPING CTR. PRIVATE ROAD.
(PHOTO TAKEN BY L. MILLER 1/2/95)

FILE: LOTUS-94271PIC

* BEFORE THE ZONING COMMISSIONER

IN RE * FOR BALTIMORE COUNTY

42 East Timonium Road * Case No. 94-271-XA
 Item 271

* * * * *

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

Number of Employees: 3

Number of Children to be Enrolled (Maximum): 20

Hours of Operation: Arrival 7:30 a.m.
 Depart by 5:30 p.m.

Known Amount of Traffic Generated:
 20 Children X 1 Drop-Off and
 1 Pick-up = 40 Trips Per Day
 3 Employees = 3 Trips Per Day
 43 Trips Per Day

1E Site Plan Previously Submitted

1F Pictures Submitted At Hearing

Michael P. Tanczyn

MICHAEL P. TANCZYN, ESQ.
 Attorney for the Petitioner
 606 Baltimore Avenue
 Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823

AB - S/L #23

PETITIONER'S EXHIBIT 10

CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeyville, MD 21030

Business
(410)667-4543

Facsimile
(410)666-1561

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeyville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980

The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977

The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

PROFESSIONAL SOCIETIES

1/69 to Present

American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

6/69 to Present

American Institute of Certified Planners

1975 to 1988

The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90

Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90

The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL

1985 to 1988

The University of MD at Baltimore
Advise on planning program

1992 to Present

The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.

March 14, 1994

TO WHOM IT MAY CONCERN:

As you know, I have filed a petition to seek zoning approval to increase the number of children served in my child care center to a maximum of 20. I appreciate all of the written support I have received from my clients.

The purpose of this letter is to ask for your help in another way. In the course of the hearing one of the neighbors has submitted a videotape showing cars backing out of the driveway and making U-turns on Timonium Road, vehicles parking blocking the driveway and the sidewalk, as well as vehicles parking facing the wrong way on Timonium Road in front of my property.

The filming of these situations was done to show that there may be a safety hazard to the community during the drop-off or pick-up of the children by the parents. It was also testified that several of the parents are parking off the shoulder of the shopping center entrance and walking around to pick up their children.

I have no doubt that this is a situation which we can and should address by scheduling or coming up with a method whereby the children can be met at the driveway or brought to the driveway in order to help my petition receive favorable consideration. I would therefore greatly appreciate it, if you have been one of the drivers videotaped doing one of these things, if you would avoid doing that in the future.

If you have any questions about how to accomplish the safe drop-off and pick-up of the children I would be happy to hear them. I am in the process of attempting to find off-site parking for my employees which will free up more spaces in the driveway if I am successful in that effort.

Again, I thank you for your support in my efforts to continue to provide quality daycare for your children. You may call me if you have any questions at 252-0636.

Sincerely,

Fatemeh Falahi

**PETITIONER'S
EXHIBIT 8**

MICROFILMED

LEASE AGREEMENT

THIS AGREEMENT OF LEASE, made this 3 day of March, 1994, by and between FRED YOO, hereinafter referred to as "Landlord", and FATEMEH FALAHY, hereinafter referred to as "Tenant".

WHEREAS, Landlord is the owner of improved real property on which he operates a gasoline station and service garage on East Timonium Road, adjacent to the Timonium Shopping Center; and

WHEREAS, Landlord has parking spaces in addition to those needed for his business; and

WHEREAS, Tenant is interested in renting three (3) parking spaces for her employees of the child care center she operates at 42 East Timonium Road; and

WHEREAS, Landlord is willing to rent those three (3) parking spaces for the times and time periods hereinafter mentioned.

NOW, THEREFORE, it is agreed by and between the parties that Landlord shall lease three (3) parking spaces, to be designated by Landlord, for parking three full size vehicles for the exclusive use of Tenant and the Tenant's employees in return for the mutual and beneficial considerations flowing to each, the sufficiency of which is hereby acknowledged by each.

1. **Number of Parking Spaces.** There shall be three (3) parking spaces designated by Landlord within his property for which Tenant shall be allowed to park.

2. **Time Period.** This Lease Agreement shall cover the time period Monday through Friday and for the hours 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 5:30 p.m.

3. **Consideration.** Tenant agrees that she shall buy all gasoline products she needs for her own use from the Landlord and shall utilize his service garage for necessary repairs for her vehicles. In addition, Tenant shall pay the sum of Five Dollars (\$5.00) per week for the rental of the parking spaces, which will be payable weekly whether or not the parking spaces are used.

4. **Term.** This Lease Agreement shall begin on the date signed and shall continue with the sole contingency that a special exception and variances requested by Tenant be granted and the property shall be used as a group child care home for no more than twenty (20) children. The term shall be subject to annual review to the mutual satisfaction of Landlord and Tenant.

PETITIONER'S
EXHIBIT 9

REC'D BY [unclear]

5. **Termination.** This Lease Agreement shall lapse and be of no further effect and shall terminate if the special exception and variances are not approved for the Tenant for operation aforedescribed at 42 East Timonium Road.

6. **Rent Review.** The amount of rent shall be reviewed on an annual basis on the anniversary date of this Lease Agreement and mutually agreeable terms shall be approved between Landlord and Tenant for future years.

7. **Availability.** Landlord agrees he will continue to make the parking spaces available to the Tenant for the time periods indicated so long as she is entitled to operate a group child care home for more than twenty (20) children.

8. **Venue.** This Lease Agreement has been entered into in the State of Maryland and shall be governed by the Laws of the State of Maryland.

9. **Entire Agreement.** This Lease Agreement contains the entire understanding between the parties and there are no other terms, conditions or agreements between the Landlord and Tenant other than those set forth herein.

10. **Miscellaneous.** The parties enter into this agreement by their signatures below freely and voluntarily.

WITNESS the hands and seals of the parties the day and year first above written.

WITNESS

Dalene Du

WITNESS

Fred Yoo

FRED YOO, Landlord

Fatemeh Falahi

FATEMEH FALAHI, Tenant

February 19, 1994

7E

To The Zoning Commissioner:

My daughter attended Epworth Daycare Center in June of 1990. Mrs. Fatemeh Falahi was my daughter's teacher at that time. While under her care, my daughter received the highest quality day care available.

Mrs. Falahi then left Epworth Daycare Center to open her own Daycare. I removed my daughter from the Epworth Daycare Center and enrolled her at Mrs. Falahi's Daycare Center.

Consequently, my daughter has been under her supervision for a total of four years.

Mrs. Falahi is very caring, dependable, organized, supportive and experienced. The environment at Mrs. Falahi's Daycare is a very loving and nurturing one. It is the kind that is very beneficial to all young children.

To this end, I feel that it would be in the best interest of this community if Mrs. Falahi's Daycare Center was granted the opportunity for further growth. Anything your office can do will be greatly appreciated.

Sincerely,

Katherine Hall

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 15, 1994

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Case No. 94-271-XA, Item No. 271
Petitioner: Fatemeh Falahi and Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 16, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

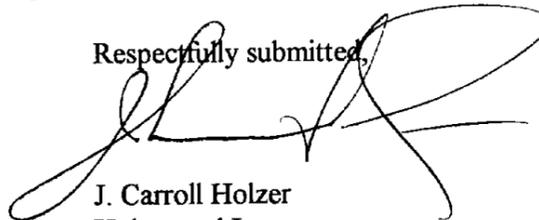
MICROFILMED

- (8) Purchase of property deed of assignment signed under oath and penalty, perjury, Protestant's Exhibit Number 15.
- (9) Introduced signed lease for off-street parking knowing such lease was negated by letter from the lessor, Protestant's Exhibit Number 7, Petitioner's Exhibit Number 9.

SUMMARY

Protestants submit that based upon the cases and Zoning Regulation sections previously cited, this Honorable Board should deny the Special Exception and Request for Variance.

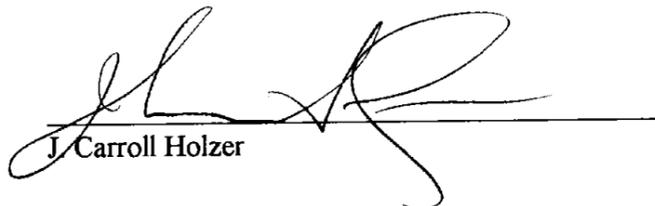
Respectfully submitted,



J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 18th day of October 1995, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed, postage pre-paid, to Mike Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Baltimore, Maryland, 21201-4026; and Peter Max Zimmerman, People's Counsel for Baltimore County, Basement, Old Courthouse, Towson, Maryland, 21204.



J. Carroll Holzer

**PROPOSED CHILD CARE CENTER AT 42 E. TIMONIUM ROAD, BALTIMORE,
MD, CASE NO. 94271**

SUMMARY OF FINDINGS

I. INTRODUCTION

Timonium Road is a busy county arterial with an ADT of over 25,000 vehicles per day. At the site (42 E. Timonium) it is a two lane (one lane in each direction) facility with parking on both sides. Speeds are from 30 to 35 mph (some are higher). The proposed site has a very narrow driveway (about 8 ft.) with no capability to turn around off-street. Backing into this busy arterial is very hazardous, especially during the peak hours - and especially for drop off/pick up of pre-school aged children. It is proposed to expand the ~~present small daycare~~ operation of 8 children to a class B Group Child Care Center for up to 20 children. Thus, the amount of activity at the site driveway would more than double, creating even more of a serious traffic safety problem.

II. CAPACITY/LEVEL OF SERVICE

Turning movement counts were provided by the Baltimore County Division of Traffic Engineering for 1992. An analysis of the signalized intersections on either side of 42 E. Timonium Road for AM peak operation showed the following: Work sheets are attached Exhibits 1 and 2.

| <u>Results Intersection</u> | <u>CLV*</u> | <u>LOS*</u> |
|-----------------------------|-------------|-------------|
| Timonium and York Rd. | 1515 | E |
| Timonium and Eastridge Rd. | 1044 | B |

* See Exhibit 3 for explanations

The intersection of Timonium and Eastridge operates at a good level of service (LOS), while the operation of the Timonium/York Road intersection is at LOS E or capacity - very close to failure. Only a few more trips would cause Timonium and York to reach a failing LOS.

III. GAP ANALYSIS

Because of the very high traffic volumes on Timonium Road and the increased conflicts which would be at the driveway of 42 E. Timonium Road if this application were approved, an analysis of available gaps was conducted. The traffic volumes on Timonium Road, just east of York Road are:

| | |
|---------------------------|------|
| 7:30 - 8:30 am | 1515 |
| 4:45 - 5:45 pm | 1846 |

The traffic follows a Poisson distribution which is described by the following equation.

$$P(X) = \frac{M^x e^{-m}}{X!} \text{ and the probability of a gap}$$

$$\text{is given by } P(g \geq T) = e^{-\frac{VT}{3600}}$$

where

V = volume in vehicles per hour

T = time period of interest

e = base of natural log

g = size of gap = T

According to Highway Capacity Manual, an acceptable gap for a left turn from a stop sign controlled driveway or street is 6 seconds. Applying this,

$$AM P(g \geq 6) = e^{-\frac{1515(6)}{3600}} = e^{-2.525} = 0.080$$

$$PM P(g \geq 6) = e^{-\frac{1846(6)}{3600}} = e^{-3.077} = 0.04$$

What this indicates is that in the evening, an acceptable gap is available only 4.6% of the time and during the am peak hour an acceptable gap may be present only 8% of the time. This equates to long waits leading to frustration and a high potential for conflicts and accidents.

IV. SAFETY

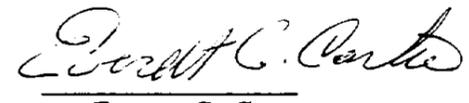
For a 1.5 mile section of Timonium Road east of York Road, there were 58 traffic citations in 1994, in spite of police budget cut backs and lack of personnel. Most citations were for speeding. The conflicts with drop off/pick up at the existing day care center would be 2 1/2 times as bad if this application is approved. Combining speed and conflicts results in a much higher probability of accidents at the proposed site.

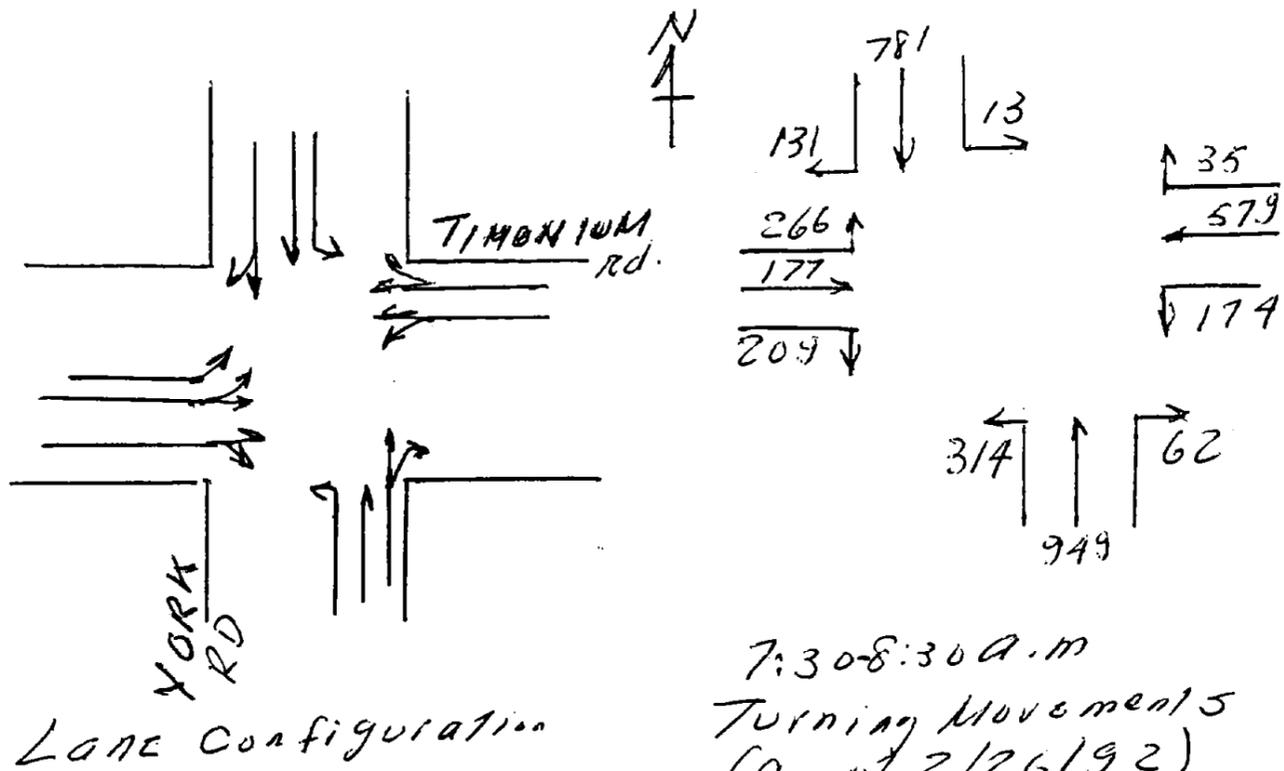
V. Conclusions

This application should be denied because:

1. It is served by a high volume two-lane street which:
 - o Can not provide adequate gaps for entering and leaving the site.
 - o Is close to capacity at the York Road intersection.
2. There is inadequate site driveway width (about 8 ft.).
3. There is no off-street turn-around area, resulting in requiring backing onto busy Timonium Road.

4. There should be real concern for safety of small pre-school children at such a driveway/high volume arterial point.


Everett C. Carter



CAPACITY/LEVEL OF SERVICE ANALYSIS

$$NB (949 + 62) \cdot 55 + 13 = 569$$

$$SB (781 + 131) \cdot 55 + 314 = 816^*$$

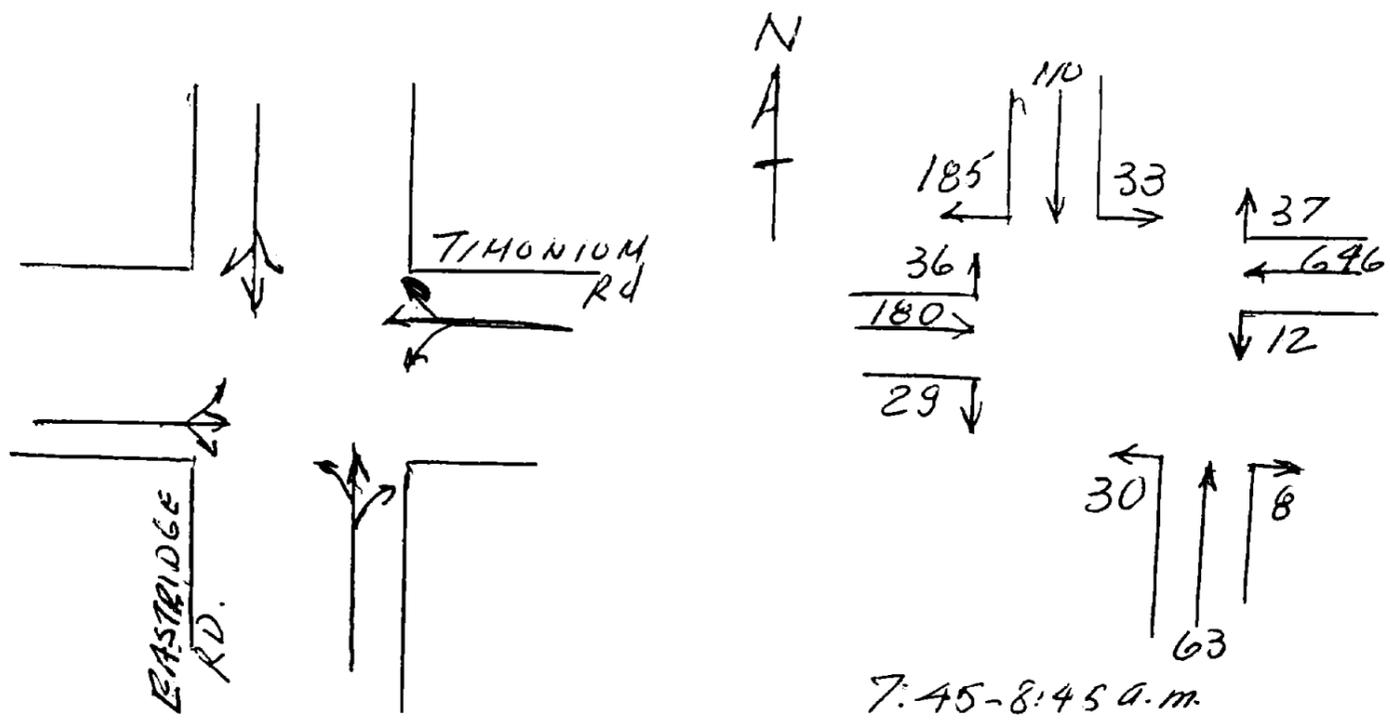
$$WB (579 + 35 + 174) \cdot 55 + 266 = 699^*$$

$$(209 + 177) \cdot 55 + 174 = \underline{386}$$

$$CLV \Sigma = 1515$$

$$LOS = E$$

EXHIBIT 71: LEVEL OF SERVICE/CAPACITY
ANALYSIS INTERSECTION YORK RD. &
TIMONIUM ROAD



Load Configuration

7:45-8:45 a.m.
Turning Movements

CAPACITY/LEVEL OF SERVICE ANALYSIS

$$NB: (63 + 8) + 33 = 104$$

$$SB: (185 + 110) + 30 = 325^*$$

$$EB: (180 + 29) + 12 = 221$$

$$WB: (646 + 37) + 36 = 719^*$$

$$CLV \Sigma = 1044$$

$$LOS = B$$

EXHIBIT 2: CAPACITY/LEVEL OF SERVICE ANALYSIS
INTERSECTION OF TIMONIUM RD & EASTRIDGE RD

Adequate Accommodation of Traffic:

The ability of a highway system to carry traffic is expressed in terms of "Service Level" at the critical locations (usually intersections). "Service Level" is defined alphabetically as follows:

- "A" Conditions of free unobstructed flow, no delays and all signal phases sufficient in duration to clear all approaching vehicles.
- "B" Conditions of stable flow, very little delay, a few phases are unable to handle all approaching vehicles.
- "C" Conditions of stable flow, delays are low to moderate, full use of peak direction signal phase(s) is experienced.
- "D" Conditions approaching unstable flow, delays are moderate to heavy, significant signal time deficiencies are experienced for short durations during the peak traffic period.
- "E" Conditions of unstable flow, delays are significant, signal phase timing is generally insufficient, congestion exists for extended duration throughout the peak period.
- "F" Forced Flow - Gridlock

The following table indicates the "Critical Lane Volume" range to be used in determining "Service Level":

| <u>Service Level</u> | <u>"Critical Lane Volume" Range</u> (vehicles per lane per hour) |
|----------------------|---|
| A | 1,000 or less |
| B | 1,000 to 1,150 |
| C | 1,150 to 1,300 |
| D | 1,300 to 1,450 |
| E | 1,450 or greater |
| F | greater than 1600 |

* See Traffic Engineering, January 1971.

EXHIBIT 3: Explanation of Critical Lane Volume and Level of Service Values

Everett C. Carter

Proct. Exp.
17

Transportation Studies Center
Department of Civil Engineering
University of Maryland
College Park, Maryland 20742
(301) 405-1950 ✓

10509 Unity Lane
Potomac, MD 20854
(301) 762-0176

EDUCATION

B.S.C.E. Virginia Polytechnic Institute, 1958
M.E. (Transportation), University of California, Berkeley, 1959
Ph.D. (Transportation), Northwestern University, 1969

ACADEMIC EXPERIENCE

University of Maryland: Professor, Department of Civil Engineering, 1972 to present;
Associate Professor 1970-1972; Chairman 1973-1977;
Director, Transportation Studies Center, 1975 to 1985
West Virginia University: Associate Professor 1969 and 1970; Assistant Professor 1963-1969
Northwestern University: Teaching Assistant 1961-1962

COURSES TAUGHT

Regional Transportation Planning, Urban Transportation Planning, Urban Problems, Transportation Engineering, Transportation Economics and Administration, Highway Laws, Traffic Engineering Characteristics and Operations, Highway Engineering, Airport Planning and Design, Civil Engineering Planning, Geometric Design of Highways.

PROFESSIONAL SOCIETIES AND HONORS

American Society of Civil Engineers, Transportation Research Board, Institute of Transportation Engineers, American Public Works Association, Sigma Xi, Chi Epsilon, Tau Beta Pi, Phi Kappa Phi, American Road and Transportation Builders Association, American Society for Engineering Education.

PROFESSIONAL EXPERIENCE

Consultant on Traffic Impact Studies for various citizen groups and developers, 1980 - present.

Consultant to several local governments, several development companies and to FHWA, 1985
- present.

Consultant, Comsis Corporation, Work Zone Accident Data Process, FHWA 1983-84
Consultant, KELLERCO, Inc., (1) Trip Generation Factors, FHWA 1984-85; (2) Traffic Impact
Analyses - several developers 1983-84.

Consultant, AMAF Industries, Inc. (1) Removal of Multiway Stop Signs With Minimum
Hazard, FHWA 1982-83; (2) High Speed Water Transit, UMTA, 1983-84; (3) Safety
Aspects of Textured Shoulder Treatments, FHWA, 1983-85; (4) Motorist Diversion
Synthesis, FHWA, 1984-85.

Consultant, Wagner-McGee, Vehicle Characteristics Related to Highway Design, FHWA,
1982.

Consultant, CounselTrans, Inc., Passenger Car Equivalencies for Cost Allocation, FHWA,
1980-1981; Several accident investigations, design reviews, and traffic impact studies,
1981-1983.

Consultant, System Design Concepts, Inc., Transportation Energy Contingency Planning for
N.Y. State DOT, 1980.

Consultant, Moore & Johnson, Transportation Impacts of State Multi-Service Centers,
1979-1980.

Consultant, North Central Texas COG, Energy Alternatives Analysis for Dallas North Central
Corridor, 1979.

Consultant, RK&K, Cost Effectiveness Analysis of Route I-83, Interstate
Division, Baltimore, 1978.

Consultant, KLD Associates, Signing and Informational Needs of Motorists, 1977- 78;
Economic Benefits of Roadside Safety Rest Areas, 1986-1988.

Consultant, R.J. Hansen Associates, 1976 to 1979 for NCHRP Study of Truck Size, Weight
and Speed Regulations, and FHWA Study of Heavy Truck Corridors.

Consultant, Office of the Secretary, U.S. Department of Transportation 1976 (for a Study of
Airport Terminals).

Consultant, Agency for International Development, 1973-74 (for Environmental Study of
Irrigation and Highway Project in Jordan).

Consultant, Curtis C. Harris Associates, 1973-74 (for Regional Economic Input- Output
Model Development).

Consultant, Office of the Secretary, U.S. Department of Transportation 1971-72 (for the
Airport and Airways Cost Allocation Study).

Associated Consultant, Roy Jorgensen Associates, 1971-74 (for Transportation Planning).

Traffic Planning Analyst, Chicago Area Transportation Study, part-time basis, 1961, 63 and
64.

County Traffic Engineer, DeKalb County, Georgia (part of Atlanta Metropolitan Area),
February to September, 1960.

Traffic Engineer, Engineering Economics Section, Virginia Department of Highways,
1959-60.

Civil Engineer, Traffic Engineering Department, California Division of Highways, summer
1958.

PUBLICATIONS AND PAPERS PRESENTED AT MAJOR CONFERENCES

"Approach Capacity of Arterial Street Intersections," presented at the National Meeting of Highway Research Board, January 1962, Washington, D.C.

"A Model for the Allocation of Funds for Capacity Improvements of Urban Highway Systems," Highway Research Board, *Research Record 20*, with Joseph R. Stowers), 1963, pp. 84-102.

"Relationship of Transportation to the Underdevelopment of Appalachia," Proceedings of the Fifth World Meeting of the International Road Federation, London, England, September 1966, 28 pp.

"Avenues of Research on Traffic Control Devices," presented to the Institute of Traffic Engineers, March 1966, Baltimore, Maryland.

"The Utilization of Research Results," presented at the Annual National Meeting of the Institute of Traffic Engineers, September 1967, St. Louis, Missouri.

"Establishing Criteria for Speed Limits in School Zones," presented at the National Meeting of the Highway Research Board, January 1968.

"Simplified Techniques for Developing Transportation Plans-Trip Generation in Small Urban Areas," Highway Research Board, *Research Record 240*, Washington, D.C., (with Wilbur Jefferies), 1968, pp. 66-87.

"Innovation in Transportation - The Application of V/STOL in the Appalachian Region," presented to the North-Central Conference of the American Society of Civil Engineers Meeting, April 1969, Akron, Ohio.

"Feasibility Study of V/STOL Air Transportation in the Appalachian Region: A Conceptual Framework and Example Analysis," Ph.D. Dissertation, Northwestern University, 1969, 284 pp.

"Commercial Air Trip Generation in West Virginia," *Journal of the Transportation Engineering Division, American Society of Civil Engineers*, May 1970, pp. 185-200.

"Statewide or Regional Transportation Planning: State-of-the Art," (with F.J. Wegmann) Proceedings, 6th World Meeting of the International Road Federation, Montreal, Canada, October 1970.

"The Emerging Statewide Transportation Planning Process," (with F.J. Wegmann), *Traffic Quarterly*, July 1971, pp. 365-390.

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

October 18, 1995

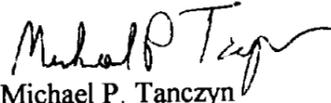
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners

Gentlemen:

Enclosed please find Memorandum submitted on behalf of the Petitioners in the above matter.

Very truly yours,



Michael P. Tanczyn

MPT/ed
Enclosure

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi

05 OCT 19 11 09 AM '95

"Emerging Analysis Issues in Statewide Transportation Studies," (with L.E. Haefner and R.D. Johnson) October 1971, 12th Annual Meeting of the Transportation Research Forum, Philadelphia.

"Techniques for Evaluating Factors Relevant to Decision Making on Highway Locations," an informational report (with L.E. Haefner and J.W. Hall), for the Federal Highway Administration, December 1972.

"Literature References on Techniques for the Evaluation of Factors Relevant to Decision Making on Highway Location," (with L.E. Haefner and J.W. Hall) for the Federal Highway Administration, January 1972.

"Synthesis of Transportation System Evaluation Techniques into an Operational Framework," (with L.E. Haefner and J.W. Hall) presented at the 41st ORSA meeting, April 1972.

"Testing an Emergency and Regional Medical Helicopter Transport System," (with F.J. Wegmann and R.F. Jordan) Highway Research Board, *Research Record 358*, 1972, pp. 46-48.

"Statewide Transportation Planning - A Current Review," (with F.J. Wegmann) presented at the ASCE National Transportation Meeting, Milwaukee, July 1972, ASCE, *Transportation Engineering Journal*, May 1973, pp. 323-338.

"Incorporating Environmental Impacts in the Transportation System Evaluation Process," (with L.E. Haefner and J.W. Hall) January 1973, *Research Record 467*, 1973, pp. 1-13.

"Discussion of "Searching for the Best Location of Service Facilities Along the Freeway," (by We-Min Chow and Adolph D. May), presented at the Annual National Meeting of the Highway Research Board, January 1973, *Research Record 450*, 1973, pp. 31-33.

"U.S. Experience in Deployment and Planning of Alternative Emergency Medical Care Delivery System," (with F.J. Wegmann) Proceedings, 7th World Meeting of the International Road Federation, October 1973, (Munich, Germany).

"Cost Effectiveness of Traffic Accident Countermeasures," *Compendium of Technical Papers*, 43rd Annual Meeting, Institute of Traffic Engineers, 1973, pp. 396-399.

"Transportation Planning for Colleges and Universities," *Traffic Engineering*, August 1974, pp. 38-43.

"Discussion of Resource paper on Systems Planning and Programming Methodology -Freight Movement," Transportation Research Board *Special Report 146*, Issues in Statewide Transportation Planning, pp. 178-181, 1974.

"Resource Requirements for Highway Construction and Maintenance," presented at the 1974 IRF Regional Meeting, Budapest, Hungary, September 22-27, 1974.

"Transportation and the Action Plan," *Compendium of Technical Papers*, 44th Annual Meeting, Institute of Traffic Engineers, 1974, pp. 12-16.

"Transportation Planning for College and Universities," Response to the Technical Council Committee Award, 44th Annual Meeting, Institute of Traffic Engineers, Detroit, September 16, 1974.

"Traffic Analysis for Airport Asphaltic Pavements," (with J.W. Hall, W.A. Wild and M.W. Witczak), ASCE, *Transportation Engineering Journal*, November 1974, pp. 873-888.

"Transportation Planning for Elementary and Secondary Schools," *Better Schools*, September-October 1974, pp. 13-14.

"Planning an Air Transport Network in Appalachia," (with E.K. Morlok), ASCE *Transportation Engineering Journal*, August 1975, pp. 569-588.

"Pretimed Signal Control System for An Underwater Vehicular Tunnel," (with S.A. Smith) Transportation Research Board, *Research Record 533*, 1975, pp. 22-33.

"Mathematical Evaluation of Traffic Control Alternatives for Restricted Facilities," (with R.C. Loutzenheiser and E.A. Gonzalez) Transportation Research Board, *Research Record 533*, 1975, pp. 97-109.

"Campus Transportation Planning: Principles and Recent Experience on One Campus," presented at the National ORSA meeting, November 1976.

"The Airport Terminal Interface: Institutional Arrangements," (with T.E. Mulinazzi) presented at the Transportation Research Board, January 1977.

"Managing the Transportation System," 82nd Annual Conference of the International Municipal Signal Association, Baltimore, Maryland, August 1977, *Municipal Engineer*, December 1977.

Introduction to Transportation Engineering, Prentice-Hall, 1978, 260 pp. (with W.S. Homburger).

"High Hazard Location Identification in the Baltimore County Road rating Project," Transportation Research Board, *Research Record 753*, 1980 (with D.L. Renshaw).

"Goods Transportation in Urban Areas," Institute of Transportation Engineers, *Technical Notes*, December 1980.

"Transportation Planning: Developing vs. Developed Countries," *Proceedings*, 2nd Pan American Congress on Traffic and Transportation Engineering, Popayan, Columbia, November 1982, 17 pages.

"The Changing Roles of Transit and Auto Use in a World Awakened to Energy Limitations," *Proceedings*, 2nd Pan American Congress on Traffic and Transportation Engineering, Popayan, Columbia, November 1982, 26 pages.

"Sign Vandalism: A Costly and Dangerous National Problem," presented at the Transportation Research Board Annual Meeting, January 1983, *Research Record* 926, 1983.

"Multi-Way Stop Signs -- Have We Gone Too Far?," (with H.S. Chadda), Institute of Transportation Engineers, *ITE Journal*, May 1983, pp. 19-21.

"Curbing Traffic Sign Vandalism," (with H.S. Chadda), *Public Works*, November 1983, pp. 46-49.

"Sign Vandalism: Time for Action -- Now," (with H.S. Chadda), *ITE Journal*, August 1983, pp. 16-19.

"The Changing Role of Multi-way Stop Control," (with H.S. Chadda), *ITE Compendium of Technical Papers*, Annual Meeting, London, England, August 1983.

"A Comparison of Transportation Planning in Developing and Developed Countries," (with H.S. Chadda and P.M. Schonfeld), *Transportation Quarterly*, January 1984, pp. 69-85.

"Sign Vandalism: Pranksters are Playing a Deadly Joke on Motorists," (with H.S. Chadda), National Safety Council, *Traffic Safety*, March/April 1984, pp. 7-9.

"The Safety, Operational and Cost Impacts of Pedestrian Indications at Signalized Intersections," (with H.D. Robertson), Transportation Research Board, *Research Record* 959, 1984, pp.1-7.

"Multi-Way Stop Sign Removal Procedures," (with C.M. Ligon and H. McGee), accepted for presentation and publication by Transportation Research Board, *Research Record* 1010, 1985, pp. 45-53.

"Innovative Financing for Transportation Infrastructure" (with H.S. Chadda & R.D. Johnson), Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, New Orleans, August 1985.

"TSM Strategies for Medium Sized Cities," (with P.M. Schonfeld), *Proceedings*, International Symposium on Urban Transportation, Taipei, Republic of China, November, 1986.

"Some Suggested Solutions to Downtown Parking Problems," (with C.S. Chen), *Proceedings*, International Symposium on Urban Transportation, Taipei, Republic of China, November, 1986.

"Criteria for Pedestrian Overpasses and Underpasses," (with H.S. Chadda & P.M. Schonfeld), Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, New York, August 1987.

"Urban Congestion: Unused Capacity to Meet Travel Demand," presented at National Workshop, Strategies to Alleviate Traffic Congestion, ITE, San Diego, CA, March 9-11, 1987.

"Port Access Routing Program," (with K.J. Hausman) Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, Vancouver, British Columbia, September, 1988.

"Intersection Ranking Methodology for Pedestrian Safety," (with H.D. Robertson), *Transportation Engineering Journal*, SCE, November, 1988, pp. 744-757.

"Data Bases for Traffic Impact Studies," in *Development Impact Analysis*, Center for Urban Policy Research, Piscataway, N.J., 1988.

"Traffic Sign Maintenance and Management" (with F.I. Awadallah), *Proceedings*, 3rd IRF Middle East Regional Meeting, February 1988.

"Statistical Applications to Accident Analyses", presented at the International Forum on Traffic Safety, Rio de Janeiro, Brazil, June 26-29, 1988.

"Safety Belt Use and Highway Safety," *Proceedings* of the VI Pan American Conference on Traffic and Transportation, July 1990, Popayan, Columbia.

"Intervention Analysis for the Impacts of the 65 mph Speed Limit on Interstate Highway Fatalities," (with G.L. Chang and C.H. Chen), presented at the Annual Meeting of the Transportation Research Board, January 1991.

"Mandatory Safety Belt Law and Highway Safety in Maryland" (with P.M. Schonfeld), presented at the January 1990 TRB Annual Meeting.

"Model of the Effects of Rail-Highway Grade Crossings on Emergency Access," (with T.A. Ryan), Transportation Research Board, *Research Record 1254*, 1991.

REPORTS AND LIMITED DISTRIBUTION PUBLICATIONS

"A Study of Traffic Flow at Arterial Street Intersections," Chicago Area Transportation Study, 1963, 39 pp.

"The Relationship of Highway Planning to Right of Way Procedures," presented to the American Right of Way Association Meeting, February 1965, Morgantown, West Virginia.

"A Pilot Study to Investigate the Relationship between Land Development and Transportation Patterns," prepared for the Planning and Research Division, West Virginia Department of Commerce, (with O.K. Mabry), 1966, 68 pp.

"West Virginia Secondary Road Maintenance Responsibility: A Preliminary Study," prepared for the Planning and Research Division, West Virginia Department of Commerce (with R.G. Corder) 1966, 135 pp.

"The Impact of the Highway Beautification Act of 1965 on the Outdoor Advertising Industry in West Virginia," Final Report to the State Road Commission of West Virginia, Engineering Experiment Station, West Virginia University, (with W.W. Lyon, Jr. and J.H. Suttle) 1967, 127 pp.

"Establishing Criteria for Speed Limits in School Zones," Final Report to the State Road Commission of West Virginia, Engineering Experiment Station, West Virginia University (with R.P. Jain), 1967, 126 pp.

"What is Meant by the Word Transportation?" Community Resource Development, West Virginia Center for Appalachian Studies and Development, Morgantown, Issue No. 31, October 1968, pp. 1-7.

"Transportation in West Virginia," Treasures of the Trail, January, February and March 1969. "Transportation," pp. 6-9 "Modern Highway Construction -- What is Involved?", pp. 10-12; "Bond Financing," p. 27. Appalachian Center, West Virginia University.

"V/STOL as Part of the Transportation System in West Virginia," presented at the West Virginia Highway Engineering Conference sponsored by the American Road Builders Association, Montgomery, West Virginia, April 1969.

"Trade-Offs of the Application of V/STOL to Naval Carrier Operations", Project THEMIS, Office of Naval Research for Aeronautics, NR 215-163, August 1969 (not yet released).

"Comparison of maintenance Policies for V/STOL Aircraft Aboard Smaller Naval Vessels," Project THEMIS, ONR, October 1969 (not yet released).

"The Feasibility of a Helicopter System for Emergency and Regular Medical Service: A Pilot Study of a Sub-Region of West Virginia," West Virginia University, Civil Engineering Technical Report, January 1970.

"Study of Traffic Flow on a Restricted Facility, Interim Report, Phase I," (with S.P. Palaniswamy), Department of Civil Engineering, University of Maryland for Maryland State Highway Administration, June 1973.

"A Parking and Traffic Study for College Park," (with J.W. Hall and J.E. Kennedy) for the City of College Park, Maryland, February 1974.

"Traffic Flow on a Restricted Facility, Interim Report, Phase II, Summary (with R.C. Loutzenheiser and S.P. Palaniswamy), Department of Civil Engineering, University of Maryland for the Maryland State Highway Administration, June 1974.

"Traffic Flow on a Restricted Facility, Interim Report, Phase II, Report II-3, Pretimed Signal Control System for a Vehicular Tunnel," (with S.A. Smith and R.C. Loutzenheiser), Department of Civil Engineering for the Maryland State Highway Administration, June 1974.

"Traffic Flow on Restricted Facilities, Phase III-Summary" (with R.C. Loutzenheiser), December 1976.

"Study of Statewide Traffic Volume Counting Systems for Maryland and West Virginia: Final Report and Appendices," 1977 (with T.E. Mulinazzi):

"Traffic Flow on Restricted Facilities, Final Project Report" (with R.C. Loutzenheiser), January 1977.

"Comprehensive Transportation Study for the College Park Campus, Executive Summary," for Board of Regents, 1977.

"Priority Programming for Road Systems," presented to the South African Institute of Civil Engineers, Capetown Branch, July 4, 1979; Pretoria Branch, July 17, 1979.

"Introduction to Transportation Engineering," Short Course presented for the South African Road Federation, July 2-6, Capetown University; July 9-13, University of Pretoria.

"Engineering Education in the 1980's," presented to the County Engineers Association of Maryland, May, 1981.

"Analysis of the Impacts of Future Fuel Shortage Scenarios," (with R. Bixby, A. Reno, T. Corsi and P. Schonfeld), Preliminary Research Report 194, New York State Department of Transportation, 1981.

"Analysis of Actions Appropriate for Transportation Energy Contingencies," (with R. Bixby, A. Reno, T. Corsi, P. Schonfeld and M. Hess) Preliminary Research Report 195, New York State Department of Transportation, 1981.

"Impact Assessment of Alternative Selective Traffic Enforcement Activities," for the Maryland State Police, July, 1983.

"Revenue Allocation Process for Metro-Bus," for Washington Metropolitan Area Transit Authority, 1983.

"Reevaluation of Traffic Control at Non-Signalized Intersections," for Maryland State Highway Administration, 1984.

"Removal of Multiway Stop Signs with Minimum Hazard," two volumes, (with C.M. Ligon and H. McGee) for Federal Highway Administration, 1984.

"A Qualitative Analysis of Ferry Operations and Competing Modes," (with R.D. Johnson and D. Joost) for Urban Mass Transportation Administration, 1984.

"Effects of Shoulder Textured Treatments on Safety," (with C.M. Ligon and D. Joost) Federal Highway Administration (FHWA/RD-85/027) 1985.

"Shoulder Surface Treatment and Use," (with X. Fang & P.M. Schonfeld) Maryland State Highway Administration, 1988.

"Effectiveness of Word and Symbol Pavement Markings," (with H.M. Chiu & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Guidelines for Effective Use of Delineation," (with R. Trivedi & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Flashing Operations of Traffic Signals," (with K.T. Lee), Maryland State Highway Administration, 1988.

"Warrants for Firehouse Signals," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Intersections and Driveways Near Freeway Ramps," (with H.M. Chiu & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Service Levels for Different Interchange Configurations," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Increasing Intersection Capacity with Additional Through Lanes," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Removal of Non-Applicable Pavement Markings in Work Zones," (with P. Pisano & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Traffic Response to Variable Message Signs," (with S. Sirisoponsilp & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Offset T Intersections," (with S.K. Chang and P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Safety Impacts of the 65-MPH Speed Limit on Interstate Highways," (with G.L. Chang and C.H. Chen), AAA Foundation for Traffic Safety, 1991.

"Training Needs for Highway Construction Personnel," Final Report on Project 20-25 to NCHRP, Transportation Research Board, 1991.

PRESENTATIONS/LECTURES

"Freeway Planning, Design Operations and Management," Two-day Lecture, UNDP, Beijing, China, January 1990.

"Advanced Technology and Freeway Incident Management," UNDP, Beijing, China, August 13-17, 1991.

COMMITTEES

Professional Committees include:

Institute of Transportation Engineers:

Trip Generation Committee, 1963-1965;
Student Chapter Committee, 1964-1972; Chairman, 12/66-1/69.
Philosophy of Signs Committee, Chairman 1966-1969;
Transportation Planning for College and Universities; Chairman 1969-74;
Equal Opportunities Committee, 1972 to 1977;
Fellowship Awards Committee, Chairman, 1974;
Research Committee, 1974;
University-Professional Interaction Committee, Chairman 1974-1976;
Chairman, Forecasting and Inventory Division, Dept. 6 (Transportation Planning), Technical Council, 1974-1977; Assistant Head, Dept. 6; 4 48-1980, Head, Dept. 6, 1980-1983.
Expert Witness Council, 1986 to present, Board of Directors, 1987-1989;
Safety Coordinating Committee, 1988 - Present;
Tort Liability Feedback Committee 1989 - Present;
Brochure on Traffic Impacts for Public Officials, Chairman, 1988-1989;
Left Turn Lane Storage length Design Criteria, 1987-1989.

Transportation Research Board:

Motorist Services Committee 1970-1980; Chairman, 1973-1979
Special Committee on Air Transportation Activities - 1974 to present (to determine how TRB should be reorganized to include air transport)
Low Volume Roads Committee, 1978-1987.
Group 3 (Operation and Maintenance of Transportation Facilities) 1979, Chairman of Section B, 1980 to 1983.

American Public Works Association:

Educational Committee of the Transportation Institute, 1975;
Representative on the National Committee on Uniform Laws and Ordinances, 1984 to present.

American Road and Transportation Builders Association:

Educational Division, President 1976
Educational Division, Board of Directors 1975-present
Airports Advisory Council, 1974 to present; Chairman 1984-1986
Specifications Review Committee, 1974 to present
Railroads Committee 1980 - 1984

American Society of Civil Engineers: Air Transport Division

Publications Committee - 1971 to 1978
Chairman, 1974 to 1977; Awards Committee 1971 to 1977;
Planning Committee 1979 to present; Secretary, 1980 - 1982; Vice Chairman, 1982-1985;
Chairman 1985-1988; Program Committee - 1987-1990.

University Committees at the University of Maryland

University-Wide:

Libraries & Instructional Aids - 1971-1973
State Ad Hoc Committee on "Land Use Guidelines in the Vicinity of the College Park Campus," 1971
Campus Physical Development (Senate Adjunct Committee, Chairman, 1974-1977)
Capital Improvements Budget Committee - 1974-1977
Graduate Programs Committee - 1977-1980
Transportation Advisory Committee - 1977-1980
Graduate Faculty Committee on Programs, Courses and Curriculum, 1984-1986
Senate: General Committee on Education Affairs, 1984-86

College:

Research and Graduate Studies - 1970-1971 and 1972-1973
Ad Hoc Committee on Promotions and Tenure - 1972-1973, 1978-79 (Chairman); 1989-1991.
Minta-Martin Fund Administrative Committee - 1972 to 1977
Programs, curricula and courses - 1988 - 1990.

Department:

Department Advisory Committee 1971-72 and 1972-73
Department Reorganization Committee - 1971
Undergraduate Curriculum Committee - 1972
Graduate Affairs Committee - 1970-1973; Chairman, 1971-73
PCC Committee - 1970-71
Dr. Carter also served on numerous committees at West Virginia University

Committees and Activities on Institutional Grants

Transportation Science Committee, Chairman, 1966-1969; Committee developed proposal and administered \$210,000 NSF Incentive Grant at West Virginia University

V/STOL Applications on Naval Carriers:

Sponsored by: U.S. Department of Defense, Project THEMIS

Dates: 1968-1970

Amount: \$210,000 Annually - Dr. Carter was in charge of one portion of this overall study involving \$30,000 to \$35,000 per year.

Inter-Campus Transportation Feasibility Study:

Sponsored by: US Department of Housing & Urban Development

Dates: 1966-67

Amount: \$130,000 (led to the Morgantown People Mover System)

Planning National Seminars for Mass Transit Executives:

Sponsored by: US Department of Housing & Urban Development

Dates: 1966-67

Amount: \$60,000

Conference on the Application of Engineering Technology to the Problems of Appalachia:

Sponsored by: National Science Foundation

Dates: 1964-65

Amount: \$50,000

Technology Transfer to Local Transportation Agencies:

Sponsored by: Federal Highway Administration, MD State Highway Administration

Dates: 1984-present

Amount: \$125,000/year to 1987; \$225,000/year - since 1988

OTHER RESEARCH UNDER DR. CARTER'S DIRECTION

This includes the following sponsored research projects at West Virginia University:

Establishing Criteria for Speed Limits in School Zones, \$7,000 (1965-66).

Determining the Feasibility and Economic Impact of Vertical or Short Take-Off and Landing Aircraft for the Appalachian Region, \$72,000 (1965-68).

Simplified Techniques for Transportation Planning: Trip Generation for Small Urban Areas, \$3,000 (1965-66).

The Impact of the Highway Beautification Act on the Outdoor Advertising Industry in West Virginia, \$18,000 (1966-67).

Feasibility of helicopter and Ground Ambulance Transportation Systems for Emergency and Regional Medical Services in West Virginia, \$110,000 (1970).

Bridge Shoulder Width Study, \$27,000 (1970).

10-2-95

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAHI AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | * | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | * | |
| 42 East Timonium Road | * | |
| 8th Election District | * | |
| 4th Councilmanic District | * | Case No. 94-271-XA |

* * * * *

PETITIONERS' MEMORANDUM

NOW COMES, Petitioners, Fatemeh Falahi and Mohammad Haerian, by their attorney, Michael P. Tanczyn, Esq., and submit this Memorandum as requested by the County Board of Appeals for Baltimore County to assist the Board in its deliberations and decision in the above matter.

FACTS

The Petitioners purchased the subject property Lot 12 on the Haverford Plat at 42 East Timonium Road by deed admitted into evidence in this case and recorded among the Land Records of Baltimore County in Liber 9499, folio 334, in the Fall of 1992.

The site is bounded by an entrance/exit of Timonium Shopping Center and the adjacent existing gas station as well as additional commercial uses to the West of the property; the shopping center and residences in the platted community of Haverford are located to the North, and by residences to the East and to the South including a large three story apartment dwelling on what is known as Lot 1 of Haverford, directly across the street

1 10-10-95 10:15

Sponsored Research at the University of Maryland:

Study of Traffic Flow on a Restricted Facility, 3 Phases, \$262,000, 1971-77.

Study of Traffic Diversion at a Single Point (Sub-contract with Sperry-Rand Corp.) - FHWA, \$75,000, June 1973 to December 1975.

Traffic Volume Counting Study for Maryland & W. Va., \$85,000, 1973-77

Comprehensive Transportation Study for the College Park Campus. Board of Regents, \$100,000, August 1976 to August 1977.

Glen L. Martin Airport Access Study, Maryland State Aviation Administration, \$5,000, 1977-78.

Road Rating and Priority Programming Study, Phase I, \$131,900, Baltimore County, 1978-79.

Training Needs of Safety Personnel in State and Local Agencies, \$30,000, Maryland DOT, Transportation Safety Division, 1978-79.

Origin-Destination Study for the Washington Metropolitan Area External Update, \$35,000, 1980-81.

Study of Cost Allocation for Maryland's Highways, Roads and Streets, \$169,000, 1980-82.

Evaluation of Selective Enforcement on Maryland's Streets and Highways, \$48,000, 1982-1983.

Re-evaluation of Traffic Control at Non-Signalized Intersections, \$35,000, 1982-1983.

Study of Revenue Allocation for Metro-Bus, \$28,000, 1982-1983.

Heavy Duty Truck Drivers Visual Task: Binocular vs. Monocular Drivers, FHWA, 1983-84 (subcontract to NPSRI - \$18,000).

Truck Accidents on Freeways, Maryland SHA, 1985, \$9,800.

Routing of Oversize/Overweight Vehicles, Maryland, SHA, 1985-86, 4,000. Signal Systems: Methodology for Project Selection, Maryland SHA, 1984-48, \$35,000.

Traffic Related State of the Art Studies (14 Selected State-of-the-Practice Studies), Maryland SHA, 1986-1988; COPI, \$90,000.

Evaluation of Maryland's Mandatory Safety Belt Use Law, Maryland DOT, 1987-1989, \$95,000.

General Aviation Airport Study for Anne Arundel County, Anne Arundel County, 1989, \$17,700.

Analysis and Adaptation of the Brakemaster (emergency truck brake) - MD. Industrial Partnership, 1989-90, \$30,000.

Training Needs for Highway Construction Personnel, NCHRP Project 20-25, 1989- 90, \$75,000.

Defining the Traffic Impact Area for New Development, Maryland SHA, 1990-91, \$41,000.

Safety Impacts of the 65-MPH Speed Limit on Interstate Highways, AAA Foundation for Traffic Safety, 1990-91, \$42,000.

Professional Development of Maintenance Engineers and Managers, NCHPP project 14-9(6), 1991-1992, \$175,000.

Local Highway Safety Engineering Manpower & training Needs Study, Maryland DOT, 1990-91, \$44,000.

Highway Safety Training, Maryland DOT, 1990-91, \$32,000.

Technology Transfer to Local Transportation Agencies, 1984 to present, FHWA & Maryland SHA, \$225,000/year.

OTHER EXPERIENCE AND QUALIFICATIONS RELEVANT TO TRUCK OPERATIONS AND SAFETY

Everett C. Carter Ph.D. has over 30 years of transportation experience, much of which lies in the area of highway and traffic engineering. He has conducted several studies and research projects relevant to truck operations and safety.

Dr. Carter is a professor at the University of Maryland, where he has taught both graduate and undergraduate level courses in highway engineering, traffic engineering and safety. As a key member of the Transportation Studies Center at UMCP, he has served as a consultant for various organizations and government agencies, including the Office of the Secretary, U.S. Department of Transportation.

Dr. Carter has been involved with highway and traffic engineering since his graduate school experience. He has taught highway operations and design for almost 30 years at the University of Maryland and at West Virginia University. Specific projects related to trucks for which he has been responsible include:

- ◆ Vehicle Characteristics Related to Highway Design
- ◆ NCHRP 198, Truck Size, Weight and Speed Regulations
- ◆ Federal Highway Administration, Heavy Truck Corridors Study
- ◆ MD SHA, Impacts of the Differential Speeds: Cars and Trucks
- ◆ MD Port Administration, Port Access Routing for Overweight/Oversize Trucks
- ◆ MD DOT, Truck Weight Study

AFFIDAVIT

Prot. Gal # 16

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
YORKSHIRE COMMUNITY ASSOCIATION.

ATTEST:

Mary Lee Das

Kathleen F. Beadell

Mary Lee Das
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKAFDV

RESOLUTION

YORKSHIRE COMMUNITY ASSOCIATION

RESOLVED: THAT AT THE REGULAR MEETING OF THE YORKSHIRE COMMUNITY ASSOCIATION HELD ON FEB. 17, 1994~~5~~ IT WAS DECIDED BY THE ASSOCIATION THAT THE RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD FEB. 17, 1994 TO UNTIL CHANGED BE PLACED IN THE BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|----------------|------------------|
| PRESIDENT | KATHLEEN BEADELL |
| VICE PRESIDENT | DENNIS KUNDRATIC |
| SECRETARY | MARY LEE SAS |
| TREASURER | JOHN POZNICK |
| DIRECTOR 1 | MARIE KASKOW |
| DIRECTOR 2 | JOCELYN PARKS |
| DIRECTOR 3 | JOHN SMAILKOWSKI |
| DIRECTOR 4 | CORRINE JANES |
| DIRECTOR 5 | ALCIE COOPER |

AS WITNESS OUR HANDS AND SEAL THIS 22 DAY OF MAR., 1995

ATTEST:

Mary Lee Sas
Mary Lee Sas
SECRETARY

Kathleen F. Beadell
Kathleen F. Beadell
PRESIDENT

YRKSLN1

RESOLUTION

YORKSHIRE COMMUNITY ASSOCIATION

RESOLVED: THAT THE POSITION OF THE YORKSHIRE COMMUNITY ASSOCIATION
AS ADOPTED BY THE BOARD OF DIRECTORS ON THE ZONING MATTER
KNOWN AS:

BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE
CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

IS THAT:

1. OPPOSED TO THE PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 17th DAY OF FEB., 1994

ATTEST:

YORKSHIRE COMMUNITY ASSOCIATION

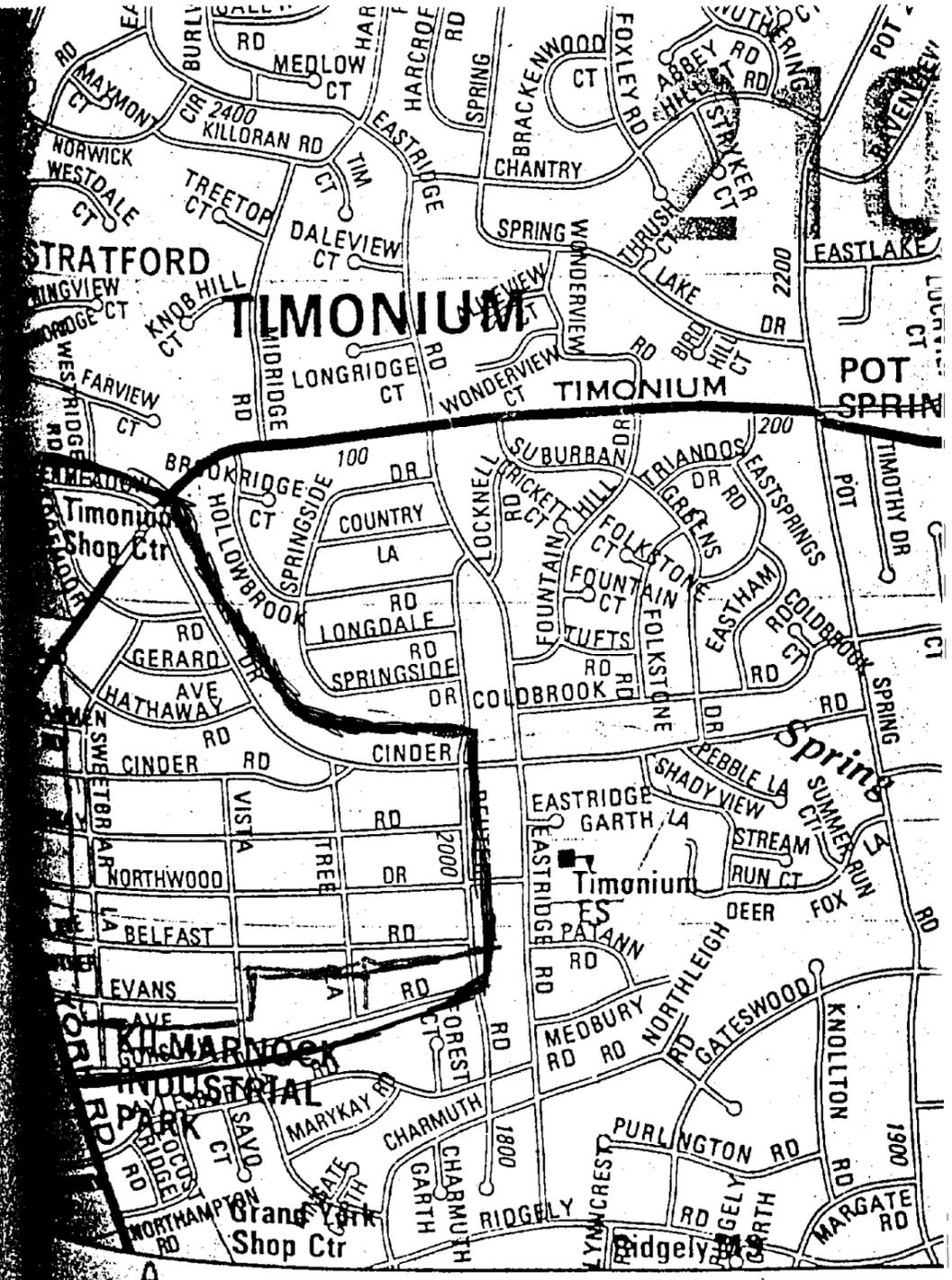
May Lee Sas

Kathleen F. Beadell

May Lee Sas
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKRES2



Yorkshire Community

910,000 FT

A
37°30'

Post # 15

LIBER 9499 PAGE 334

C RCF 15.00

C T TX 275.00
C DOCS 425.00
CC IMP 51.00

DEED OF ASSIGNMENT

ASSIGN 0.

THIS DEED OF ASSIGNMENT, Made this 9th day of November 1992, by and between PHYLLIS J. BURKE, formerly known as Phyllis J. Riggleman and Phyllis J. Kopelke, party of the first part, Grantor; and FATEMEH FALAHI and MOHAMMAD HAERIAN, husband and wife, parties of the second part, Grantees

WITNESSETH: That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid or to be paid in connection with this conveyance being EIGHTY FIVE THOUSAND AND NO/100THS DOLLARS (\$85,000.00), this day paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and assign unto the said Grantees, as tenants by the entireties their assigns, the survivor of them and the personal representatives and assigns of the survivor, all that lot of ground situate and lying in the County of Baltimore, State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as Lot No. 12, Block D as shown on the Plat entitled, "Section Three, Part of Blocks D, E, F, F1, G, H & I, Haverford" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book GLB No. 21, folio 23. The improvements thereon being known as No. 42 Timonium Road.

BEING ALL AND THE SAME PROPERTY which by Deed of Assignment dated February 8, 1971, and recorded among the Land Records of Baltimore County, Maryland in Liber OTG No. 5165, folio 365, was granted and assigned by James Richard Kopelke and Phyllis J. Kopelke, husband and wife unto Phyllis J. Kopelke, now known as Phyllis J. Burke, the within Grantor, subject to the payment of an annual ground rent of \$120.00, payable in even and equal half-yearly installments on the 16th days of April and October, in each and every year.

TOGETHER WITH the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD the said described property and premises unto and to the use of the said Grantees, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor for all the rest and residue of the term of years yet to come and unexpired therein with the benefit of renewal forever,

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

03A03#0024TLTRTX \$1,360.00
BA C002:52PM11-18-92

SIGNATURE DW DATE 11/19/92

RECEIVED BY REGISTER
of Baltimore County
for Baltimore County
11/19/92
Date

LIBER 91.00 PAGE 35

subject to the payment of the annual ground rent aforesaid.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter, or thing whatsoever to encumber the property hereby assigned, that she will warrant specially the property assigned, and that she will execute such further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the said Grantor.

WITNESS:

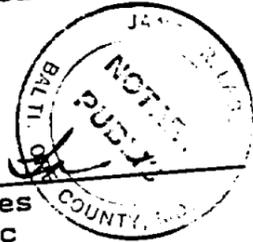
Janet R. Lages Phyllis J. Burke (SEAL)
Phyllis J. Burke

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 9th day of November, 1992, before me, a Notary Public of the State aforesaid, personally appeared Phyllis J. Burke, formerly known as Phyllis J. Riggleman and Phyllis J. Kopelke, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Janet R. Lages
Janet R. Lages
Notary Public



My Commission Expires: August 1, 1993

The within Grantees hereby certify under penalties of perjury, that the land conveyed in the within Deed of Assignment is residentially improved owner-occupied real property and that the residence will be occupied by us.

Fatemeh Falahi
Fatemeh Falahi
Mohammad Haerian
Mohammad Haerian

immediately prior hereto:

a) Deed of Assignment dated November 9, 1992, which was granted and assigned by Phyllis J. Burke, subject to the payment of an annual ground rent in the amount of \$120.00, payable in even and equal half yearly installments on the 16th days of April and October, in each and every year;

b) Deed dated November 9, 1992, which was granted and conveyed by Maryland National Bank, in fee simple.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot(s) of ground, with the improvements and appurtenances aforesaid, to the said Mortgagee.

PROVIDED, that if the said Mortgagor shall well and truly pay or cause to be paid the aforesaid principal sum of Sixty Thousand and no/100ths Dollars, and all the interest thereon when and as such payments shall respectively be due and payable as aforesaid and shall perform each and all of the covenants herein on Mortgagor's part to be performed, then this Mortgage shall be void.

But upon any default being made in the payment of said principal or interest, in whole or in part, when due, or upon any default being made in any covenant or condition of this Mortgage, then the whole mortgage debt hereby secured and then unpaid may thereupon be declared to be due and payable, at the option of the Mortgagee, after such default shall have continued for thirty (30) days.

AND the said Mortgagor hereby assents to the passage of a decree for the sale of the herein described property at any time after a default has occurred in any of the covenants of this mortgage, as herein provided; and the said Mortgagor hereby authorizes the said Mortgagee, after any default shall have occurred as aforesaid, to sell the hereby mortgaged property. Any such sale, whether under the aforementioned assent to a decree or under the aforementioned power of sale, shall be under the provisions of Real Property Article of the Annotated Code of Maryland Section 7-105 (Acts of 1974 of Chapter 12) and the Rules W70-W76 of the Maryland Rules of Procedure, or under any other general or local laws of the State of Maryland relating to mortgages, or any supplement, amendment or addition thereto. Such sale shall be made after giving notice by advertisement as required by the aforesaid Statute and Rules; and the terms of the sale may be all cash upon ratification of the sale or such other terms as the party selling may deem expedient. And upon any such sale of said property under this mortgage, the proceeds shall be applied as follows: (1) to repayment of all expenses incident to said sale, including a reasonable counsel fee for conducting the

from the Petitioners' property.

Following purchase of the property in November of 1992 the Petitioners made a general cleanup of what was agreed was a messy rear and side yard and squared off the rear of the building by improvement work done according to permits admitted into evidence. Petitioners then sought and obtained approval to operate a child care center for eight (8) or fewer children (which is permitted of right in residential zones without requiring zoning approval throughout Baltimore County as well as other counties in the State of Maryland). Petitioners began operating the child care facility in September of 1993 and first applied for zoning approval for a Class B group child care center and specified variances in January of 1994. Petitioners sought a special exception to permit a Class B group child care center pursuant to Section 1.B.01.1.B.6.b and Section 424.5.A et seq of the Baltimore County Zoning Regulations.

By undisputed testimony Haverford was a platted community as shown on a Petitioners' Exhibit and was built out in the early 1950s pursuant to the approved plan found in TB No. 21, folio 23, as recorded among the Land Records of Baltimore County.

It is also undisputed that there were no child care regulations in existence in the Baltimore County Zoning Regulations at the time that this subdivision was platted and then built out.

Petitioners had also obtained a courtesy pre-inspection

proceedings if without contest, but if legal services be rendered to the Mortgagee or to the Trustees or party selling under the power of sale in connection with any contested matter in the proceedings, then such additional counsel fees and expenses shall be allowed out of the proceeds of sale as the Court may deem proper; and a commission to the party making the sale of said property equal to the commission allowed Trustees for making sale of property by virtue of a decree of a Court having equity jurisdiction in the State of Maryland; (2) to the payment of all claims of the said Mortgagee hereunder, whether the same shall have matured or not, including interest thereon until the final ratification of the final Auditor's Account in the foreclosure proceedings; (3) and the balance if any, to the said Mortgagor, or to whomever may be entitled to same. And in the event that the mortgage debt shall be paid after any advertisement of said property, but before sale thereof, the Mortgagor hereby covenants to pay also, all expenses incident to said advertisement or notice, all court costs and all expenses incident to the foreclosure proceedings under this mortgage, and a commission on the total amount of the mortgage indebtedness, principal and interest, equal to one-half of the percentage allowed as commission to trustees making sale under orders or decrees of a Court having equity jurisdiction in the State of Maryland and a reasonable counsel fee; but said sale may be proceeded with unless, prior to the day appointed therefor, payment be made of said principal and interest, costs, expenses, commission and fee.

AND the said Mortgagor hereby covenants with the Mortgagee as follows:

(1) To repay the mortgage indebtedness hereby secured, together with the interest thereon at the rate aforesaid, at the times and in the amounts aforesaid;

(2) To purchase and pay the premiums thereon, during the term of this mortgage, of all policy or policies of fire and extended coverage insurance on the improvements on the above described lot of ground insuring the same against loss by fire and other hazards, usually referred to as "extended coverage," with an endorsement thereon making the proceeds of the policy or policies, in event of damage by fire or other covered casualty, payable to the Mortgagee to the extent of Mortgagee's lien on the land and improvements, in such companies, through such agents or brokers, and in such form as shall be satisfactory to the Mortgagee, in amounts sufficient to protect Mortgagee's lien thereon, and to deliver the policy or policies and all renewal policies or receipts to the Mortgagee; and in the event of any loss by fire or other casualties, the insurance company or companies issuing said policy or policies are hereby, and in said policy or policies are to be directed by the Mortgagor to make payment for such loss to the Mortgagee only, to the extent of its lien thereon and any unpaid insurance premiums or taxes and other expenses advanced, and not to the Mortgagor and Mortgagee jointly; such payment to the Mortgagee shall be applied to the extinguishment of the

principal, interest and other obligations secured by this mortgage, whether then due or not; however, the Mortgagee, in lieu thereof, may consent, in writing, to the application by the Mortgagee of said insurance proceeds to the reconstruction of the improvements on the mortgage property;

(3) To pay all taxes, water and sewer charges and other public dues and assessments of every kind whatsoever for which the property hereby mortgaged may become liable, and to pay all ground rent, if any, when and as the same shall become due and payable and to deposit receipts for the same with the Mortgagee within 30 days after the due date for such payments;

(4) To pay to the Mortgagee, if required, on the same date upon which the payment on account of principal and interest are made, for the purpose of establishing a fund to assure the payment of the taxes, water and sewer charges, and other public dues and charges, the ground rent, if any, the premiums on the policies of fire and extended coverage and any other obligations for which the above-described property may become liable, one-twelfth (1/12th) of the yearly aggregate of such payments as estimated by the Mortgagee. Said amounts so paid to the Mortgagee shall be held by the Mortgagee in trust solely for the purposes indicated and the funds may be commingled with other funds of the Mortgagee, such deposit as herein required shall be known as "Expense Account." In the event the Mortgagor fails to provide sufficient funds to pay said expenses, the Mortgagee is hereby authorized to pay said expenses, and the amount so paid shall then be added to the principal debt herein and shall bear interest at the rate hereinbefore stated as the interest payable on the principal debt, from the date of such payment or payments, and said Mortgagee shall have a lien under this Mortgage on the premises hereinbefore described for the amount or amounts so paid, together with the interest thereon as herein stated upon the principal debt. Failure to establish and maintain the aforesaid expense account for the payment of the aforesaid expenses shall, at the option of the Mortgagee, constitute a default in this Mortgage, for which foreclosure of this Mortgage may be instituted. If said Expense Account is not required, Mortgagor shall have the privilege of making payment on all real estate taxes, hazard insurance premiums, and other liens superior to this Mortgage, and shall furnish Mortgagee with proof of payment of each, within thirty (30) days following the due date of each payment (or in case of real estate taxes, such date shall be construed to be that date after which interest and/or penalty begins to accrue on said bill). Should Mortgagor fail to pay each bill and/or provide proof of such payment to Mortgagee as specified herein, Mortgagor shall, as Mortgagee's sole option and within thirty (30) days of Mortgagee's written demand, establish an escrow account with Mortgagee as specified herein.

(5) Not to permit, commit or suffer to be committed any waste, impairment or deterioration of said above described property or any part thereof; and

(6) To pay a late charge in the amount of Five Percent (5%) of the principal and interest installment if the Mortgagee does not receive the required payment within fifteen (15) days of the due date.

It is further agreed between the parties:

1. Each monthly payment made by the Mortgagor and paid to the Mortgagee, where the amounts shall not be equal to the required monthly payments of principal, interest and the Expense Account, if required, shall be applied as follows: First: To the payment of the interest due on the date of said payment; Second: Any balance remaining shall be credited on account of the unpaid principal due as of such date; and Third: Any balance remaining shall be credited to the Expense Account.

2. The holder of this mortgage, in any action to foreclose the same, shall be entitled, without regard to the adequacy of the security for the debt, to have a receiver appointed by the Court to collect the rents and profits of said property and account therefor as the Court may direct.

3. Should the title to the herein mortgaged property be acquired by any person, persons, partnership or corporation, other than the Mortgagor, by voluntary or involuntary grant or assignment, or conveyed or encumbered in any manner, without the Mortgagee's, or other holder of this Mortgage, consent in writing or should the Mortgagor, or any one or more of the Mortgagor group, if more than one, be declared insolvent or bankrupt, then the balance then due or to become due on said principal indebtedness shall, at the option of the Mortgagee, become due and payable and constitute a ground of foreclosure if not paid on demand.

4. At the option of the Mortgagee, the entire indebtedness then unpaid and secured hereby shall become due and payable after a default in the payment of any monthly installment of principal or interest, as herein provided, shall continue for thirty (30) days, or after default, in the performance of any of the covenants or conditions hereof shall have continued for thirty (30) days;

5. The Mortgagee, at Mortgagee's election, may sell the property hereinabove described at the foreclosure sale, subject to one or more of the tenancies entered into subsequent to the recording of the mortgage, provided such fact is disclosed in the advertisement of the sale;

6. Should any portion of the above described property, or an easement appurtenant thereto, be condemned or taken under eminent domain, all or such part of any award or proceeds, as Mortgagee shall be entitled to receive in payment of the balance due on principal and interest and shall declare the same in writing, is, by this instrument assigned by Mortgagor to Mortgagee

writing, is, by this instrument assigned by Mortgagor to Mortgagee for payment of the said principal and interest due on said mortgage indebtedness, and Mortgagee is hereby authorized to give receipts and releases therefor; and

7. Until default is made, the said Mortgagor may retain possession of the hereby mortgaged property.

8. Each of the parties hereto, Mortgagor and Mortgagee, shall promptly advise the other of any change in the address of either.

THE Mortgagor warrants specially the property hereby mortgaged and will execute such further assurances of the same as may be requisite.

Whenever used herein, the words "Mortgagor" and "Mortgagee" shall include the heirs, personal representatives and/or assigns of the Mortgagor or Mortgagors, or Mortgagee or Mortgagees, and the successors and/or assigns of the Mortgagee or Mortgagees. The use of any gender shall be applicable to all genders and "Mortgagee" shall include any payee of the indebtedness hereby secured, or any transferee thereof whether by operation of law or otherwise. The use of the singular shall include the plural, and the plural the singular.

WITNESS the hands and seals of said Mortgagors.

WITNESS:


Janet R. Lages

Janet R. Lages


Fatemeh Falahi (SEAL)


Mohammad Haerian (SEAL)

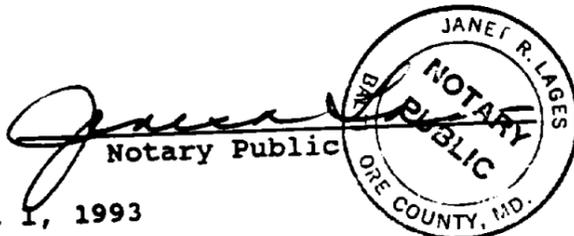
STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 9TH day of November, 1992, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Fatemeh Falahi and Mohammad Haerian, husband and wife, known to me, or satisfactorily proven, to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

At the same time also appeared Joseph Wade and made oath in due form of law that he is the agent of the party secured by the foregoing mortgage, that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth.

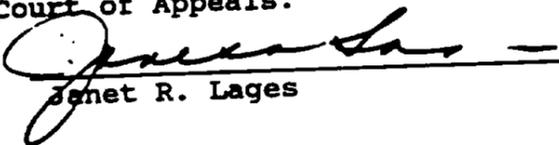
AS WITNESS my hand and notarial seal.

LIBER9499 PAGE343



My Commission Expires: August 1, 1993

I hereby certify that the within instrument was prepared under my supervision and that I have been duly admitted to practice law by the Maryland Court of Appeals.


Janet R. Lages

RETURN TO:
Janet R. Lages, Esquire
312 Wyndhurst Avenue
Baltimore, Maryland 21210
(410) 433-3292
File No. BA-161.92

LIBER 9499 PAGE 344

EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lot No. 12, Block D as shown on the Plat entitled, "Section Three, Part of Blocks D, E, F, F1, G, H & I, Haverford" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book GLB No. 21, folio 23. The improvements thereon being known as No. 42 Timonium Road.

BEING THE SAME PROPERTY, fee simple title to which was acquired by Fatemeh Falahi and Mohammad Haerian, husband and wife, by the following conveyances to them, recorded or intended to be recorded among the Land Records of Baltimore County, Maryland immediately prior hereto:

a) Deed of Assignment dated November 9, 1992, which was granted and assigned by Phyllis J. Burke, subject to the payment of an annual ground rent in the amount of \$120.00, payable in even and equal half yearly installments on the 16th days of April and October, in each and every year;

b) Deed dated November 9, 1992, which was granted and conveyed by Maryland National Bank, in fee simple.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND, 21204

3-2-93
OEA: COP/UB
HISTORIC DISTRICT/BLDG

ISSUED
PERMIT # B156355
RECEIPT # A177701
CONTROL # PK
XREF #
FEE: 125.00
PAID: 25.00
PAID BY: APP
INSPECTOR: LF

PROPERTY ADDRESS 42 Timonium Rd
SUBDIV: Timonium MD 21093
TAX ACCOUNT # 08-11-06760
OWNER'S INFORMATION (LAST, FIRST)
NAME: Fateme Fakhri Mohamadal Haerian
ADDR: 42 Timonium Rd

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE OBSERVED UNLESS OTHERWISE SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

APPLICANT INFORMATION
NAME: Fateme Fakhri
COMPANY: Owner
ADDR1: 42 Timonium Rd
ADDR2: Timonium MD 21093
PHONE #: 4443540 MHIC LICENSE #:
APPLICANT SIGNATURE: Fateme Fakhri TRACT: BLOCK:
PLANS: CONST 1 PLOT 1 PLAT DATA EL 1 PL 1
TENANT:
CONTR: owner
ENGR:
SELLR:

- BUILDING 1 or 2 FAM
CODE CODE
BOCA CODE
TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

DESCRIBE PROPOSED WORK: (Enclose screened in porch on rear of ex, SFD w/drywall + F finishes + construct addition on side of enclosure to square off house. To be used as family room + bathroom 35x16x10=560sq ft)
This permit cancels + replaces B155789 MR - change in

- TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO UNITS)
06. SWIMMING POOL
07. OTHER
NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

- TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINFC CONCRETE
5. CENTRAL AIR
6. ESTIMATED COST: 72,000
7. MATERIALS AND LABOR
8. PROPOSED USE: SFD + ADDITION
9. EXISTING USE: SFD
TYPE OF HEATING FUEL
1. GAS
2. OIL
3. ELECTRICITY
4. COAL
TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
TYPE OF SEWAGE DISPOSAL
1. PUBLIC SEWER
2. PRIVATE SYSTEM
3. SEPTIC
4. PRIVY
EXISTENCE
PROPOSED
EXISTS
PROPOSED
EXISTS
PROPOSED
EXISTS

OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL
RESIDENTIAL CATEGORY
1. DETACHED
2. SEMI-DET
3. GROUP
4. TOWNHSE
5. MIDRISE
6. HIGHRISE
FAMILY BEDROOMS
BATHROOMS
KITCHENS
CLASS 04 FOLIO 23
LIBER 21

APPROVAL SIGNATURES
BLD INSP
BLD PLAN
FIRE
GEDI
PUB SERV
ENVRNT
PERMITS
NO PERMIT FEES REFUNDED

PROTESTANT'S
EXHIBIT NO. 12

PLOT PLAN

OWNER Faterick Falck Application No. _____

ADDRESS 42 Timonium Rd
Timonium, MD 21093

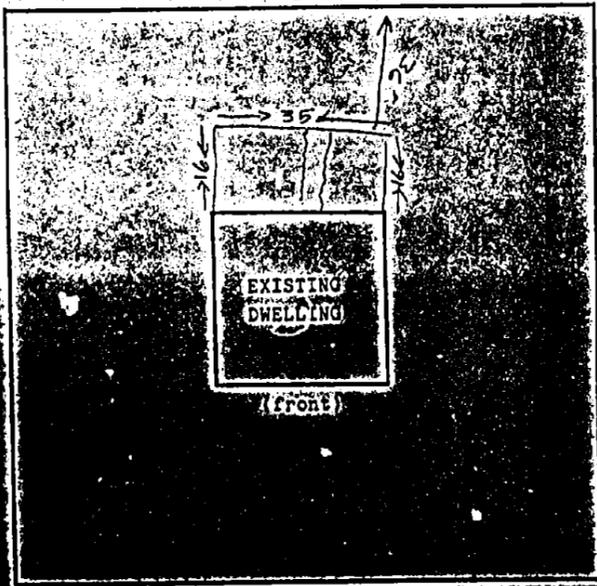
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback _____ Left side setback _____
 Rear yard setback Right side setback _____

NOTE:

Cannot fence access easements.



ROAD NAME TIMONIUM RD

6/91

Greater Timonium Community Council

Box 276, 9 B West Ridgely Road,
Lutherville-Timonium, Maryland 21093

Mr. Timothy Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

August 22, 1994

Re: Case No. 94-271-XA
42 East Timonium Rd.

Dear Mr. Kotroco:

We are writing to voice our displeasure with the proposal that would request a special exception and a variety of variances for 42 East Timonium Road. In our estimation the property is too small to provide for such use, and due to its size, the variances are excessive in number. The adjoining residential properties will suffer a loss of privacy if this proposal is granted.

In addition, the adjoining neighbors have demonstrated to us that the traffic flowing from this site presents a hazardous situation at present, and it can only get worse if the enrollment increases.

We urge you to deny these zoning requests.

**PROTESTANTS
EXHIBIT NO. 14**

Sincerely,



Eric Rockel, President

cc: J. Owen

MICROFILMED

from the State of Maryland Child Care Licensing Administration following completion of her site improvements, also admitted as a Petitioners' Exhibit, which approved her facility as built with the play area provided for up to 20 children subject to meeting any local requirements.

It is undisputed in the testimony of all Protestants that none of the Protestants were aware of a child care facility at 42 East Timonium Road from September of 1993 until they were made aware by government officials of the filing of a Petition for Special Exception some time in the Winter of 1994, so unobtrusive was the center as operated by Petitioner, Fatemeh Falahi, for the eight (8) children at 42 East Timonium Road.

Fatemeh Falahi further testified without contradiction at each and every hearing at which she has testified, both before the Deputy Zoning Commissioner as well as before the County Board of Appeals, that until the first hearing before the Deputy Zoning Commissioner not one of her neighbors had come to her with any complaints concerning any aspect of the operation of her child care center and that, if they would have, she would have done everything within her power to mitigate or alleviate the concerns, which was borne out by her exhibit that after the complaint was made about parking at her facility by the parents on discharge and pickup of the children when she promptly sent a letter to all parents after which, indisputably, the problems, which the neighbors believed

PLOT PLAN

OWNER Fatimah Felahi F.F

Application No. _____

ADDRESS 42 Timonium Rd

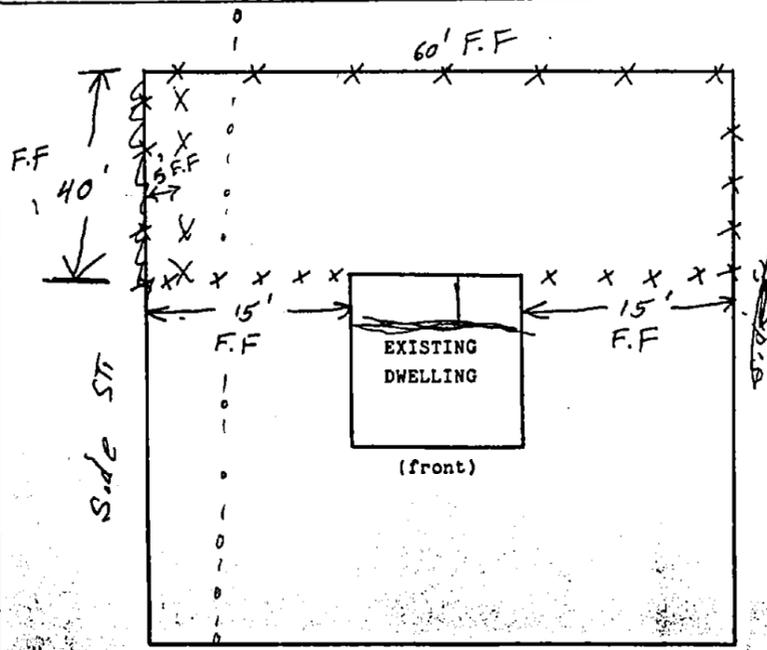
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback _____ Left side setback _____
Rear yard setback _____ Right side setback _____

NOTE:

PROPERTY LINE (H.F.W)
Cannot fence access easements.



ROAD NAME Timonium Rd

6/91

Printed on Recycled Paper

Timonium Citgo
40 E. Timonium Road
Timonium, Maryland 21093
July 10, 1994

Patemeh Falahi
42 E. Timonium Road
Timonium, Maryland 21093

Dear Ms. Falahi:

In result of my growing business, I cannot provide parking space in my parking lot anymore. My parking lot is very congested and in a month or two I am planning to add a state inspection station and coin-operated vacuum machines so it makes it very difficult to share any parking space with you. I would like to withdraw from the contract we made last March. Until you find parking space at a different location you can still use my parking space temporarily. I hope you understand my situation.

Sincerely,



Fred C. Yoo

**PROTESTANT'S
EXHIBIT NO. 7**

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

February 22, 1994

HAND DELIVERED

Fatemeh Falahi
Mohammad Haerian, M.D
10630 Pot Spring Road
Cockeysville, Maryland 21030-3017

c/o Michael P. Tanczyn, Esquire

Dear Mr. Tanczyn:

This firm has been retained by Timonium Shopping Center Associates Limited Partnership, which owns property located adjacent to the property you own at 42 East Timonium Road. As clearly evidenced by the attached survey, there are certain encroachments on the property owned by our client. These include macadam and gravel drives, fencing and a shed as also shown on your site plan.

Without expressing any opinion as to the zoning relief you currently request, please be advised that we intend to take appropriate legal action to secure our client's interest in the adjacent property. Accordingly, please take the necessary steps to remove all encroachments on the Timonium Shopping Center property.

If you wish to discuss this matter, please feel free to contact me.

Sincerely,

Kathleen Gallogly Cox

KGC/cjc
Enclosures

TANCZYN.KGC

**PROTESTANT'S
EXHIBIT NO. 8**

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

March 9, 1994

Michael P. Tanczyn, Esquire
Michael P. Tanczyn, P.A.
606 Baltimore Avenue, Suite 606
Towson, Maryland 21204

Re: Timonium Shopping Center Associates Limited Partnership
Our File No.: 16899 110166

Dear Mike:

I am writing to confirm our conversation of March 8, 1994. Unfortunately, my clients are not in a position to accommodate your proposal for continued use of portions of our property. Accordingly, we must insist that all encroachments in our property be removed.

As we discussed, please let me know your client's proposal on the timing for these actions to be taken. Additionally, I understand that you have authorized us to remove the shed from the property, but will make arrangements to have your client remove any property first which remains in the shed. Please let me know when that action is taken.

Sincerely,



Kathleen Gallogly Cox

KGC/cjc
cc: Mr. Martin H. Pechter

2-TANCZYN.KGC

**PROTESTANT'S
EXHIBIT NO. 9**

MICROFILMED



July 1, 1994

Fatemeh Falahi
10630 Pot Spring Road
Cockeysville, MD 21030-9017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear Ms. Falahi:

As you are aware from our numerous conversations and correspondence from my attorney Ms. Cox, you encroaching on the property of Timonium Shopping Center. As the management company responsible for the center, I have informed you verbally, and in writing that the situation must be corrected immediately.

Tristar Management plans to begin work on a fence which will be located approximately 15 feet from the property line as shown on the attached plat. This fence will eliminate a substantial part of your driveway and a portion of your back yard. As you have a child care business which is currently utilizing the back yard area I would suggest that you immediately make arrangements to cease using the Timonium Shopping Center property so that when the contractors begin work there is no danger to the children. It is also important that you immediately arrange to create an enclosure on your property in the rear for the children to play, so that when the existing fences are removed, once again there is no danger to the children.

If by some chance you decide not to pursue the expansion of the commercial use on your property thereby satisfying the neighboring residential community, I would be happy to reconsider the taking of your driveway.

Please accept this letter as your notice that on or about July 15, the above noted work will begin. Please make all of the appropriate arrangements to have all of your personal property removed, and all necessary safeguards for the children in place. Thank you in advance for your cooperation.

Very truly yours,

PROTAGONISTS
EXHIBIT NO. 10

Pik
Martin Pechter
President

MICROFILM

cc: Kathleen Cox, Esquire
40 York Road - Suite 200 - Towson, Maryland 21287 / (410) 321-8460 / (410) 321-8777 / Fax (410) 321-8778

Forward

A major purpose of the Office of Child Care Licensing and Regulation (OCCLR) is the establishment and enforcement of minimum standards of health and safety for out-of-home child care. We have updated the family day care regulations and you are expected to use the updated version to maintain your registration or to obtain a new registration.

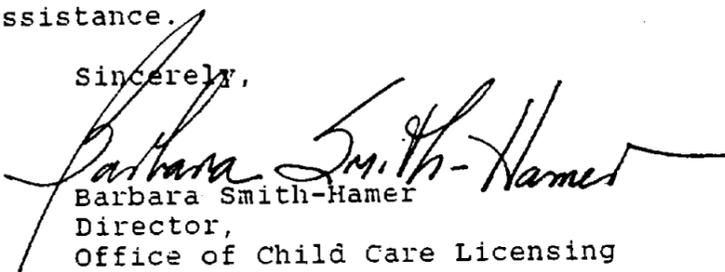
In addition to providing training on the regulations, we are also giving you this workbook entitled Understanding the Family Day Care Regulations, A Workbook for Providers to provide you with in-depth information about the Family Day Care Regulations. We believe that the Workbook will become a good friend over time.

We are very interested in making this Workbook the best that it can be. We ask you to use it during and after training and let us know what you think about it. Address your comments directly to me by December 1, 1990. It will be very helpful if you follow the guidelines for comments provided on the next page.

Our plan is to establish a working group to refine the Workbook. We will update the Workbook and will distribute the final version to newly registered providers and to existing providers when they renew their certificates.

Thank you in advance for your assistance.

Sincerely,


Barbara Smith-Hamer
Director,
Office of Child Care Licensing
and Regulation

**PROTESTANT'S
EXHIBIT NO. 6**

NOV 1990

Maryland Department of Human Resources**Office of Child Care
Licensing and Regulation**

The Department of Human Resources, Office of Child Care Licensing and Regulation (OCCLR) is committed to quality child care in the state of Maryland. Throughout the state, OCCLR registers, licenses and regulates family day care homes and child care centers to ensure they meet minimum standards. The standards are spelled out in the Family Day Care and Child Care Center Regulations. The intent of the regulations is to protect children and help assure that they will be cared for in quality programs.

The central office of OCCLR is located in downtown Baltimore at:

2701 North Charles Street, Fifth Floor
Baltimore, Maryland 21218
(301) 554-0400

The central office provides policy and overall direction for state day care licensing operations. It is made up of an executive office, a licensing unit, a compliance unit, a program support unit, and a program development unit. The licensing unit is responsible for overseeing and directing all licensing functions. The compliance unit is responsible for supervising the investigation of complaints and taking enforcement actions against non-complying providers. The Program Support unit is responsible for designing and implementing systems (including staff and provider training) to improve operations. The program development unit is responsible for expanding OCCLR operations.

In addition to the central office, there are 12 regional offices located throughout the state. Regional offices are staffed with a manager, licensing supervisors, and licensing specialists. Regional office staff are the operational arm of OCCLR. Since they are responsible for implementing policies and applying regulations, providers and parents will most directly be in contact with regional office staff. The 12 regional offices, their locations and telephone numbers are listed below.

This Workbook is issued to registered Maryland Family Day Care Providers by the Maryland Office of Child Care Licensing and Regulation, 8/90

**OFFICE OF CHILD CARE LICENSING AND REGULATION
REGIONAL OFFICES**

| | | | |
|------------|---|--|----------------------------|
| Region I | Anne Arundel | 77 West Street Annapolis, MD 21401 | 974-5090 1-800-637-5561 |
| Region II | Baltimore City | CCB-Liberty Campus, Rm.241 2901 Liberty Heights Ave. Baltimore, MD 21215 | 333-5644 |
| Region III | Baltimore County | Dundalk Comm. College 7200 Sollers Point Rd. Baltimore, MD 21222 | 284-5043 1-800-468-3790 |
| Region IV | Prince George's County | 425 Brightseat Road 2nd Floor Landover, MD 29785 | 808-1685 |
| Region V | Montgomery County | 51 Monroe Street Suite 606 Rockville, MD 20850 | 294-0344 1-800-648-3112 |
| Region VI | Howard County | Bethany 40, Center I(Unit 115) 10176 Baltimore National Pike Ellicott City, MD 21043 | 750-8770 1-800-344-2230 |
| Region VII | Western Maryland (Allegheny, Garrett, & Washington Co.) | P.O. Box 2945 6 W. Washington Street Hagerstown, MD 21741 | 791-4585 1-800-468-6771 |
| Region VII | Upper Shore (Caroline, Dorchester, Kent, Queen Anne & Talbot Counties) | P.O. Box 218 Chesapeake Comm. College Routes 50 & 213 Wye Mills, MD 21679 | 820-2381 1-800-637-5563 |
| Region IX | Lower Shore (Somerset, Wicomico Worcester Co.) | 209-C Milford Street Salisbury, MD 21801 | 543-6731 |
| Region X | Southern Tri-County (Calvert, Charles, St. Mary's Co.) | P.O. Box 260, 32 Courthouse Dr. Olde Towne Professional Ctr. Leonardtown, MD 20650 | 475-3770 1-800-874-6797 |
| Region XI | North Central (Cecil & Harford Counties) | 413 W. Bel Air Avenue Suite 106 Aberdeen, MD 21001 | 272-5358 1-800-343-0955 |
| Region XII | Midwestern (Carroll & Frederick Counties) | 7470 New Technology Way Suite P Frederick, MD 21701 | 696-9766 |

What This Workbook Can and Cannot Do

This Workbook will give providers in-depth information about the Family Day Care Regulations. Specifically, it is designed to:

Help providers understand each regulation and the intent of each regulation.

Help providers look at themselves, their home, and their individual situations as they self-assess compliance using the tools available in the Workbook.

Give providers information about child growth and development and help them consider this information as they look at their level of compliance with each regulation.

Give providers information about the inspection process and what the licensing specialist will be looking for during an inspection visit.

Give providers copies of the forms associated with the Family Day Care regulatory system.

Give providers resources that they can use to help strengthen their programs.

This Workbook:

Does not capture all noncompliance possibilities.

Does not guarantee that providers will be in compliance even if they assess themselves and their homes according to the process outlined in the Workbook.

Please Note: To be officially judged in compliance with regulations, providers must undergo an official assessment of compliance conducted by staff from the Office.

INTRODUCTION

About This Workbook

Providers will not read this Workbook from cover to cover in a single sitting. It is not the type of book that will entertain. But whenever providers need information about any of the regulations, or have a question or some type of concern, they will turn to that section of the Workbook and will most likely find the information and guidance they need.

Because regulations, interpretations and forms change, the Workbook was printed on loose leaf paper to accommodate updates when they occur. OCCLR will distribute updated information when needed. Providers can readily make updates in their Workbooks by replacing single pages rather than replacing the entire Workbook.

About The Family Day Care Regulations

The Family Day Care Regulations focus on maintaining health and safety standards necessary to ensure adequate child care, while attempting to respect the personal character and the individuality of the home. Each regulation has a number and name. The abbreviation COMAR (means Code of Maryland Regulations) precedes the number and name of each regulation. For example, COMAR 07.04.01--01 Purpose means Code of Maryland Regulations, number 07.04.01 -- regulation number 01, Purpose. This pattern is repeated for all 47 regulations.

ABOUT THE OFFICE OF CHILD CARE LICENSING AND REGULATION'S REGULATORY RESPONSIBILITIES

Under the Office of Child Care Licensing and Regulation's standardized licensing system, licensing specialists will follow a set procedure for inspections and other licensing operations. Licensing specialists will use an inspection manual and a process that requires them to apply the regulations consistently and equitably across the state. Providers should undergo similar treatment whether they live in Western Maryland, Southern Maryland, the Eastern shore of Maryland, Northern Maryland or anywhere in-between.

This Workbook is issued to registered Maryland Family Day Care Providers by the Maryland Office of Child Care Licensing and Regulation, 8/90

* BEFORE THE ZONING COMMISSIONER

IN RE *
 42 East Timonium Road * Case No. 94-271-XA
 * Item 271
 * * * * *

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

| | |
|---|--|
| Number of Employees: | 3 |
| Number of Children to be Enrolled (Maximum): | 20 |
| Hours of Operation: | Arrival 7:30 a.m. Depart by 5:30 p.m. |
| Known Amount of Traffic Generated: 20 Children X 1 Drop-Off and 1 Pick-up = 40 Trips Per Day 3 Employees = 3 Trips Per Day | 43 Trips Per Day |
| 1E | Site Plan Previously Submitted |
| 1F | Pictures Submitted At Hearing |

Michael P. Tanczyn
 MICHAEL P. TANCZYN, ESQ.
 Attorney for the Petitioner
 606 Baltimore Avenue
 Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823

were so severe but which they had kept to themselves and had not shared with Mrs. Falahi, were mitigated greatly, if not totally eliminated.

It is further undisputed that no traffic accidents have occurred in the front of 42 East Timonium Road or at the exit from the shopping center throughout any time pertinent or relevant to these proceedings, and that on the Petitioners' plans as amended, the provisions for employee parking were provided by the extension of the driveway into her rear yard for the necessary parking spaces for the employees. The pickup and dropoff point for the child care facility as proposed, and as expressly limited at all hearings and pursuant to documentation submitted to the hearing authorities by the Petitioners to no more than 20 children with hours of operation as stated on the exhibit, was located on the shopping center entrance side of 42 East Timonium Road to the rear of the facility, shielded and sheltered to the extent possible from the residential community of Haverford.

Furthermore, before opening the child care center in September of 1993, it is similarly not disputed that the Petitioners erected a large, high stockade-style fence enclosing her rear yard at 42 East Timonium Road, which served as an efficient noise buffer for the remainder of the community by virtue of the fact that no one was aware that a child care facility was even being conducted at this location throughout the Fall of 1993,

OCCLR believes that it is very important for applicants and providers to know what to expect during regulatory operations that impact on them, their homes, and their families. Therefore, the following information makes up the main body of this Workbook. This Workbook provides information on:

- a. The underlying meaning or intent of each of the regulations.
- b. The Provider's role and OCCLR's responsibility regarding registration procedures and legal requirements, requirements for operating a family day care home, and enforcement actions.
- c. The process that licensing specialists will follow to perform regulatory functions.
- d. The things providers will do or show to exhibit compliance with regulations.
- e. The forms associated with the regulatory process.
- f. Resources that providers might use to support compliance and strengthen the child care program.

COMAR 07.04.01 .46
Revocation

- A. The Office may revoke a certificate of registration if the:
- (1) Provider or home is in violation of one or more of these regulations and the health, safety, or welfare of a child in the home is threatened;
 - (2) Provider knowingly misrepresented or offered false information on the application or on any form or report required by the Office;
 - (3) Provider interferes with the agency representative in the performance of the duties of the Office;
 - (4) Provider refuses to permit access to a child or to the space in the home used for child care by a parent or an agency representative during operating hours of the child care home;
 - (5) Terms or conditions of a sanction have been violated;
 - (6) Provider or a resident is identified as responsible for child abuse or neglect;
 - (7) Provider or a resident is convicted of criminal charges which indicate a threat to the welfare of children in care; or
 - (8) Evaluation of information provided to or acquired by the Office indicates that the provider is unable to care for the welfare of children.
- B. If the Office decides to revoke a certificate of registration, the Office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:
- (1) The effective date of the revocation;
 - (2) The reason for revocation;
 - (3) The regulation with which the provider has failed to comply that is the basis for the revocation;
 - (4) That the provider shall stop providing child care on the effective date of the revocation;
 - (5) That the provider is entitled to a fair hearing if requested in writing within 20 calendar days of the delivery of the notice;
 - (6) The procedure to be used if the provider wishes to request a hearing to appeal the decision of the Office;
 - (7) The revocation shall be stayed if the hearing is requested, unless the revocation immediately follows an emergency suspension period; and
 - (8) That the provider is required to surrender the certificate of registration to the Office when the revocation becomes effective.
- C. The Office shall notify the parents of the children in care of the revocation.

1. When can my registration certificate be revoked and under what circumstances?

In family day care, revocation of the registration generally follows a period of emergency suspension in an abuse or neglect case. In a case where the spouse or other resident is identified as responsible for physical abuse, and not the day care provider, an agreement of non-access by the abusing resident to the day care children is required. In a case involving indicated sexual abuse by a provider or resident of the day care home, non-access agreements will not be used, as they are ineffective to protect children. In the latter case, the Office will attempt to revoke the registration.

Some physical abuse, injurious treatment, and neglect cases will not result in emergency suspensions, because it appears that there is no continuing, imminent risk to day care children. However, such cases may result in revocation of the registration on the basis that the incidents of physical abuse, injurious treatment, or neglect have shown the provider to be unfit to be caring for day care children.

Revocations require 20 days advance notice before they are effective. The home will be allowed to stay open during the period of appeal, unless the revocation directly follows a period of emergency suspension, in which case the home may not reopen pending the appeal.

UCCLR
Record Of Complaint

REGION _____

Taken By: _____
Date: _____ Time: _____

1. Day Care Facility _____
Address & Zip _____
Family Day Care Home / / Child Care Center / /
Registered/Licensed / / Unregistered/Unlicensed / /

2. Category Of Complaint:
A. Unlicensed Care / / F. Health Hazard / /
B. Exceeding Infant/
Toddler Capacity / / G. Environmental Hazard / /
C. Exceeding Total
Capacity / / H. Injurious Treatment / /
D. Group Size/Staffing
Problems / / I. Unreported Resident / /
E. Other Supervision
Problems / / J. Cleanliness / /
K. Improper Use of
Substitute / /
L. Other
Specify _____ / /

3. Complainant: _____
(If Anonymous - Write Anonymous)
Relation to Facility: _____

4. Brief Summary Of Complaint: _____

5. Assignment: Specialist _____ Date _____
Supervisor _____

6. Date(s) of Site Visit(s): _____

7. Findings:
A. Complaint Confirmed / /
B. Complaint Ruled Out / /
C. Uncertain / /
D. Other Violation Found / /

8. Regulatory Violations, if any (cite) _____

9. Summary of Findings: _____

10. Action Taken: _____

11. Additional Comments _____

Licensing Specialist _____ Date Completed _____
(Signature)
Supervisor _____ Date Reviewed _____
(Signature)

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

SUMMARY DATA ABSTRACTED AND CALCULATED FROM TRAFFIC SURVEYS ATTACHED FOR TIMONIUM & YORK ROAD, WEDNESDAY, 2/26/92 FOR EAST & WEST BOUND ON TIMONIUM ROAD AND EASTRIDGE RD & TIMONIUM ROAD, JUNE 17, 1993 FOR EAST AND WEST BOUND TRAFFIC. COMPLETE SOURCE DATA IS ATTACHED WITH COVER LETTER FROM CHIEF, TRAFFIC ENGINEERING, BALTIMORE COUNTY.

| TIMONIUM & YORK 2/26/92 WEDNESDAY | | | | EASTRIDGE & TIMONIUM RD 6/17/93 THURSDAY | | | |
|--------------------------------------|---------------------|-----------------------|--------------------------|---|---------------------|-----------------------|--------------------------|
| TIMES A.M. | EAST/WEST | | CARS PER 3 SECONDS | TIMES A.M. | EAST/WEST | | CARS PER 3 SECONDS |
| | CARS PER HOUR | CARS PER MINUTE | | | CARS PER HOUR | CARS PER MINUTE | |
| 7:00-8:00 | 1248 | 20.8 | 1.04 | 7:00-8:00 | 647 | 10.9 | 0.54 |
| 7:15-8:15 | 1468 | 24.5 | 1.04 | 7:15-8:15 | 868 | 14.5 | 0.72 |
| 7:30-8:30 | 1515 | 24.5 | 1.22 | 7:30-8:30 | 911 | 15.2 | 0.76 |
| 7:45-8:45 | 1467 | 24.5 | 1.22 | 7:45-8:45 | 940 | 15.7 | 0.78 |
| 8:00-9:00 | 1465 | 24.5 | 1.22 | 8:00-9:00 | 906 | 15.1 | 0.76 |
| | | | | P.M. | | | |
| 4:00-5:00 | 1553 | 25.9 | 1.29 | 4:00-5:00 | 1205 | 20.1 | 1.00 |
| 4:15-5:15 | 1753 | 29.2 | 1.46 | 4:15-5:15 | 1283 | 21.38 | 1.07 |
| 4:30-5:30 | 1749 | 29.2 | 1.46 | 4:30-5:30 | 1302 | 21.70 | 1.09 |
| 4:45-5:45 | 1846 | 30.8 | 1.54 | 4:45-5:45 | 1342 | 22.37 | 1.12 |
| 5:00-6:00 | 1737 | 29.0 | 1.45 | 5:00-6:00 | 1381 | 23.02 | 1.15 |
| | | | TOTAL CARS EAST/WEST | | | | |
| | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS | | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS |
| 7:00-9:00AM | 2713 | 22.61 | 1.13 | 7:15-9:00AM | 1553 | 14.79 | 0.74 |
| 4:00-6:00PM | 3290 | 27.42 | 1.37 | 4:00-5:45PM | 2246 | 21.39 | 1.07 |
| TOTALS | 6003 | 25.01 | 1.25 | TOTALS | 3799 | 18.09 | 0.90 |
| | | | AVERAGE DAILY TRIPS | | | | |
| | EAST | | 14633 | EAST | | | 11630 |
| | WEST | | 24459 | WEST | | | 13866 |
| | TOTALS | | 39092 | TOTALS | | | 25466 |

**ALL 1/26/92 FIGURES WOULD BE INCREASED BY 2% PER YEAR TO UPDATE OR 4% PER TRAFFIC ENG. LM

LM EXH _____
94271CAR

**PROTESTANTS
EXHIBIT NO. 5**

MICROFILMED

Baltimore County Government
Department of Public Works
Division of Traffic Operations



401 Bosley Avenue Suite 405
Towson, MD 21204

(410) 887-3554
Fax (410) 887-5784

February 15, 1994

Mr. Louis W. Miller
44 E. Timonium Road
Timonium, Maryland 21093

Dear Mr. Miller:

This letter is in response to your request for traffic count information and for clarification of our position regarding access for day care centers.

Attached are turning movement counts taken during the peak hours on Timonium Road at York Road and at Eastridge Road. The last 24-hour count we had taken on Timonium Road in the vicinity of 42 E. Timonium Road was 14,000 vehicles per day in 1991. Also attached are trip generation rates for day care centers based on the most recent information published by the Institute of Transportation Engineers. The rate for day care centers is 4.65 trips per child.

Be advised that this agency has always advocated that day care centers should have an off-street pick-up and drop-off area for children to ensure that this activity is not taking place next to moving traffic. We also find that an on-site turnaround area should be provided to minimize backing up on the property and to not cause parents to back into a street. Pulling head-out into the street ensures a better line of sight for the driver and minimizes the potential for accidents. This is especially critical along a road like Timonium Road which carries a relatively high traffic volume and does not afford the driver as many gaps to safely egress onto the roadway.

I hope this provides you sufficient information. Should you have any other questions, feel free to give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen E. Weber".

Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SEW:lvd

Attachments (3)



Printed with Soybean Ink
on Recycled Paper

TURNING MOVEMENT COUNT DATA

LOCATION TIMONIUM RD + YORK RD County Signal Number 53

| Recorder ROAD NAME | CT | Weat. DRIZZLE | | | | Road Surf. WET | | | | Day of the Week WEDNESDAY | | | | | Date of Count 2/26/92 | | | | E+W BOUND TOTAL | GRAND TOTAL |
|-----------------------|-----|---------------|----|-------|----|----------------|----|-------|-------|---------------------------|----|----|-------|----|-----------------------|----|-------|-------|--------------------|----------------|
| | | YORK RD | | | | YORK RD | | | | TIMONIUM RD | | | | | TIMONIUM RD | | | | | |
| | | N BOUND | | | | S BOUND | | | | N+S BOUND | | | | | W BOUND | | | | | |
| A.M. COUNT | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | TOTAL | |
| 6:00-6:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-6:30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-6:45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:45-7:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:00-7:15 | 67 | 187 | 5 | 261 | 3 | 183 | 39 | 145 | 486 | 28 | 33 | 22 | 83 | 18 | 123 | 12 | 153 | 236 | 642 | |
| 7:15-7:30 | 63 | 216 | 5 | 284 | 2 | 137 | 42 | 179 | 463 | 32 | 47 | 28 | 107 | 23 | 152 | 9 | 131 | 288 | 751 | |
| 7:30-7:45 | 69 | 238 | 7 | 306 | 4 | 198 | 35 | 237 | 543 | 49 | 39 | 36 | 124 | 48 | 182 | 12 | 234 | 358 | 981 | |
| 7:45-8:00 | 62 | 249 | 11 | 322 | 9 | 170 | 35 | 214 | 536 | 53 | 41 | 51 | 145 | 51 | 168 | 18 | 221 | 366 | 982 | |
| 8:00-8:15 | 115 | 247 | 18 | 369 | 4 | 243 | 31 | 278 | 658 | 84 | 56 | 74 | 214 | 58 | 177 | 15 | 242 | 456 | 1114 | |
| 8:15-8:30 | 68 | 223 | 26 | 317 | 1 | 170 | 38 | 201 | 518 | 88 | 41 | 48 | 169 | 37 | 124 | 5 | 166 | 335 | 853 | |
| 8:30-8:45 | 62 | 169 | 22 | 253 | 14 | 179 | 59 | 252 | 585 | 52 | 44 | 57 | 151 | 36 | 118 | 5 | 159 | 318 | 815 | |
| 8:45-9:00 | 62 | 146 | 16 | 224 | 18 | 212 | 47 | 277 | 581 | 74 | 47 | 68 | 189 | 38 | 126 | 11 | 175 | 364 | 865 | |

| A.M. HOUR TOTALS | | | | | | | | | | | | | | | | | | | | |
|------------------|-----|-----|----|------|----|-----|-----|------|------|-----|-----|-----|-----|-----|-----|----|-----|------|------|---|
| 6:00-7:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-7:15 | 67 | 189 | 5 | 261 | 3 | 183 | 39 | 145 | 436 | 28 | 33 | 22 | 83 | 18 | 123 | 12 | 153 | 236 | 642 | |
| 6:30-7:30 | 130 | 425 | 19 | 545 | 5 | 242 | 79 | 324 | 869 | 68 | 68 | 59 | 192 | 38 | 275 | 21 | 334 | 524 | 1393 | |
| 6:45-7:45 | 199 | 635 | 17 | 851 | 9 | 438 | 114 | 561 | 1412 | 189 | 119 | 86 | 314 | 76 | 457 | 33 | 568 | 882 | 2294 | |
| 7:00-8:00 | 261 | 884 | 28 | 1173 | 18 | 688 | 149 | 775 | 1948 | 162 | 168 | 137 | 459 | 129 | 617 | 43 | 789 | 1248 | 3196 | |
| 7:15-8:15 | 389 | 942 | 41 | 1292 | 19 | 748 | 141 | 928 | 2288 | 218 | 183 | 189 | 578 | 161 | 671 | 46 | 878 | 1468 | 3668 | |
| 7:30-8:30 | 314 | 949 | 62 | 1325 | 19 | 781 | 131 | 938 | 2255 | 266 | 177 | 229 | 652 | 178 | 643 | 42 | 863 | 1515 | 3778 | |
| 7:45-8:45 | 387 | 888 | 77 | 1272 | 28 | 762 | 155 | 945 | 2217 | 267 | 182 | 238 | 679 | 174 | 579 | 35 | 768 | 1467 | 3684 | |
| 8:00-9:00 | 387 | 785 | 92 | 1174 | 37 | 684 | 167 | 1328 | 2182 | 288 | 189 | 247 | 723 | 161 | 545 | 36 | 742 | 1465 | 3647 | |

| Recorder ROAD NAME | CT | Weat. CLEAR | | | | Road Surf. DRY | | | | Day of the Week WEDNESDAY | | | | | Date of Count 2/26/92 | | | | E+W BOUND TOTAL | GRAND TOTAL |
|-----------------------|----|-------------|----|-------|----|----------------|-----|-------|-------|---------------------------|-----|----|-------|----|-----------------------|----|-------|-------|--------------------|----------------|
| | | YORK RD | | | | YORK RD | | | | TIMONIUM RD | | | | | TIMONIUM RD | | | | | |
| | | N BOUND | | | | S BOUND | | | | N+S BOUND | | | | | W BOUND | | | | | |
| P.M. COUNT | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | TOTAL | |
| 3:00-3:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:15-3:30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:30-3:45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:45-4:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 4:00-4:15 | 39 | 187 | 28 | 246 | 11 | 316 | 86 | 413 | 659 | 87 | 189 | 53 | 249 | 27 | 53 | 8 | 88 | 337 | 996 | |
| 4:15-4:30 | 68 | 227 | 45 | 332 | 28 | 323 | 182 | 425 | 757 | 123 | 131 | 54 | 308 | 36 | 54 | 9 | 99 | 434 | 1161 | |
| 4:30-4:45 | 45 | 185 | 29 | 263 | 21 | 237 | 67 | 325 | 555 | 89 | 115 | 78 | 274 | 25 | 56 | 12 | 93 | 367 | 952 | |
| 4:45-5:00 | 63 | 249 | 32 | 344 | 26 | 291 | 119 | 436 | 768 | 189 | 146 | 46 | 381 | 42 | 94 | 8 | 144 | 445 | 1225 | |
| 5:00-5:15 | 77 | 274 | 51 | 402 | 27 | 316 | 147 | 498 | 892 | 126 | 173 | 98 | 389 | 45 | 94 | 9 | 148 | 537 | 1429 | |
| 5:15-5:30 | 48 | 284 | 32 | 284 | 25 | 258 | 88 | 363 | 647 | 78 | 143 | 54 | 275 | 28 | 85 | 12 | 125 | 488 | 1847 | |
| 5:30-5:45 | 71 | 227 | 46 | 344 | 25 | 318 | 133 | 468 | 812 | 112 | 143 | 81 | 356 | 32 | 68 | 8 | 188 | 464 | 1276 | |
| 5:45-6:00 | 46 | 174 | 24 | 246 | 12 | 179 | 92 | 283 | 529 | 98 | 114 | 48 | 264 | 26 | 48 | 6 | 72 | 336 | 865 | |

| P.M. HOUR TOTALS | | | | | | | | | | | | | | | | | | | | |
|------------------|-----|-----|-----|------|-----|------|-----|------|------|-----|-----|-----|------|-----|-----|----|-----|------|------|---|
| 3:00-4:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15-4:15 | 39 | 187 | 28 | 246 | 11 | 316 | 86 | 413 | 659 | 87 | 189 | 53 | 249 | 27 | 53 | 8 | 88 | 337 | 996 | |
| 3:30-4:30 | 99 | 414 | 65 | 578 | 31 | 619 | 188 | 838 | 1414 | 287 | 248 | 187 | 554 | 63 | 187 | 17 | 187 | 741 | 2157 | |
| 3:45-4:45 | 144 | 628 | 94 | 836 | 52 | 656 | 255 | 1143 | 2281 | 296 | 355 | 177 | 828 | 88 | 163 | 29 | 293 | 1128 | 3187 | |
| 4:00-5:00 | 287 | 649 | 126 | 1122 | 78 | 1147 | 374 | 1599 | 2781 | 485 | 531 | 235 | 1129 | 138 | 257 | 37 | 424 | 1553 | 4334 | |
| 4:15-5:15 | 245 | 636 | 157 | 1338 | 94 | 1147 | 435 | 1676 | 3814 | 444 | 545 | 262 | 1269 | 148 | 298 | 38 | 484 | 1753 | 4767 | |
| 4:30-5:30 | 233 | 613 | 144 | 1298 | 99 | 1182 | 413 | 1614 | 2924 | 482 | 577 | 268 | 1239 | 148 | 329 | 41 | 518 | 1749 | 4653 | |
| 4:45-5:45 | 259 | 654 | 161 | 1374 | 123 | 1175 | 479 | 1757 | 3131 | 425 | 625 | 271 | 1321 | 147 | 341 | 37 | 525 | 1946 | 4777 | |
| 5:00-6:00 | 242 | 675 | 135 | 1276 | 39 | 1063 | 452 | 1634 | 2888 | 426 | 593 | 285 | 1234 | 131 | 287 | 35 | 453 | 1737 | 4617 | |

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

| ROAD NAME | | YORK RD N BOUND | | | | YORK RD S BOUND | | | | TIMONIUM RD E BOUND | | | | TIMONIUM RD W BOUND | | | | N+S+E+W TOTAL |
|------------------|------|-----------------|------|-----|-------|-----------------|------|------|-------|---------------------|------|-----|-------|---------------------|------|-----|-------|---------------|
| | | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | |
| TURNING MOVEMENT | A.M. | 24% | 71% | 5% | 100% | 3% | 79% | 18% | 100% | 38% | 29% | 32% | 100% | 19% | 76% | 5% | 100% | N/A |
| | P.M. | 18% | 72% | 11% | 100% | 5% | 69% | 26% | 100% | 34% | 45% | 21% | 100% | 30% | 62% | 8% | 100% | N/A |
| TOTAL VOLUMES | A.M. | 568 | 1669 | 118 | 2347 | 55 | 1412 | 316 | 1783 | 458 | 348 | 384 | 1190 | 298 | 1162 | 79 | 1531 | 6943 |
| | P.M. | 449 | 1728 | 281 | 2458 | 167 | 2218 | 826 | 3203 | 811 | 1294 | 508 | 2413 | 261 | 544 | 72 | 877 | 6574 |
| GRAND TOTAL | | 1017 | 3397 | 399 | 4805 | 222 | 3622 | 1142 | 4986 | 1269 | 1442 | 892 | 3595 | 559 | 1706 | 151 | 2408 | 15794 |
| ESTIMATED ADT'S | | NORTH: 32115 | | | | SOUTH: 32361 | | | | EAST: 14633 | | | | WEST: 24459 | | | | |

ESTIMATED CARS ENTERING THE INTERSECTION -----> 51784

INTERSECTION: TIMONIUM RD + YORK RD

DESC. YORK RD IS A FOUR LANE UNDIVIDED STATE RD WITH LEFT TURN LANES AND ARROWS IN BOTH DIRECTIONS. TIMONIUM RD IS AN UNDIVIDED COUNTY RD WITH A LEFT AND STRAIGHT LANE AND STRAIGHT AND RIGHT LANE W/B. TIMONIUM RD E/B HAS A LEFT, LEFT-STRAIGHT AND STRAIGHT LANE WITH A RIGHT YIELD.

The signal functions as a 6 phase light. The cycle lengths in the morning averages 118 seconds and in the afternoon the cycle length averages approximately 129. The peak hours were 7:38 to 8:38 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the N/B direction of YORK RD during the A.M. peak hour and occurs on the S/B direction of YORK RD during the P.M. peak hour.

LOADED CYCLES:

| | N/B | S/B | E/B | W/B |
|------------|---------|---------|---------|---------|
| % LOADS | 4% | N/A | N/A | 4% |
| TIME(A.M.) | 738-838 | * | * | 738-838 |
| % LOADS | N/A | 7% | 7% | 12% |
| TIME(P.M.) | * | 415-515 | 445-545 | 438-538 |

REMARKS

THE LEVEL OF SERVICE IS C

A = 0% C = 11 - 30% E = 71 - 85%
 B = 1 - 10% D = 31 - 70% F = 86 - 100%

For Updated List Y N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION EASTRIDGE RD./TIMONIUM RD.

County Signal Number 21E

| Recorder ROAD NAME | ECW | West. SUNNY EASTRIDGE RD. N BOUND | | | Road Surf. DRY EASTRIDGE RD. S BOUND | | | Day of the Week THURSDAY TIMONIUM RD. N+S BOUND | | | E BOUND | | | Date of Count TIMONIUM RD. W BOUND | | | E-17-93 E+W BOUND TOTAL | GRAND TOTAL | | | |
|-----------------------|-----|---|----|---|--|---|----|---|-------|-------|---------|----|---|--|---|-----|-------------------------------|----------------|-----|-------|---|
| | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | | | R | TOTAL | |
| A.M. COUNT | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | | | |
| 6:00-6:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-6:30 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-6:45 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:45-7:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:00-7:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:15-7:30 | | 5 | 12 | 0 | 17 | 3 | 16 | 29 | 48 | 65 | 27 | 29 | 0 | 56 | 1 | 132 | 10 | 143 | 199 | 254 | |
| 7:30-7:45 | | 7 | 14 | 0 | 21 | 6 | 33 | 49 | 87 | 109 | 14 | 31 | 2 | 47 | 3 | 139 | 6 | 148 | 195 | 303 | |
| 7:45-8:00 | | 10 | 15 | 0 | 25 | 9 | 38 | 42 | 89 | 114 | 15 | 45 | 6 | 66 | 4 | 177 | 6 | 187 | 253 | 367 | |
| 8:00-8:15 | | 3 | 27 | 0 | 30 | 9 | 38 | 41 | 88 | 112 | 6 | 46 | 6 | 58 | 1 | 151 | 11 | 163 | 221 | 339 | |
| 8:15-8:30 | | 4 | 13 | 3 | 20 | 9 | 18 | 49 | 75 | 95 | 9 | 44 | 8 | 61 | 3 | 165 | 13 | 181 | 242 | 337 | |
| 8:30-8:45 | | 13 | 8 | 5 | 25 | 6 | 15 | 54 | 76 | 102 | 6 | 45 | 9 | 60 | 4 | 153 | 7 | 164 | 224 | 326 | |
| 8:45-9:00 | | 15 | 11 | 0 | 26 | 4 | 18 | 36 | 58 | 84 | 9 | 55 | 5 | 69 | 0 | 140 | 10 | 150 | 219 | 303 | |

A.M. HOUR TOTALS

| | | | | | | | | | | | | | | | | | | | | | |
|-----------|--|----|----|---|-----|----|-----|-----|-----|-----|----|-----|----|-----|----|-----|----|-----|-----|------|---|
| 6:00-7:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-7:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-7:30 | | 5 | 12 | 0 | 17 | 3 | 16 | 29 | 48 | 65 | 27 | 29 | 0 | 56 | 1 | 132 | 10 | 143 | 199 | 254 | |
| 6:45-7:45 | | 12 | 26 | 0 | 38 | 9 | 49 | 77 | 135 | 173 | 41 | 60 | 2 | 103 | 4 | 271 | 16 | 291 | 394 | 567 | |
| 7:00-8:00 | | 22 | 41 | 0 | 63 | 19 | 87 | 119 | 224 | 287 | 56 | 195 | 9 | 199 | 8 | 448 | 22 | 476 | 647 | 934 | |
| 7:15-8:15 | | 25 | 68 | 0 | 93 | 27 | 125 | 160 | 312 | 405 | 62 | 151 | 14 | 227 | 9 | 599 | 33 | 641 | 852 | 1273 | |
| 7:30-8:30 | | 24 | 69 | 3 | 96 | 33 | 127 | 179 | 339 | 435 | 44 | 165 | 22 | 232 | 11 | 632 | 35 | 679 | 911 | 1345 | |
| 7:45-8:45 | | 30 | 63 | 8 | 101 | 33 | 110 | 195 | 328 | 429 | 36 | 150 | 29 | 245 | 12 | 646 | 37 | 695 | 940 | 1363 | |
| 8:00-9:00 | | 35 | 59 | 8 | 102 | 28 | 90 | 179 | 297 | 399 | 30 | 150 | 22 | 248 | 8 | 609 | 41 | 659 | 905 | 1305 | |

| Recorder ROAD NAME | ECW | West. SUNNY EASTRIDGE RD. N BOUND | | | Road Surf. DRY EASTRIDGE RD. S BOUND | | | Day of the Week THURSDAY TIMONIUM RD. N+S BOUND | | | E BOUND | | | Date of Count TIMONIUM RD. W BOUND | | | E-17-93 E+W BOUND TOTAL | GRAND TOTAL | | | |
|-----------------------|-----|---|----|---|--|----|----|---|-------|-------|---------|-----|----|--|---|----|-------------------------------|----------------|-----|-------|---|
| | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | | | R | TOTAL | |
| P.M. COUNT | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | | | |
| 3:00-3:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15-3:30 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:30-3:45 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:45-4:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4:00-4:15 | | 13 | 23 | 5 | 41 | 6 | 24 | 22 | 52 | 93 | 26 | 204 | 7 | 237 | 0 | 78 | 11 | 89 | 325 | 419 | |
| 4:15-4:30 | | 7 | 22 | 0 | 29 | 17 | 24 | 25 | 66 | 95 | 25 | 143 | 9 | 177 | 1 | 29 | 14 | 103 | 280 | 375 | |
| 4:30-4:45 | | 8 | 14 | 1 | 23 | 11 | 40 | 23 | 74 | 97 | 22 | 170 | 15 | 207 | 1 | 84 | 6 | 91 | 298 | 395 | |
| 4:45-5:00 | | 11 | 35 | 4 | 50 | 16 | 42 | 29 | 87 | 137 | 40 | 175 | 15 | 230 | 1 | 58 | 12 | 71 | 301 | 438 | |
| 5:00-5:15 | | 5 | 20 | 2 | 27 | 44 | 32 | 24 | 101 | 128 | 34 | 215 | 20 | 269 | 0 | 73 | 12 | 85 | 354 | 482 | |
| 5:15-5:30 | | 15 | 43 | 1 | 59 | 12 | 44 | 25 | 81 | 140 | 43 | 194 | 21 | 258 | 1 | 33 | 17 | 51 | 349 | 499 | |
| 5:30-5:45 | | 16 | 54 | 5 | 75 | 18 | 27 | 12 | 57 | 132 | 35 | 193 | 14 | 240 | 2 | 62 | 12 | 96 | 338 | 470 | |
| 5:45-6:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

P.M. HOUR TOTALS

| | | | | | | | | | | | | | | | | | | | | | |
|-----------|--|----|-----|----|-----|----|-----|-----|-----|-----|-----|-----|----|-----|---|-----|----|-----|------|------|---|
| 3:00-4:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15-4:15 | | 13 | 23 | 5 | 41 | 6 | 24 | 22 | 52 | 93 | 26 | 204 | 7 | 237 | 0 | 78 | 11 | 89 | 325 | 419 | |
| 3:30-4:30 | | 20 | 45 | 5 | 70 | 23 | 48 | 47 | 118 | 189 | 51 | 347 | 15 | 413 | 1 | 155 | 25 | 192 | 505 | 791 | |
| 3:45-4:45 | | 26 | 59 | 6 | 91 | 34 | 86 | 70 | 192 | 265 | 73 | 517 | 21 | 607 | 2 | 250 | 21 | 283 | 801 | 1129 | |
| 4:00-5:00 | | 39 | 94 | 10 | 143 | 50 | 130 | 93 | 279 | 422 | 113 | 632 | 46 | 851 | 3 | 309 | 42 | 354 | 1205 | 1627 | |
| 4:15-5:15 | | 31 | 91 | 7 | 129 | 88 | 139 | 101 | 328 | 457 | 121 | 703 | 59 | 983 | 3 | 303 | 44 | 350 | 1233 | 1690 | |
| 4:30-5:30 | | 39 | 112 | 9 | 159 | 83 | 159 | 101 | 343 | 502 | 139 | 754 | 71 | 954 | 3 | 288 | 47 | 338 | 1302 | 1834 | |
| 4:45-5:45 | | 47 | 152 | 12 | 211 | 90 | 146 | 90 | 326 | 537 | 150 | 737 | 70 | 959 | 4 | 266 | 53 | 313 | 1340 | 1875 | |

Recorder
A.M. ECW
P.M. ECW

Weather
SUNNY
SUNNY

Road Surface
DRY
DRY

Day of the Week
THURSDAY
THURSDAY

Date of Count
8-17-83
8-17-83

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

| ROAD NAME | | EASTRIDGE RD. N BOUND | | | | EASTRIDGE RD. S BOUND | | | | TIMONIUM RD. E BOUND | | | | TIMONIUM RD. W BOUND | | | | N+S+E+W TOTAL |
|--------------------|------|-----------------------|-----|----|-------|-----------------------|-----|-----|-------|----------------------|------|-----|-------|----------------------|------|-----|-------|---------------|
| | | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | |
| % TURNING MOVEMENT | A.M. | 35% | 61% | 5% | 100% | 3% | 34% | 57% | 100% | 21% | 71% | 6% | 100% | 1% | 93% | 6% | 100% | N/A |
| | P.M. | 25% | 69% | 6% | 100% | 24% | 45% | 31% | 100% | 14% | 39% | 5% | 100% | 1% | 88% | 12% | 100% | N/A |
| TOTAL VOLUMES | A.M. | 57 | 100 | 8 | 165 | 46 | 177 | 293 | 521 | 26 | 295 | 26 | 417 | 15 | 1057 | 53 | 1136 | 2239 |
| | P.M. | 75 | 211 | 18 | 304 | 124 | 234 | 150 | 519 | 225 | 1294 | 101 | 1620 | 6 | 536 | 84 | 626 | 3953 |
| GRAND TOTAL | | 132 | 311 | 26 | 469 | 170 | 411 | 458 | 1039 | 311 | 1589 | 137 | 2037 | 22 | 1593 | 147 | 1762 | 5307 |
| ESTIMATED ADT'S | | NORTH 5928 | | | | SOUTH 3407 | | | | EAST 11530 | | | | WEST 13836 | | | | |

ESTIMATED CARS ENTERING THE INTERSECTION -----> 17400

INTERSECTION: EASTRIDGE RD./TIMONIUM RD.

DESC. EASTRIDGE RD. AND TIMONIUM RD. ARE BOTH TWO LANE UNDIVIDED COUNTY ROADS WITH APPROACH LANES IN ALL DIRECTIONS.

The signal functions as a 2 phase light. The cycle lengths in the morning averages 60 seconds and in the afternoon the cycle length averages approximately 53 seconds. The peak hours were 7:45 to 8:45 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the W/B direction of TIMONIUM RD. during the A.M. peak hour and occurs on the E/B direction of TIMONIUM RD. during the P.M. peak hour.

LOADED CYCLES:

| | N/S | S/S | E/E | W/B |
|------------|-----|-----------|-----|-----|
| % LOADS | N/A | N/A | N/A | N/A |
| TIME(A.M.) | * | * | * | * |
| % LOADS | N/A | 2% | N/A | N/A |
| TIME(P.M.) | * | 4:45-5:45 | * | * |

REMARKS

THE LEVEL OF SERVICE IS B

A = 0 % C = 11 - 30 % E = 31 - 35 %
B = 1 - 10 % D = 31 - 30 % F = 66 - 100 %

For Updated List N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

even though the Petitioners had begun operations in September of 1993.

Petitioners would ask the Board to take note of its own prior decisions in the case of Star Construction Company, 4314-X, to discern the chronology as to the creation of a buffer screen on shopping center land between the shopping center entrance and the residential use of 42 East Timonium Road as well as the role of the community association of Haverford in correspondence recorded in that proceeding decided in the late 1950s and early 1960s whereby the gasoline service station and service garage was first approved for the property to the West of the Petitioners' site.

ISSUES PRESENTED

1. Whether on the evidence presented the special exception for a Class B group child care center should be granted.
2. Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

ISSUE 1

Whether on the evidence presented the special exception for a Class B group child care center should be granted.

The authority of the County Board of Appeals as set forth in the Baltimore County Charter, Section 602.B, is to hear cases, which include appeals from Orders relating to zoning. The County Board of Appeals of Baltimore County was established pursuant to

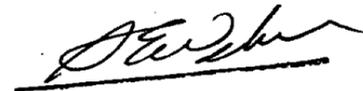
SUMMARY OF TRIP GENERATION CALCULATION
FOR 8 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|-----------------|-----------------------|----------------------|------------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 37 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 4 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 3 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 7 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 3 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 4 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 7 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 3 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 1 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 3 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 0 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 1 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY

FEB 14 '94



TRIP GENERATION BY MICROTRANS

SUMMARY OF TRIP GENERATION CALCULATION
FOR 12 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|-----------------|-----------------------|----------------------|------------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 56 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 5 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 5 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 10 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 5 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 5 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 10 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 5 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 1 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 4 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 1 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY

FEB 14 1994



TRIP GENERATION BY MICROTRANS

SUMMARY OF TRIP GENERATION CALCULATION
FOR 15 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|--------------|--------------------|-------------------|------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 70 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 7 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 6 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 12 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 6 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 7 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 12 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 6 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 2 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 6 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 2 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

20 STUDENTS = 93 (4.65 x 20)

| | | |
|-----|-----|----|
| 7-9 | IN | 9 |
| | OUT | 8 |
| | TOT | 17 |
| 4-6 | IN | 8 |
| | OUT | 9 |
| | TOT | 17 |

TRIP GENERATION BY MICROTRANS

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY

FEB 14 1994

[Signature]

SUMMARY OF TRIP GENERATION CALCULATION
FOR 40 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|-----------------|-----------------------|----------------------|------------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 186 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 18 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 15 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 33 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 15 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 18 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 33 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 16 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 3 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 2 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 4 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 15 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 2 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 2 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 4 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY
FEB 14 1994

[Signature]

TRIP GENERATION BY MICROTRANS

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED:

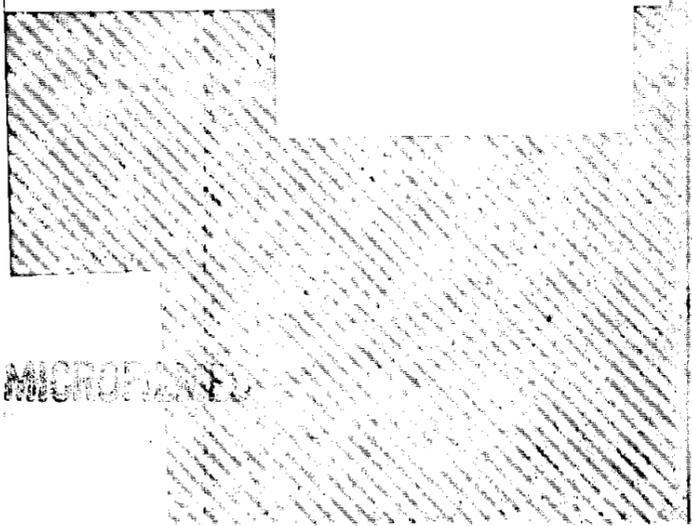
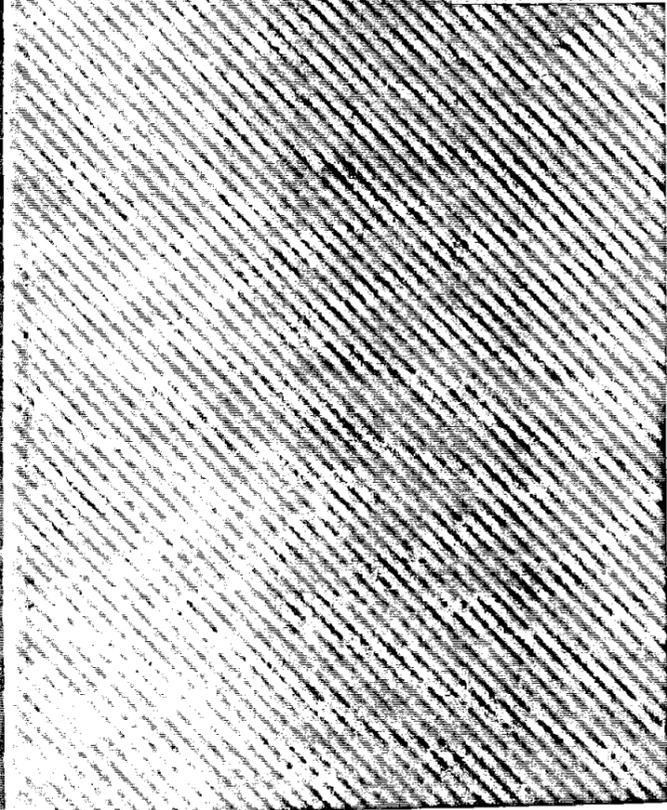
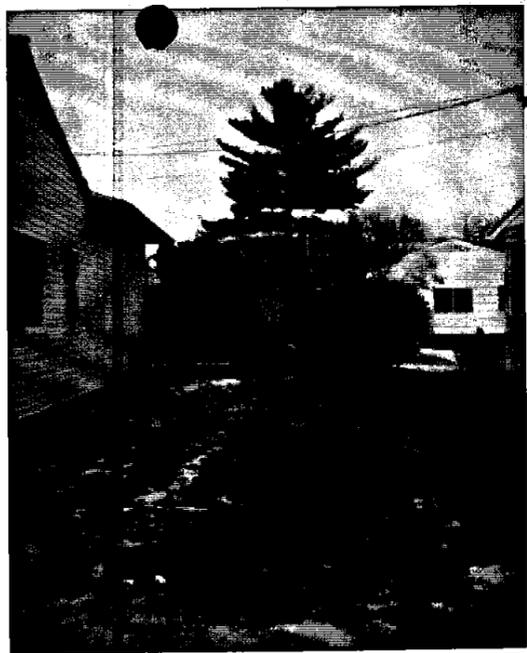
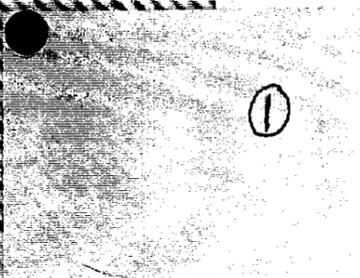
EXHIBIT _____

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD. & EAST SIDE OF 19 EDGEMORE RD. WHITE PROPERTY.
2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD.
3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD.- NOTE HEIGHT OF ROOF LINE.
4. ENCROACHMENT OF FENCE INTO BUFFER ZONE TO 6' CHAIN LINK SLATTED FENCE.
5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS.
6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE.
7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TEAR UP OF BUFFER ZONE.
8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY
9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94
10. CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD 2/15/94
11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94
13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD.
14. REAR VIEW OF 44 E. TIMONIUM RD FACING NORTH WEST FROM TIMONIUM RD. NOTE REAR PICTURE WINDOWS, KITCHEN WINDOWS, BASEMENT STEPS. COMPARE THIS VIEW WITH #1 PICTURE FOR CLOSENESS OF HOUSES, FENCE, AND YARDS.

94271PIC

PROTESTANTS
EXHIBIT NO. 2 - I - XIV

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MICROFILMED

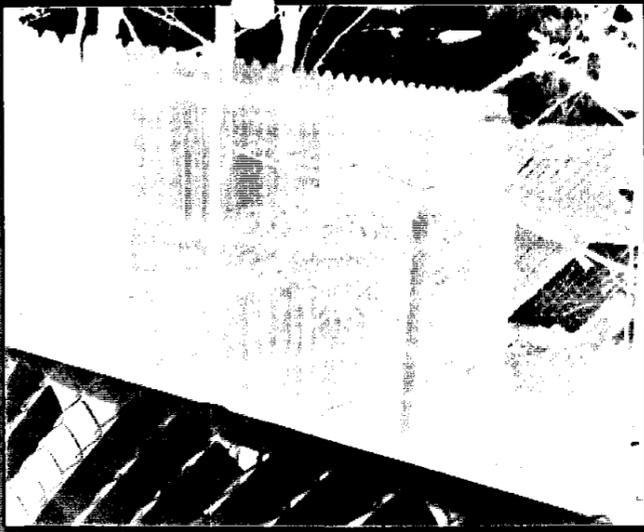
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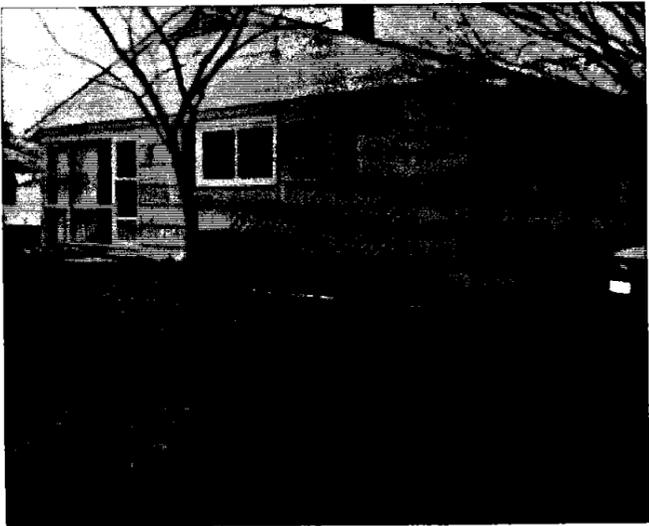


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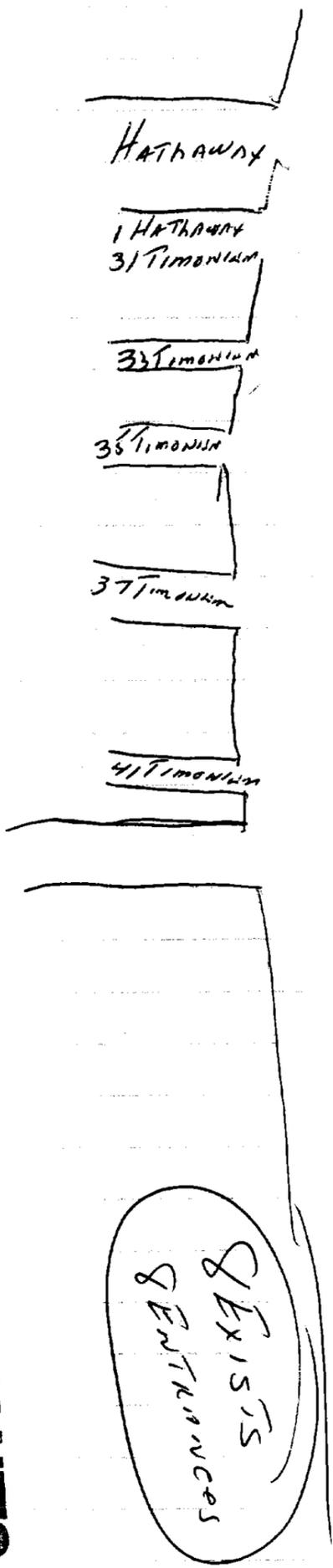


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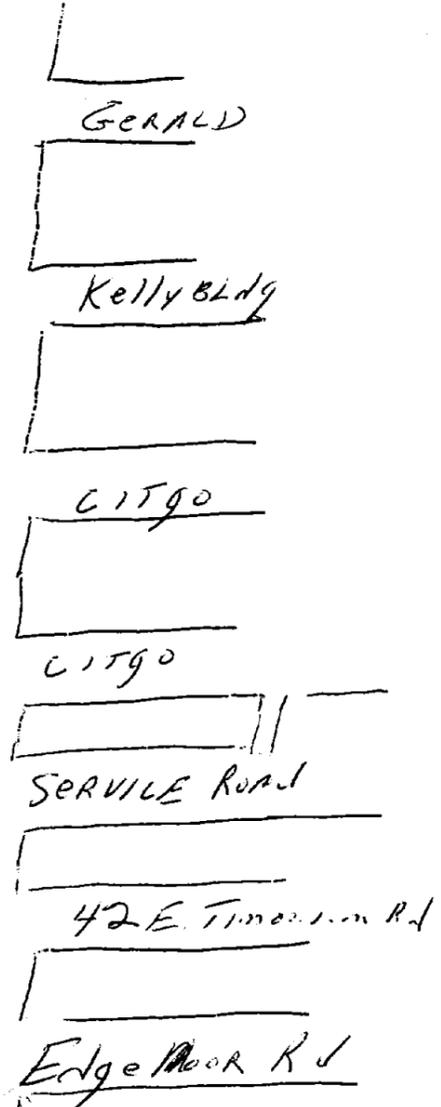
-1

MICROFILMED

YORK RD



Timonian Road



Timonian Rd

PROTESTANTS
EXHIBIT NO. 1

DULANEY VALLEY RD

MICROFILMED

Maryland Annotated Code, Article 25A, Section 5(U), which permitted counties to establish a county board of appeals with jurisdiction over matters relating to zoning. Relay Improvement Association v. Sycamore Realty Company, Inc., ___ Md.App. ___ (July 5, 1995).

The Baltimore County Code, Section 26-132 provides that any appeal from the Zoning Commissioner shall be made to the County Board of Appeals which shall dispose of the appeals in accordance with the Charter and the Board's own rules of procedure.

Section 603 of the Baltimore County Charter provides that all hearings held by the Board shall be held de novo unless otherwise provided by legislative act of the County Council and shall be open to the public. The County Board of Appeals therefore had jurisdiction to consider the appeal de novo as filed by the Petitioners.

As to the granting of a special exception, the special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and therefore valid. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981).

Before the Court of Appeals in Schultz v. Pritts (supra) the issue was whether the appeals board in Carroll County had improperly denied the requested special exception use to develop a funeral establishment and a variance for reduction of the minimum front yard requirements. The Court of Appeals in Schultz set out

the legal standard for judicial review of the grant or denial of the special exception use:

" . . . The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any fact or circumstance negating the presumption*. The duties given the Board are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. . ."

In reviewing the pertinent Baltimore County Zoning Regulations, the Petitioners' request was for a Class B group child care center which is a permitted use under Section 1.B.01.1.A.10.B under DR zones for up to forty (40) children if not located in an RTA. It is only a special exception use when located in an RTA, as

is herein defined in Section 1.B.01.1.C.6.B.

The County Board of Appeals recently has considered another case involving a request for special exception for a Class B group child care center in the matter of Gordon L. Harrison, et ux, 95-280-XA, in which the Board apparently misconstrued and misstated the pertinent section of the Baltimore County Zoning Regulations describing Class B child care centers as permitted by special exceptions. In fact, the section stated by the County Board of Appeals in that decision refers to residential transition areas as defined in Section 1.B.01.1.B and the section enumerated by the County Board of Appeals in that opinion is entitled "Exceptions to Residential Transition" for uses which are exempt from meeting RTA requirements where bulk standards are maintained, pursuant to Section 424.7. The Board in that case then confused the existence of RTA which requires that a special exception be sought where RTA is implicated with the stated section in the RTA regulations, which specifically exempts uses from meeting RTA requirements where bulk standards are otherwise met in deciding to deny the special exception on the erroneous belief that bulk standards could not be varianced.

The Board similarly in that case overlooked the provisions in RTA regulations 1.B.01.1.B.1.c.1 and 2 which provides for variancing requirements under RTA pursuant to Section 307, where the hearing officer makes findings as otherwise required by

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FATEMEH FALAHI & MOHAMMAD HAERIAN, M.D.

LOCATION: NW/S TIMONIUM RD., 90' SW OF CENTERLINE EDGEWOOD RD.
(42 EAST TIMONIUM RD.)

Item No.: 271 (MJK) Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1991 edition prior to occupancy.

RECEIVED
JAN 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Section 26-206 or Section 26-282 of the Code.

The use requested in this case of a Class B child care center as limited by the Petitioners to no more than 20 children (emphasis supplied) is an RTA use as defined in Section 1.B.01.1.B.1.d.2. Therefore, this case provides an opportunity for the Board to correct the error contained in the previous decision in the Gordon L. Harrison, et ux case, 95-280-XA for the reasons hereinafter stated.

The Baltimore County Zoning Regulations in Section 502.1 set out the requirements for factors which must be considered by the Board before granting a special exception. Being mindful of the decision reached in Schultz v. Pritts (supra) at 1326:

" . . . The presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses. Consequently, the bald allegation that a funeral home use is inherently psychologically depressing and adversely influences adjoining property values, as well as other evidence which confirms that generally accepted conclusion, is insufficient to overcome the presumption that such a use promotes the general welfare of a local community. Because there were neither facts nor valid reasons to support the conclusion that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than would result from the location of any funeral home in any residential zone, the evidence presented by the protestants was, in effect, no evidence at all. . . . Anderson v. Town of Chesapeake Beach, 23 Md.App. at 624-25, 329 A.2d at 724 (emphasis added) (citations omitted)."

The testimony from the Protestants on the special exception was that they feared noise from the child care center and that they feared a traffic impact due to the addition of 12 more children to the 8 already permitted for pickup and dropoff twice per day.

It is undisputed that there have been no automobile accidents related to the operation of this child care center at this location and that parking is permitted in front of the Petitioners' property at 42 East Timonium Road as well as parking being permitted in the driveway adjacent to the pickup and dropoff point.

Furthermore, the testimony of the Protestants' expert witness, Dr. Everett Carter, was apparently based on erroneous information given him by one or more of the Protestants in which he erroneously found that Timonium Road in the vicinity of this site had an average daily traffic count of 25,000 vehicles per day. (Emphasis supplied.) Dr. Carter's only time on site had been one rush hour day in the winter from 7:30 until not quite 8:30 a.m., and he performed no traffic count to verify the data provided him; nor had any other Protestants, to dispute the testimony of Stephen Weber of the Baltimore County Department of Traffic Engineering; who subsequently testified that in 1991 on Timonium Road east of York Road, traffic in both directions would have been measured at 14,000 cars per day for a 24 hour period. (Emphasis supplied.)

Dr. Carter further gave testimony that, according to a reference book he was using, the Class B group child care center would generate 4.65 trips per child for a daycare center. He overlooked or ignored any limitation proposed by Petitioners that proposed in lieu of a child care center for up to 40 children as proposed in the Zoning Regulations for this type of a center, she would voluntarily limit herself to no more than 20 children.

Similarly, Dr. Carter's gap analysis for the spacings between vehicles was similarly flawed because it was based on the erroneous numbers given him by the Protestants, which were contradicted by Mr. Weber. Dr. Carter used his estimate for the morning rush hour of 1,515 vehicles where Mr. Weber estimated the a.m. peak on Timonium Road east of York Road, excluding any turnoffs prior to reaching the Petitioners' site such as the gas station or the shopping center, to be 1,120 cars. The Department Comments from Baltimore County as to traffic do not mention any concern as to increase by 12 children.

Similarly, in the afternoon rush hour traffic analysis Dr. Carter estimated 1,846 vehicles between 4:45 and 5:45 p.m. while Mr. Weber's estimate for the traffic heading East on Timonium Road from York before accounting for any traffic turnoffs into the community or into the office building, gas station, or the shopping center prior to reaching 42 East Timonium Road, to be 1,414 vehicles at Eastbound and Westbound Timonium Road at York Road.

There is no Protestant testimony, credible or coherent, which would establish that this use would tend to create congestion in the roads, streets or alleys by the addition of transportation requirements for 12 more children on roads which are operating well within capacity and on which there have been no traffic accidents due to the operation of a child care center from September of 1993 to the present.

There was no testimony whatsoever that the use would be detrimental to health, safety or general welfare or would create a potential hazard from fire, panic or other dangers, nor would it violate the provisions of Baltimore County Zoning Regulations, Sections 502.1.E, F, G, or H.

As the Court of Appeals pointed out in Schultz v. Pritts (supra) at 1325:

"Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material, if the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." (cases omitted)

Otherwise, as the Court of Appeals pointed out in Schultz (supra), the evidence presented is in effect no evidence at all which is legally sufficient.

Therefore, the Petitioners have met their burden to show that the special exception use is permitted within the zone and, indeed, is presently permitted for up to 8 children without any zoning approvals throughout Baltimore County and has therefore met her burden and the special exception should be granted if the variances are granted.

ISSUE 2

Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

Without repeating the portion of the argument stated in Issue 1, the County Board of Appeals recently in the case of Gordon L. Harrison, Case Number 95-280-XA, erroneously concluded after misreading Section 1.B.01.1.B.1.G.10.A as prohibiting special exceptions where bulk standards could not be met by confusing that section with the following subsection C of the Baltimore County Zoning Regulations which expressly permits special exceptions for Class B child care centers and the other relevant sections of the Zoning Regulations allowing the hearing officer, in considering a special exception, to grant variances under the authority of Section 307 and Baltimore County Code Section 26-206 and Section 26-282 where properties are located in RTA areas.

ZONING ADVISORY COMMITTEE AGENDA
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF FEBRUARY 27, 1995
FORMAL OR INFORMAL RESPONSE DUE AT MARCH 6, 1995 MEETING

\$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
- # ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
- # ZADM, Development Control Work File (Joyce Watson)
- * ZADM, Development Management (David Flowers)
- * ZADM, Development Management (Kurt Kugelberg)
- * ZADM, Development Control (John Alexander)
- \$& Public Works, Development Plan Review (Dennis A. Kennedy)
- \$* Planning Office Director (Pat Keller)
- # Planning Office (Jeffrey Long)
- * Recreation and Parks (Ronald Schaeffer); MS #52
- # DEPRM (Larry Pilson) - 2 plats
- * DEPRM, Air Quality Management (Dave Filbert); MS #3404
- & State Highway Administration, Access Permits Division (David N. Ramsey)
- & Fire Prevention, Plans Review (Lt. Robert Sauerwald); MS #1102F
- * Dept. of Permits & Licenses, Building Plans Review (Dick Seim); MS #1106
- * Economic Development Commission, Business Develop. (Susan Brennan); MS #2M07
- * Highways (Richard Cox); MS #1003
- * Community Development (Amy Johanson); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF ELDERLY HOUSING, Community Development (Frank Welsh); MS #1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5708).

Revised 11/16/94

The matter of the Board's ability to consider and grant zoning approvals where statutory requirements were an apparent contradiction to Charter approved jurisdiction was considered in the case of Hope v. Baltimore County, 288 Md. 656, 421 A.2d 576. As the Court pointed out in Hope (supra):

"Section 602 of the Baltimore County charter after referring to appeals from certain types of orders provides in Section 602(d) in unmistakably clear language that the board is to 'hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Article 25A . . . as amended . . .'. The approval or disapproval of a subdivision plat is an administrative or adjudicatory order. The section refers to 'all' such orders.

There would have been no need to insert in Constitution Art. XI-A, Section 1 the provision that public local laws inconsistent with the provisions of the charter were to be thereby repealed unless it had been contemplated that the people of a county in adopting a charter might thereby enact charter provisions inconsistent with prior acts of the General Assembly. The power granted counties under Art. 25A, Section 5(U) is '[t]o enact local laws providing . . . for the establishment of a county board of appeals' etc. It follows that when the people of Baltimore County placed a provision relative to a board of appeals in their charter they were acting pursuant to the authority granted under Constitution Art. XI-A and Section 5(U). If one had the slightest doubt of the intent of the charter it would be dispelled by reference to the Reporter' Notes. Those to Section 601 state:

Section 601. *County Board of Appeals; Appointments; Terms; Compensation.* The legal authority for the creation of a County Board of Appeals is contained in Article 25A, Section 5(V) of the State Code, as amended by the Acts of 1953, Chapter 199. This statute expressly authorizes the chartered county to enact local laws providing for the establishment of a County Board of Appeals 'whose members shall be appointed by the

county council'. [Proposed Home Rule Charter for Baltimore County, Maryland with Reporter's Notes and Index (1956) 135-36.]

Art. 25A, Section 5(V) has since been renumbered to the present Section 5(U). Constant reference is made to Section 5(V) or, as it is now, Section 5(U) in the several pages of Reporter's Notes dealing with Article VI of the Baltimore County Charter. The plain meaning of the charter provisions is to embrace all of the authority granted under Section 5(U). This provides for a right of appeal in the matter of any 'approval . . . or other form of permission or of any adjudicatory order,' language sufficiently broad to grant a right of appeal from the approval or disapproval of a subdivision plat.

It is suggested that '[i]t would be unreasonable and illogical to interpret the thrust of Article 25A, Section 5(U) as mandatory rather than discretionary.' It certainly does not mandate that a county create a board of appeals implementing the powers there granted. Here Baltimore County in its creation of its board of appeals has indicated an intent that the board's powers are to be those set forth in Art. 25A, Section 5(U). Once having availed itself of that power, then it follows that Section 5(U)'s provisions must be applicable. The concluding sentence of the section is, 'The review proceedings provided by this subsection shall be exclusive.' This provision appeared at the time of the original enactment by the General Assembly of what is now Section 5(U) by Chapter 670 of the Acts of 1951. Accordingly, under Constitution Art. XI A, Section 1 providing that enactment of a charter would constitute repeal of all public local laws inconsistent with the charter provisions, the right of appeal provided in the preexisting county code was repealed. Thereafter, if Baltimore County had attempted to enact a statute concerning appeals inconsistent with the exclusive right of appeal provided in Article 25A, Section 5(U) it would have been acting in a manner not permitted by its own charter. Obviously, it could repeal the charter provision."

In the case before the Board, the provisions of 1.B.01.1.B.1.C, Variance of RTA, expressly proposes that the hearing officer may reduce RTA upon making findings and

determinations as called for in that section. That dovetails absolutely and should be read in pari materia with the provisions of Section 307.1 to allow for a reasonable reading of the Zoning Regulations, including the bulk standards of 425.5 and 425.7 so as not to violate the Court's clear holding in Hope v. Baltimore County (supra) which says that any statute in violation of Charter powers is nugatory.

The first prong which the Petitioner must meet under the provisions of Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995), is to show unique circumstances affecting the property. In this case, every single child care regulation ever enacted by Baltimore County, and particularly those presently the law as promulgated by Bill 200-90, were enacted after the platting and development of Haverford as a subdivision in the early 1950s, which was built out substantially in accordance with the subdivision plat.

The testimony of Norman Gerber, expert witness for the Petitioners, on the uniqueness of the Petitioners' property pointed out, in pertinent summary, that the Petitioners' property was the closest property most immediately affected by its proximity to the shopping center entrance and exit as well as the gas station and other commercial buildings to the west, more so than any other lot in the community of Haverford.

Furthermore, since this Petition was originally filed and

heard by the Deputy Zoning Commissioner, at the prompting of the community association, the developer of the Timonium Shopping Center removed the slatted high buffer screen fence shown in numerous pictures in evidence which had been located in the center of the buffer strip adjacent to the Petitioners' property and had put an open metal fence with wooden bollards around the perimeter of the buffer area, thereby opening up the view of all of the commercial uses aforesaid to the West for the Petitioners' property, provided even more reason to favorably consider the requested use as a Class B group child care center as limited by the Petitioners' request for no more than 20 children as this site as a buffer between the more intense commercial uses and the residential community to the east, north and south of this property.

The testimony of Norman Gerber, expert witness for the Petitioners, further established that the grant of the special exception requested and the variances requested would be in keeping with the Baltimore County Zoning Regulations in that the use as requested would provide a buffer between the commercial uses and the residential uses to the North, South and East of the Petitioners' property and the commercial uses to the West. Mr. Gerber forcefully expressed his opinion that the opening up of the commercial use view to 42 East Timonium Road would make this property even less viable than before for continued residential

use.

He further observed that the original owners at the time of the approval of the gas station in Case 4314-X, the Kopelke's, not only had moved away from the property after utilizing it as their residence, but had held it out for rental for several different subsequent tenants. Of those tenants, at least one of engaged in what Mr. Gerber had observed what he believed to be a prohibited automobile repair facility in the side and rear yard closest to the shopping center at 42 East Timonium Road on occasions when Mr. Gerber was in the area while his vehicle was being worked on at the adjacent approved gas station and service garage.

Mr. Gerber noted that, of the variances requested, none if granted would result in new construction on the Petitioners' property and further that the 1990 child care regulation requirements of a 20 foot vegetative buffer on both side and rear yards would be of little utility in view of the existing stockade fence which enclosed the Petitioners' rear yard as well as the fact that the Protestants did not even know that the Petitioner was operating a child care facility from September of 1993 until they had been given word that a Petition had been filed in the Winter of 1994.

As to the other side yard area variances, those are based on the distances from the existing house to the side yard lot line

ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
MEETING OF FEBRUARY 27, 1995

- + Non-Residential or Complex Residential
- \$ Residential, Non-Administrative
- * Administrative Variance (Posting Procedure Only, if not challenged)

Revised Petitions and Plans were dropped off for Item #271; Case #94-271-XA (Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.) on 2/14/95. This case has a hearing scheduled before the Board of Appeals on February 28, 1995.

Item Number: * 284 (JJS)
Legal Owner: Louis T. Toth & Celene M. (Czajkowski) Toth
Contract Purchaser: N/A
Critical Area? No
Location: E/S White Oaks Avenue, 2414' E of centerline Hilton Avenue (#752 White Oaks Avenue)
Existing Zoning: D.R.-2
Proposed Zoning: Administrative Variance to allow a side yard setback of 10 feet for an open projection (deck) in lieu of the required 11-1/4 feet.
Area: .313 +/- acre
District: 1st Election District
1st Councilmanic District

Item Number: + 285 (WCR) **DROP-OFF; NO REVIEW**
Legal Owner: Richard O. Huffman, Jr. & Elizabeth S. Huffman
Contract Purchaser: White Marsh Child Care, Inc.
Critical Area? No
Location: NE/end Winding Way, N of Silver Spring Road; also NW/S I-95 (#8650 Winding Way)
Existing Zoning: D.R.-5.5
Proposed Zoning: Special Hearing to approve an expansion of a special exception for a child care center in a D.R.-5.5 zone by adding a 60-foot by 40-foot addition to the existing day care structure to accommodate additional children by modifying the approval of the special exception obtained previously in case #82-289-X, to establish a nursery school/day care facility; #87-329-SPH to expand the nursery school/day care facility; and #89-7-SPHA to permit a church use to share the day care facility.
Area: 4.74 +/- acres
District: 11th Election District
? Councilmanic District
Misc.: Zoning Cases #87-7-SPHA; #87-329-SPH; #82-289-x

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with the nearest adjacent residential property owner, and the testimony of all Protestants was that they could not hear any sounds coming from the house relating to the child care activity, and so the reason for the greater distance did not appear to be either a necessity or of any utility in strictly enforcing the bulk standards.

Mr. Gerber also found that the location of the dropoff and pickup point on the side of 42 East Timonium Road furthest away from the residential neighbors and closest to the shopping center entrance driveway and the gas station to be the best location of that entrance to shelter or shield the residential community and neighbors from the coming and going of the child care parents and children.

Mr. Gerber also found that this proposed use and the area variances would be in keeping with the spirit and intent of the zoning regulations and could be granted without injury to the public health, safety and general welfare.

There was no testimony of any kind of danger posed to the neighbors or to the neighborhood from flooding, so the request for an exception from impervious area requirements as first requested would be properly granted by the Board.

In pictures submitted by the Petitioner in her rebuttal case on the last day of hearing the Board will be aware of the fact that a substantial portion of the Petitioners' front yard has been

emanating from the Petitioners' facility with 8 children, which she has had from September of 1993, casts the Protestants' objections in the proper light. They are objecting based on technicalities which are of no moment when you consider that the child care center has not negatively affected any Protestants. Indeed, none of them were even aware that any child care was taking place on the site from September of 1993 until a Petition was filed in the Winter of 1994. All of the Protestants' action thereafter were designed solely to thwart the use of the Petitioners' site for a child care facility and opened up the site to adjacent commercial uses to make it less viable than before as a residence.

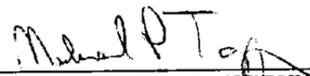
The Zoning Regulations clearly empower the County Board of Appeals as hearing officer to consider not only the use but the reasons for the requests for the area variances and the real effect of the grant of those variances on a neighborhood in which residential children in great numbers are permitted of right in any residence and the protests of the Protestants can be seen in a proper light.

If the test under the Zoning Regulations properly stated is, has the Petitioner shown a good faith reason why she cannot meet with the area requirements where as here no new construction of improvements will be occasioned by the grant of the variances or the special exception, then the Petitioners have met their burden and the special exceptions ought be granted.

CONCLUSION

For the reasons and argument stated aforesaid, the Petitioners request the County Board of Appeals grant the special exception with limitations as requested by the Petitioners and the variances requested.

Respectfully Submitted,


MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204
Telephone: (410) 296-8823
Attorney for the Petitioners

I HEREBY CERTIFY that on this 18th day of October, 1995 a copy of the foregoing was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer & Lee, 305 Washington Avenue, Suite 502, Towson, Maryland, 21204, attorney for the Protestants; and to Peter Max Zimmerman, Esquire, Baltimore County People's Counsel, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.


MICHAEL P. TANCZYN, ESQ.

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - NW/S Timonium Road, * DEPUTY ZONING COMMISSIONER
 90' SW of c/l of Edgemoor Road * OF BALTIMORE COUNTY
 (42 East Timonium Road) *
 8th Election District * Case No. 94-271-XA
 4th Councilmanic District *
 Fatemeh Falahi and *
 Mohammad Haerian - *
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 42 East Timonium Road, in northeastern Baltimore County. The Petitions were filed by the owners of the property, Fatemeh Falahi and Mohammad Haerian. The Petitioners seek a special exception to permit a Class B Group Child Care Center for no more than 40 children on the subject property, pursuant to Sections 1B01.1.b.6.b and 424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, variances are being requested from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 7.

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Appearing at the hearing on behalf of the Petitions were Fatemeh Falahi, property owner, J. Finley Ransone, Registered Land Surveyor, and Harriet Douthirt, Director of the Day Care Center for Towson State University. The Petitioners were represented by Michael P. Tanczyn, Esquire. Many residents of the surrounding community appeared in opposition to the Petitioners request. On their behalf, Louis Miller, Howard White, and Eric Rockel sat at the Protestant's trial table and participated in these proceedings, which took place over the course of three hearing days.

Testimony and evidence presented revealed that the subject property consists of a gross area of 9,263 sq.ft., zoned D.R. 5.5 and is improved with a one-story frame dwelling which is currently used as a residence and a day care center for up to eight (8) children. The Petitioners are desirous of expanding the day care center use to provide day care services for up to 20 children. While the special exception requested is for a maximum of 40 children, the Petitioners have agreed to limit the number of children to 20 as a result of recent findings by the State Licensing Department.

Appearing and testifying on behalf of the Petitioners was Harriet Douthirt. Ms. Douthirt holds a Masters Degree in Elementary Education from Goucher College and is the Director of the Day Care Center at Towson State University. Ms. Douthirt testified that she met Ms. Falahi approximately 14 years ago while a student at Towson State. She testified that she has referred families from her facility at Towson State to Ms. Falahi's day care center. Ms. Douthirt stated that it is very rare for her to refer children to other facilities, but because she has such good faith in Ms. Falahi's abilities to operate a day care center, she often refers families to Ms. Falahi. Furthermore, Ms. Douthirt testified that she is aware that Ms. Falahi is very cautious about who she will accept into her

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Item Number: + 286 (JRA)
Legal Owner: Amir Aviram & Cicero H. Brown
Contract Purchaser: N/A
Critical Area? No
Location: NE/S Reisterstown Road, NC Reisterstown Road and
Hammershire Road (#11629 Reisterstown Road -- Owings
Mills Car Wash)
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Special Hearing to approve a revised zoning plan and order
as approved in zoning cases.
Area: 49,299 square feet
District: 4th Election District
3rd Councilmanic District
Misc.: Zoning Cases #93-82-SPHX, #77-45-X, #65-157-X
Limited Exemption Approved 11/7/94

Item Number: * 287 (JRF)
Legal Owner: Richard C. Schmidt
Contract Purchaser: N/A
Critical Area? Yes
Location: N/S Holly Neck Road, 630' +/- of centerline Goff Road
(#2106 Holly Neck Road)
Existing Zoning: R.C.-5
Proposed Zoning: Administrative Variance to allow a front yard setback of 16
feet (for an open projection deck) in lieu of the required 37.5
feet.
Area: 40,000 square feet
District: 15th Election District
5th Councilmanic District
Misc.: Stop Work Order per Building Inspector (B-222573; B-
222574; B-222578)

Item Number: * 288 (JLL)
Legal Owner: Virginia W. Gordon
Contract Purchaser: N/A
Critical Area? No
Location: E/S Greenlea Drive, 445' N of Old Court Road (#5 Greenlea
Drive)
Existing Zoning: D.R.-1
Proposed Zoning: Administrative Variance to permit a side yard setback of 16
feet in lieu of the required 20 feet for a proposed 10-foot by
12-foot addition.
Area: 1.27 acres
District: 3rd Election District
2nd Councilmanic District
Misc.: Provisional Approval Permit #B-226021

(OVER)

day care center. In her opinion, Ms. Falahi operates an excellent child day care facility and she supports her request to increase the number of children attending the center from 8 to 20.

Also appearing and testifying on behalf of the Petitioners was J. Finley Ransone, Registered Land Surveyor. Mr. Ransone prepared the site plan for the property which was marked into evidence as Petitioner's Exhibit 7. Mr. Ransone testified that during the course of the site plan preparation, he learned that approximately 5 feet of the paved portion of the 10-foot wide driveway which serves the present day care center is located on the adjacent property owned by the Timonium Shopping Center Associates Limited Partnership. Mr. Ransone testified that it is not possible for a vehicle to utilize this driveway without trespassing onto the shopping center property. Therefore, the pick up and delivery of children to the site is severely compromised by this title flaw.

Ms. Falahi testified that she purchased the subject property in November, 1992 and that she has operated a licensed day care facility at this site since September 15, 1993. She stated that the property is used as both a residence and a child day care center, which caters to children from the infant stage to up to 7 years of age. Ms. Falahi testified that she did not order a Title Search at the time of her purchase and that the property was in deplorable condition. She testified that she has made extensive improvements since her purchase of the property. Mrs. Falahi testified that she is present on a daily basis at the day care center and that she currently provides services for 8 children. Ms. Falahi testified that she had a survey performed by the State Licensing Department and that they advised her that the size of her facility could accommodate up to 20 children. Thus, she has requested the special exception to expand her

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current operation to provide services for a maximum of 20 children. She testified that the parents of the children currently enrolled at the day care center use Timonium Road to drop off and pick up their children. Ms. Falahi stated that she would like to use the shopping center driveway for this purpose but has been denied such use by its owners. Furthermore, the shopping center owners have advised Ms. Falahi that she is no longer permitted to trespass onto their property and have requested that she remove any improvements located thereon. This would include the 5-foot section of the paved driveway, an existing shed, and fencing.

Mr. Martin Pechter, a representative of the Timonium Shopping Center Associates Limited Partnership, appeared and testified in opposition to Ms. Falahi's request. Mr. Pechter testified that Ms. Falahi must terminate all encroachment onto the shopping center property. He testified that the owners of the shopping center property will pursue legal action in the event appropriate steps are not taken to remove all encroachments on their property. He further testified that Ms. Falahi has been placed on notice that the parents of those children attending her day care center must cease utilizing the driveway to the shopping center to drop off and pick up their children.

Also appearing and testifying in opposition to the Petitioners' request was Carolyn London. Ms. London is opposed to the Petitioners' request to increase the number of children at this facility. She testified that in her opinion, such an increase would be harmful to the residential character of this neighborhood. She cited tremendous traffic problems when parents drop off and pick up their children. She also cited noise problems relative to the use of the property as a day care center and projected an increase in such noise in the event the relief requested is

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granted. Furthermore, she opposes the variances requested for this site, arguing that the relief requested is excessive.

Ms. Kathleen F. Beadell appeared and testified in opposition to the relief requested on behalf of the Yorkshire Community Association. Ms. Beadell is President of that Association and has lived in the Timonium area all of her life. Ms. Beadell believes that any increase in the number of children permitted at this site, particularly to 20 or 40 children, would adversely affect the value of surrounding homes in this community. She also cited the lack of an appropriate delivery and pick up site for the children, inadequate parking, and stated that the noise generated by the operation of this day care facility is detrimental to the surrounding community.

Ms. Diane Itter, a representative of the Office of Planning and Zoning and a Community Planner for the Cockeysville area, appeared and testified in opposition to the Petitioners' request. She testified that in her opinion, the special exception requested is in direct conflict with the Master Plan and is inconsistent with the Community Conservation Area plan for this locale. She further testified that the privacy fence which has been constructed around this site is an inadequate buffer from the adjacent residential properties and believes that the subject property is too small in area and size to support an increase in the number of children up to 20. She also cited traffic safety concerns and indicated there have been numerous traffic violations committed by parents dropping off and picking up their children at the day care center .

Ms. Diana Amrhein appeared and testified in opposition to the Petitioners' request. Ms. Amrhein testified that she has been a licensed day care mother since 1976 and that she currently operates a day care

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9/30/94
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center in her home. In her opinion, based on her experience, the Falahi property is too small to accommodate 20 children. Ms. Amrhein testified that an increase in the number of children at this facility would increase the amount of noise emanating from the site and would be unreasonable for the surrounding neighbors. She further testified that the pick up and delivery area for children is not efficient and causes traffic problems. She concluded that the subject site is not an appropriate candidate for the special exception and variance relief sought.

Mr. John Mannion appeared and testified in opposition to the Petitioners' request. Mr. Mannion testified concerning the issue of traffic along Timonium Road. He testified that his personal automobile has been struck by passing motorists on three occasions and that he was forced to construct a driveway on his property in order to avoid parking on Timonium Road. He further testified that he has witnessed motorists making U-turns in the middle of Timonium Road and crossing over the yellow line to pick up or drop off children. Mr. Mannion noted Timonium Road is a snow emergency route, which in times of bad weather, does not permit the parking or stopping of vehicles. He also joined in opposing any increase in the number of children permitted to attend this day care center.

Mr. Howard White testified in opposition to the Petitioners' request. Mr. White resides directly behind the subject site on Edgemoor Road. Mr. White testified that he specifically chose to live in this neighborhood due to the lack of children in the area and the fact that most homeowners are older residents without children. He testified that he is particularly sensitive to the noise generated by young children and feels that any increase in the number of children at this site would exacerbate an already uncomfortable situation. He is concerned over the im-

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pact this day care center will have on the value of his property and is strongly opposed to the special exception relief requested.

Mr. Guy Kern appeared and testified in opposition to the Petitioners' request. He testified as to the existing traffic problems on Timonium Road. He believes that any increase in the number of children at this site will cause additional traffic problems.

Mr. George Lubin also appeared and testified in opposition to the Petitioners' request. Mr. Lubin believes that the requested special exception constitutes another commercial encroachment into this residential community and asked that the relief requested be denied.

Mr. Louis Miller, adjoining property owner, appeared and testified. Mr. Miller's testimony was best characterized by a video tape presentation he made at the hearing. Mr. Miller had video-taped the day care center operation from the window of his residence for approximately 8 hours. He edited the tape down to 17 minutes and played the tape at the hearing. The video presentation made by Mr. Miller clearly depicted the numerous traffic problems and safety hazards associated with the present day care operation which currently provides services for only 8 children. Mr. Miller testified that an increase in the number of children permitted at this site would only exacerbate those problems depicted in the video.

After the presentation of Mr. Miller's testimony and evidence, the Petitioners recalled Mr. Ransone for further testimony. Mr. Ransone testified that the site plan has been revised to show additional screening which is being proposed in order to mitigate the effects of this day care center on surrounding residents.

Ms. Falahi also offered additional testimony. Ms. Falahi testified that she has received permission from Mr. Fred C. Yoo, who operates

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| Item Number: | + 289 (JRA) |
| Legal Owner: | Donald O. Peck & Helen S. Peck |
| Contract Purchaser: | Priceless Carpets |
| Critical Area? | No |
| Location: | E/S Greenspring Drive, 1320' S of centerline Timonium Road (#1967 Greenspring Drive) |
| Existing Zoning: | M.L.-I.M. |
| Proposed Zoning: | <u>Variance</u> to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet. |
| Area: | .501 acre |
| District: | 8th Election District 4th Councilmanic District |
| Misc.: | Zoning Hearing #76-99-A |

the adjacent gasoline service station on Timonium Road, to park three automobiles on his lot. Furthermore, Ms. Falahi testified that she has made some changes in their operating schedule which allows parents to drop off and pick up their children in a more efficient manner. On cross examination, Ms. Falahi admitted that she received a letter from Mr. Yoo revoking the parking arrangement previously agreed upon for three parking spaces. She also stated that she had received notification from the owners of the shopping center property requesting that any encroachments on their property be removed.

The Petitioner introduced a new witness, Mr. Norman Gerber, an expert planner and land use consultant. Mr. Gerber testified that he is very familiar with the subject site and the traffic on Timonium Road and that he has driven by this area on a number of occasions. Mr. Gerber testified that in his opinion, the use of this property as a day care center is an appropriate use. He believes that this property is a prime candidate for rezoning in that it sits on the border of commercial and residential properties. Mr. Gerber further argued that it is not the ideal residential property, given its close proximity to the commercial zone adjacent to it and the amount of traffic in this area of Timonium Road.

On cross examination, Mr. Gerber admitted that vehicles utilizing the driveway to this site cannot do so without trespassing onto that portion of the driveway located on the shopping center property. However, he pointed out that the trespassing issue is not a proper issue before me and is one that should be pursued in the Circuit Court for Baltimore County.

Mr. Gerber also offered testimony concerning the vegetative buffer requirements from which the Petitioners are seeking relief. Mr. Gerber testified that a vegetative buffer is not necessary at this location in

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that the Petitioners have provided a privacy fence around the perimeter of this site, which, in his opinion, is an adequate buffer for the surrounding residences. He testified that any buffer on the inside of this fence would provide little, if any, benefit to the surrounding neighbors. However, on cross examination, it was pointed out that a vegetative buffer required by the regulations must be constructed on the exterior of this privacy fence and not the interior. Obviously, inasmuch as this privacy fence is located on the property line, this 20-foot vegetative buffer cannot be located on the exterior of this fence. Furthermore, it is clear that this site, given its small size, cannot accommodate any vegetative buffer around its perimeter.

After the conclusion of Mr. Gerber's testimony, the Protestants offered two additional witnesses. Mr. Howard White, who had testified on a previous day, again reiterated his opposition to the Petitioners' request and noted that the Petitioners have only provided a setback of 48 feet on the east side of the existing dwelling to the rear property line and that an additional variance should have been requested. A review of the site plan revealed that the west side satisfies the requirements for a 50-foot distance from the rear property line; however, the east side clearly shows a distance of only 48 feet from the rear property line. It does appear that an additional variance should have been requested.

Lastly, Mr. Eric Rockel, a representative of the Greater Timonium Council, testified in opposition to the Petitioners' request. Mr. Rockel is opposed to the special exception and variance relief requested in that it conflicts with the Master Plan and does not conform to the Community Conservation Area plan for this locale. Furthermore, Mr. Rockel testified that the variances from landscaping and buffer requirements do not promote

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the residential character of the community. He is very much concerned over the adverse effects on traffic the operation of this child care center currently has which he believes will only be exacerbated by any expansion. He testified that this site is just too small an area to accommodate this special exception relief requested.

As noted previously, the testimony and evidence offered by both the Petitioners and the Protestants in this case spanned several days. Each side entered into evidence many exhibits, all of which are contained within the file. After carefully considering all the testimony of the witnesses who testified and after fully reviewing the exhibits entered into evidence, I find that the Petitioners' request for special exception and variances should be denied. It is clear that the subject property is not an appropriate candidate to permit the expansion of the existing day care center beyond the 8 children currently attending. Several issues prevent me from allowing the expansion of this day care facility. Those issues involve the lack of an adequate and proper drop off and pick up plan. The driveway that is currently used forces parents to either pull in from and back out onto Timonium Road, or stop along Timonium Road and impede the flow of traffic. The traffic flow along this stretch of Timonium Road is very heavy. Furthermore, the driveway that is currently utilized by the Petitioner is only partially owned by them. Half of this driveway is located on property owned by the Timonium Shopping Center, who, by letter, has notified the Petitioners to cease and desist using that portion of their driveway.

Another issue which prevents me from granting the Petitioners' request is the size of the property itself. Due to the small size of this lot, the Petitioners are forced to request several variances. Of particu-

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lar concern is the variance from the 20-foot vegetative buffer requirements which should be located outside the 50-foot setback required from the existing dwelling to the property line. There simply is not enough room to provide this buffer, which would greatly assist in reducing the amount of noise generated at this site and buffer its use from neighboring residences.

One particular piece of evidence which clearly demonstrated the problems which currently exist at this site was the video tape provided by Mr. Miller. Mr. Miller was able to capture the traffic congestion caused by parents dropping off and picking up their children at this site. To allow an increase in the number of children permitted at this day care center would only exacerbate the traffic problems which currently exist.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a Class B Group Child Care Center for no more than 40 children (or 20 children as modified herein), pursuant to Sections 1B01.1.b.6.b and 424.5.A of the B.C.Z.R., in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-

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foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area, in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to continue to operate the existing day car center facility in accordance with the dictates of the B.C.Z.R. and all other applicable laws and ordinances.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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By [Signature]

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 3, 1994

Mr. Louis Miller
44 E. Timonium Road
Timonium, MD 21093

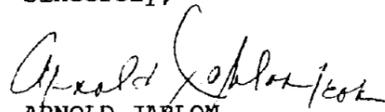
RE: Petition for Special Exception and
Variance
90' S/W of c/l of Edgemoor Road
(42 E. Timonium Road)
8th Election District
4th Councilmanic District
Fatemeh Falahi and
Mohammad Haerian-Petitioners
Case No. 94-271-XA

Dear Mr. Miller:

Please be advised that an appeal of the above-referenced case was filed in this office on October 28, 1994 by Michael P. Tanczyn, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,


ARNOLD JABLON
Director

AJ:eoh

c: Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue,
Baltimore 21204
Ms. Carolyn London, 41-43 E. Timonium Rd., Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, MD 21093
Ms. Diana Itter, Office of Planning and Zoning
People's Counsel



Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian - Petitioners
Case No. 94-271-XA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093

Ms. Carolyn London, 41-43 E. Timonium Road, Timonium, Md. 21093

Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, Md. 21204

Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, Md. 21093

Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, Md. 21093

People's Counsel; File

MICROFILMED



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on Recycled Paper

6/28/94
y

| | |
|--|----------------------|
| RE: PETITION FOR SPECIAL EXCEPTION * | BEFORE THE |
| PETITION FOR VARIANCE | ZONING COMMISSIONER |
| 42 Timonium Road, NW/S Timonium Rd., * | FOR BALTIMORE COUNTY |
| 90' SW of c/l Edgemoor Road, 8th | |
| Election Dist., 4th Councilmanic * | CASE NO.: 94-271-XA |
| Fatemeh Falahi and M. Haerian, M.D. * | |
| Petitioners | |
| * * * * * | |

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

RECEIVED

JUN 28 1994

ZADM



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

94-271-XA

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for

a Class B Group Child Care Center pursuant to BCZR 1.B.01.6.b and BCZR 424.5.A for up to but not to exceed 40 children

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

FATEMEH FALAHI
(Type or Print Name)

Fatemeh Falahi
Signature

MOHAMMAD HAERIAN, M.D.
(Type or Print Name)

M. Haerian
Signature

10630 Pot Spring Road 252-0636
Address Phone No.

Cockeysville, MD 21030-3017
City State Zipcode
Name, Address and phone number of representative to be contacted.

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)

Michael P. Tanczyn
Signature

606 Baltimore Avenue, Suite 106
Address

Towson, MD 21204 (410) 296-8823
City State Zipcode Phone No.

Michael P. Tanczyn, Esq.
Name

606 Baltimore Avenue, Suite 106
Address

Towson, MD 21204 296-8823
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr +
unavailable for Hearing

the following dates _____ Next Two Months

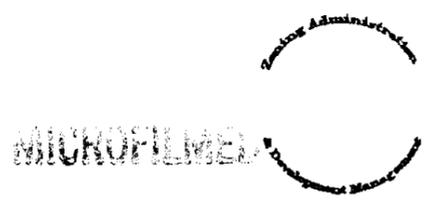
ALL OTHER _____

REVIEWED BY: WJH DATE 1/6/94

ORDER RECEIVED FOR FILING

Date 1/6/94

By [Signature]





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 42 East Timonium Road
94-271-XA which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s) BCZR 424.7.B without a 20 ft. perimeter vegetative buffer to provide sideyard setbacks of 13.66 ft and 14.05 feet in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer. BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre (Continued) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):
FATEMEH FALAHI
(Type or Print Name)
Fatemeh Falahi
Signature
MOHAMMAD HAERIAN, M.D.
(Type or Print Name)
M. Haerian
Signature

Attorney for Petitioner:
MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)
Michael P. Tanczyn
Signature
606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.
Towson, MD 21204
City State Zipcode

10630 Pot Spring Road 252-0636
Address Phone No.
Cockeysville, MD 21030-3017
City State Zipcode
Name, Address and phone number of representative to be contacted
MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
Address Phone No.

ORDER RECEIVED FOR FILING

Date 9/25/99
BY [Signature]

Printed with Soybean Ink on Recycled Paper



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr +
unavailable for Hearing
the following dates _____ Next Two Months
ALL OTHER _____
REVIEWED BY: MJK DATE 1/6/99

94-271-XA

BCZR 424.7.B to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer.

BCZR 424.7.E to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

10/1/94
10/1/94

APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

- Petitions for Special Exception and Variance
- Description of Property
- Certificate of Posting
- Certificate of Publication
- Entry of Appearance of People's Counsel
- Zoning Plans Advisory Committee Comments
- Petitioner(s) and Protestant(s) Sign-In Sheets
- Petitioner's Exhibits:
- 1 - Plat to Accompany Special Exception and Variance
 - 2(a) - 1 Photograph
 - 2(b) - 1 Photograph
 - 2(c) - 4 Photographs
 - 2(d) - 4 Photographs
 - 2(e) - 5 Photographs
 - 3 - Daily Schedule
 - 4(a) - 4 Photographs
 - 4(b) - 4 Photographs
 - 4(c) - 2 Photographs
 - 4(d) - 6 Photographs
 - 5 - Department of Human Resources, Child Care Administration-Summary of Findings
 - 6 - Plat of property
 - 7 - Plat to Accompany Special Exception and Variance
 - 7(a) - Letter of Support
 - 7(b) - Letter of Support
 - 7(c) - Letter of Support
 - 7(d) - Letter of Support
 - 7(e) - Letter of Support
 - 8 - Letter from Fatemeh Falahi
 - 9 - Lease Agreement
 - 10 - Curriculum Vitae-Norman E. Gerber
- Protestant's Exhibits:
- 1 - Sketch of exits & entrances onto Timonium Road
 - 2 - Descriptions and 14 Photographs
 - 3 - Video Tape and 2 Photographs
 - 4 - Plat of property
 - 5 - Traffic Survey
 - 6 - Workbook-Office of Child Care Licensing and Regulation
 - 7 - Letter to Fatemeh Falahi from Fred Yoo
 - 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - 9. Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - 11 - Application for Permit

REV 2/14/95
94-271-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s)

BCZR 424.7.B - to provide side yard setbacks of 13.66' & 14.05' without a 20' perimeter vegetative buffer in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer;

BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre.

BCZR 424.7.A to provide a minimum rear yard setback of 48' in lieu of 50' without a 20'*** of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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.

***vegetative buffer

BCZR 474.7.E impervious area 25% of gross area

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.

(Type or Print Name)

Signature

606 Baltimore Avenue
Suite 106

Address

296-8823

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

FATEMEH FALAHI

(Type or Print Name)

Fatemeh Falahi

Signature

MOHAMMAD HAERIAN, M.D.

(Type or Print Name)

M. Haerian

Signature

10630 Pot Spring Road

Address

252-0636

Phone No.

Cockeysville, MD 21030-3017

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

MICHAEL P. TANCZYN, ESQ.

Name

606 Baltimore Avenue, Suite 106

Address

296-8823

Phone No.

Towson, MD 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

**DROP-OFF
No REVIEW**



Printed with Soybean Ink
on Recycled Paper

2/14/95
WCR





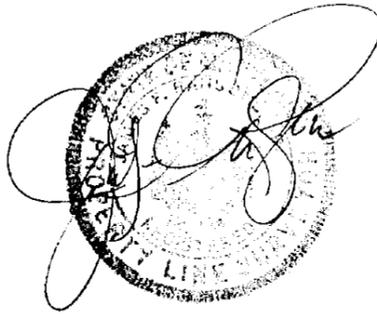
94-271-XA

ZONING DESCRIPTION

for the property located at
No. 42 East Timonium Road

BEGINNING for the same at a point on the northwesterly right of way line of Timonium Road, 80 feet wide distant South 36 degrees 17 minutes 20 seconds West from the center of Edgemoor Road, 50 feet wide; thence running and binding on the outlines of the property of the petitioners herein, and binding on the northwest side of Timonium Road, South 36 degrees 17 minutes 20 seconds West 60.00 feet; thence leaving said road, North 53 degrees 42 minutes 40 seconds West 126.40 feet, thence North 40 degrees 06 minutes 02 seconds East 60.13 feet, thence South 53 degrees 42 minutes 40 seconds East 122.39 feet to the place of beginning.

BEING Lot No. 12, Block D, as shown on a plat entitled "Section Three, Part of Blocks D - E - F - F1 - G - H & I, HAVERFORD" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 21 folio 23.



#271

MICROFILM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-271 XA

District: 9th Date of Posting: 6/14/94

Posted for: Special Exception + Variance

Petitioner: Fatemeh Falaki + Mohammed Haerin

Location of property: 412 E. Timonium Rd, Nuls

Location of Signs: Facing roadway on property being zoned

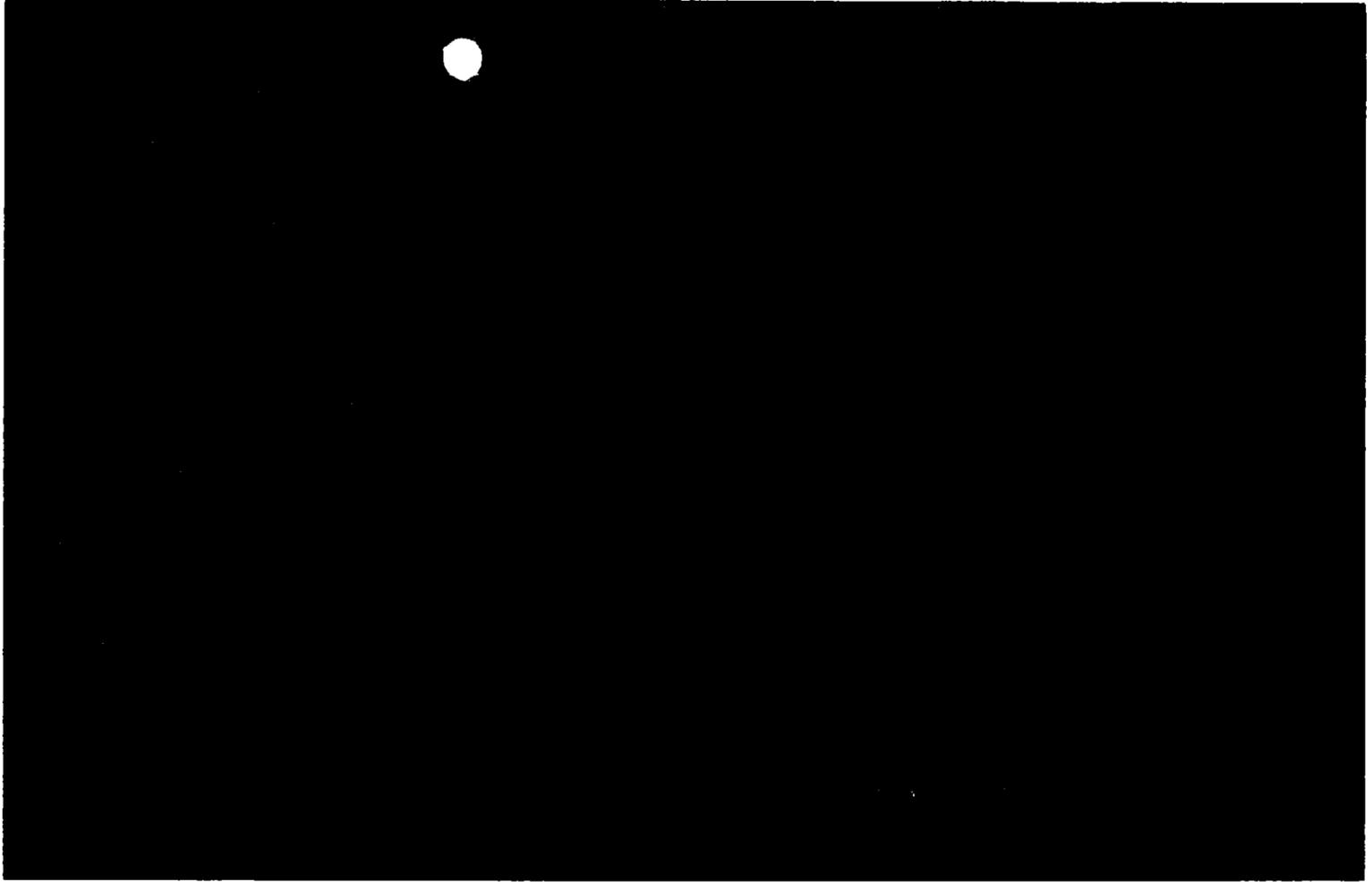
Remarks: _____



Posted by: [Signature] Date of return: 7/1/94
Signature

Number of Signs: 1

[Signature]



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY *94-771-X17*
Towson, Maryland

District *TT4* Date of Posting *7/7/94*

Posted for: *Special Exception + Variance*

Petitioner: *Fatemeh Folehi & Mohamad Haerian*

Location of property: *42 E Timonium Rd, 90' SW Edgewood Rd*

Location of Signs: *Facing road way, on property being zoned*

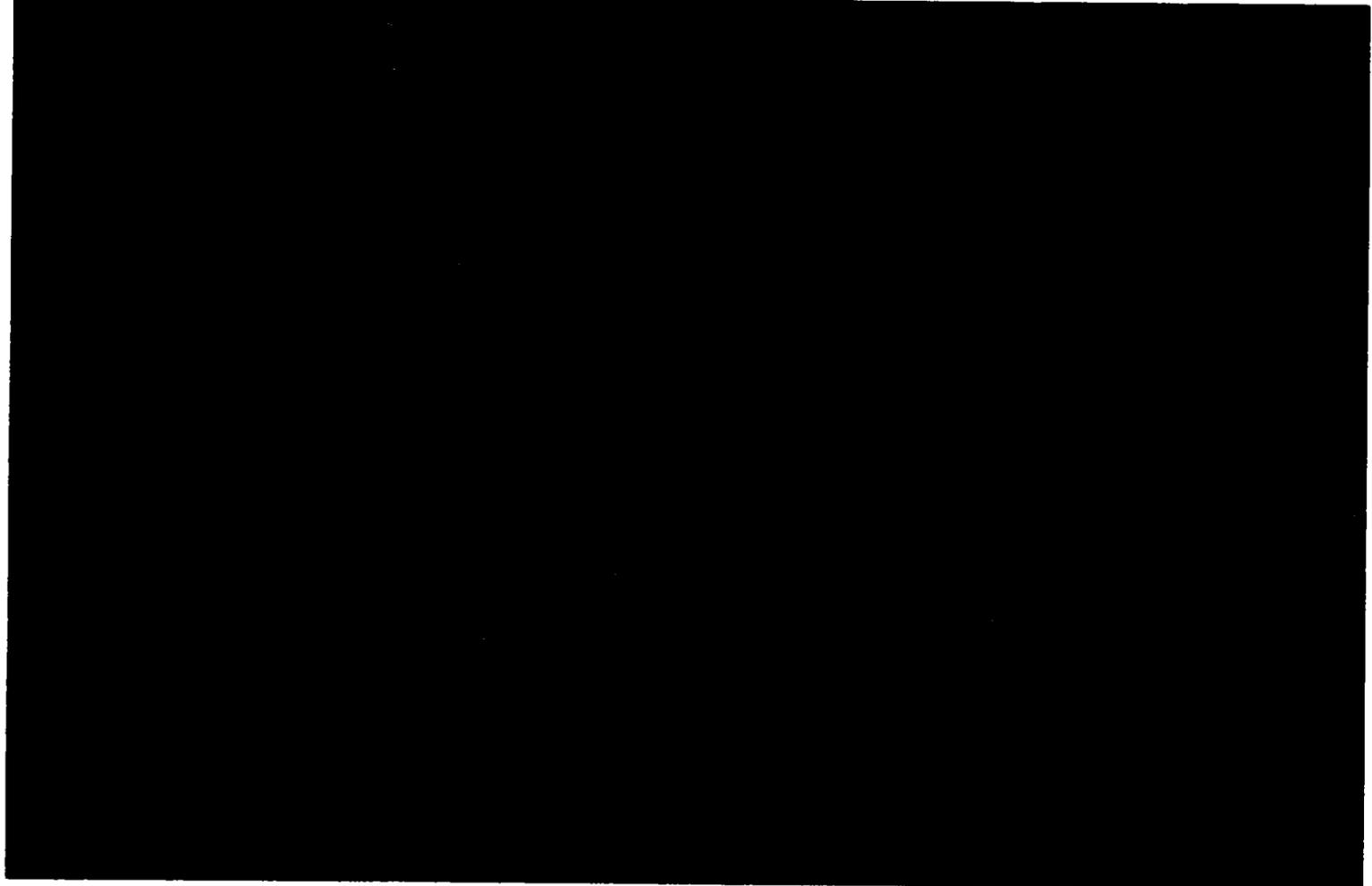
Remarks: _____

Posted by *[Signature]* Date of return: *7/14/94*
Signature

Number of Signs: *2*



MICROFILMED



COUNTY RECEIVED
94 DEC 30 PM 2:31

CERTIFICATE OF POSTING
ZONING DEPARTMENT F BALTIMORE COUNTY 94-271-XA
Towson, Maryland

District 8th Date of Posting 12/27/94

Posted for: Appeal

Petitioner: Fatimah & Mohammad Haerian

Location of property: 42 E Timonium Rd, NN/S

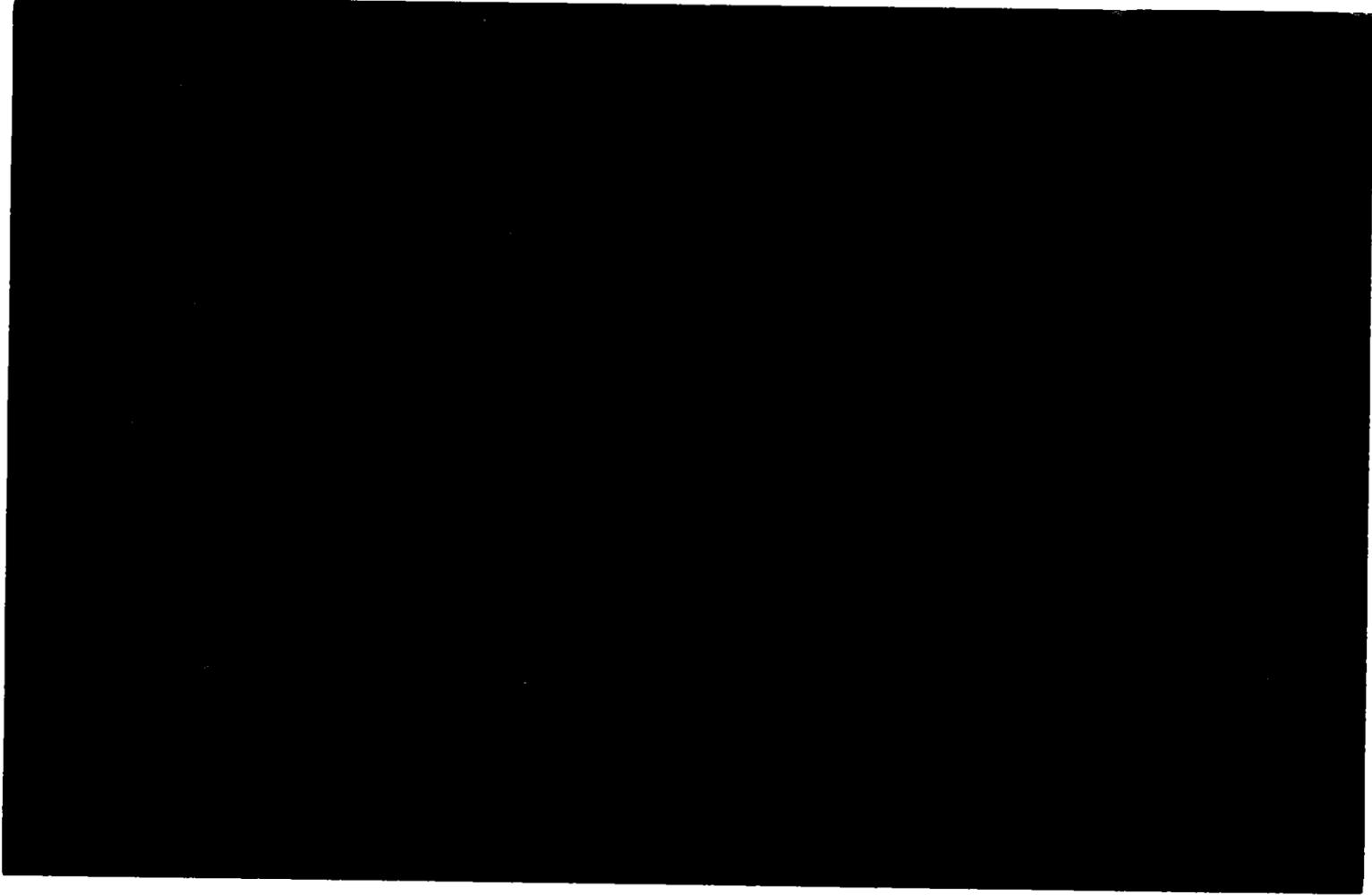
Location of Signs: Facing road way, on property being appealed for zoning

Remarks: _____

Posted by M. J. [Signature] Date of return: 12/30/94
Signature

Number of Signs: 1





- 11 - Application for Permit
- 12 - Partial Plat
- 13 - Application for Permit
- 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

1. Roster of Protestants to speak at hearing
2. 20 Letters in Opposition to Petitions
3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

Deputy Zoning Commissioner's Order dated September 30, 1994

Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

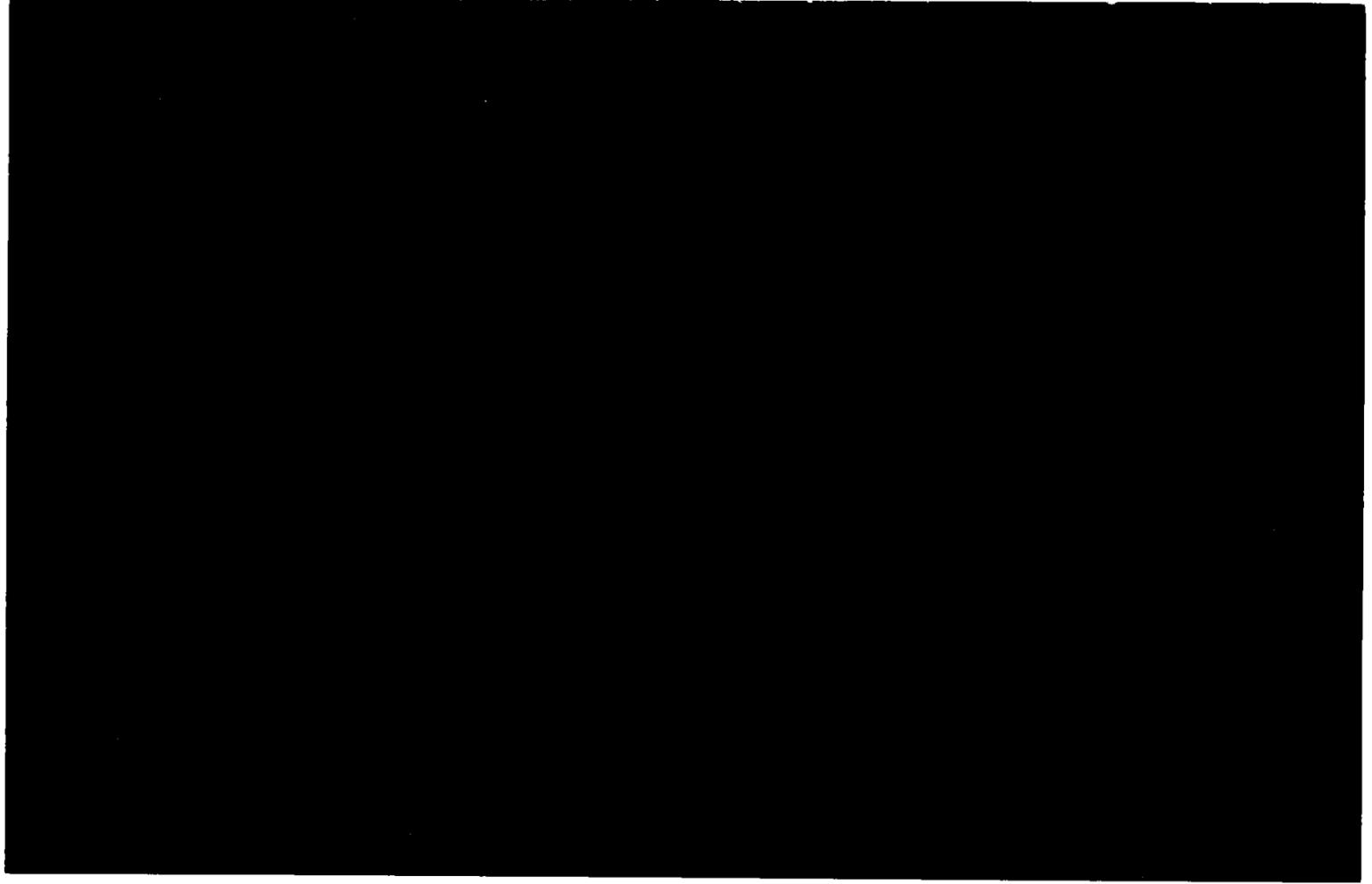
c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030
Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204
Ms. Carolyn London, 41-41 Timonium Road, Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council, P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
Ms. Diana Itter, Office of Planning and Zoning
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY *94-271-XH*
Towson, Maryland

District *9th* Date of Posting *11/2/94*
Posted for: *Appeal*
Petitioner: *Fatema Falani*
Location of property: *42 E. Timonium Rd.*
Location of Signs: *Facing roadway on property being appealed*
for zoning.
Remarks: _____
Posted by *M. Stealy* Date of return: *11/18/94*
Signature
Number of Signs: *1*





NOTICE OF HEARINGS

The Zoning Commission of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 204-0000000000
(Item Z71)
42 E. Timonium
NW/8 Timonium
SW of rd E
2nd Election District
4th Councilmanic
Ward(s)
Fattah
Mohammad
Hearing: Tuesday
February 23, 1994
9:00 a.m. in Room
County Office Bldg.

Special Exception
Class B Group C
ter for up to, but not to exceed,
40 children Variance to provide
side yard setbacks of 13 feet
and 14.05 feet, with a 20
foot perimeter vegetative buf-
fer, in lieu of the required 50
feet from the property line on
each side with a 20 foot perime-
ter vegetative buffer; to provide
a lot of 9,283 square feet in lieu
of the required 1 acre; to
provide a rear setback of the re-
quired 50 feet from the property
line without the required 20 foot
perimeter vegetative buffer,
and to provide a maximum impervious surface area of 36% of
the gross area in lieu of the
maximum 20% impervious
area.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Mandi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
1/187 January 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/20, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20, 1994.

THE JEFFERSONIAN,
A. Henrich
LEGAL AD. - TOWSON

FILED

[Handwritten signature]
MURPHY, J. J. JAGELI

~~_____~~

who died on January 4, 1988,
with a will.
Further information can be
obtained by reviewing the es-
tate file in the _____



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

94-271-XA

Account: R 001-6150

Number

Taken in by MJK

Item Number: 271

Date 1/6/94

Falahi, Fatemeh - 42 East
 Timonium Road

020 - Zoning Variance - \$1250.00

050 - Special Exception - \$1300.00

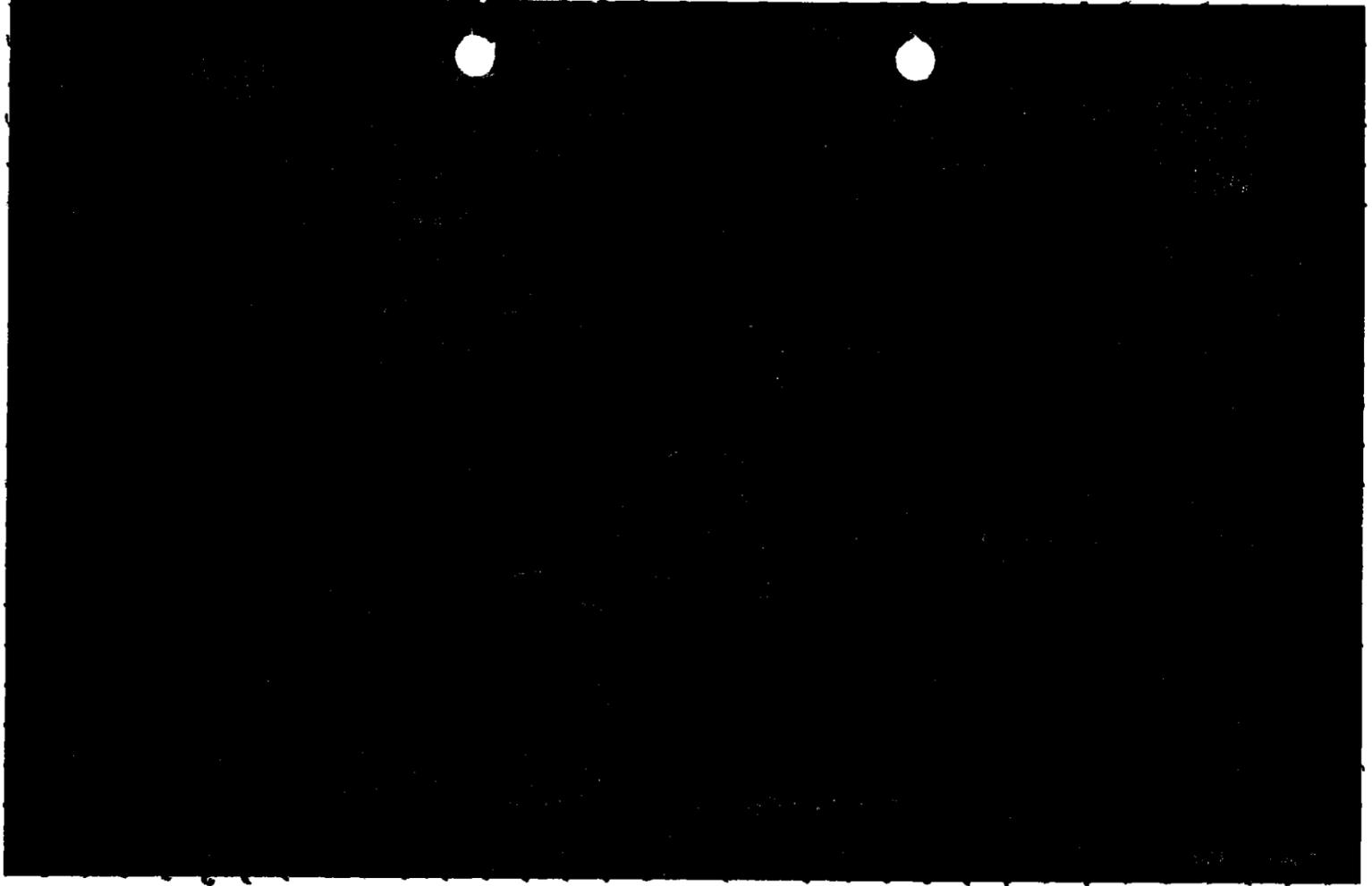
080 - 2 signs (\$35.00 each) - \$170.00

\$1620.00

RECEIVED

Please Make Checks Payable To: Baltimore County

Cashier Validation





Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-011-6150

Number 271 (WCR)
 Case #94-271-XA

Date 7/19/94

DROP-OFF REVISIONS -- NO REVIEW

Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road
 8th Election District
 4th Councilmanic District
 Michael P. Tanczon, Esquire

#110 - REVISIONS ----- \$100.00
 (Check from Attorney)

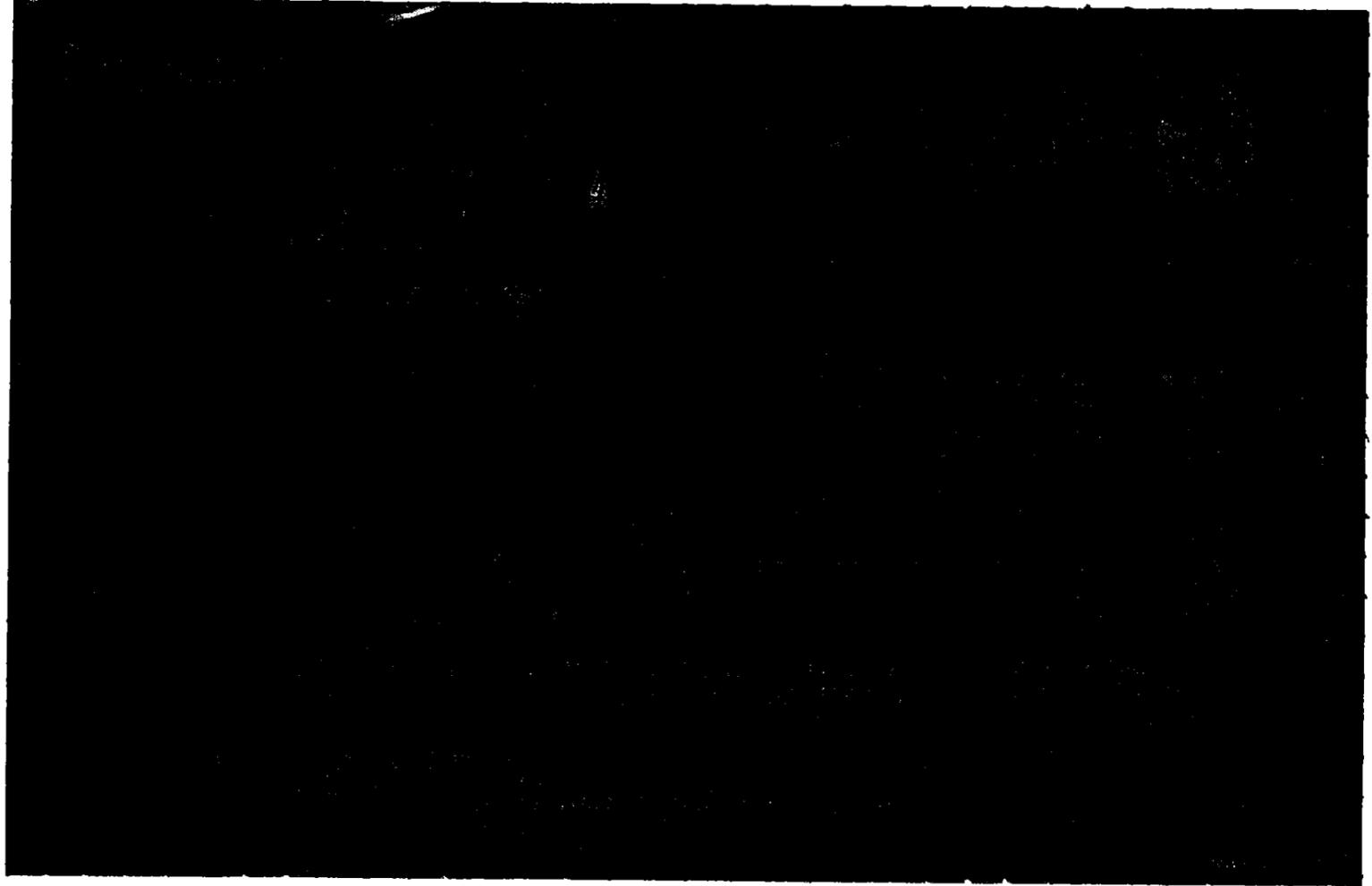
REVISIONS (PLATS) AND CHECK WERE RECEIVED ON 7/19/94. (CHECK WAS DATED
 7/5/94; ACCOMPANYING LETTER WAS DATED 6/13/94)

MICROFILMED

940340151WCR \$100.00
 PA COLL #30407-19-94

Please Make Checks Payable To: Baltimore County

Cashier Validation





Baltimore County
**Zoning Administration &
 Development Management**
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 271 (MCR)
 Case #94-271-YA

Date 2/14/95

drop-off — no review

#110 - REVISIONS ----- \$100.00
 (Revised Petition for Variance & Plats)

Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road

Scheduled for Board of Appeals Hearing on 2/28/95

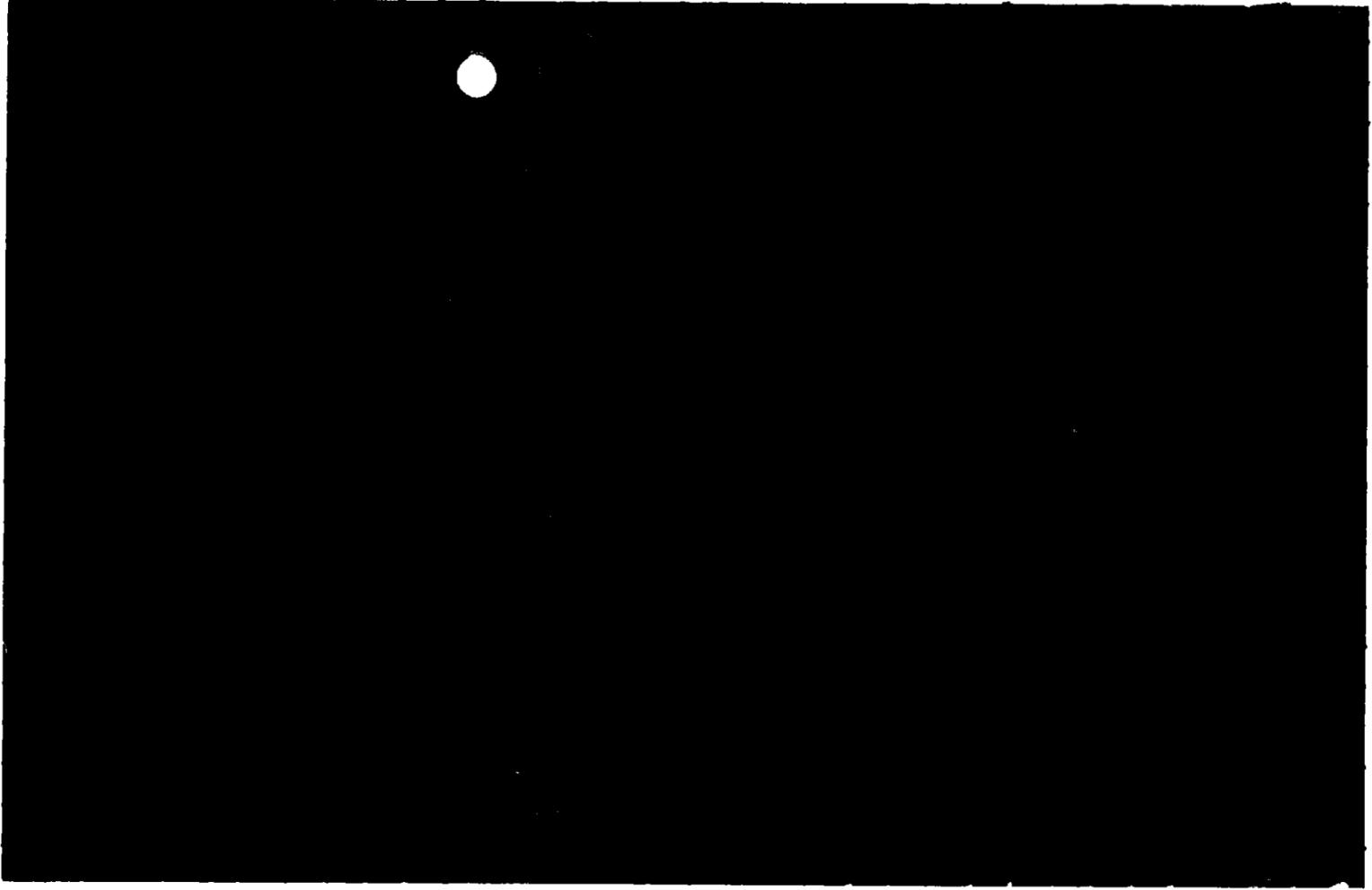
Attorney: Michael P. Tanczyn

Check from Michael P. Tanczyn, P.A.

03A03#0000MICHRC \$100.00
 BA 009#00AM02-15-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmm
Enclosures

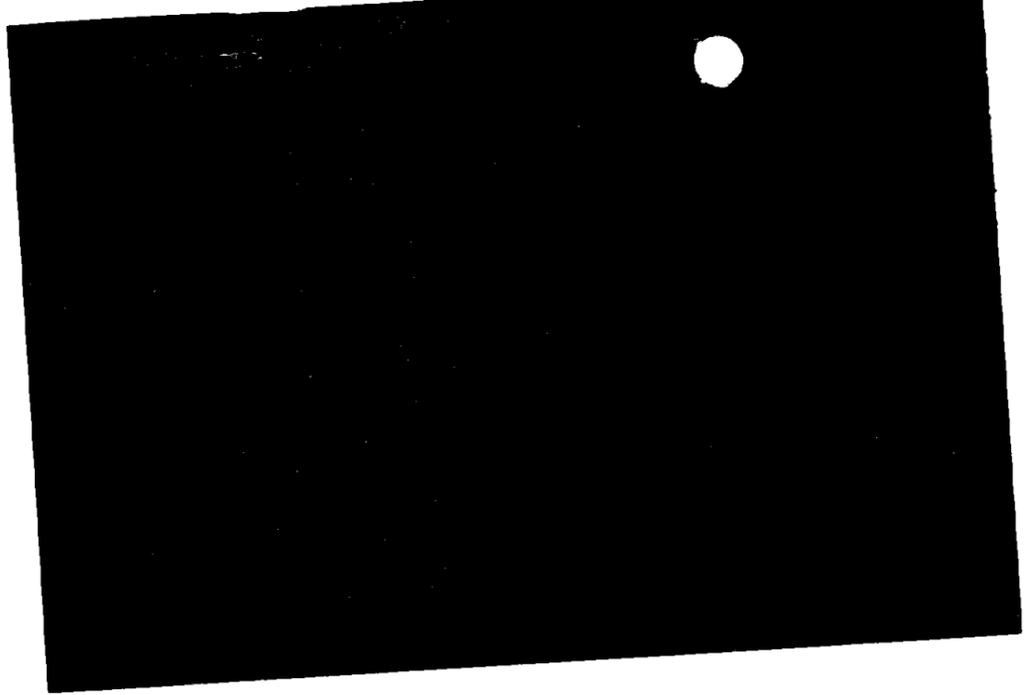
APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

- ✓ Petitions for Special Exception and Variance ✓
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) and Protestant(s) Sign-In Sheets
- ✓ Petitioner's Exhibits: ✓
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 - ✓ 2(c) - 4 Photographs
 - ✓ 2(d) - 4 Photographs
 - ✓ 2(e) - 5 Photographs
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 - ✓ 7(b) - Letter of Support
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 - ✓ 7(d) - Letter of Support
 - ✓ 7(e) - Letter of Support
 - ✓ 8 - Letter from Fatemeh Falahi
 - ✓ 9 - Lease Agreement
 - ✓ 10 - Curriculum Vitae-Norman E. Gerber
- Protestant's Exhibits: ✓
 - ✓ 1 - Sketch of exits & entrances onto Timonium Road
 - ✓ 2 - Descriptions and 14 Photographs
 - ✓ 3 - Video Tape and 2 Photographs
 - ✓ 4 - Plat of property
 - ✓ 5 - Traffic Survey
 - ✓ 6 - Workbook-Office of Child Care Licensing and Regulation
 - ✓ 7 - Letter to Fatemeh Falahi from Fred Yoo
 - ✓ 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - ✓ 9. Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - ✓ 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - ✓ 11 - Application for Permit

RECORDED
COUNTY CLERK
94 NOV -3 AM 11:32

✓E



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8818 ✓

DATE 6/22/94 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED FROM: Michael P. Janey

FOR: Sign

DIA01#0103MICHRC \$35.00
BA 0011-42AM04-22-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



10750 Little Patuxent Parkway
Columbia, MD 21044
Advertising/Towson Office (410) 337-2400
Columbia Office (410) 730-3990 (Ext. 381)
Billing (410) 730-3990 (Ext. 285)

MICHAEL P. TANCZYN, ESQ.
606 BALTIMORE AVENUE, #106
TOWSON, MD 21204

410-296-8823 C8501

LEGAL ADVERTISING

INVOICE NO. 8201416173

- Columbia Flier
- Howard County Times
- Laurel Leader
- Soundoff!
- Free Press
- Arbutus Times
- Catonsville Times
- Owings Mills Times
- Towson Times
- Northeast Thomas Booster
- Northeast Times Reporter
- Baltimore Messenger
- Jeffersonian

HEARING 94-271-XA

| DATE | | | DESCRIPTION | LINES | TIMES | TOTAL LINES | RATE | AMOUNT |
|---------------------|----------|--|--|-------|-------|------------------------|------|--------|
| START | STOP | | | | | | | |
| 01/19/94 | 01/20/94 | | 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, 111 W | 97 | 1 | 97 | LG | 77.42 |
| SKIP INSERTIONS | | | | | | | | |
| PUBLICATIONS ▶ 8 | | | | | | ADJUSTMENTS | | |
| P.O. NO. JEFF 1 187 | | | | | | PROOF CHARGES 0.00 | | |
| | | | | | | PREPAID AMOUNT 0.00 | | |
| | | | PAYMENT DUE UPON RECEIPT ORIGINAL | | | TOTAL AMOUNT DUE 77.42 | | |

MOHAMMAD HAERIAN, M.D.
FATEMEH FALAHY
10630 POT SPRING ROAD
COCKEYSVILLE, MD 21030-3017

2/15 1994 7-16 1091
520

Pay to the order of Patuxent Publishing \$ 77.42
seventy seven dollars and 42/100 DOLLARS

LUTHERVILLE OFFICE 427
MARYLAND NATIONAL BANK
LUTHERVILLE, MARYLAND 21093

Fatemeh Falahy

⑆052000168⑆ 6168 0001334432⑆



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 271

Petitioner: Fatemeh Falahi + Mohammad Haerian, M.D.

Location: 42 East Timonium Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael P. Tanczyn, Esquire

ADDRESS: 606 Baltimore Avenue, Suite 106
Towson, MD. 21204

PHONE NUMBER: 296-8823

AJ:ggs



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MICROFILMED

(Revised 04/09/93)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

*Returned 10/18 -
not deliverable
as addressed*

Kathleen C. Weidenhammer
Administrative Assistant

- ✓ 11 - Application for Permit
- ✓ 12 - Partial Plat
- ✓ 13 - Application for Permit
- ✓ 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

- ✓ 1. Roster of Protestants to speak at hearing
- ✓ 2. 20 Letters in Opposition to Petitions
- ✓ 3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
- ✓ 4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

✓ Deputy Zoning Commissioner's Order dated September 30, 1994 (DENIED)

✓ Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030

* Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204

Ms. Carolyn London, 41^{43E} Timonium Road, Timonium, MD 21093

Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204

Mr. Eric Rockel, c/o Greater Timonium Community Council, ~~Box~~ Box 276, Timonium, MD 21093 (98 W. RIDGELY RD)

Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093

People's Counsel of Baltimore County, M.S. 2010

~~Mr. Howard White, 19 Edgemoor Road, Timonium, MD 21093 Deceased~~

Request Notification: Patrick Keller, Director, Planning & Zoning
 Lawrence E. Schmidt, Zoning Commissioner
 Timothy M. Kotroco, Deputy Zoning Commissioner
 Ms. Diana Itter, Office of Planning and Zoning
 W. Carl Richards, Jr., Zoning Supervisor
 Docket Clerk
 Arnold Jablon, Director of ZADM

(MR MILLER #254-3444)

LOUIS MILLER, 44 E. TIMONIUM ROAD, TIMONIUM, MD 21093

REQUESTS NOTIFICATION BY
 WRITTEN REQUEST DTD 1/18/95:
 Mr. Richard Jarvis Hoffman
 35 Cinder Road
 Timonium, MD 21093

J. Carroll Holzer, Esquire
 HOLZER AND LEE
 305 Washington Ave., Suite 502
 Towson, MD 21204
 COUNSEL FOR PROTESTANTS

WHILE YOU WERE OUT

| | | |
|---|--|-------------------------------|
| FOR <u>Kathi</u> | DATE <u>1/11</u> | TIME <u>3:40</u> A.M. P.M. |
| M <u>Lou Miller</u> | | |
| OF _____ | <input checked="" type="checkbox"/> PHONED | |
| PHONE <u>252-3444</u> | <input checked="" type="checkbox"/> RETURNED YOUR CALL | |
| AREA CODE NUMBER EXTENSION | <input checked="" type="checkbox"/> PLEASE CALL | |
| MESSAGE <u>re 94-271</u> | <input type="checkbox"/> WILL CALL AGAIN | |
| SIGNED <u>Holzer to represent at hearing before CBA - Entry of Appearance</u> | <input type="checkbox"/> CAME TO SEE YOU | |
| | <input type="checkbox"/> WANTS TO SEE YOU | |

TOPS FORM 482B

TO: PUTUXENT PUBLISHING COMPANY
JANUARY 20, 1994 Issue - Jeffersonian

Please forward billing to:

Michael P. Tanczyn, Esq.
606 Baltimore Avenue, #106
Towson, Maryland 21204
296-8823

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-YA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 14, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children. Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Fatemeh Falahi and Mohammad Haerian
Michael P. Tanczyn, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA (Item 271)
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Tanczyn:

The above-referenced case has been rescheduled for July 22, 1994 at 9:00 a.m. in Rm. 106 of the County Office Building, allowing two hours for your client's to present their case.

The property will be re-posted by July 1, 1994. Since the property must be re-posted, there is a \$35.00 fee due. Please advise your client of same.

If we can be of any further assistance to you, please do not hesitate to contact our office at 887-3391.

Sincerely,

Charlotte Minton

Charlotte Minton
Office Assistant

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

NOTICE OF REASSIGNMENT

Rescheduled from March 10, 1994
CASE NUMBER: 94-271-XA
42 Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to,
but not to exceed, 40 children.

Variance to provide side yard setbacks of 13.66 feet and 14.05 feet,
without a 20-foot perimeter vegetative buffer, in lieu of the required
50 feet from the property line on each side with a 20-foot perimeter
vegetative buffer; to provide a rear setback of the required 50 feet
from the required 1 acre; to provide a rear setback of the required 50
feet from the property line without the required 20-foot perimeter
vegetative buffer; and to provide a maximum impervious surface area of
38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: FRI. JULY 22, 1994 at 9:00 a.m. in Rm. 106, County Office Bldg.

ARNOLD JABLON
DIRECTOR

cc: Kathleen F. Beadell
Diana Itter
Carolyn London
Louis W. Miller
Martin Pechter
Eric Rockel



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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF REASSIGNMENT

Continued from 3/10/94; Rescheduled from 7/22/94
CASE NUMBER: 94-271-XA (Item 271)
42 Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.

Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20-foot perimeter vegetative buffer; to provide a rear setback of the required 50 feet from the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20-foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: TUESDAY, AUGUST 23, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Michael P. Tanczyn, Esq.
Fatemeh Falahi
Diane Itter, OPZ, MS 3402
Carolyn London
Louis Miller
Eric Rockel
Kathlee Beadell
M. Dechter

11/29/94 -Notice of Assignment for hearing scheduled for Tuesday,
February 28, 1995 at 10:00 a.m. sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
Ms. Diane Itter
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/23/95 -Memo dated 2/14/95 from Sophia Jennings /ZADM; forwarding copies of amended petition, description, plat, etc.; revisions to be placed on ZAC agenda for 2/27/95 meeting.

2/28/95 -Notice of Assignment sent to parties; case scheduled for Friday, March 24, 1995 at 9:00 a.m. /Day #2; also scheduled for Friday, March 31, 1995 at 9:00 a.m. /Day #3 (if third day needed). Added J. Carroll Holzer, Esquire, as counsel for protestants. Continued dates as agreed to and confirmed with Counsel 2/28/95.

3/23/95 -Matter postponed from day #2 3/24/95 by CBA (death in family); reassigned for hearing day #2 to previously held date of Friday, March 31, 1995 at 9:00 a.m.; will assign Day #3 if needed on 3/31/95. All parties notified by telephone morning of 3/23/95 regarding postponement and reassignment to 3/31/95 as Day #2.

-Notice of PP and Reassignment sent to parties; matter to be heard for hearing day #2 on previously held date of Friday, March 31, 1995 at 9:00 a.m.

3/24/95 -T/C from M. Tanczyn - two-day jury trial may require entire week; could possibly conflict with Friday 3/31/95 hearing for Day #2 of subject matter. He will advise as soon as he knows for certain.

3/28/95 -Letter from M. Tanczyn -- confirming above comments. Requesting information re next available dates should trail run over into Friday 3/31/95.

- T/C from Eve /M. Tanczyn's office -- trial will not be completed until some time next week; therefore, will require postponement of 3/31/95 hearing date. Told her scheduled would be reviewed and parties contacted by Wednesday 3/29 regarding postponement and possible rescheduling. Note composition of Board and limitations on hearing dates that can be rescheduled.

3/30/95 -T/C from M. Tanczyn; jury trial settled; however, matter is pending in Frederick County (postponed from earlier date; unable to obtain postponement from Judge; 3/31/95 must go forward in Frederick). Must request postponement. Parties contacted; matter will be postponed; to be rescheduled to date when all parties available. Also -composition of Board will be consideration due to term limits.

Notice of Postponement sent to parties; to be reset as soon as possible.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Av nue

November 29, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th Election District
4th Councilmanic District

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks of
13.66' & 14.05' w/o 20' perimeter vegetative
buffer, in lieu of req'd 50' ea side w/buffer;
rear yd setback of 50' as req'd, but w/o req'd
20' vegetative buffer; lot area of 9,263 sq.
ft. in lieu of req'd 1 acre; imprv surface 38%
of gross area in lieu of max permitted 25%.

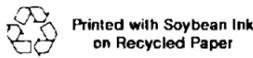
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR: TUESDAY, FEBRUARY 28, 1995 at 10:00 a.m.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller W. Carl Richards, Jr. /ZADM
Lawrence E. Schmidt Docket Clerk /ZADM
Timothy H. Kotroco Arnold Jablon, Director /ZADM
Ms. Diane Itter

Copy to: Mr. Richard Jarvis Hoffman (1/23/95)

Kathleen C. Weidenhammer
Administrative Assistant



Day #1

BALTIMORE COUNTY, MARYLAND
Internal Office Memorandum

BALTIMORE COUNTY BOARD OF APPEALS

95 FEB 23 PM 2:37

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 28, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

*PP'd copy
CBA 3/23/95;
meet to prepare
Day #3
2nd hearing day
3/31/95*

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

ASSIGNED FOR: FRIDAY, MARCH 24, 1995 at 9:00 a.m. /Day #2 and
FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #3 /if needed)

(Above dates as verified and confirmed with Counsel on 2/28/95.)

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller Richard Jarvis Hoffman
Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM
Timothy M. Kotroco Docket Clerk /ZADM
Ms. Diane Itter Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washingt n Av nue

March 23, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

*App'd 3/30/95
@ req. of Counsel
for Petitioners
Court
to effect*

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

which was scheduled for hearing on 3/24/95 (Day #2) has been POSTPONED by the Board; Day #2 to be heard on 3/31/95 (previously being held for possible Day #3); and has been

REASSIGNED FOR: FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #2

(Above date as verified and confirmed with Counsel on 2/28/95.)

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
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Pat Keller Richard Jarvis Hoffman
Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM
Timothy M. Kotroco Docket Clerk /ZADM
Ms. Diane Itter Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 30, 1995

SECOND NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Cont'd from 2/28/95

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks; rear
yd setback; lot area of 9,263 sq. ft. in lieu
of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

which was scheduled for hearing on 3/31/95 (Day #2) has been POSTPONED at the request of Counsel for Appellants /Petitioners due to conflict with Court scheduled hearing; Counsel notified by telephone 3/30/95 of this postponement. To be reassigned at the earliest possible date, upon confirmation of said date with Counsel.

| | |
|--|-------------------------------------|
| cc: Michael P. Tanczyn, Esquire | Counsel for Appellants /Petitioners |
| Fatemeh Falahi and Mohammad Haerian | Appellants /Petitioners |
| J. Carroll Holzer, Esquire | Counsel for Protestants |
| Ms. Carolyn London | |
| Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership | |
| Mr. Eric Rockel /Greater Timonium Community Council | |
| Ms. Kathleen Beadell /Yorkshire Comm. Assn. | |
| Mr. Howard White | |
| Mr. Louis Miller | |
| People's Counsel for Baltimore County | |
| Pat Keller | Richard Jarvis Hoffman |
| Lawrence E. Schmidt | W. Carl Richards, Jr. /ZADM |
| Timothy M. Kotroco | Docket Clerk /ZADM |
| Ms. Diane Itter | Arnold Jablon, Director /ZADM |

Kathleen C. Weidenhammer
Administrative Assistant

5/15/95 -Notice of Assignment for hearing scheduled for two days; namely, Wednesday, July 5, 1995 and Wednesday, July 12, 1995 at 10:00 a.m., sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/12/95 -Notice of Assignment sent to parties; Day #3 scheduled for Wednesday, October 4, 1995 at 10:00 a.m., upon confirmation of availability of counsel. (NOTE: Howard White {recently deceased} removed from file at request of Mr. Louis Miller.)

10/04/95 -Hearing concluded. Memos due from counsel on 10/18/95; scheduled for deliberation on 10/26/95; notice to be sent.

| | |
|---------------------------|----------|
| Memo received from Holzer | 10/18/95 |
| " " " Tanczyn | 10/18/95 |
| Copies to Board members | 10/19/95 |

10/05/95 -Notice of Deliberation sent to parties; scheduled for Thursday, October 26, 1995 at 9:00 a.m.; copies to K.M.B.

10/13/95 -Received requested Rule 8 papers from Greater Timonium Community Council.

10/26/95 -Deliberation concluded. Board to deny petitions for special exception and variances; written Opinion and Order to be issued; appellate period to run from date of that written Order. (K.B.M.)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
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area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR

WEDNESDAY, JULY 5, 1995 at 10:00 a.m. /Day #1
WEDNESDAY, JULY 12, 1995 at 10:00 a.m. /Day #2

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

*To 10/04/95
Deaf #3*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 12, 1995

NOTICE OF ASSIGNMENT /Day #3
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
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(42 East Timonium Road)
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of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR
(Above date confirmed by Counsel at conclusion of Day 2.)
WEDNESDAY, OCTOBER 4, 1995, at 10:00 a.m. /Day #3

cc: Michael P. Tanczyn, Esquire
Fateme Falahe and Mohammad Haerian

Counsel for Appellants /Petitioners
Appellants /Petitioners

J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

Counsel for Protestants

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

OPPOSITION
LETTERS

16 Edgemoor Road
Timonium, Maryland 21093
February 6, 1994

2/15/94
JO file
764-94

Baltimore County Zoning Commissioner
Room 106, Balto. Co. Office Bldg.
Towson, Maryland 21204

RE: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance

Just copy the 1st
page of these letters
of opposition - and
remove this post-it note
before photographing!

To Whom It May Concern:

Approximately 6-1/2 years ago, prior to purchasing our home in the Haverford community the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism. The York Road corridor as stated previously is highly over commercialized, and to extend such commercialism into a stable residential community does not serve the best interest of the taxing paying property owners and the community as a whole.

We therefore emphatically oppose encroachment of commercialism, of any kind beyond the existing zoning boundaries. There is absolutely no justification for any exceptions to the existing zoning classification and boundaries.

We hereby request our oppositon to the subject variance petition to be so recorded.

Very truly yours,

Thomas D. Berry
Kieran F. Devine

Thomas D. Berry,
Kieran F. Devine

RECEIVED
FEB 14 1994
ZADM

MICROFILMED

2/22/94

Mr. Timothy Kotroco,
Zoning Commission
Room 105 111 W. Chesapeake Ave.
Towson, MD, 21204

To Whom It may Concern,

My name is Kathleen Beadell. I am the President of the Yorkshire Community Association, the Vice President of the Greater Timonium Community Council, a respected Multi-million dollar Realtor with Prudential and the working mother of two small boys.

No matter how busy I am I continue to work to help our community. I was born and raised in Timonium and feel a social as well as a professional responsibility to stay on top of what is happening in the area. The property value of this community is very important to me as a Realtor, a property owner and as a community leader.

To allow a Class B Day Care License, permitting up to 40 children, and the necessary Residential zoning variances to permit this use, would adversely affect the property value of the residents on the surrounding streets. The noise of back yard play; the additional traffic congestion at morning and evening rush hours; and the lack of the legal and safe parking due to the inadequate pick up and drop off area available for a day care center; would simply make this area undesirable for resale purposes.

The Yorkshire and Haverford Communities do not have specific rules and covenants attached to their deeds that protect their rights as a residential neighborhood association. We must depend on Baltimore County's zoning and licensing rules and regulations to protect our residential community's rights to enjoy peaceful and safe living. Help us preserve our residential integrity and property value by not permitting this absurd zoning variance to accommodate this commercial type of business license.

Sincerely,


Kathleen Beadell

2/27/94
To file

1063-94
5 Edgemoor Rd
Timonium, MD
21093

Re: Case No 94-271-XA
Day Care Center on Timonium Rd.

I would like to voice my concern regarding the zoning for a Day Care center on Timonium Rd.

I live around the corner on Edgemoor Rd and am aware of the traffic on Timonium Rd at the intersection with Edgemoor. I have to wait considerable time to get onto Timonium Rd.

The entrance to the shopping center and the service station make the traffic even worse.

Parents stopping to let the children out before they go to work & again at rush hour in the afternoon

will compound the problem.

Is there enough play area for large numbers of children? Is it a safe play area? Is the house big enough to house large numbers of children?

I have no objections to Day Care Centers; however, I feel that the placement of this one is ill-advised.

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FEB 28 1994
ZADM

Melrose & Young
Edgemood Rd
Timonium, MD
21093

Also - How good is the air quality there. Trucks let their diesel engines idle and their refrigerators run for hours in the back of the shopping center. Neighbors have complained for years about the fumes and the noise.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

June 30, 1995

CAROLE G. DEMILIO
Deputy People's Counsel

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petitions for Special Exception
and Zoning Variance
42 East Timonium Road - 8th Election
District, 6th Councilmanic
Petitioners - FATEMEH FALAHI and
MOHAMMAD HAERIAN
Case No. 94-271-XA

Dear Chairman Schuetz:

This is the first in a series of combination special exception and variances for principal use Class B Group Child Care Centers in D.R. (density residential) zones involving Residential Transition Areas (RTA's). See BCZR 424.5A. Upon review of the applicable statutes and case law, it appears that the use cannot properly be allowed.

Bill 200-90 (enclosed) amended the child care center law. As a result, BCZR 1B01.1B1g (10a) allows such special exceptions, "provided... that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained. ..." BCZR 424.7 provides the specific bulk standards for minimum lot size, setbacks, parking, height, and impervious surface area for group child care centers in all D.R. zones.

The present special exception presents multiple variances of BCZR 424.7. Even were there no special exception, it does not appear that the requested variances meet the "uniqueness" standard of BCZR 307.1 and Cromwell v. Ward, 102 Md.App. 691 (1995) (excerpt enclosed). The presence of the combination special exception/variance is a second bar to approval. See Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md.App. 324 (1995).

The specific statutory prerequisite under BCZR 1B01.1B1g (10a) of BCZR 424.7 compliance for group child care centers in the RTA is yet a third layer of preclusions.

JUN 30 1995
11:24 AM
RECORDED
INDEXED



17 W. Seminary Ave.
Lutherville, MD 21093
Mon., Feb. 14, 1994

Deputy Zoning Commissioner,
Mr. Timothy Kotoroco
Dear Mr. Kotoroco,

As owners of 41 and 43 E. Timonium Rd., we are writing to protest formally the petition for special exceptions on 42 E. Timonium Rd. by the non-resident owners for either Class A or Class B variances.

Our property is directly across the street facing the property in question. Any further intensification of use of 42 E. Timonium as a childcare facility will have direct, negative impact on our property and, we believe, devalue our property by weakening the residential character of our neighborhood which is a community conservation area.

Present zoning already allows up to 8 children to be left for day care. Due to inadequate drop-off and pick-up parking spaces, parents have been observed backing out into Timonium Rd during rush-hour traffic and making U-turns against traffic in front of my driveway. Seeded grass areas have become unsightly with muddy tire tracks. It seems that the present use already has created hazards for the community, which seem likely to be increased by intensification of usage as with either a Class A or Class B variance.

If petitioners are granted their requests, eventually they could have up to 40 children at a time which is expected to generate an average of 186 new weekday round-trip traffic volume. Such traffic can be expected to damage the residential character of the neighborhood as well as increase the likelihood of accidents at the nearby intersection. Parents opening car doors, dropping off and picking up children with oncoming traffic can be expected to increase safety hazards for themselves, the children and other drivers. Traffic noise as well as the noise of up to 40 children playing outdoors in warmer weather on a lot less than a quarter acre in size can be expected to detract from the enjoyment and use of nearby properties and damage the resale value of the surrounding properties. In addition, a great deal of trash, including numerous disposable diapers, may increase the demand for trash pickup and perhaps create a demand for dumpsters on site.

An excessive degree and number of variances have been requested. To accommodate up to 40 children, as in a Class B variance, 1 acre is required. This lot contains less than 1/4 of the required square footage. A Class A variance still would permit up to 12-15 children, and additional variances would be required along with a public hearing for protesters.

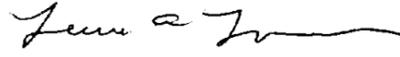
Instead of the required sideyard setbacks of 50 feet with 20

MICROFILMED

feet of vegetative buffer for Class B variance, 42 E. Timonium Rd. has setbacks of only about 13 and 14 feet, a small fraction of the required space for setbacks. The petitioners' proposal would provide a maximum impervious surface of 38% of gross area instead of the 25% maximum.

For all of the above-stated reasons, we respectfully request that you deny the zoning variance petition in Case No. 94-271-XA.

Sincerely,


Lewis A. London


Carolyn A. London

February 21, 1994

Baltimore County Zoning Commission
Baltimore County Office Building
Towson, MD 21204

Gentlemen:

As the resident of 45 E. Timonium Road, I would like to express my concern regarding the application for a Class B Zoning Permit by the residents of 42 E. Timonium Road.

It is my understanding that the issuance of this type zoning change would not only allow these individuals to operate a child carecenter with a range of from 13 to 40 children, but would also greatly affect the residential atmosphere of the area, possibly opening an entirely new concept of what the neighborhood is. I do not appreciate this possibility.

I am also troubled by the traffic problems created by such a move. The impeding of traffic in the morning and in the afternoon, which would be a natural result of leaving off and picking up children. The parking and backing into Timonium Road from the driveway would, I believe, cause further problems for an already dangerous situation caused by the access road into the shopping area fronting on York Road. This road alongside the filling station is purportedly for the use of trucks servicing the stores -- Ames, etc., and although it is rarely used for this purpose, its use by vehicles going to and from the store area causes a great deal of danger to users of Timonium Road. This problem if compounded by a Class B Zoning Permit for 42 E. Timonium Road would cause very real problems.

Sincerely,

Henry C. Wiedefeld

58 E. Timonium Rd.
Timonium, Md. 21093

February 15, 1994

Arnold Jablon, Director
Zoning Administration
105 Balto. Co. Office Bldg.
Towson, Md. 21204

Re: Case No. 94-271-XA, 42 E. Timonium Rd. Timonium, Md. 21093
Special Exception to Dr 5.5 Zoning and Major Variances.

Dear Mr. Jablon:

My wife and I have lived at this address for over 37 years and participated with our neighbors and the Haverford Community in maintaining the family owned residential character of the area. Even with the increased traffic on Timonium Rd. and growth of the residential areas north and east of us, our neighborhood has remained quiet, clean, and safe place to live. Most homes are resident owned and occupied by older, retired, senior citizens.

We are opposed to the Petition for Special Exception with major variances to the current DR. 5.5 zoning of 42 E. Timonium Road. To grant exceptions to this property would open the door for further encroachment of commercial business activities surrounding our community.

The current operation of a family day care residence should not be expanded nor is it safe for those using that facility as there is no parking or turn-around area. Parents must hold up traffic, back into traffic, and/or park in restricted areas to drop off and pick up their children during the most busy hours of traffic on Timonium Rd.

The public safety, welfare, and economic impact will be adversely affected by granting any Special Exceptions for this property.

We trust you will deny the Petition.

Sincerely yours,


Richard Grubbs
252-0268

Grubbs94

RECEIVED
FEB 18 1994
ZAL

RECEIVED

H. V. Harman
52 E. Timonium Road
Timonium, Md., 21093

Mr. Arnold Jablon, Director
Zoning Administration
105 Baltimore County Office Bldg.,
Towson, Md., 21204

Ref.-Case No. 94-271-XA

Dear Sir;

My wife and I have been residents of Timonium for thirty seven years. We have watched Timonium Road develop from a rural type route, to one which currently resembles a city, high traffic area. The posted speed of 30 miles per hour is rarely observed, and I have personally requested the police to monitor the high speed activities, especially in the morning and afternoon.

Our objection therefore to the granting of a "B" variance for a child care center, to be located at 42 E. Timonium Road, is concerned with the safety of the children, located at this address. The traffic congestion, speed, and dangerous situation connected with discharging and picking up children at this location, dictates, a tragedy about to happen.

The location of this center is also adjacent to the entrance to, and egress from a shopping center, and is further jeopardized by a popular filling station and car repair business, within one hundred feet of this property.

The "B" classification, sought for this residential dwelling, permitting up to 40 children to be housed therein, is an objectionable condition, both from a safety position, as well as a commercial endeavor, in a well established residential community.

We sincerely hope that our concerns be seriously considered and the request for this variance be denied.

Yours truly,

H. Harman

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FEB 18 1994

ZADM

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
June 30, 1995
Page Two

This office is thus interested in the defense of the zoning maps in this case. In view of the clear legal issue, the undisputed material facts about the proposal, and the presence of counsel for other parties, we do not find it necessary to present additional testimony.

We also enclose an outline of relevant excerpts from the Cromwell and Chester Haven cases.

Please accept this letter as a memorandum in lieu of oral argument.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures

cc: Michael P. Tanczyn, Esquire

J. Carroll Holzer, Esquire

Feb. 18, 1994

Baltimore Co. Zoning Commissioner
Rm. 106 Balt. Co. Office Bldg.
Case No. 94-271-XA.
Towson, Md. 21204

RECEIVED
FEB 18 1994

Dear Sir

ZADM

I wish to state my objection to a proposed petition for special exception for property located at 42 E. Timonium Rd., Timonium, Md.

I have lived at 46 E. Timonium Rd. for 34 years, in a nice neighborhood, and a change in zoning could lead to undesirable commercialism. No one in this area wants this change.

Yours truly,

Donald Hirth
46 E. Timonium Rd.,
Timonium, Md. 21093

RECEIVED

SEP 21 1971

MOAS

HOWARD J. WHITE, III
19 Edgemoor Road
Lutherville, Maryland 21093
(410) 561-0606

857-94

2/17/94
g

February 15, 1994

Baltimore County Zoning Commissioner
Room 106 Baltimore County Office Building
Towson, Maryland 21204

RE: Case No. 94-271-XA

To Whom It May Concern:

This letter is in response to the above referenced case. I am a resident of the Yorkshire community. I totally object to the proposed re-zoning of 42 East Timonium Road in order to be licensed as a day care center.

While I am a fairly recent homeowner in this neighborhood, I am aware that there have been no changes to this area since its development. I would like it to stay that way.

I will be attending the hearing on February 22, 1994 and plan to protest this re-zoning.

Sincerely,



Howard J. White

HJW/lde

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RECEIVED
FEB 17 1994
ZADM

2/18/94

9

2/15/94

JO file

Baltimore County Zoning Commission
Room 106 Balt Co Office Bldg.
Towson, Md. 21204

Re: 42 East Timonium Rd Zoning Variance Petition
Case No. 94-271-XA

Dear Sir:

Please be informed that as a property owner at 15 Edgemont Rd since 1956, I wish to state my objection to the Zoning Variance as outlined in the above petition.

I live around the corner from 42 East Timonium Rd and this development has been residential since its inception.

Therefore, I see no reason that this special exception should be granted.

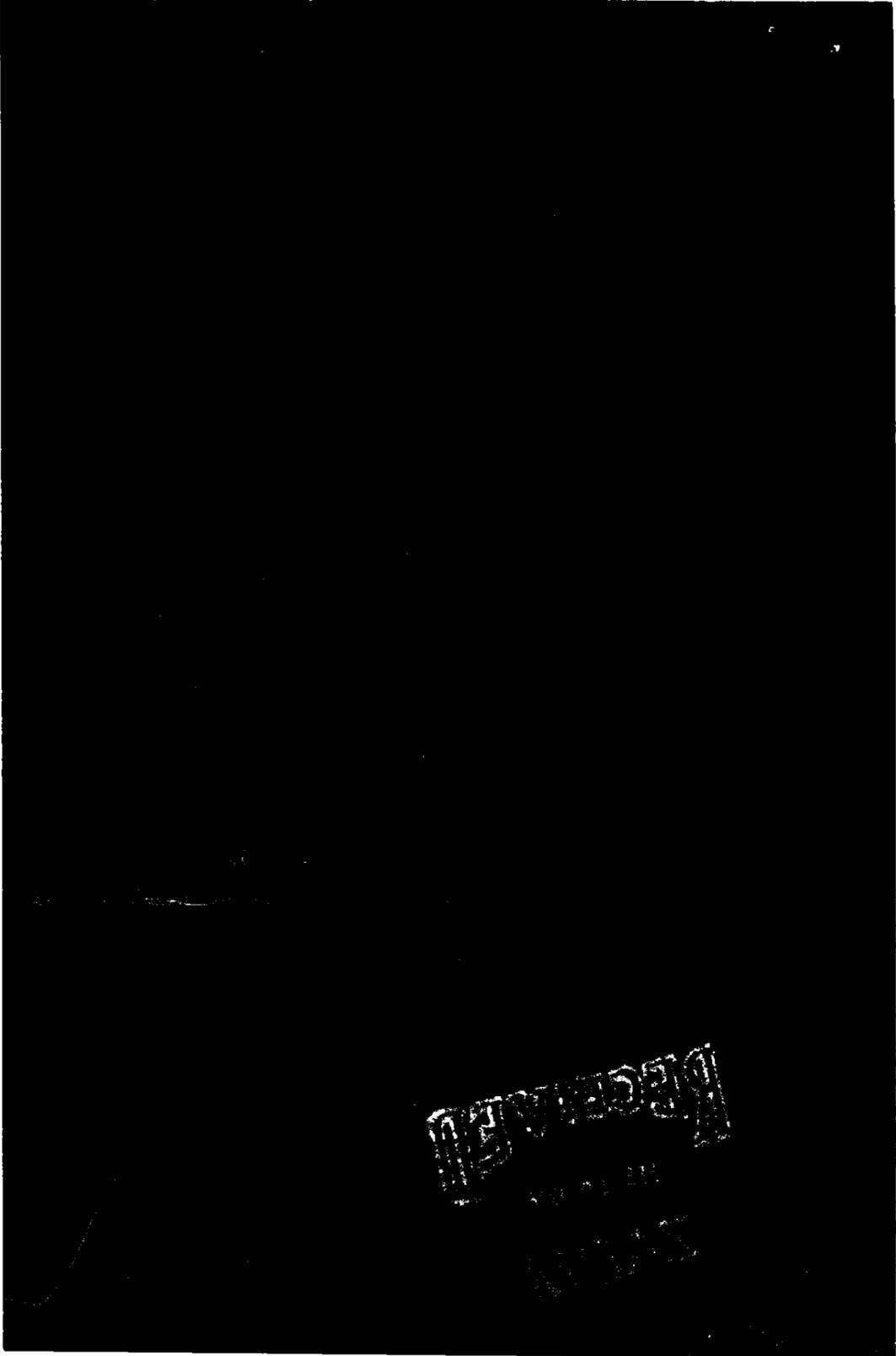
Sincerely yours,
Stephen J. Molnar, Jr.

RECEIVED

FEB 18 1994

ZADM

MICROFILMED



FEBRUARY 11, 1994

44 E. TIMONIUM ROAD
TIMONIUM, MD. 21093
410-252-3444

MR. ARNOLD JABLON, DIRECTOR ZONING ADMINISTRATION
105 BALTIMORE COUNTY OFFICE BUILDING
TOWSON, MD. 21204

RE: 42 EAST TIMONIUM ROAD
PETITION FOR SPECIAL EXCEPTION WITH VARIANCES - CASE NO. ⁹⁴⁻²⁷¹~~92-217~~-XA

DEAR MR. JABLON:

WE ARE WRITING THIS LETTER TO ENTER OUR OPPOSITION TO THE ABOVE REFERENCED CASE SCHEDULED FOR PUBLIC HEARING FEB. 22, 1994. THE DETAILS OF THE SPECIAL EXCEPTION FOR A CLASS B GROUP CHILD CARE CENTER WITH FOUR MAJOR VARIANCES TO THE LAND USE CURRENTLY ZONED DR 5.5 ARE IN THE CASE FILE. WE WILL NOT ITEMIZE THEM HERE.

WE ALSO REQUEST TO TESTIFY AT THE HEARING TO DETAIL OUR OBJECTIONS TO THE GRANTING OF THIS PETITION.

WE ARE ORIGINAL OWNERS OF 44 E. TIMONIUM RD. HAVING LIVED HERE IN PEACE AND HARMONY WITH ALL OUR NEIGHBORS FOR 38 YEARS. THE COMMUNITY, IN ITS INFANCY, PARTICIPATED IN MANY REVIEWS, OBJECTIONS, AND NEGOTIATIONS WITH THOSE WHO TRIED TO DILUTE THE MEANING OF DR 5.5 INCLUDING SPECIAL EXCEPTIONS AND VARIANCES. OUR EFFORTS WERE SUCCESSFUL TO RETAIN THE SAFETY, WELFARE, AND RESIDENTIAL CHARACTER OF THE COMMUNITY.

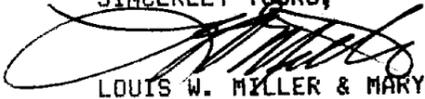
WE RESENT NON-RESIDENT OWNERS ATTEMPTING TO UTILIZE 42 E. TIMONIUM RD. FOR ANY PURPOSE OTHER THAN AS A RESIDENCE UNDER DR 5.5 ZONING AND/OR ANY FUNCTIONS NOT AUTHORIZED THEREUNDER. WE OPPOSE GRANTING ANY SPECIAL EXCEPTION OR VARIANCES TO THE DR 5.5 ZONING FOR THIS PROPERTY.

OUR PROPERTY ADJOINS THE PETITIONER'S ON THE NORTH LINE. FROM HOUSE TO HOUSE THEIR IS ONLY 23 FEET, 13 ON THEIR SIDE AND 10 ON MY SIDE. MY YARD IS ON THE SIDE, THEIRS ON THE BACK ABUTTING MINE. NO BUFFER VEGETATION OR NOISE ABATEMENT EXISTS. THE STOCKADE FENCE IS OFF THE GROUND AND CERTAINLY DOES NOT DETER NOISE FROM THEIR ACTIVITIES.

GRANTING THIS PETITION WOULD ECONOMICALLY ADVERSELY AFFECT THE SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE. THIS COMMUNITY IS PREDOMINATELY FAMILY OWNED OCCUPIED HOMES OF OLDER, RETIRED, SENIOR CITIZENS. INTRUSION OF THIS ACTIVITY PETITIONED AS A SPECIAL EXCEPTION WITH MAJOR VARIANCES WILL DISRUPT THE PEACEFUL, QUIET, SERENITY OF THE COMMUNITY. WE WILL ADDRESS THIS ISSUE AND MANY OTHERS AT THE HEARING.

AS A CONCERNED TAXPAYER, VOTER, AND AFFECTED CITIZEN, WE TRUST YOU WILL REVIEW THE EVIDENCE AND FACTS PRESENTED IN LETTERS FROM OTHER RESIDENTS PRIMARILY AFFECTED AND DENY THE SPECIAL EXCEPTION AND VARIANCES PETITIONED.

SINCERELY YOURS,


Marylea H. Miller
LOUIS W. MILLER & MARYLEA H. MILLER-OWNERS

858-94
2/17/94
Y
to file

RECEIVED

FEB 17 1994

ZADM

10 Edgemoor Road
Timonium, MD 21093
February 9, 1994

2/15/94
To file
✓

Lawrence Schmidt
Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case # 94-271-XA

Dear Mr. Schmidt:

It has come to the attention of my husband and myself that the owners of 42 East Timonium Road have petitioned for a zoning variance in order to operate a day care center that would accommodate up to 40 children. We live on Edgemoor Road which intersects Timonium Road just one house from the property in question. We are opposed to the granting of any zoning variance for the following reasons:

1. 42 E. Timonium Road has less than 1/4 acre of property. Baltimore County requires one acre for a day care center to accommodate 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage. The main focus here should be on the welfare of the young children who need outdoor space for running and playing, not on the success of a business enterprise.
2. The setback at 42 E. Timonium Road falls far short of the Baltimore County requirement for a day care center accommodating 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage.
3. We live in a house with essentially the same floor plan as that of 42 E. Timonium Road. We also have an addition in the back almost as large as theirs. Our fenced in back yard is about twice the size as theirs. I have been a licensed day care mother for 2 1/2 years. Based on these facts, we know that to properly take care of children, 42 E. Timonium Road is really not even large enough for the eight children for which it is currently licensed. To allow more would be detrimental to the welfare of the children.
4. The lack of parking at 42 E. Timonium Road is already causing a hazardous situation with the discharge and pick-up of children. I have witnessed cars parked heading west on Timonium Road in front of the house making U-turns from the house to head east on Timonium Road. After dropping off or picking up their child(ren) drivers most often seem to want to return in the direction from which they came and that often presents a dangerous challenge. In addition, the extremely short driveway is adjacent to a very heavily traveled back entrance to a shopping center and that entrance is adjacent to a very busy gas station. All of these facts indicate that it would be imprudent to allow a business enterprise which would cause a heavy increase in traffic

MICROFILMED

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,
424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

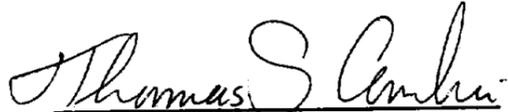
WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

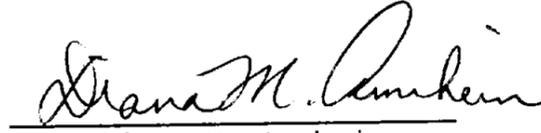
1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
 2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
 3. Zoning Regulations, as amended, be and it is hereby repealed.
-

5. 42 E. Timonium Road is a residence that is adjacent to a commercial area. We would object to the encroachment of commercial enterprises into our residential neighborhood. Such encroachment would make living in the neighborhood less desirable and ultimately lower residential property values. We have already observed that because of the increased activity of dropping off and picking up children the peaceful nature of the neighborhood has been affected. We have observed an undesirable increase in traffic on our road since this day care operation has started.

We urge you to take these reasons into serious consideration and reject the petition for variance for 42 E. Timonium Road.

Sincerely,


Thomas S. Amrhein


Diana M. Amrhein

RECEIVED

FEB 14 1994

ZADM

February 9, 1994

Mr. Arnold Jablon, Director
ZONING ADMINISTRATION
105 Baltimore County Office Building
Towson, Maryland 21204

2/15/94
761-94
TO LES
file

RECEIVED
FEB 14 1994
ZADM

RE: 42 EAST TIMONIUM ROAD ZONING VARIANCE PETITION
CASE NUMBER 94-271-XA

Dear Mr. Jablon:

I am writing this letter to express my concerns and opinions about the above-referenced request for exceptions to the variances of our neighborhood zoning. Your files should have all of the details of this request, so I will not repeat them here.

As a home owner in this neighborhood, I am adamantly opposed to the variance request for the following reasons:

1. My main concern is the general welfare of my neighborhood and the children entering it. The traffic on Timonium Road is very heavy under normal circumstances, and at this location to request even more children be allowed there is grossly absurd given the current extent of the strain they have put on local traffic at peak rush hours. I drive past this location every evening when returning to my home from work. I have personally observed a large overflow of parked cars, people making illegal U-turns, and people cutting off the normal flow of traffic in an attempt to pick up their children and leave quickly, all of which is endangering everyone on this road. Allowing more children to attend this facility will only exacerbate this already dangerous situation.
2. As a recent new home owner in the community, I chose this location because of the stability of the neighborhood and the strength of the community in resisting zoning changes to keep this a family-oriented safe place to live. I am afraid any changes or exceptions given to the people at 42 Timonium Road would, in the long-term, devalue my home and lower the standard of living in this community.
3. I have to state that I resent that the owners are non-residents who have decided to burden our neighborhood with these children and added traffic. Perhaps these non-residents have discovered that their neighborhood will not tolerate their zoning requests. We should not be forced to tolerate them, either.

Page 2
February 9, 1994
Mr. Arnold Jablon

I hope that you will take my objections into consideration when hearing the above case. If you need to reach me for any reason, my home and work numbers are listed below. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "George J. Treuting". The signature is written in black ink and is positioned above the typed name.

George Joseph Treuting
14 Edgemoor Road
Timonium, Maryland 21093
Home: 561-9529
Work: 296-1072

2/11/94
S
to Feb

11 Edgemoor Road
Timonium, MD 21093
February 9, 1994

Lawrence Schmidt, Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case No. 94-271-XA
42 E. Timonium Rd., Timonium, MD 21093

Dear Mr. Schmidt:

I will be unable to attend the zoning meeting Feb. 22nd over the above case. Hopefully this letter will represent my very strong feelings of opposition of the granting approval for zoning that will allow this address to be a business of daycare accepting 13-40 children daily.

To have purchased this residential home for the sole purpose of carrying on a business, to have no pride of ownership, to not live in the home, to have assumed that the community would have no objection to commercialism... has been the height of incorrect thinking on the part of the purchasers.

There is not enough space for the children either outside the building or inside the building. The house is not set back enough from the street. It already has caused congestion and is extremely dangerous with cars parking and pulling out in such an extremely small area on a very busy road. For children to play anywhere near the front or side of the home is asking for trouble, trouble that cannot be repaired! There is a lack of parking for the number of people that have been seen coming and going from this address. This number includes teachers, parents, children, replacement teachers, etc.

I have lived at this location for 33 years and do not want to see a small residential street become commercialized. Granting 42 E. Timonium Rd. the approval for this business would establish precedence for turning the corner to my street. This is unfair to us. (Recently, Smyth's began building upward without the courtesy of notifying the neighbors and we feel we live behind an industrial park at this point. I strongly object to that expansion but have been told by zoning that they don't have to let anyone know if they expand current building and do not add a new building.)

The traffic is being bottlenecked at this address. I tried to read the two signs about zoning and could not because of cars parked in front of the house. Also, traffic will be using Edgemoor Road when they realize it is a shortcut to northern York Road leading to Hunt Valley.

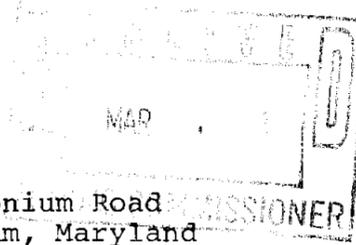
These people were notified before putting in their driveway that they could not use the buffer zone up to the fence that Panitz Builders had put in when Mobile Service Station went in. They paved the area any way and call it "their" property. Our neighborhood was upset when they began "improvements" on the house. The siding looks put up by a 10-year old, the overhang is not level. I don't know if professionals "improved" the home or who they had work on it. Every morning there are six to eight faces at the front picture window waiting for new arrivals. **PLEASE DO NOT GRANT COMMERCIAL ZONING FOR 42 E. TIMONIUM ROAD.** This would be a hardship on many of our residences.

252-3073 (work from 9-3)
252-2509 (home after 3:30)

Sincerely,
Gladys Scesney
Gladys Scesney

18 Hathaway Road
Timonium, Maryland
21093
February 8, 1994

Mr. Lawrence Schmidt, Zoning Comm.
105 Baltimore County Office Bldg.
Towson, Maryland 21204



RE: 42 Timonium Road
Timonium, Maryland

Dear Mr. Schmidt,

I am writing this letter with great concern in mind,
regarding property at 42 Timonium Road in Timonium.

There are many cars taking and picking up their children at this day care center which has been in existence since September, 1993. These parents have no regard to the very heavy volume of traffic this road carries throughout the average working day. They pull their cars up facing the wrong way and letting the child or children on the passenger side of the car, rather than curb side. All traffic must come to a halt so as not to hit the person or take a door off. As many as eight cars come and go, early in the day and for pick up in the evening rush hour.

There is really no way these people can pull on #42's property because there is only room for about two to three cars and the employees use it for daily parking.

We as residents, look for a terrible accident on or near this property in the very near future. If possible something must be done, or fewer children must be taken in on this property so as not to have something happen that all will regret in the future.

Thank you for your time on this matter.

Yours very truly,

Virginia A. White

Virginia A. White

MICROFILMED

Variance Standards

Cromwell v. Ward: 651 A.2d 424

Quoting 2 Rathkopf, The Law of Zoning and Planning,

"Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner... will be regarded as having been self-created, barring relief." Page 431-32

Quoting Bowman v. City of York:

"[A] variance [may be granted] ... only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of the enactment, [of the zoning ordinance] 'would result in peculiar and exceptional practical difficulties.'" Page 434-35

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located'.... The ...argument that the insufficient width ...constitutes a special circumstance of "shape" is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity..."

Continuing in Cromwell: "In the case *sub judice*, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435

2/10/94
CF
TB
48 East Timonium Rd.
Timonium, MD 21093

747-94

February 7, 1994

Baltimore County Zoning Commissioner
Baltimore County Office Building, Room 106
Towson, MD 21204

RE: #42 East Timonium Road, Zoning Variance Petition
Case No. 94-271-XA

Dear Commissioner:

I am writing you this letter in protest of the above Zoning Variance Petition at #42 East Timonium Road. Since my family and I have resided at #48 East Timonium Road for 26 years, we feel that to allow this action would be very out of place in neighborhood.

Please see my reasons listed below:

1. More accidents would certainly occur at the entrance way to Timonium Shopping Center which is between #42 East Timonium Road and the Mobil Gas Station.
2. Very dangerous traffic situation for children to be dropped-off and picked-up.
3. This home does not sit on a large piece of property, therefore, children do not have a safe place to play outdoors.
4. We don't want businesses to start coming into our nice community that we all have worked hard to preserve even though there are a lot of other business situations going on around us. We have managed so far to keep it at a minimum, even though there is much we cannot control.

I thank you for your time, and hope this matter can be solved in the best interest for everyone involved.

Sincerely,

Patricia Critzer

Patricia Critzer

RECEIVED

FEB 10 1994

ZADM

MICROFILMED

2-7-94 753-94
Balto. Co. Zoning Commissioner
Room 106 Balto. Co. Office Bldg.
Towson, Md. 21204

Case No. 94-271-XA

2/10/94
S

Mr. M. Kellman,

We oppose the variance
petition for 42 E. Timonium Rd.
because,

- ① This is a residential area
- ② Traffic is extremely busy
- ③ The property is too small
- ④ There has been no changes
to the residential area since
its development.

Thank You,
Guy A. Kern

Mr Guy A Kern
17 Timonium Rd
Timonium MD
21093

RECEIVED
FEB 9 1994
ZADM

722-94

1/9/94 7 Edgemore Rd
Pomonok, Md 21093
PO Box February 7, 1994

Baltimore County Zoning Commission
Room 106 Baltimore Co. Office Bldg.
Towson, Md. 21284
Case No. 24-471 XA

To whom it may concern:

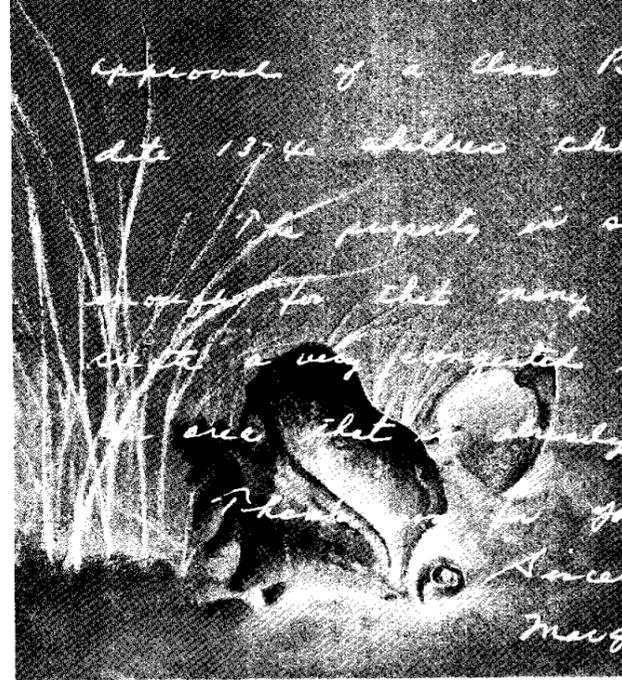
As a concerned home owner in the
area, I am strongly opposed to the
approval of a Class B zoning to accommo-
date 1374 children child care home.

The property is simply not large
enough for that many children and will
create a very congested traffic situation in
the area that is already heavily traveled.

Thank you for your consideration

Sincerely-

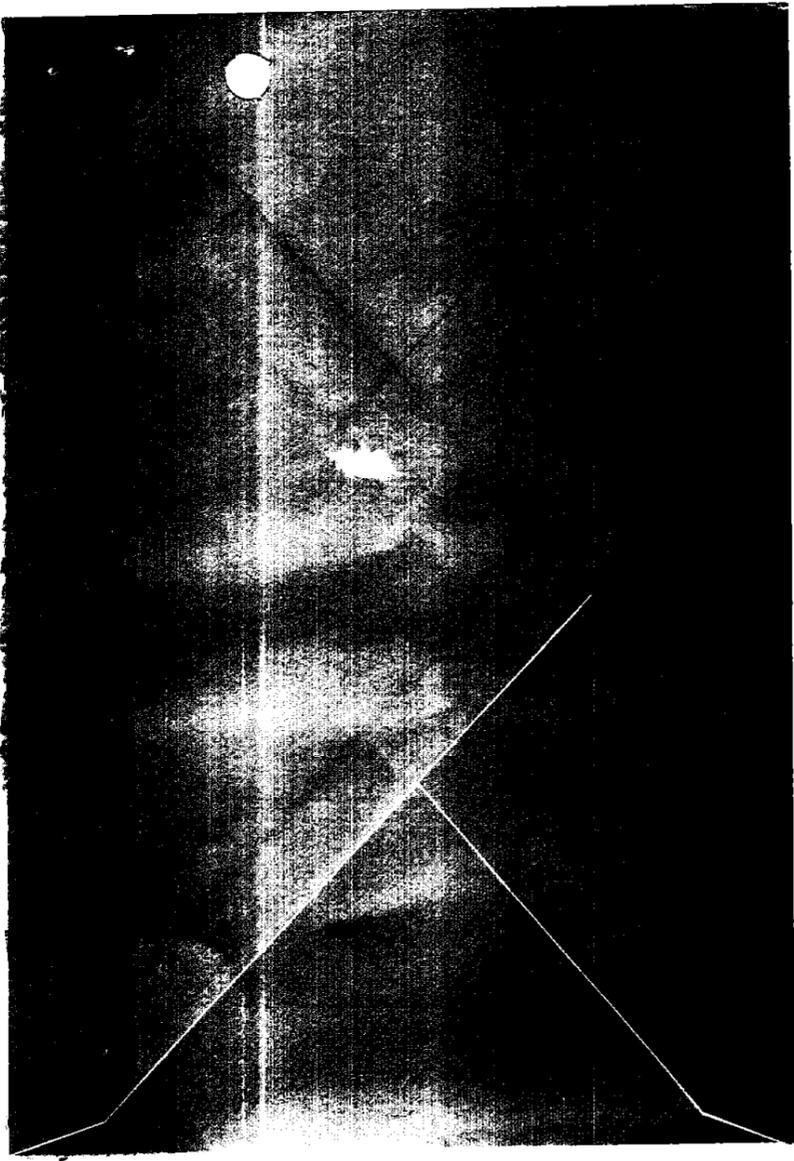
Margaret Rose Skittle



RECEIVED

FEB 9 1994

ZADM



Page Three Abertz
7 Egozine Pl.
P.O. Box 2193



Baltimore Co. County Commission
Room 106
Baltimore Co. Office Bldg
P.O. Box 2193

Case # 94-271XA

2/9/94 2/7/94 720-94
John P. Mannion
37 E Timonium Rd
Timonium Md 21093
252-0468

Baltimore Co. Zoning Commission
Room 106 Baltco Office Bldg
Towson Md. 21284

RE: CAS No 94-271-XA

Dear Sir:

As long time residents, we are seeking your help concerning 42 E. Timonium Rd. Timonium Md. Should these conditions be allowed to be maintained or increased, we are unaware of what may happen. Already cars, vans, and trucks are parking on the wrong side of Timonium Rd. to drop off and pick up children at the most heavy congested time of day namely the AM. PM break hours and pulling back into traffic by crossing over to the proper lane.

With these children at day care rooms, will cars pick up at peak time, etc.? Should these conditions be allowed, we fear the loss of our quiet community.

What is happening is unfair to everyone, please confer quickly, we look to you.

Sincerely,
John P. Mannion
James E. Mannion

MICROFILMED

RECEIVED

FEB 9 1994

ZADM

Variance: Self-Created Hardship

Cromwell v. Ward:

Quoting Ad + Soil, Inc. v. County Comm'rs:

"The essence of AD + Soil's argument .. is that the setback requirements ...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements... The Board declined to grant the variances, concluding that Ad + Soil's 'hardship' was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance." Page 439

Quoting Pollard v. Board of Zoning Appeals:

"Self-inflicted or self-created hardship ...is never considered proper grounds for a variance....[W]here the applicant creates a nonconformity, the board lacks power to grant a variance." Page 439

Judge Cathell concludes:

"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted." 439-40.

Xanthos v. Board of Adjustment:

"...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming by additional construction."

In the Matter of Umerley Circuit Court for Baltimore County (Byrnes, J.)

"Uniqueness cannot be created by the owner." Page 6

"There is nothing unusual about the shapes of lots 2 and 5. They are rectangles." Page 9

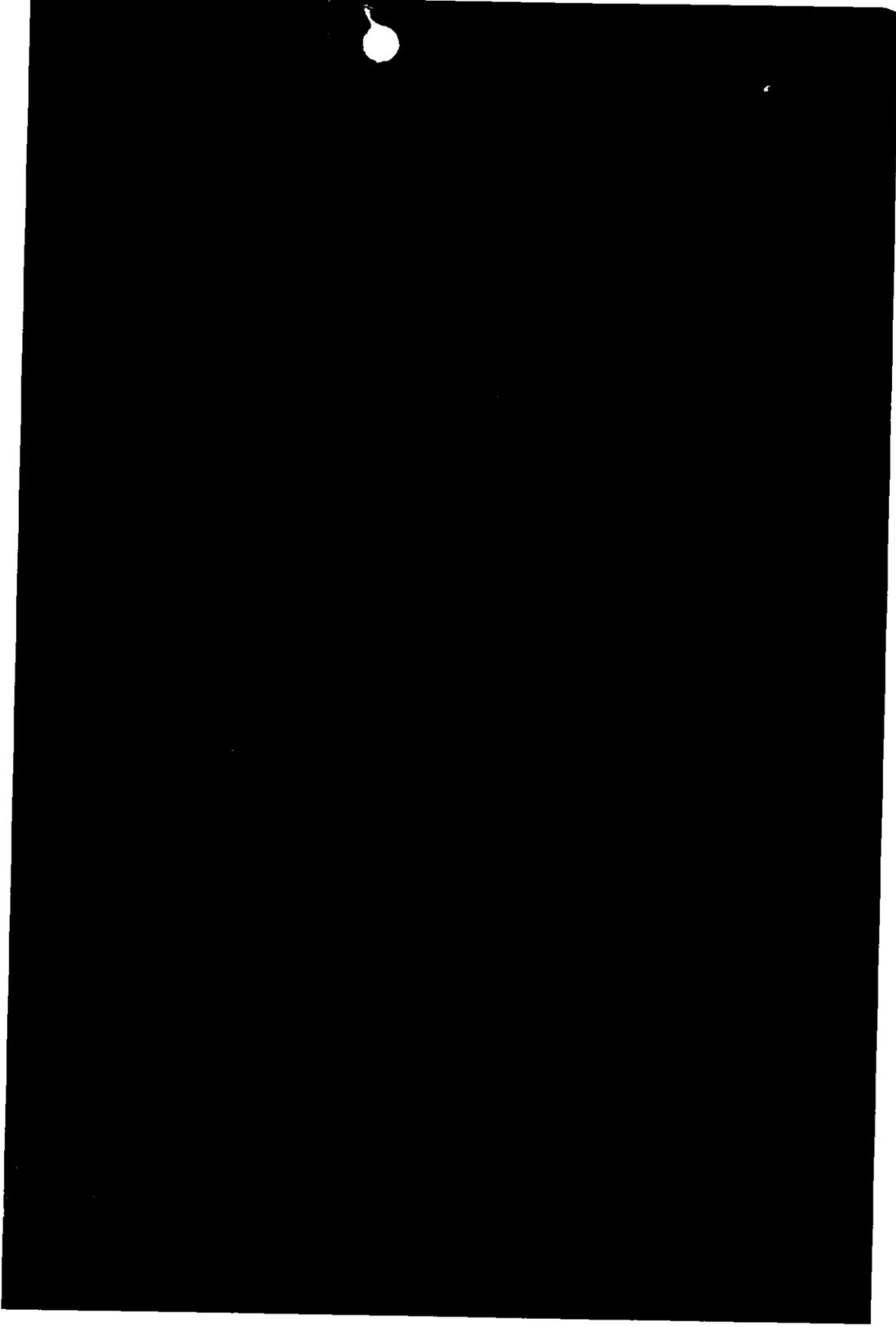
Feb. 7, 1995

Board of Appeals
Old Court House
408 Washington Ave.
Baltimore, Md. 21204

95FEB-9 PM 2:27

I am writing to oppose the attempt to have a class B Day Care Center at 42 E. Timonium Rd., Case No. 94-271-XA. The property is too small for this type of business, and I have observed from my house at 46 E. Timonium Rd. a problem with parking, traffic backup and U-turns on Timonium Rd. during afternoon rush hour.

Yours truly,
Donald I. Heath



16 Edgemoor Road
Timonium, Maryland 21093
February 10, 1995

95 FEB 23 PM 12:47
COUNTY CLERK'S OFFICE

Balto. Co. Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance Petition

To Whom It May Concern:

Approximately 7-1/2 years ago, prior to purchasing our home in the Haverford community, the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism which eventually destroys the very fabric of the community. We the tax paying property owners and residents have the right to say "no" to those who would destroy our community and life style in order to satisfy their financial greed.

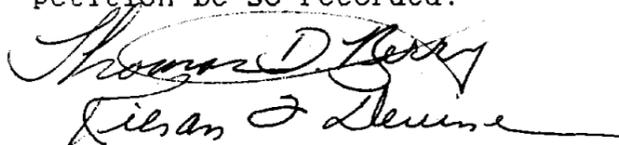
If it were not for the fact that a variance of such magnitude was actually being petitioned, it would be ludicrous that a piece of property 9,263 sq. ft. would be considered acceptable for a Class B Group Child Care Center for 40 children. The law requirement is 1 acre, or better stated, 43,560 sq. ft.

The Petitioners are requesting variance of 34,297 sq. ft. which is a 78.7 percent variance and the waving of the required 50 foot setback and 20 foot vegetation buffer.

If these variances were to be approved it would mean that zoning laws are not worth the paper on which they are written and the hardworking tax payers, the backbone of a stable community, and particularly those residences adjacent to and in the immediate vicinity of the subject property got screwed again by unresponsive and irresponsible bureaucrats.

We emphatically oppose encroachment of commercialism of any kind beyond the existing zoning boundaries. There is absolutely no justification for any acceptions to the existing zoning classification and boundaries.

We hereby request that our opposition to the subject variance petition be so recorded.



Thomas D. Berry
Kieran F. Devine

Baltimore County
Board of Appeals
Old Courthouse, Rm.49
400 Washington Avenue
Towson MD 21204

43 Greenmeadow Drive
Timonium MD 21093
February 12, 1995

RE: case 94-271-XA

95 FEB 21 11:26

To Board Members:

As you will see from the case #, this letter concerns my opposition to the former petition for use of 42 East Timonium Road as a Class B Group Child Care Center for 40 children. This had been DENIED in September 1994 and is being appealed at this time.

This short stretch of Timonium Road is so terribly congested RIGHT NOW, it is frightening (and disgusting) to think of trying to safely manipulate cars through the added congestion of people trying to drop-off their children in the morning and pick-up in the afternoon... forty children!!! This house is a good block from York Road, and cars must go past the very busy Farm Store on the left, and the entrance to a small shopping center on the right, as you come up to the traffic light at York Road. We already are backed up past the Farm Store just waiting for the light! I cannot imagine 40 more cars thrown in here at the busiest times!!! Even this gasoline station is difficult to get into and back out onto Timonium Road, which really is a main thoroughfare in this community.

I hope you understand, my opposition is due to 1) the traffic congestion getting to a dangerous level for motorists in this community, and 2) the safety also of the children being dropped off. It would be good if you came to this short stretch of Timonium Road during the early morning and late afternoon hours to see for yourself. Incidentally, we park on both sides of these streets. This is tolerable at present; but I do not want my entire community turned upside down, and endangered by being even more congested, because someone from out of the area wants to use a private home instead of a commercial building. It seems to me that more than half a dozen children is definitely commercial; in my opinion, as a mother, grandmother, and Registered Nurse, 40 children is no longer a family-day-care-setting and should not be inserted into a residential area. THIS HOME IS ZONED RESIDENTIAL.

These kinds of commercial endeavors should be directed toward the many vacant buildings and store-fronts that occur in our surrounding extended area. Perhaps someone in Zoning

Jan 31. 1995

Yorkshire. Harford, Newsletter
at Mrs. Kathleen Beakell

Dear Ms. Beakell.

I'm enclosing check for \$10.00 for
a donation for the trust in Feb. Sorry
I can't afford any more as I'm a
widow on a fixed income.

Yours truly

Lillian E. Rockett

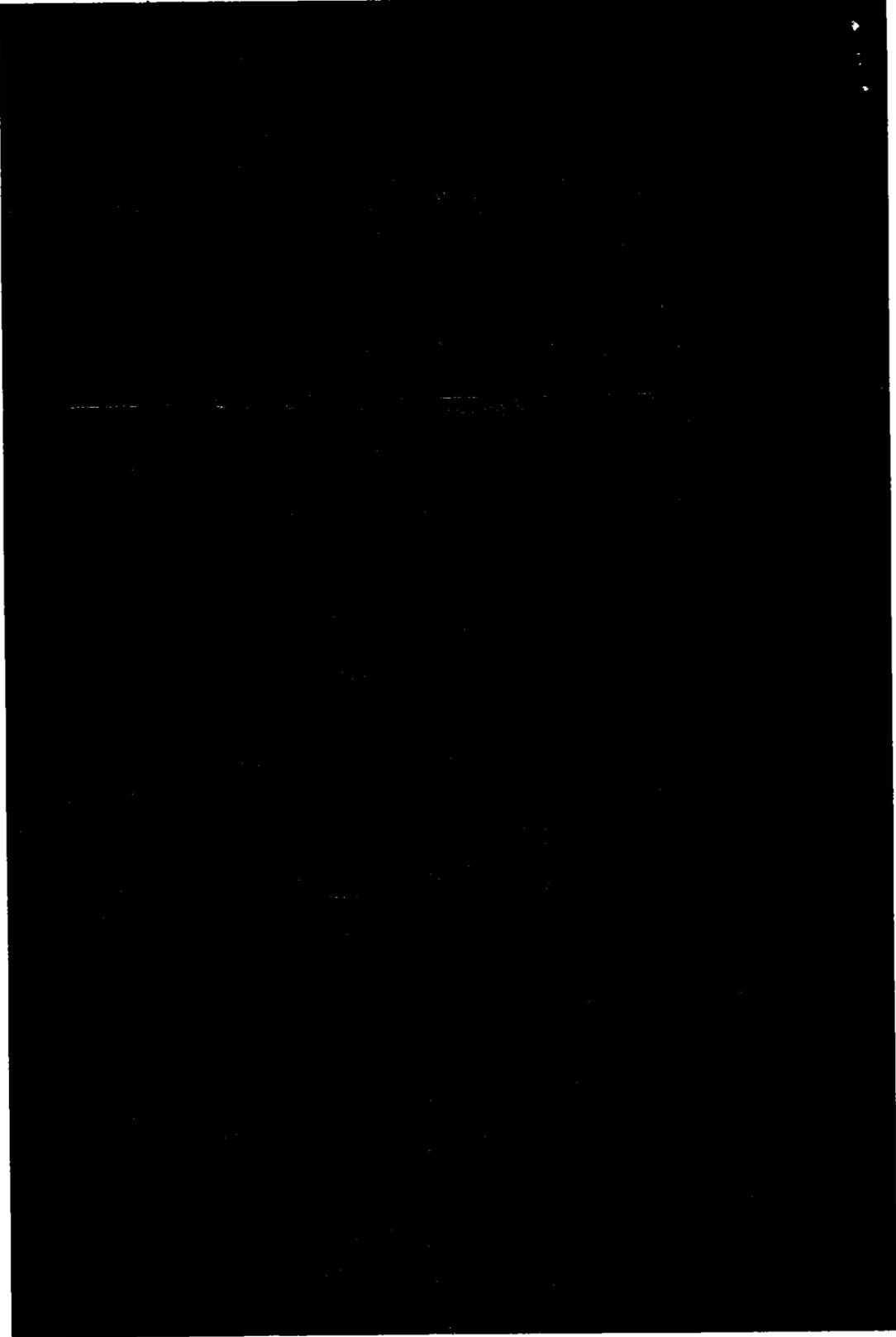
18 Northwood Drive

Timonium, Md.

21093-4216

95 FEB -9 PM 2:27

COUNTY CLERK



Jan - 28, 1995

Re: Case #94-271XA

Dear Sir or Madam:

I am writing to support
the upholding of the denial
of the petitioners in this case.

Our family worked for
years - and sacrificed - to
buy a home in Simonium.

Like so many homeowners
here, we do not wish to have
businesses of any kind in
our neighborhood.

Thank you,

Karie Firoozmand

Number One Mom



© William Cogan

**The Chester Haven Case: Prohibition of Special Exceptions with Variances
Discussion of Grandfathered Development**

Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County

"All of its variance requests concern what it perceives to be a necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property owner caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom."

"The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is a permitted use because the legislative body has made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails." Page 11-12
(Emphasis supplied)

From the desk of:

FRAN WILLARD

RE: Case # 94-271XA

As a life long resident of Balto. County
I most strongly oppose the
petition for a 40 Child Care Center at
42E Timonium Road. With that
small house and lot they would
have to stack the kids on top of
each other. Don't forget the traffic
on Timonium Road.

Timonium has always been a
nice place to live - we all want
to keep it that way. We don't want
Commercial in the middle of our
Community. Strangers may think
this is a small thing - but we who
have spent 40 years and more here
love our homes and the Community

Sincerely

Mrs. Frances Willard
51 Belfast Road

100-1-1-100

RECEIVED

95 JAN 26 PM 12:37

January 21, 1995

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Case #94-271-XA

Board of Appeals:

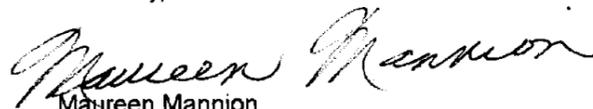
The petition wants to allow 40 children to occupy a rancher with no basement and no where near the specified requirements.

Timonium Road traffic is presently overwhelming at the times these little ones would be delivered and retrieved.

My home is across the street from 42 E. Timonium Rd and having resided here over 35 years, I tell you the neighborhood cannot accept this burden.

I ask you if you can satisfactorily explain why this encroachment should be granted. Where is the fairness? The children enrolled are not from this area, and there are more than enough facilities available elsewhere. So, who are endangered?----- the children and the residents. Please deny the petitioners, Fatemeh Falami and Mohammad Haerina.

Sincerely,



Maureen Mannion
37 E. Timonium Rd.
Timonium, Maryland 21093

95 JAN 27 PM 12:03

January 24, 1995

Zoning Commissioner
BALTIMORE COUNTY BOARD OF APPEALS - CASE 94-271XA
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

95 JAN 26 PM 12:37

RE: 42 EAST TIMONIUM ROAD ZONING VARIANCE PETITION
CASE NUMBER 94-271XA

Dear Commissioner:

I am writing this letter to express my concerns and opinions about the above-referenced request for exceptions to the variances of our neighborhood zoning. Your files should have all of the details of this request, so I will not repeat them here.

As a home owner in this neighborhood, I am adamantly opposed to the variance request for the following reasons:

1. My main concern is the general welfare of my neighborhood and the children entering it. The traffic on Timonium Road is very heavy under normal circumstances, and at this location to request even more children be allowed there is grossly absurd given the current extent of the strain they have put on local traffic at peak rush hours. I drive past this location every evening when returning to my home from work. I have personally observed a large overflow of parked cars, people making illegal U-turns, and people cutting off the normal flow of traffic in an attempt to pick up their children and leave quickly, all of which is endangering everyone on this road. Allowing more children to attend this facility will only exacerbate this already dangerous situation.
 2. As a recent new home owner in the community, I chose this location because of the stability of the neighborhood and the strength of the community in resisting zoning changes to keep this a family-oriented safe place to live. I am afraid any changes or exceptions given to the people at 42 Timonium Road would, in the long-term, devalue my home and lower the standard of living in this community.
 3. I have to state that I resent that the owners are non-residents who have decided to burden our neighborhood with these children and added traffic. Perhaps these non-residents have
-

10 Edgemoor Road
Timonium, MD 21093
February 6, 1995

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case # 94-271-XA

Gentlemen:

It has come to the attention of my husband and myself that the owners of 42 East Timonium Road have appealed the ruling against their petition for a zoning variance in order to operate a day care center that would accommodate up to 40 children. We live on Edgemoor Road which intersects Timonium Road just one house away from the property in question. We are opposed to the granting of any zoning variance for the following reasons:

1. 42 E. Timonium Road has less than 1/4 acre of property. Baltimore County requires one acre for a day care center to accommodate 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage. The main focus here should be on the welfare of the young children who need outdoor space for running and playing, not on the success of a business enterprise.
2. The setback at 42 E. Timonium Road falls far short of the Baltimore County requirement for a day care center accommodating 13 to 40 children. The reasons for this requirement are also valid. The county should not relax this standard to accommodate a business enterprise.
3. We live in a house with essentially the same floor plan as that of 42 E. Timonium Road. We also have an addition in the back almost as large as theirs. Our fenced-in back yard is about twice the size as theirs. I have been a licensed day care mother for 3 1/2 years. Based on these facts, we know that 42 E. Timonium Road is really too small to properly care for the eight children for which it currently licensed. To allow more would be detrimental to the welfare of the children.
4. The lack of parking at 42 E. Timonium Road is already causing a hazardous situation with the discharge and pick-up of children.

I have witnessed cars parked heading west on Timonium Road in front of the house making U-turns from the house to head east on Timonium Road. After dropping off or picking up their child(ren) drivers most often seem to want to return in the direction from which they came and that often presents a dangerous challenge.

My husband and I have witnessed cars and vans parked very close to the back entrance for the shopping center while dropping off or picking up children. This makes it very difficult to see oncoming traffic on Timonium Road when exiting the shopping center.

The driveway for the property is short and narrow. Vehicles using it generally back out onto Timonium Road. This can be dangerous at any

COMMUNICATIONS SECTION
95 FEB - 8 PM 2 30

18 Hathaway Road
Timonium, Maryland
Timonium, Maryland
21093
January 23, 1995

Board of Appeals, Baltimore County
Old Courthouse, RM 49
400 Washington Avenue
Towson, Maryland 21204

R: 94-271XA

To Whom it May Concern:

My reason to this appeal is quite simple. This being for the safety of the children being released from vehicles at 42 E. Timonium Road.

These children are being let out of vehicles and also boarded from the opposite side of E. Timonium Road. Parents pull up to the property in any and all directions.

My other concern, is that when people get permits for their properties they seem to lie when doing so. In which case this has been true to form with Fatemeh Falahi and Mohammad Haerian.

What they are now requesting is more footage which this property does not have. I am appalled that anyone would ask for what they do not have in footage. It also bothers me that no one from Baltimore County checked out this property from time to time to see just what was taking place.

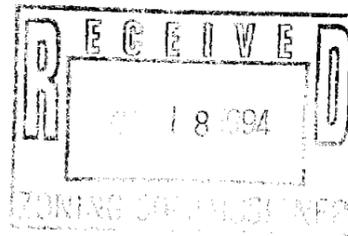
Yours very truly,
Virginia White
Virginia White

95 JAN 25 PM 1:11

. Doug Riley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 17, 1994

SUBJECT: 42 E. Timonium Road

REVISED COMMENT

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

A revised plan (1st amendment) dated 5/16/94, but received on 7/19/94 has been submitted for the proposed Class B Group Child Care Center.

As previously indicated, due to a number of factors and site constraints, the Special Exception for a Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan still does not note the proposed number of employees. Provisions for drop-off and pick-up have been noted (note 7) on the site plan. However, the drop-off/pick-up provision is still inadequate since it involves the necessity for cars to back out onto Timonium Road, a busy major arterial road.

Note 6 on the site plan indicates three spaces for employee parking to be provided off-site at the Fred C. Yoo service station. A letter from Mr. Yoo is needed indicating that he has given permission for the parking as well as a site plan showing that he has surplus parking which can be shared/leased.

The site plan still indicates half of the driveway off-site on the property owned by Timonium Shopping Center Associates Limited Partnership. This is within an area set aside as a buffer between the shopping center and the residential community according to the plan for Special Exception for Service Station approval in 1961.

Previous comments are still applicable with regard to the area Variance and the impervious area Variance.

Prepared by: *Pat Keller*

Division Chief: *Sam L. Kerns*

PK/JL:pat

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAHI AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | * | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | * | |
| 42 East Timonium Road | * | |
| 8th Election District | * | |
| 4th Councilmanic District | * | Case No. 94-271-XA |
| * * * * * | | |

SUBPOENA DUCES TECUM

PLEASE issue a Subpoena for the following person to appear and testify before the County Board of Appeals for Baltimore County on Wednesday, July 12, 1995, at 10:00 a.m. to testify for the Petitioners before the County Board of Appeals for Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204:

STEVE WEBBER
 Department of Traffic Engineering
 County Courts Building
 401 Bosley Avenue, 4th Floor
 Towson, Maryland 21204

and to bring with him the most recent traffic count figures for Timonium Road, eastbound and westbound, at York Road, and for Timonium Road at Eastridge, specifically for 1992 and for any more current period which Baltimore County may have.

Michael P. Tanczyn
 MICHAEL P. TANCZYN, ESQ.
 606 Baltimore Avenue, Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823
 Attorney for the Petitioners

Kathleen A. Redenhammer
 SECRETARY, COUNTY BOARD OF APPEALS

5-10-19 10:11:20

Jan. 19, 1995

Gentlemen:

We are opposed to a day care facility at 42 Timonium Rd, not only because this is a residential community, but this house is not adequate for 40 children. The yard is too small as a play area for 40 children. Children also have been able to get out of fenced-in yards. Should this occur in this high traffic area, children could be killed. We feel this is an unsafe environment for 40 children.

Yours truly,

Mr. & Mrs. Robert Patterson
19 Hathaway Rd.
Timonium, Md. 21093

RECEIVED
COUNTY CLERK OF ARLAND

95 JAN 24 PM 1:36

95 JAN 24 PM 1:36

January 22, 1995

County Board of Appeals
Old Courthouse Room 49
400 Washington Ave.
Towson, Maryland 21204

Re: Case No. 94-271-XA
Petitions for Special Exception
and Variances
42 E. Timonium Rd.

County Board of Appeals:

I am writing in opposition to permit a Class B Group Child Care Center for 40 children in our residential community. The appeal should be denied since 42 E. Timonium Rd, does not consist of 1 acre but only 9268 sq. ft. and the impervious surface is 38% of gross area in lieu of maximum 25%.

Also, the traffic generated with 40 cars arriving, parking, and departing to drop off and pick up children at peak traffic times in AM and PM will be detrimental to health, safety and general welfare of the children, drivers and passengers of the commuters.

The law frequently refers to what a prudent man actions should be. To remodel and erect an addition without obtaining the necessary authorization for a child care center with 40 children is not prudent.

Based on the aforementioned facts, I respectfully request the Appeal Board to deny the petitions for special exception and Variance for a Class B Group Child Care Center at 42 E. Timonium Rd.

Yours truly,


John P. Mannion
37 E. Timonium Rd.
Timonium, Md. 21093



Mrs. Grace Wheeler
61 Gerard
Timonium, 21093

GERARD H. WHEELER

Jan 19, 1955

94-271-XA

To Whom it may concern.

I am writing in regard to the day care center on Timonium Rd. We are against it. Tim. Rd is zoned for family dwelling not for business ventures. Tim Rd is as busy as York Rd, the traffic is very bad now. With 40 children in this dwelling it means 40 cars dropping them off & picking them up. This will only add to the already dangerous situation.

Mrs. Grace Wheeler

95 JAN 23 PM 12: 21



1/20/95

Balto. Co. Board of Appeals - case 94-271X A
Dear Sirs:

I am certainly in opposition to the appeal of Fatemeh Farahi and Mohammad Haerian for zoning and special exception for permit Class B child care center.

The home owners in this area have a large investment in their properties and allowing a Day Care Center in this area will certainly depreciate their investment.

I feel our zoning laws should be a protection to each of us

and no exceptions which will be
detrimental to our neighborhood
should be allowed.

Sincerely yours,
Lucie A. Plate

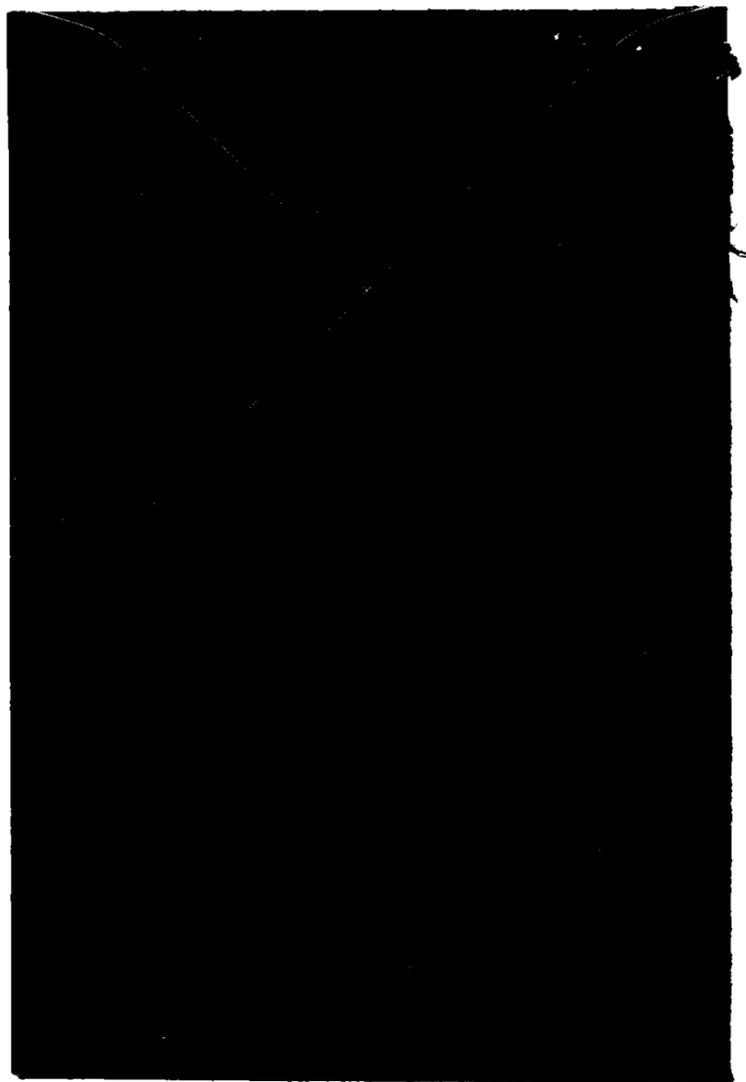
95 JAN 23 PM 12:21



Mrs. Robert B. Plate, Sr.
64 Belfast Road
Timonium, MD 21093

Balto. Co. Board of Appeals
Ced. Court, Juries, Room 49
400 Washington Ave.
Towson, Md 21204





IN THE MATTER OF
Eatemeh Falahi and
Mohammad Haerian
NW/s Timonium Rd.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. 94-271-XA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Steve Weber
Address: Traffic Engineering
County Courts Bldg.
Towson, MD

Name: J. Carroll Holzer, Esq.
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Cer
County Board of Appeals of
Baltimore County

Cost: \$ _____

Summoned: _____, 19__

Not served: _____, 19__

Sheriff of Baltimore County

95 FEB 23 PM 12:19

7 Edgemoor Rd
Pencroft, Md. 21093

January 18, 1995

Baltimore County Board of Appeals (Case 94-97144)

To zoning Commission:

As a homeowner at 7 Edgemoor Rd., I strongly oppose the attempt to have a Class B Day Care Center at 42 E. Pencroft Rd. This is primarily a residential neighborhood and the addition of the aforementioned Day Care Center will not only commercialize our property, but generate a heavy traffic situation in the area which is heavily traveled as it stands.

I therefore petition that the proposal is permanently denied!

Sincerely,

Margaret Todd Skittle
(Mrs Robert Todd)

COUNTY BOARD OF APPEALS

95 JAN 19 AM 11:51

RICHARD JARVIS HUFFMAN
35 Cinder Road, Timonium Maryland 21093

.....

January 18, 1995

Baltimore County Board of Appeals Case 94-271XA
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

887-3180

I oppose granting of the variations requested for 42 E. Timonium Road because the commercialization of parts of the residential community will result in undesirable changes to the residential environment such as increased traffic (at an intersection already congested by the access to a major shopping center parking lot), possible increased exposure to crime in our neighborhood by unnecessary attraction of business traffic to otherwise residential streets, increased tendency of speculators to see our residential area as decaying and hence be encouraged to further attack our core residential properties, etc.

All of these probable developments would constitute erosion of my and my neighboring residents' property values, increase crime and traffic dangers in the community and pose a danger even to the children who are proposed to be cared for at the child care center.

I would appreciate being placed on the list for communications regarding the matter.

Sincerely,

Richard Jarvis Huffman

*noted
file
1/29/95.
Sent copy of
1/29/95 noted*

95 JAN 23 PM 12:21
COMMUNICATIONS SECTION

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

February 21, 1995

To whom it may concern,

Regarding **Appeals Case 94-271XA**: As a home owner and a resident of the Yorkshire-Haverford community I would like to express strong opposition to the requested zoning change/variances requested in case 94-271XA.

My primary concern is that of commercial encroachment into our residential community. To replace a residential property with a non-residential property would set a precedent to our area. More neighborhood homes would be bought solely as commercial properties, likely by business persons from outside our community, and not as homes for families. A re-zoning would also instantly reduce our property values, affecting most those families between established commercial properties and the property at issue, as well as those properties directly adjacent to this property.

Another major concern is that of traffic safety. The Timonium Road corridor between York and Edgemoor roads is an extremely busy section of road. Through traffic, local business traffic, as well as many neighborhood residents commuting in the immediate vicinity provide a huge amount of traffic along this part of Timonium Road. Having curbside pickup and discharge of up to 40 children per day, twice per day, is unconscionable. It would create traffic problems with 40 parents/guardians pulling in and out of on street parking into both east and west bound traffic at peak traffic periods. This traffic, combined with the on street parking also presents unreasonable physical risk as well as passing motorists.

Finally, with the many zoning variances that are required of this re-zoning request, including highly reduced required setbacks and required physical lot size reductions, it is clear that this property is residential, and not suited to any commercial use.

Thank you for your consideration of these concerns.

Sincerely,



John A. Johnston
24 Greenmeadow Drive
Timonium, MD 21093

95 FEB 23 PM 12:41

COUNTY BOARD OF APPEALS

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE REGULAR MEETING OF THE GREATER TIMONIUM
COMMUNITY COUNCIL HELD ON AUGUST 21, 1994, IT WAS
DECIDED BY THE COUNCIL THAT THE RESPONSIBILITY FOR
REVIEW AND ACTION ON ALL ZONING MATTERS, FROM AUGUST 21, 1994
UNTIL CHANGED, BE PLACED IN THE BOARD OF DIRECTORS
CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

95 OCT 19 PM 1:13
COMMUNITY COUNCIL

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

Josephine J Owen
SECRETARY

Eric Rockel
PRESIDENT

GTCCRSLN
R1

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE REGULAR MEETING OF THE GREATER TIMONIUM COMMUNITY COUNCIL HELD ON AUGUST 21, 1994, IT WAS DECIDED BY THE COUNCIL THAT THE RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS, FROM AUGUST 21, 1994 UNTIL CHANGED, BE PLACED IN THE BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

SECRET
AUG 21 1994

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

Josephine J. Owen
SECRETARY

Eric Rockel
PRESIDENT

GTCCRSLN
R1

GTCCRES2

IN THE MATTER OF * BEFORE THE
Fatemeh Falahi and M. Haerian * COUNTY BOARD OF APPEALS
Petitioners, NW/s Timonium Rd. * BALTIMORE COUNTY
42 East Timonium Rd. * CASE NO. 94-271-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday Oct. 4, 1995 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse Towson, MD and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rose Hays
Address: Child Care Admin., Region III
409 Washington Ave., LL8
Towson, MD 21204

Name: J. Carroll Holzer
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
County Board of Appeals of
Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

1810 12 8-10096
10/10/95

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT THE POSITION OF THE GREATER TIMONIUM COMMUNITY COUNCIL AS ADOPTED BY THE BOARD OF DIRECTORS ON THE ZONING MATTER KNOWN AS:

BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

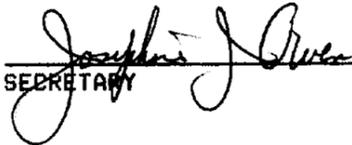
IS THAT:

1. OPPOSED TO PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

GREATER TIMONIUM COMMUNITY COUNCIL


SECRETARY


PRESIDENT

GTCCRES2

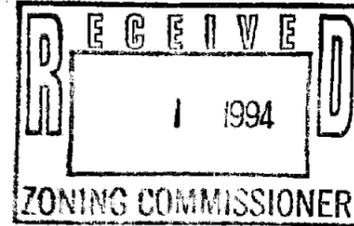
95 OCT 13 09:16
COMMUNITY DEVELOPMENT

File

LOUIS W. MILLER, PROTESTANT'S COORDINATOR
44 E. TIMONIUM RD.
TIMONIUM, MD. 21093 (252-3444)

JUNE 29, 1994

TIMOTHY KOTROCO, DEPUTY ZONING COMMISSIONER
OFFICE OF THE ZONING COMMISSIONER
400 WASHINGTON AVENUE
TOWSON, MD. 21204



RE: CASE NO. 94-271-XA, FATEMA FALAHY & MOHAMMAD HAERIAN, PETITIONERS
PETITION FOR SPECIAL EXCEPTION AND VARIANCE

PROTESTANTS' REQUEST FOR RESCHEDULE OF REASSIGNMENT SCHEDULE HEARING
DATE OF FRIDAY, JULY 22, 1994, 9:00AM CONTAINED IN "NOTICE OF REASSIGNMENT"
LETTER DATED JUNE 17, 1994, OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT
MANAGEMENT.

DEAR MR. KOTROCO:

PURSUANT TO MY TELEPHONE CONVERSATION WITH YOU ON JUNE 20, 1994 RELATING
TO THE ABOVE MATTER, THE COMMUNITY PROTESTANTS REQUEST A RESCHEDULE OF THE
JULY 22, 1994 HEARING DATE FOR THE FOLLOWING REASONS:

1. REPEATED CALLS TO THE ZONING OFFICE FOR RECEIPT OF REVISED PLOT PLANS
OR OTHER INFORMATION TO THE FILE THROUGH JUN 27, 1994 WERE ANSWERED
IN THE NEGATIVE SINCE THE MAR. 10, 1994 HEARING. PROMISES WERE
MADE TO NOTIFY US IF REVISIONS WERE FILED. NO NOTIFICATIONS WAS RECEIVED.
2. ON JUNE 28, 1994 INCLUSIONS IN THE FILE WERE ACKNOWLEDGED TO US.
A VISIT TO THE ZONING OFFICE ON JUNE 28, 1994 CONFIRMED EARLIER
ACTIONS ON MAY 11, JUNE 8, AND JUNE 13, 1994
3. SUFFICIENT TIME IS NOT NOW ALLOWED TO RESEARCH AND PREPARE OUR
OBJECTIONS AND COMMENTS TO THE REVISED PLANS.
4. AS OF JUNE 28, 1994 NONE OF THE REVISIONS HAVE BEEN DISTRIBUTED TO
COUNTY DEPARTMENTS FOR COMMENTS AS REQUIRED FOR REVISIONS AND
AMMENDMENTS TO PLANS.
5. MR. TANCZYN'S ASSUMPTION IN HIS LETTER DATED MAY 11, 1994 IN THE FILE
THAT THE PROTESTANTS' CASE WAS HEARD IN ENTIRETY THE LAST TIME IS
INCORRECT. ADDITIONAL TESTIMONY WILL BE GIVEN ON THE ORIGINAL PETITION
AND WHEN WE HAVE HAD SUFFICIENT TIME TO REVIEW THE AMMENDED PLANS AND
HEARD PETITIONER'S TESTIMONY, WE REQUEST EQUAL TIME FOR REBUTTAL.
6. AS PRINCIPAL COORDINATOR FOR THE PROTESTANTS, I AM UNAVAILABLE FOR
PERSONAL REASONS ON THE JULY 22, 1994 DATE.
7. KATHY BEADEL, PRESIDENT OF YORKSHIRE COMMUNITY ASSOCIATION, PROTESTANTS
IS UNAVAILABLE DUE TO VACATION PLANS ON THE DATE SCHEDULED.
8. DIANA ETTER, BALTIMORE OFFICE OF PLANNING AND ZONING, IS UNAVAILABLE
DUE TO WORK SCHEDULES IN JULY BUT CAN BE AVAILABLE IN LATE AUGUST.
9. A SURVEY OF OTHER COMMUNITY PROTESTANTS WHO TESTIFIED INDICATES MOST
ARE NOT AVAILABLE FOR THE JULY 22, 1994 DATE.

LTR mailed 2/2/94

8 Edgewood Road
Simonium, Md 21093
February 5, 1994

ARNOLD JABLON, DIRECTOR
ZONING ADMINISTRAT'N
105 BA CO OFF BLDG
TOWSON, MD 21204

Patrick Keller, Director of Planning
and

RECEIVED

FEB 18 1994

To Whom IT MAY CONCERN:

ZADM

It has come to our attention that residents of 42 E. Simonium Road are in violation of the original Code set forth for this Community. As we understand that over 30 participants will be involved, traffic with unloading and loading of children will cause much congestion on our street as well as Simonium Road. We are experiencing much more traffic in the morning and in the evening than we ever had before. Additional traffic problems are just too much for our neighborhood to take.

As residential property owners we see the additional burden to our peace and tranquility of our street will serve to be an annoyance to our neighborhood.

Earle L. Whitaker Jr.
Virginia E. Whitaker

MICROFILMED

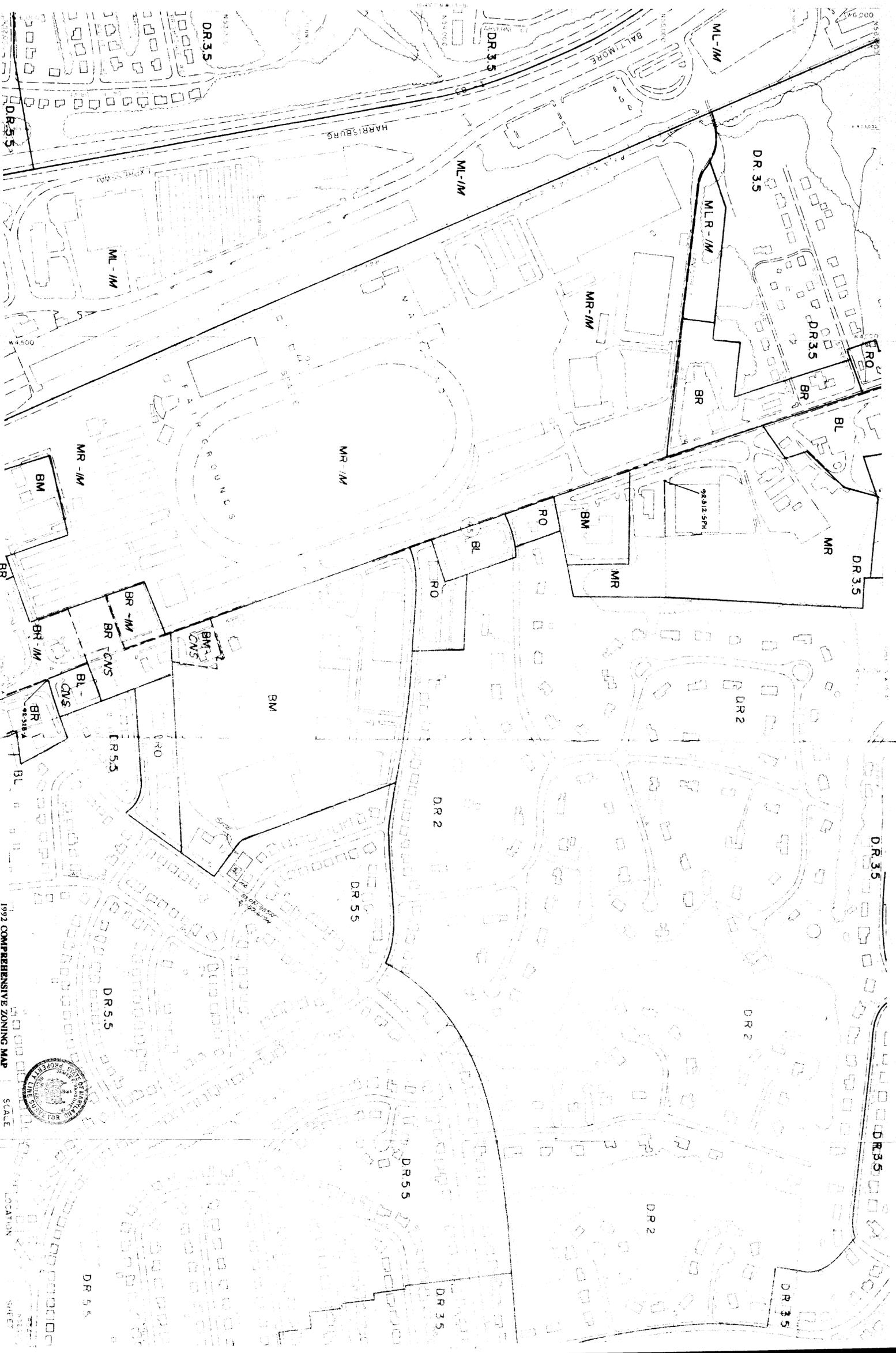
THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TO CORRECT ERRORS BY PHOTOGRAMMETRIC METHODS
BY BOCHART HOMER, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

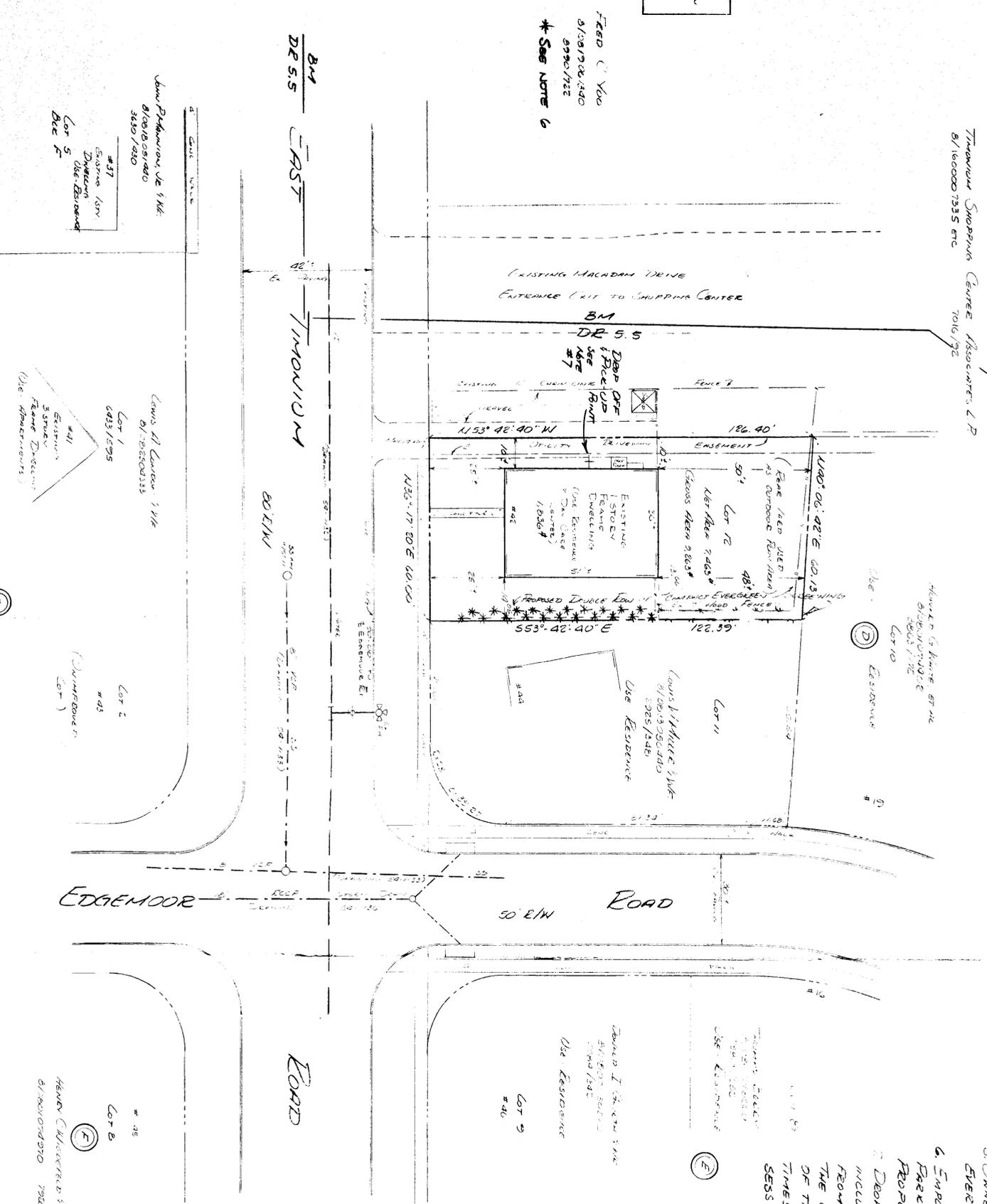
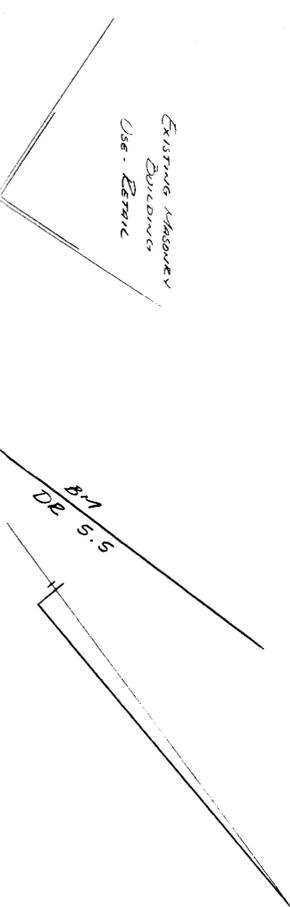
DATE: 10/15/92
PHOTOGRAPHY: 1990
TIMOTHY J. RANSOME & ASSOCIATES
Registered Land Surveyors
P.O. Box 10160
Towson, MD 21286-0160

#271



94-271-XA

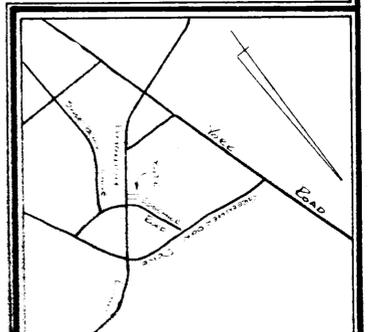
UNRECORDED



General Notes:

1. EXISTING BUILDING: DR 5.5 BARRIO W/194 SUBJECT USE: RESIDENTIAL PROPOSED USE: RETAIL CENTER
2. FEED FROM EXISTING CONDUCTIONS 54\"/>

3. THE DISTRICT, BALTIMORE COUNTY
 4. THE BALTIMORE DISTRICT
 THAT TO ROADWAY A PARTIAL
 FOR A
 SPECIAL EXCEPTION
 BOUNG VARIANCE
 FOR THE PROJECT LOCATED AT
 1692 EAST TIMONUM ROAD
 AND TIMONUM
 LOT 1612 BLOCK D
 SECTION THREE
 PART OF BLOCKS D E F G H I
 REF: P.B. 16 21 FOLIO 23
 HAVENFOOD



#271-7A
 04-271-7A
 04-271-7A
 04-271-7A
 04-271-7A

MICROFILMED

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN 1/4 A.C.

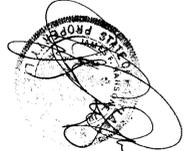
1ST AMENDMENT: 5/16/94 - ADD NOTES 5, 6, 7 & DETAILS

SCALE: 1" = 20'

DATE: 10/21/1993

J. FINLEY RANSONE & ASSOCIATES
 REGISTERED LAND SURVEYORS
 P.O. BOX 10160
 TOWSON, MARYLAND 21285-0160
 666-7448

J# 9309-1001 F# 08-121



IN THE MATTER OF * BEFORE THE
Fatemeh Falahi and Mohammad * COUNTY BOARD OF APPEALS
Haerian NW/s Timonium Rd. * BALTIMORE COUNTY
42 E. Timonium Rd. * CASE NO. 94-271-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday March 24, 1995 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave. Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Betty Botsko, Regional Manager
Address: Child Care, Admin. region III
409 Washington Ave. LL8
Towson, MD 21204

Subpeonae Following:

Results of investigation of complaint of 3/9/95 for 42 East Timonium Rd.

Name: J. Carroll Holzer
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Ce
County Board of Appeals of Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

COUNTY BOARD OF APPEALS
95 MAR 10 PM 3:27

Case # 94-271 XA
Fatemeh Falahi

Case # 94-271 XA

Fatemeh Falahi

Petitioner - Applicant's Exhibits

✓ Legal Ex. #1 - File from DZC.

✓ Legal Ex. #4A-D - Series of attached photos of subject property

✓ Applicant's Exhibits 1-10 are those in the file from the DZC hearing.

✓ Legal Ex. #11 - Amended Plat

✓ Legal Ex. #12 - Plat of Havenford.

✓ Legal Ex. #13 - Two Photos (with R. Ryd.) 2/25/95

✓ " #14 - Panoramic View from Station + Exit to Stg.

✓ " #15 - " " Driveway to Sub Site!

✓ " #16 - Four Photos (Fence + Bottle)

✓ " #17 - Three Photos (Exit to Stg. Ct.)

✓ " #18 - Panoramic View (Stg. Ct. + Back)

✓ " #19 - Panoramic View (Sub. Site, etc., Blue fence

✓ " #20 - Panoramic View (from Stg. Ct. near to Jim's

✓ " #21 - Photo of 7/3/95 of fence in rear of property + buffer.

✓ " #22 - Photo of station, stakes on prop. line.

✓ " #23 - Amended Application from M. Janeygo

✓ 24A - Photos - from driveway of subject property

✓ 24B - Photos - to show driveway and that parking is permitted

✓ Verified 7/12/95

Verified 10/04/95

Ech 27 B

7D

27B

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBIT ATTACHED

EXHIBIT _____

PHOTO TAKEN ON JULY 11, 1995 APPX 5:30PM, BY M. MILLER.

1. PHOTO SHOWS PARENT PARKED ON EAST SIDE OF TIMONIUM RD. AND WALKING FROM WEST TO EAST AND STOPPED BY TRAFFIC WITH SMALL CHILD FROM FAMILY DAY CARE HOME AT 42 E. TIMONIUM RD.



FILE: 94271PC7

Child Care Center Inspection Report
SUMMARY OF FINDINGS

| | | |
|---|---|-----------------------|
| Center: <i>Fatemeh Falaki-Haerian</i> | | Date: <i>12-16-92</i> |
| 1. | Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit |
| 2. | Record additional comments following enumeration of regulations. | |
| <p><i>A preliminary site inspection was completed today. Ms. Fatemeh Falaki-Haerian requested the inspection. She is currently a family child care provider, residing at 10630 Pot Spring Rd, 31030, 666-3540.</i></p> <p><i>The prospective center is located at 42 Timonium Rd, 31093. The building is a ranch house, with no basement. It is part brick and part wood frame. It is approximately 30-40 years old. The rear patio is going to be rebuilt into a large room. The room will be wood construction and there are plans to have a bathroom with toilet, sink, shower and diapering area. The building has public water and sewage. The heat is gas heat.</i></p> | | |

Louis Applegate Jr.
Signature of Agency Representative

Fatemeh Falaki-Haerian
Signature of Person Interviewed

Child Care Center Inspection Report
SUMMARY OF FINDINGS

| Center: <i>Fatemeh Falaki-Hariri</i> | | Date: <i>12-16-92</i> |
|--------------------------------------|--|-----------------------|
| 1. | Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit |
| 2. | Record additional comments following enumeration of regulations. | |
| | <i>Mrs. Falaki-Hariri would like to open a center for 15 to 20 children, ages 3 to 6 years.</i> | |
| | <i>The center would operate Monday through Friday, from 7 AM to 6 PM. The center will supply milk and snacks. Children will bring their lunches.</i> | |
| | <i>The home has a living room, kitchen, 3 bedrooms, laundry & furnace room, and bathroom.</i> | |
| | <i>An addition is planned for the rear of the home.</i> | |
| | <i>Plans are to use the living room area and the addition for child care. The living room measures for 9 children.</i> | |
| | <i>GROSS MEASUREMENTS:</i> | |
| | <i>25.5 x 11.83 = 301.67 ÷ 35 = 8.62 = (9)</i> | |
| | <i>This is before any deductions are taken.</i> | |
| | <i>The room has a door at the front and rear of the home (the rear door will lead into the addition). The rear wall</i> | |

Louis P. Cheloni Jr.
Signature of Agency Representative

Fatemeh Falaki-Hariri
Signature of Person Interviewed



| | | |
|---------------------------|---|---------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| <u>Fatemeh Falahi and</u> | * | COUNTY BOARD OF APPEALS |
| <u>Mohammad Haerian</u> | * | BALTIMORE COUNTY |
| <u>NW/s Timonium Rd.</u> | * | CASE NO. <u>94-271-XA</u> |
| * * * * * | * | * * * * * |

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Diane Itter
 Address: Planning, County Courts Bldg
Bosley Ave. Towson, MD

Name: J. Carroll Holzer, Esq.
 Firm: Holzer and Lee
 Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
 County Board of Appeals of
 Baltimore County

Cost: \$ _____
 Summoned: _____, 19____
 Not served: _____, 19____

Sheriff of Baltimore County

95 FEB 23 PM 12:18

Child Care Center Inspection Report
SUMMARY OF FINDINGS

| Center: <i>Fatmeh Falahi Home</i> | | Date: <i>12-16-92</i> |
|--|------------|-----------------------|
| 1. Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit | |
| 2. Record additional comments following enumeration of regulations. | | |
| <i>The addition will measure approximately</i> | | |
| <i>15.83 X 35.08 feet. Approximately 100 sq. ft.</i> | | |
| <i>will be deducted for the bathroom:</i> | | |
| <i>15.83 X 35.08 = 555.32</i> | | |
| <i>100.00 - bath</i> | | |
| <i>455.32 ÷ 35 = 13.009 = (13)</i> | | |
| <i>The addition will accommodate approximately</i> | | |
| <i>13 children, prior to further deductions.</i> | | |
| <i>The kitchen is currently being</i> | | |
| <i>remodeled. The floor was put in today.</i> | | |
| <i>There is a gas stove. A new sink and</i> | | |
| <i>refrigerator will be added.</i> | | |
| <i>The outdoor play area will be</i> | | |
| <i>in the rear of the home. The side yard</i> | | |
| <i>may be used for riding toys if a side</i> | | |
| <i>entrance to the home is not approved.</i> | | |

Juni Gruber Jr.
Signature of Agency Representative

Fatmeh Falahi Home
Signature of Person Interviewed

● Daily schedule ●

7:30 to 9:00 Free play - music

9:00 morning snack

9:30 to 10:30 work time

10:30 to 11:30 outside play

11:30 to 12:00 lunch

12:00 to 12:30 story

12:30 to 1:00 movie

1:00 to 3:00 nap

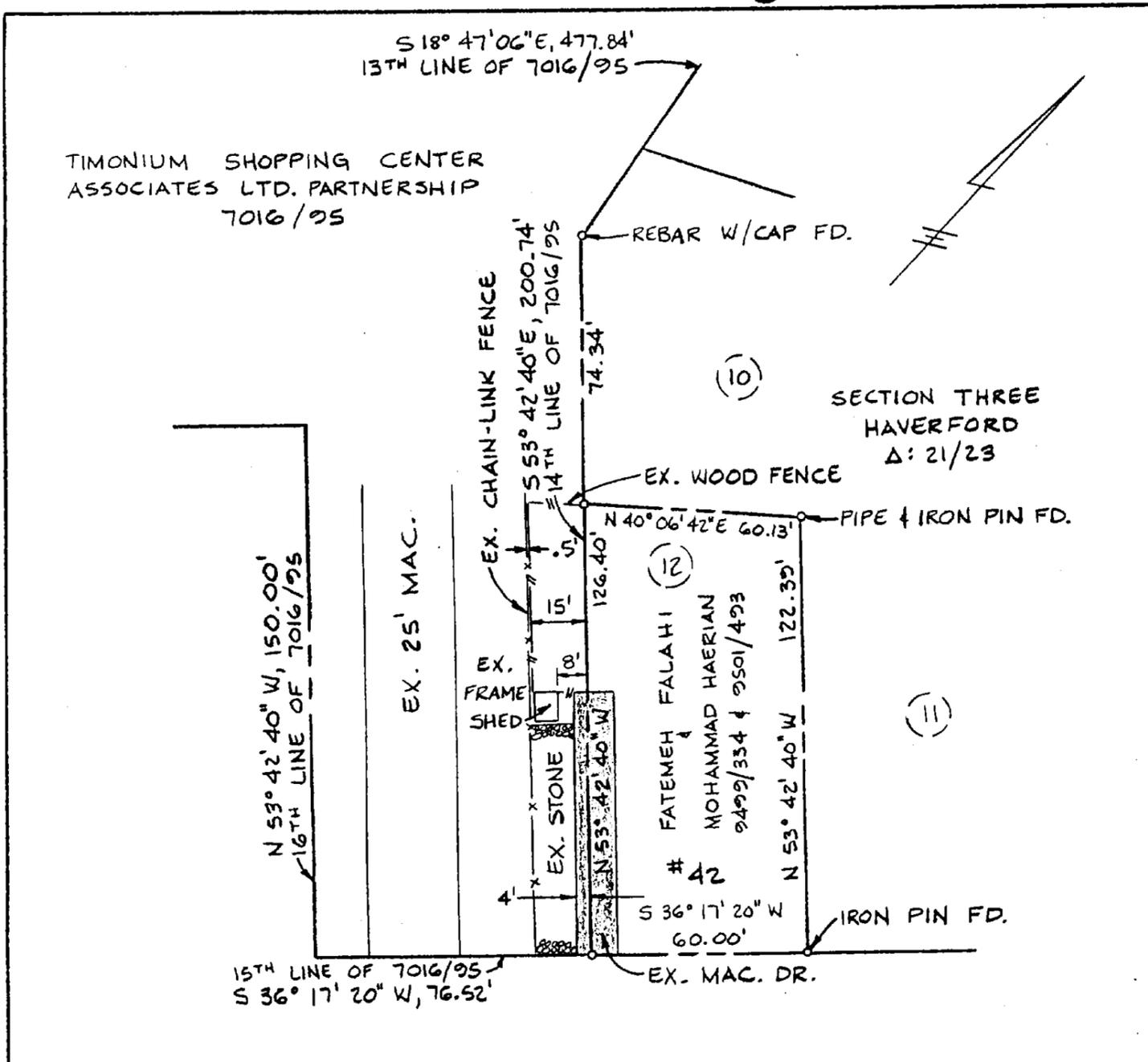
3:00 to 3:30 snack

3:30 to 4:00 music - story - movie

4:00 to 5:30 Free play outside or inside

WILSON UNIVERSITY
LIBRARY NO. 3

UNIVERSITY



TIMONIUM ROAD
(80' R/W)

PETITIONER'S
EXHIBIT NO. 6



PLAT SHOWING
SURVEY OF ENCROACHMENTS
ONTO THE PROPERTY OF
TIMONIUM SHOPPING CENTER
ASSOCIATES LTD. PARTNERSHIP
E.H.K., JR 7016/95
SCALE: 1" = 40' DATE: 2-17-94



Y. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571



7B

To whom it may concern:

re: **FATI HAERIAN FALAHI**
DAYCARE CENTER

Recently, it has come to my attention that re-zoning is necessary to allow Fati to continue running "the best" preschool daycare center in this area.

What makes this center excel is Fati herself. She spends all of her time at the house/center with the children as well as the girls she supervises. Fati works with the kids developing them into intelligent, well-behaved, friendly children. That is a remarkable job that takes a certain type of person that is hard to find in this day and age.

My 3 year old son, Michael, has been with Fati since she first started her own daycare service. My confidence in her demonstrated abilities and caring attitude with my son and the other children makes my decision very easy when it comes to deciding where my "expected child" will go when born.

In the 3 years I have known Fati, I have also met her family and it is easy to see why she treats adults and children in such a positive way and respectful way.

So I urge you to consider favorably when considering the re-zoning issue involving an excellent person and her rare ability to shape our children into all that they can be. Please call me if I can be of any further assistance in this matter at 1-410-560-0386.

Sincerely yours,

Michael C. Howachyn

Comm. copy.

ROSTER TO TESTIFY AT ZONING HEARING 2/22/94, 9:00AM, 106 BALTO. CO. OFFICE
BLDG. RE: SEPECIAL PETITION & VARIANCES, 42 E. TIMONIUM RD, TIMONIUM, MD
21093.

| SEQUENCE | APPX. TIME | NAME & ADDRESS | |
|----------|------------|--|--|
| 2 | | JOHN MANNION 37 E. TIMONIUM RD. | TRAFFIC & SAFETY ZONING |
| 3 | | HARRY HARMAN 52 E. TIMONIUM RD. | ZONING, ILLEGAL TRAFFIC ACTIVITY |
| | | MARTIN PECHTER OWNER-TIMONIUM SHOPPING | ENCROACHMENT ON BUFFER ZONED AREA |
| | | DON BAIRTH <i>HARRY WIEDEFFELD</i> 45 E. TIMONIUM RD. | ZONING, NOISE ETC. |
| | | HOWARD WHITE 19 EDGEMORE RD | ZONING, NOISE, BUFFERS ADJOINING PROPERTY |
| | | GUY KERN 17 E. TIMONIUM RD | ZONING, VARIANCES TRAFFIC, SAFETY |
| | | DIANNE AMRHEIN 10 EDGEMORE RD. | RESIDENT FAMILY DAY CARE MOTHER - SAFETY QUALITY OF CARE |
| 1 | | CAROLYN & LEWIS LONDON 43 E. TIMONIUM RD. | RENTAL PROPERTY VALUE NOISE, TRAFFIC, SAFETY |
| | | KATHY BEADELL 30 NORTHWOOD DR. PRESIDENT-YORKSHIRE COMMUNITY ASSOC. 300 MEMBERS INCLUDES OLD HAVERFORD | REALTY VALUES |
| | | ERIC ROCKEL PRESIDENT, GREATER TIM. COMM. COUNCIL (22 ASSOC.) | GENERAL ZONING, RESIDENTIAL CHARACTER CROSS EXAM. THEIR CASE |
| | | LOUIS W. MILLER 44 E. TIMONIUM RD. ADJOINING PROPERTY | HISTORY, ZONING, COMMENTS, NOISE, PLAT, SAFETY. DAY CARE STATS TRAFFIC COUNTS BELIEVABILITY OF INTENT |
| | | OTHERS WHO WISH TO SPEAK | |

MICROFILMED

7C

February 21, 1994

Mrs. Sheri Rakvin
5 Oaklyn Circle
Shrewsbury, PA 17361

RE: FATIMA FALAHI

Dear Sir/Madam:

I have know Mrs. Fatima Falahi since 1991 when I began using her service for three years. My two children, a toddler and an infant, are currently under her excellent care. As a Mother who works full-time I am very happy and grateful to have found such a wonderful person to care for my children. Leaving them with her it is like leaving them with my own Mother. Mrs. Falahi spends an enormous amount of time teaching the children the values of sharing and being kind to each other. Watching her with the children has shown me how responsible and caring she is. It is my sincere hope that Mrs. Falahi will be allowed to expand her excellent services to other mothers seeking good child care.

Sincerely,


Sheri L. Rakvin

70

CHRISTINA HARNETT-HASSON, Ph.D.

Psychologist
4307 Long Green Road
Long Green, Maryland 21092
(301) 592-3825

2/14/94

To Whom It May Concern:

Re: Fati Falahi Haerian

I am pleased to have this opportunity to write in support of Mrs. Haerian's appeal to the court. I have known Mrs. Haerian for approximately fourteen years. At the present time, I am an Assistant Professor of Psychology at the College of Notre Dame of Maryland and, I maintain a practice in Clinical Psychology in the Towson area.

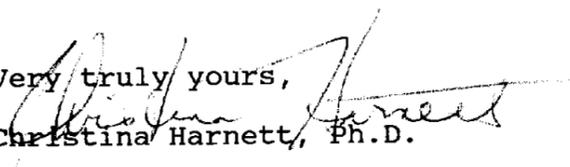
As most modern families, my husband and I find it necessary to both work in order to meet the financial responsibilities to our family. In interviewing for "day care mothers", we sought someone who loved children, was cognizant of developmental issues, and who cared for the children as if they were her own. We could not have made a better choice than Mrs. Haerian.

My children, three-year old twin boys, have been in Mrs. Haerian's care since they were eighteen months old. In short, they adore her. In addition to the day to day necessities, Mrs. Haerian provides an educational environment in which my children have prospered. At two, they knew the alphabet; shortly thereafter knew colors, shapes and the rudiments necessary for reading. Today, they are verbally expressive and developmentally advanced. I am pleased to say that I receive numerous compliments on how "advanced" the twins are and I attribute the majority of their gains to Mrs. Haerian.

In an age in which all parents are concerned about abuse or neglect, I consider myself very fortunate to have the caliber of daycare Mrs. Haerian provides. Mrs. Haerian is adamant in her philosophy of providing an atmosphere that is loving, enriching, supportive, and physically and emotionally healthy for her charges. In her commitment to the welfare of children, she is quite simply beyond reproach.

I heartily encourage you to support Mrs. Haerian in her commitment to serve the children of our community. Baltimore county families will be the recipients of excellent childcare.

Very truly yours,


Christina Harnett, Ph.D.

MICROFILMED

7A
1 Overshot Court
Phoenix, MD 21131
February 16, 1993

Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

I am writing on behalf of the Daycare Center run by Mrs. Fatemeh Falahi Haerian at 42 Timonium Road. The association my family has had with the daycare has been nothing short of extraordinary.

Mrs. Haerian has been caring for my children since July 24, 1991. My eldest son was five weeks old when she began to care for him so that I could return to work at the Space Telescope Science Institute. In all of that time, I have never had to worry about the care that he was receiving while away from me.

My second child also attends the Daycare Center. He started on a part time basis while my office allowed me to work from home part time.

Now that he is eight months old, it is necessary for him to attend full time. It is wonderful for a working parent to know that your children can be together and with someone who cares for them. The older one likes to think he helps take care of the baby while they are at "Miss Fati's".

Not only are the children cared for, they are learning as they would in a preschool environment. So the two-and-half year old, who is now old enough to attend some preschools, does not have to leave his baby brother in order to do so. He is learning at the Daycare. His language skill and knowledge is excellent for a child of his age, thanks to Mrs. Haerian. Without having to leave the care of someone who has been with him since he was an infant, he will be able to start school at the same level (or even ahead) of other children who have attended pre-schools. He has also acquired wonderful skills in learning to play with others, share, and follow instruction. These skills in socialization are invaluable. I have also received many parenting tips and wonderful guidance based on her own parenting experience. We first time parents need the resource of information which she provides.

I interviewed several licensed providers just after the birth of my first child. Most of them would have given my child a bottle and changed his diaper, but that would have been about the extent of their care.

Children need much more than that; I am very, very lucky to have found Mrs. Haerian. My office frequently ponders starting a daycare for employees. It would be convenient, but, I would not use it. The care Mrs. Haerian provides and the bond my children have for her and her staff is too important.

MICROFILMED

She continuously works to improve the Daycare Center so that the children are stimulated. As parents, we appreciate the safe setting which she has provided. She selects and hires wonderful helpers who have an interest and a background in caring for children. The entire staff is attentive to our children's needs. There is a six foot privacy fence around the premises. This allows the children to run and play safely, away from the road and out of the sight of anyone who would harm a child. Inside are charts and bulletin boards similar to a school. There is a schedule to the day; the children are not just running wildly. They read together, paint together, have lunch together (it is incredible to see a table of three year olds sitting and eating lunch nicely with manners and table conversation!), nap together and play together. I couldn't possibly imagine a more wonderful environment in which my children spend their time away from me.

I believe that all of the parents of the children which attend the daycare would agree that we have become an extended family, with Mrs. Haerian as the head. She and her staff are always invited to birthday parties, as you would any other relative. Our children don't feel as though they are away from their family when they go to the daycare. They receive love as they would from a biological family.

In this day and age, when there is so much abuse and neglect of children, Mrs. Haerian has provided a safe harbor and shining beacon to those of who must work outside of the home. In speaking with other working parents, I have learned that it is very unusual for my children to have had the same daycare provider, which we have been more than just happy with, for all of this time. Quality care like this is gold. I hope that when my children are of school age, their teachers will show at least half as much interest in their well being. Our future generations would be much better off if we could mass produce Mrs. Haerian's Daycare Center.

Sincerely,



Elizabeth A. Mitchell

RESOLUTION

Prot. Ex. 30
For Identification

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE POSITION OF THE GREATER TIMONIUM COMMUNITY
COUNCIL AS ADOPTED BY THE BOARD OF DIRECTORS ON THE
ZONING MATTER KNOWN AS:
BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE
CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

IS THAT:

1. OPPOSED TO PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

GREATER TIMONIUM COMMUNITY COUNCIL


SECRETARY


PRESIDENT

GTCCRES2

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 28, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Revision Review
Case #94-271-XA
42 East Timonium Road
8th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The 50-foot rear yard setback is required pursuant to Section 424.7, subsection B, not A.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Merrey", written over the typed name and title.

Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

c: Board of Appeals



Printed with Soybean Ink
on Recycled Paper

2/28/95

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

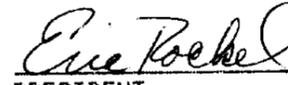
RESOLVED: THAT AT THE REGULAR MEETING OF THE GREATER TIMONIUM COMMUNITY COUNCIL HELD ON AUGUST 21, 1994, IT WAS DECIDED BY THE COUNCIL THAT THE RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD AUGUST 1994 TO AUGUST 1995 BE PLACED IN THE BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:


SECRETARY


PRESIDENT

GTCCSLN

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

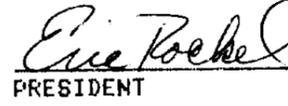
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| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:


SECRETARY


PRESIDENT

GTCCSLN

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
GREATER TIMONIUM COMMUNITY COUNCIL.

ATTEST:


SECRETARY


PRESIDENT

GTCCAFDV

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
YORKSHIRE COMMUNITY ASSOCIATION.

ATTEST:

Mary Lee Sas

Kathleen F. Beadell

Mary Lee Sas
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKAFDV

CHILD CARE ADMINISTRATION

REGION III

CONFERENCE AGREEMENT

The following represents a voluntary agreement between Fatemeh Haerian, registered family child care provider, and the Child Care Administration (CCA), represented by Betty Botsko, Regional Manager, Region III, Baltimore County.

The following facts are not in dispute:

- 1) Ms. Haerian was issued her first Family Child Care Registration for her residence at 10630 Pot Spring Road, Cockeysville, MD, on July 29, 1991. Initially, she was given a capacity of six (6). She requested an increase to eight (8) in April, 1992. This was approved on April 24, 1992.
- 2) On June 25, 1993, Ms. Haerian submitted a written request to care for four (4) infants. It was denied until she submitted a missing medical on the required second adult.
- 3) On September 9, 1993, Ms. Haerian reported the completed purchase of a house located at 42 East Timonium Road, Timonium, MD. The house was to be occupied by her niece and two (2) children. A certificate of registration was issued by this Office to Ms. Haerian on September 30, 1993. The capacity was set at seven (7).
- 4) On January 28, 1994, the Office received a complaint that Ms. Haerian was over capacity. An unannounced complaint inspection was made by Lou Valenti, Licensing Specialist, on January 31, 1994. At that time there were five (5) violations of COMAR 07.04.01. They were as follows:
 - .23 Capacity was exceeded by one (1) on this date. Ms. Haerian admitted to the same violations once or twice during 1993.
 - .19 Protective barriers and electrical outlet covers were not in place.

.29/.39 Immunization records were missing on two (2) children. Separate emergency cards were not maintained for siblings of two (2) families.

.41 One (1) parent agreement was missing.

On March 9, 1995, the Office received a complaint that Ms. Haerian had too many children in her care, at least ten, maybe twelve. An unannounced complaint visit was made by Patricia Perry, Licensing Specialist, the same day. There were five (5) violations of COMAR 07.04.01 They were as follows:

.23 Capacity was exceeded by five children. There were five (5) infants, three (3) over the limit allowed by your registration certificate.

.41/.29 There were no attendance forms and one (1) child did not have an immunization record.

.39 Escape plan was not displayed and children were not being trained for fire drills.

.19 The provider was using two (2) bedrooms which had not been approved for day care.

5) The Office was not notified until December 28, 1994, that Ms. Haerian's niece had moved out of the home in August, 1994. On this date the Office was notified that Ms. Haerian's mother was living in the home. As of March 9, 1995, your mother's required medical, CBC and release of information forms had not been received by this Office.

In consideration of the above, Fatema Haerian agrees to the following terms and conditions:

- 1) Provider shall remain within assigned capacity. The capacity shall be eight (8) with no more than two (2) children under the age of two (2).
- 2) Provider shall have her mother's necessary paperwork completed by March 17, 1995. Will need the same forms completed by brother if he continues to stay at residence beyond March 31, 1995.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.

MICROFILMED

- 3) Protective barriers and electrical outlet covers must be in place during day care hours.
- 4) All forms must be completed before a child is accepted into care.
- 5) Attendance records must be maintained daily.
- 6) Provider shall use only rooms that have been approved for child care.
- 7) The escape plan shall be displayed at all times and the children shall be trained for fire drills four times a year.

The Child Care Administration (CCA) will conduct periodic unannounced visits to monitor compliance with the COMAR 07.04.01 regulations and terms of this agreement.

Failure to adhere to the terms of this agreement will result in, but will not be limited to, the denial of the application, and/or revocation of the license, the imposition of intermediate sanctions or emergency suspension of the license, civil penalties and any other legal remedy applicable by law or regulation. The only issues upon appeal will be if the terms and conditions addressed in this agreement were in compliance.

I attest that I can enter into the agreement for the above-named party and the Child Care Administration, Region III Office.

Fatemeh Forjahi Heedican 3/15/95
Registered Family Child Provider Date

Betty Botko 3/15/95
Regional Manager Date

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS TAKEN BY L. MILLER FEB 95, MAR 21, 1995 AND MARCH 23, 1995.

1. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:15PM, 3/23/95.
2. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:30PM, 3/23/95.
3. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
4. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
5. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995.
6. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995. (FIRE PLUG)

FILE: 94271PC8

BALTO. CO. ZONING CASE 92-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

ALL PHOTOS 1 THRU 17 TAKEN BY L. MILLER IN FEB. 1995

1. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX. 5:15 PM.
2. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/14/95, APPX 5:20 PM.
3. NOTE TRAFFIC 2/14/95, 5:00PM, TIM. RD. AT 44-42 TIM. RD.
4. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX 5:30 PM. LOADING CHILD IN CAR. NOTE TRAFFIC.
5. SOUTH WEST ON TIM. RD IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. NOTE ALSO THREE CARS PARKED IN FRONT 2/14/95 APPX 5:30 PM
6. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY, OTHER CARS IN DRIVEWAY, 2/15/95, APPX. 5:20PM
7. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY. NOTE TRAFFIC AND OTHER CARS PARKED IN DRIVEWAY AND ROAD. 2/15/95, APPX 5:30PM
8. SOUTH WEST ON TIMONIUM RD LOOKING AT TRAFFIC ENTERING SERVICE STATION NOTE BACKED UP ON TIM. RD. 2/10/95, APPX 5:10 PM.
9. SOUTH WEST ON TIM. RD. LOOKING AT TRAFFIC EXITING SHOPPING CENTER RD. NOTE CARS PARKED IN FRONT OF 42 E. TIM. RD 2/10/95 APPX 5:20PM
10. TRAFFIC IN SERVICE STATION, 2/10/95 APPX 5:10PM [REDACTED]
11. TRAFFIC ENTERING SERVICE STATION FROM LEFT TURN OFF TIM. RD. ALSO CARS WAITING TO EXIT SHOPPING CENTER RD ONTO TIM. RD 2/10/95 APPX 5:15PM
12. CARS AWAITING EXIT ON SHOPPING CENTER RD TO TIM. RD. 2/10/95 APPX 5:15PM
13. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95 APPX 5:00 PM
14. CAR [REDACTED] PARKED IN POSTED AREA, 2/6/95, APPX 4:30PM. (OWNERS CAR)
15. CAR [REDACTED] PARKED IN POSTED AREA, 2/9/95, APPX 5:20PM
16. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95, APPX 5:20PM.
17. RED CAR PARKED FOR OVER 30 MINUTES IN FRONT OF FIRE PLUG 2/21/95 APPX 5:30PM
18. POSTED SNOW EMERGENCY & NO PARKING SIGNS AT 42 E. TIM. RD AND BUFFER AREA. SHOPPING CTR ENTRANCE AND EXIT (SEE CAR), SERVICE STATION ENTRANCE AND EXIT ALSO WEST OF AREA. 2/20/95, APPX 4:00PM.

FILE: LOTUS-94271PC2

Exh 26 B

70

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS NO. 1,2,3,4 TAKEN JULY 3, 1995 BY L. MILLER.

PHOTOS NO. 5, 6, 7, 8 TAKEN MAY 12, 1995.

1. LOOKING WEST FROM TIM. RD. INTO 42 E. TIM. RD DRIVEWAY TO SHOW [REDACTED] SIZE, NEW BUFFER ZONE PROTECTIONS AND SCREENINGS.
2. LOOKING SOUTH WEST FROM SIDEWALK AT 42 E. TIMONIUM RD. TO SHOW [REDACTED] DRIVE AND NEW SCREENING ON BUFFER ZONE.
3. LOOKING WEST FROM CORNER OF ENTRANCE ROAD TO SHOPPING CENTER SHOWING SCREENING NEW AND OLD STILL INTACT ON BUFFER ZONE.
4. LOOKING NORTH WEST FROM ENTRANCE ROAD TO OLD SCREENING ON BUFFER ZONE BETWEEN 42 E. TIM. RD AND BACK ACCESS ROAD TO SHOPPING CENTER. NOTICE "NO PARKING" SIGNS.
5. LOOKING SOUTH WEST ON TIMONIUM RD. NOTE CAR [REDACTED] PARKED IN POSTED AREA. NOTE ALSO BACK END OF CAR IN DRIVEWAY. OWNERS CAR IS PARKED ON TIM. RD.
6. LOOKING WEST FROM SIDEWALK INTO DRIVEWAY OF 42 E. TIMONIUM RD. NOTE NEW FENCE AND BALLARDS FOR PROTECTION OF BUFFER ZONE. NOTE ALSO LOWER LIMBS CUT OFF HEMLOCK PINES PRIOR TO NEW FENCE. THOSE PINES WERE PLANTED IN THE BUFFER ZONE IN 1961.
7. LOOKING NORTH EAST ACROSS BUFFER AREA FROM ENTRANCE ROAD. AGAIN NOTE LOWER LIMBS OFF TREES, STOCKAGE FENCE, TRASH AND GRABAGE CANS.
8. LOOKING NORTH WEST FROM ACCESS ROAD TO PICK UP AND DROP OFF AREA OF DRIVEWAY. NOTE AGAIN TRASH AND CANS AND SMALL SIZE OF DRIVEWAY. NOTE ALSO MOST OF THIS TRASH WAS INSIDE THE STOCKADE FENCE PREVIOUS TO CHILD CARE ADM. INSPECTION OF MARCH 1995.

FILE: 94271PC5

Exh 25 B

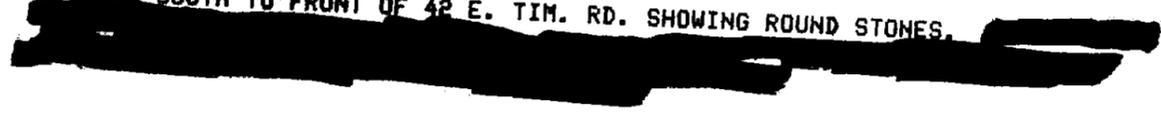
BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTOS EXHIBITS ATTACHED

EXHIBIT _____

ALL PHOTOS 1 THRU 4 TAKEN FROM MY HOUSE ROOF (L. MILLER) BY HOWARD WHITE
FEB. 17, 1995 AT APPROX 4:30PM.

1. LOOKING SOUTH WEST FROM 44 E. TIM. RD ROOF TO SHOW SIZE OF BACK YARD
AND CLOSENESS TO 44 E. TIM. RD SIDE YARD AND NO VEGETATIVE BUFFERING.
2. SAME VIEW AS 1 ABOVE ONLY CLOSER.
3. LOOKING WEST FROM 44 E. TIM. RD ROOF TO PARTIAL BACK OF 42 E. TIM. RD.
TO 19 EDGEMOOR RD SIDE AND BACK YARD, HOWARD WHITE PROPERTY.
4. LOOKING SOUTH TO FRONT OF 42 E. TIM. RD. SHOWING ROUND STONES.



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

file copy

TO: K. Howanski
D. Levero
H. Buchheister

DATE: October 19, 1995

FROM: Kathi

SUBJECT: Fatemeh Falahi et al -Petitioners
Case No. 94-271-XA

As indicated on the Notice of Deliberation sent to you October 4th, the above-referenced case is scheduled for public deliberation on Thursday, October 26, 1995 at 9:00 a.m.

Enclosed for your review prior to this deliberation are the following documents:

1. Petitioners' Memorandum filed by Michael P. Tanczyn, Esquire, on behalf of Fatemeh Falahi and Mohammad Haerian, Petitioners.
2. Memorandum in Lieu of Final Argument filed by J. Carroll Holzer, Esquire, on behalf of Protestants in this matter.

Should you have any questions regarding the above, please call me.

Attachments

Exh. 24 B.

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

**OLD
NEW**

PHOTO NUMBERS 1 THRU 16 DEPICT THE AREA PRIOR TO NOVEMBER 1994.

PHOTO NUMBERS 17 THRU 25 DEPICT THE AREA ON THE SOUTH SIDE OF 42 E. TIM. RD. AFTER NOVEMBER 1994.

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD & EAST SIDE OF 19 EDGEMOOR RD. H. WHITE PROPERTY (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD. - NOTE HEIGHT OF ROOF LINE. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
4. VIEW OF SOUTH SIDE OF 44 E. TIMONIUM RD. NOTE PICTURE WINDOW, DOOR, KITCHEN AND BEDROOM WINDOW, AND BASEMENT STAIRS. (PHOTO TAKEN BY L. MILLER, MAY, 1992)
5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND [REDACTED] ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS. VEHICLE IS OWNERS. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TRACKS AND TEAR-UP OF BUFFER ZONE. (PHOTO TAKEN BY L. MILLER, FEB 4, 1994)
8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94 (PHOTO TAKEN BY L. MILLER, FEB. 7, 1994)
10. CONGESTION IN DRIVE WAY, AGAIN VAN PARKED [REDACTED] ON TIM. RD. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED [REDACTED] ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD. (PHOTO TAKEN BY L. MILLER, MAY 1992)
14. SOUTH WEST VIEW FROM 19 EDGEMOOR RD. (H. WHITE PROPERTY) SHOWING THE FENCE CONSTRUCTION AND ENCROACHMENT INTO BUFFER ZONE BY 15 FT. PROPERTY LINE IS 42" SLATTED GREEN FENCE.

(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)

15. EAST VIEW FROM H. WHITE PROPERTY 19 EDGEMOOR RD OF FENCE IN REAR OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
16. SOUTH VIEW FROM 44 E. TIM. RD SIDE YARD OF FENCE CONSTRUCTION OF NORTH REAR YARD OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
17. WEST VIEW FROM SOUTH PROPERTY LINE OF 44 E. TIM. RD. OF FENCE CONSTRUCTION OF NORTH SIDE YARD OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, JAN 2, 1995)
18. NORTH VIEW FROM SHOPPING CTR BUFFER AREA OF SOUTH SIDE OF BACK YARD OF 42 E. TIM. RD. NOTE [REDACTED] SPLICING, ETC.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
19. VIEW FROM EDGEMOOR RD LOOKING SOUTH WEST OVER SHOPPING CENTER BUFFER AREA NEWLY PROTECTED AND READY FOR COMPACT EVERGREEN SCREENING PLANTING NOTE DRIVEWAY OVER SIDEWALK AND TIRE TRACKS IN NEW SEEDED AREA.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
20. ANOTHER VIEW OF SOUTH FENCE CONSTRUCTION OF BACK YARD OF 42 E. TIM. RD. WEST FENCE EXTENDED OVER LINE, NOTE PANEL SPLICE.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
21. ANOTHER VIEW LOOKING NORTHEAST OVER BUFFER AREA TO SOUTH SIDE FENCE OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
22. NORTH WEST VIEW OF SHOPPING CENTER BUFFER AREA [REDACTED] SHOWING FENCE GATE TO BACK YARD AND ENTRANCE OFF DRIVEWAY TO DAY CARE HOME.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
23. WEST VIEW OF DRIVEWAY OF 42. E. TIM. RD FROM SIDEWALK. NOTE SMALL SIZE. FROM HOUSE TO PROPERTY LINE IS ONLY 10 FEET.....
(PHOTO TAKEN BY L. MILLER, 1/2/95)
24. WEST VIEW OF DRIVEWAY OF 42 E. TIM. RD FROM ROADWAY. SEE CONTINUED ENCROACHMENT OF DRIVEWAY ON BUFFER AREA BETWEEN CURB AND PROPERTY LINE.
(PHOTO TAKEN BY L. MILLER, 1/25/95)
25. SNOW EMERG. AND NO PARKING SIGN AT CORNER OF DRIVEWAY TO 42 E. TIM RD. SIGN ARROW TO EAST TIMONIUM SHOPPING CTR. PRIVATE ROAD.
(PHOTO TAKEN BY L. MILLER 1/2/95)

FILE: LOTUS-94271PIC

* BEFORE THE ZONING COMMISSIONER

IN RE * FOR BALTIMORE COUNTY

42 East Timonium Road * Case No. 94-271-XA
 Item 271

* * * * *

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

| | |
|---|--|
| Number of Employees: | 3 |
| Number of Children to be Enrolled (Maximum): | 20 |
| Hours of Operation: | Arrival 7:30 a.m. Depart by 5:30 p.m. |
| Known Amount of Traffic Generated: 20 Children X 1 Drop-Off and 1 Pick-up = 40 Trips Per Day 3 Employees = 3 Trips Per Day | 43 Trips Per Day |
| 1E | Site Plan Previously Submitted |
| 1F | Pictures Submitted At Hearing |

Michael P. Tanczyn

MICHAEL P. TANCZYN, ESQ.
 Attorney for the Petitioner
 606 Baltimore Avenue
 Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823

CB - S/L #23

PETITIONER'S

CURRICULUM VITAE

EXHIBIT

10

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Facsimile
(410)666-1561

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980 The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977 The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

PROFESSIONAL SOCIETIES

1/69 to Present American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

6/69 to Present American Institute of Certified Planners

1975 to 1988 The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90 Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90 The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL

1985 to 1988 The University of MD at Baltimore
Advise on planning program

1992 to Present The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.

5/20/94



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

Kathleen C. Weidenhammer
Administrative Assistant



Printed with Soybean Ink
on Recycled Paper

March 14, 1994

TO WHOM IT MAY CONCERN:

As you know, I have filed a petition to seek zoning approval to increase the number of children served in my child care center to a maximum of 20. I appreciate all of the written support I have received from my clients.

The purpose of this letter is to ask for your help in another way. In the course of the hearing one of the neighbors has submitted a videotape showing cars backing out of the driveway and making U-turns on Timonium Road, vehicles parking blocking the driveway and the sidewalk, as well as vehicles parking facing the wrong way on Timonium Road in front of my property.

The filming of these situations was done to show that there may be a safety hazard to the community during the drop-off or pick-up of the children by the parents. It was also testified that several of the parents are parking off the shoulder of the shopping center entrance and walking around to pick up their children.

I have no doubt that this is a situation which we can and should address by scheduling or coming up with a method whereby the children can be met at the driveway or brought to the driveway in order to help my petition receive favorable consideration. I would therefore greatly appreciate it, if you have been one of the drivers videotaped doing one of these things, if you would avoid doing that in the future.

If you have any questions about how to accomplish the safe drop-off and pick-up of the children I would be happy to hear them. I am in the process of attempting to find off-site parking for my employees which will free up more spaces in the driveway if I am successful in that effort.

Again, I thank you for your support in my efforts to continue to provide quality daycare for your children. You may call me if you have any questions at 252-0636.

Sincerely,

Fatemeh Falahi

PETITIONER'S
EXHIBIT 8

SEARCHED

LEASE AGREEMENT

THIS AGREEMENT OF LEASE, made this 3 day of March, 1994, by and between **FRED YOO**, hereinafter referred to as "Landlord", and **FATEMEH FALABI**, hereinafter referred to as "Tenant".

WHEREAS, Landlord is the owner of improved real property on which he operates a gasoline station and service garage on East Timonium Road, adjacent to the Timonium Shopping Center; and

WHEREAS, Landlord has parking spaces in addition to those needed for his business; and

WHEREAS, Tenant is interested in renting three (3) parking spaces for her employees of the child care center she operates at 42 East Timonium Road; and

WHEREAS, Landlord is willing to rent those three (3) parking spaces for the times and time periods hereinafter mentioned.

NOW, THEREFORE, it is agreed by and between the parties that Landlord shall lease three (3) parking spaces, to be designated by Landlord, for parking three full size vehicles for the exclusive use of Tenant and the Tenant's employees in return for the mutual and beneficial considerations flowing to each, the sufficiency of which is hereby acknowledged by each.

1. **Number of Parking Spaces.** There shall be three (3) parking spaces designated by Landlord within his property for which Tenant shall be allowed to park.

2. **Time Period.** This Lease Agreement shall cover the time period Monday through Friday and for the hours 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 5:30 p.m.

3. **Consideration.** Tenant agrees that she shall buy all gasoline products she needs for her own use from the Landlord and shall utilize his service garage for necessary repairs for her vehicles. In addition, Tenant shall pay the sum of Five Dollars (\$5.00) per week for the rental of the parking spaces, which will be payable weekly whether or not the parking spaces are used.

4. **Term.** This Lease Agreement shall begin on the date signed and shall continue with the sole contingency that a special exception and variances requested by Tenant be granted and the property shall be used as a group child care home for no more than twenty (20) children. The term shall be subject to annual review to the mutual satisfaction of Landlord and Tenant.

1 **PETITIONER'S**
EXHIBIT 9

5. **Termination.** This Lease Agreement shall lapse and be of no further effect and shall terminate if the special exception and variances are not approved for the Tenant for operation aforescribed at 42 East Timonium Road.

6. **Rent Review.** The amount of rent shall be reviewed on an annual basis on the anniversary date of this Lease Agreement and mutually agreeable terms shall be approved between Landlord and Tenant for future years.

7. **Availability.** Landlord agrees he will continue to make the parking spaces available to the Tenant for the time periods indicated so long as she is entitled to operate a group child care home for more than twenty (20) children.

8. **Venue.** This Lease Agreement has been entered into in the State of Maryland and shall be governed by the Laws of the State of Maryland.

9. **Entire Agreement.** This Lease Agreement contains the entire understanding between the parties and there are no other terms, conditions or agreements between the Landlord and Tenant other than those set forth herein.

10. **Miscellaneous.** The parties enter into this agreement by their signatures below freely and voluntarily.

WITNESS the hands and seals of the parties the day and year first above written.

WITNESS

Dalene Du

WITNESS

Fred Yoo

FRED YOO, Landlord

Fatemeh Falahi

FATEMEH FALAHI, Tenant

FEBRUARY 19, 1994

7E

To The Zoning Commissioner:

My daughter attended Epworth Daycare Center in June of 1990. Mrs. Fatemeh Falahi was my daughter's teacher at that time. While under her care, my daughter received the highest quality day care available.

Mrs. Falahi then left Epworth Daycare Center to open her own Daycare. I removed my daughter from the Epworth Daycare Center and enrolled her at Mrs. Falahi's Daycare Center. Consequently, my daughter has been under her supervision for a total of four years.

Mrs. Falahi is very caring, dependable, organized, supportive and experienced. The environment at Mrs. Falahi's Daycare is a very loving and nurturing one. It is the kind that is very beneficial to all young children.

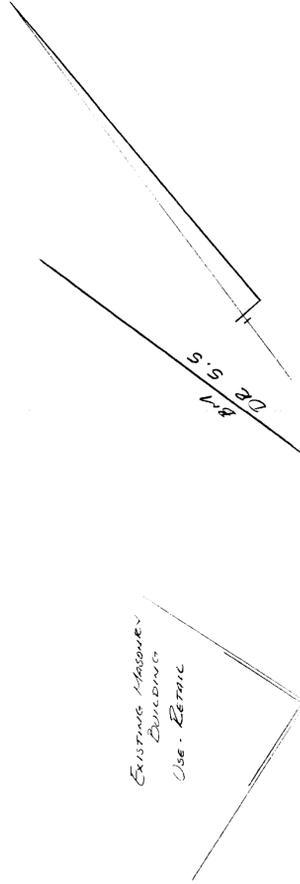
To this end, I feel that it would be in the best interest of this community if Mrs. Falahi's Daycare Center was granted the opportunity for further growth. Anything your office can do will be greatly appreciated.

Sincerely,
Katherine Hall

MICROFILMED

GENERAL NOTES:

1. EXISTING BUILDING: DR S. 5. 2nd Fl. Co. Map NW 1/4
2. CURRENT USE: Daycare Center
Proposed Use: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA: 2,500 sq. ft. (2,500 sq. ft. - 5,000 sq. ft.)
4. IMPROVEMENTS: 3,500 sq. ft. (3,500 sq. ft. - 3,500 sq. ft.)
5. OWNER TO INSTALL DOUBLE EDG OF CONCRETE EVERGREEN SCREENING AS SHOWN
6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED OFF-SITE ON THE PROPERTY OF FEED C. YOD.
7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DEPARTURE TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.



VICINITY MAP
SCALE: 1" = 1000'

8TH ELECTION DISTRICT, BALTIMORE COUNTY
9TH CONGRESSIONAL DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
ZONING VARIANCE
FOR THE PROJECT RELATED AT
1642 EAST TIMONIUM ROAD
AND TIMONIUM
LOT 1612 BLOCK D
SECTION THREE
PART OF BLOCK D E.F. FIGHAN II
HAGERFORD
REF: PB No. 21 F001033

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN 4 R.T.A.

OWNER: MRS. FATEMA FARUKI
116 BARBERS POINT LANE
TIMONIUM, MD 21093
Phone: 555-0336 466-3500
The M & B/1001/1550
Tel: 503-3455/334

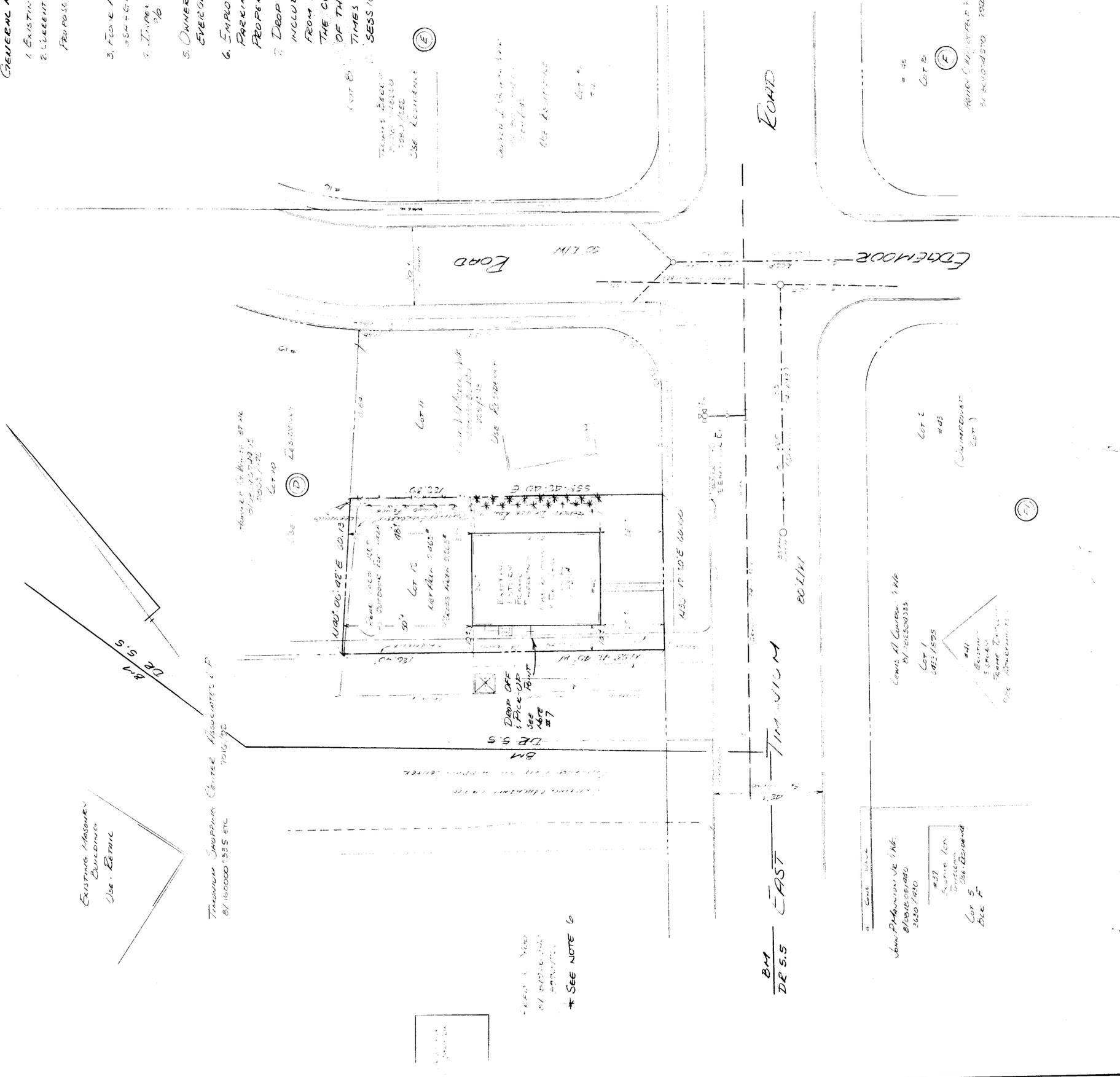
**PETITIONER'S
EXHIBIT 7**

1ST AMENDMENT: 5/16/99 - ADD NOTES S. 6. 7. 1. DETAILS

SCALE: 1" = 20' DATE: 10/21/1993

J. FINLEY RANSOME & ASSOCIATES
REGISTERED
LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 2507-0000 E# 28-121



* SEE NOTE 6

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 9, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 8, 1994
Item No. 271, Case No. 94-271-XA

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual. A final landscape plan must be approved as a condition of releasing permits.

The existing driveway appears to be offsite and there is no onsite drop-off pick-up area. Adequate onsite maneuvering must be provided.

RWB:sw

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners / Case No. 94-271-XA

DATE : Thursday, October 26, 1995 @ 9:00 a.m.

BOARD / PANEL : Kristine K. Howanski, Acting Chairman (KKH)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Michael P. Tanczyn, Esquire, Counsel for Petitioners; J. Carroll Holzer, Esquire, Counsel for Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for special exception and variances presented to the Board; testimony and evidence received over three hearing days; namely, July 5, July 12, and October 4, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

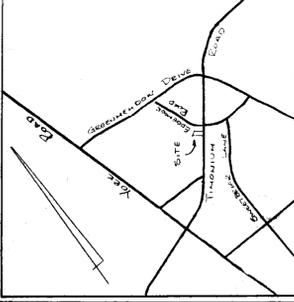
KKH: Opening comments: We are here to deliberate the Falahi case, #94-271-XA, a case in which Counsel were kind enough to submit memorandum on the matter, and I am assuming at this point that my colleagues have considered the memorandums and gone over their notes. One of the items we did have to pull, and I think, Mr. Holzer, you need to be aware of this as a matter of courtesy, Mr. Tanczyn cited Star Construction case; we did not have that in our records. And Ms. Weidenhammer was kind enough to make a copy of that Order that Mr. Tanczyn cited, so we do have a copy of that.

[At this point in deliberation, Mr. Holzer indicated that he had been in contact with Mr. Tanczyn, and was aware of this.]

Well, I just wanted to say that for the record that we had looked at that. Diane?

SDL: I will be very brief. This is a very involved case, and I don't want to spend 1/2 hour going over my thoughts; I'll just hit the main points.

This case is similar to Gordon L. Harrison in which the Board

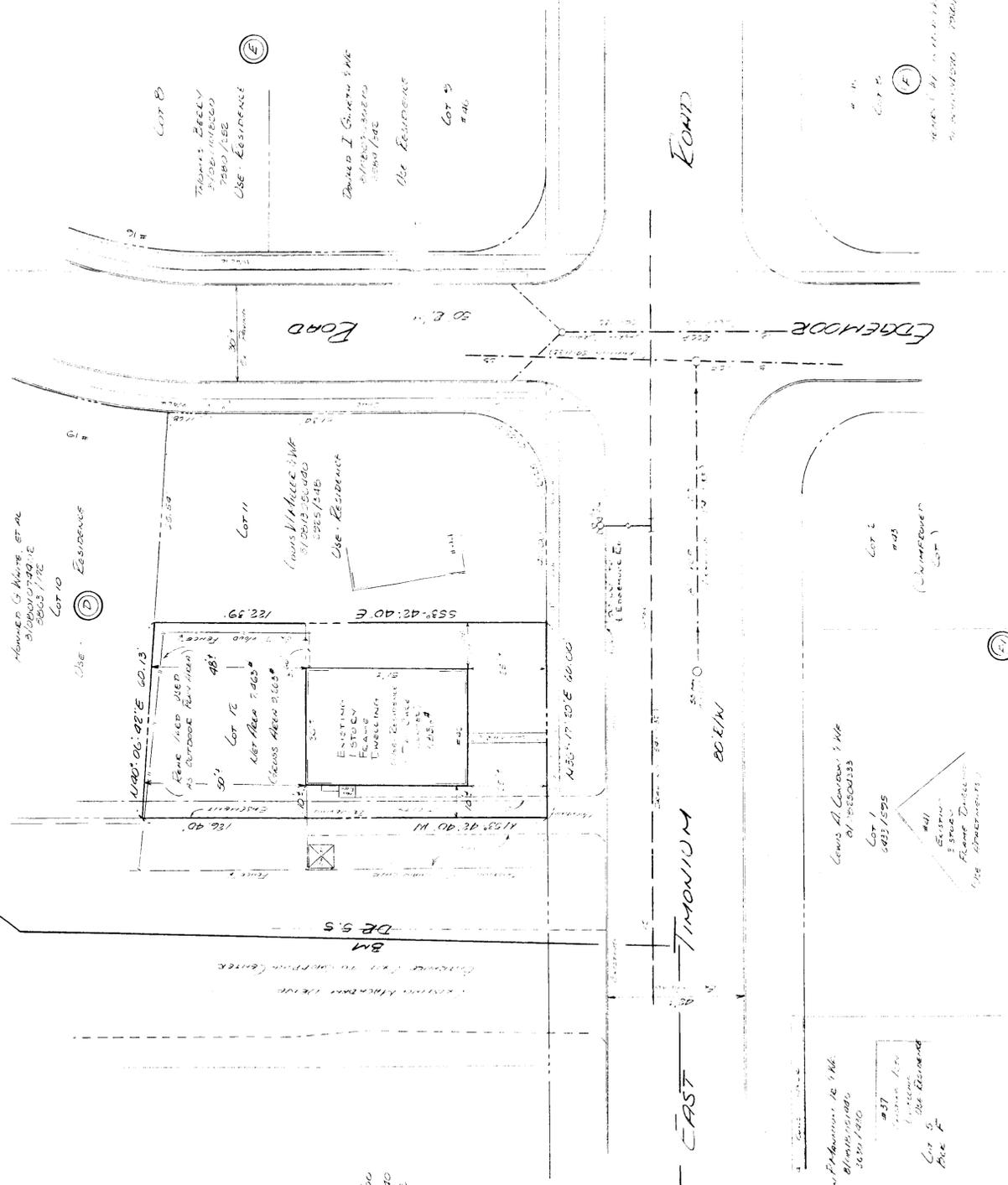


VICINITY MAP
SCALE: 1/4" = 100'

- GENERAL NOTES:**
1. EXISTING BUILDINGS: 217 S.S. Bldg. Co. Map No. 104
2. EXISTING USE: RESIDENCE
3. PROPOSED USE: RESIDENCE & CLASS B GROUP CHURCH
 3. TOTAL AREA: 217,000 SQ. FT. (APPROX.)
4. IMPROVED AREA: 3,533 SQ. FT. (APPROX.)

Timonium Shopping Center Association, L.P.
8/10/000, 1335 ETC.

Existing Masonry Building
Use: Retail



FEED C. 100
8/10/000, 1335 ETC.

BM
D.P. 5.5
EAST
TIMONIUM
BOEIN

Ann Plummer, Inc. 116
Blanchard
3600/1210

Lot 5
Use: Residential
Area F

Louis M. Conover, Sr. 116
Blanchard
3600/1210

Lot 1
Use: Residential
Area F

Lot 2
Use: Residential
Area F

8TH ELECTION DISTRICT, BALTIMORE COUNTY
9TH CONGRESSIONAL DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION *
ZONING VARIANCE
FOR THE PROJECT LOCATED AT
1642 EAST TIMONIUM ROAD
AND PARCELS
LOT 16/18 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-F1-G-4-11
HAVE BEEN

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHURCH CARE CENTER FOR UP TO 40 CHILDREN WITHIN 4 R.T. R.

OWNER: Mrs. FAYE M. FAYE
11600 BLANCHARD
TIMONIUM, MD. 21093
Phone: 282-3636 666-3636
Tax Map # 8100/1210/50
Deed Ref: 2495/134

94-271-XA

PLAT NO. 1 #271

SCALE: 1" = 100' DATE: 6/11/93

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10180
TOWSON, MARYLAND 21285-0180
866-7448

J# 9309-1001 F# 08-1E1



Tax Reports

Run Date: 02/05/95

| Zip | Address | Land \$ | Improv \$ | Total \$ | Own-Occ |
|----------|---|-------------------------------|-----------|---------------------------|---------|
| 21093 3 | Edgemoor Rd OW: Weaver John A | \$46,750 LD: Impslt 2 Pt 3 | \$49,580 | \$96,330 AS: \$36,860 | H |
| 21093 4 | Edgemoor Rd OW: Strachan Thora B | \$46,680 LD: Imps | \$56,170 | \$102,850 AS: \$38,830 | H |
| 21093 5 | Edgemoor Rd OW: Young Robert L | \$46,120 LD: Impspt Lt 3 | \$81,700 | \$127,820 AS: \$49,010 | H |
| 21093 6 | Edgemoor Rd OW: Darley Stuart L | \$47,700 LD: Imps | \$69,350 | \$117,050 AS: \$45,150 | H |
| 21093 7 | Edgemoor Rd OW: Todd Robert A | \$46,500 LD: Imps | \$61,750 | \$108,250 AS: \$41,870 | H |
| 21093 8 | Edgemoor Rd OW: Whitaker Earle L, Jr | \$48,370 LD: Imps | \$58,940 | \$107,310 AS: \$42,680 | H |
| 21093 9 | Edgemoor Rd OW: Kaifer Thelma A | \$46,500 LD: Imps | \$62,100 | \$108,600 AS: \$42,000 | H |
| 21093 10 | Edgemoor Rd OW: Amrhein Thomas Stewart | \$48,240 LD: Imps | \$71,680 | \$119,920 AS: \$47,390 | H |
| 21093 11 | Edgemoor Rd OW: Scesney Gladys H | \$46,500 LD: Imps | \$65,650 | \$112,150 AS: \$43,240 | H |
| 21093 12 | Edgemoor Rd OW: Stewart James C | \$47,670 LD: Imps | \$66,550 | \$114,220 AS: \$45,000 | H |
| 21093 14 | Edgemoor Rd OW: Treuting George J | \$47,030 LD: Imps | \$0 | \$47,030 AS: \$44,920 | H |
| 21093 16 | Edgemoor Rd OW: Berry Thomas | \$45,940 LD: Imps | \$62,900 | \$108,840 AS: \$42,060 | H |
| 21093 17 | Edgemoor Rd OW: Veiga Joseph V, Jr | \$47,320 LD: Imps | \$54,130 | \$101,450 AS: \$38,630 | H |
| 21093 19 | Edgemoor Rd OW: White Howard J, 3Rd | \$47,380 LD: Imps | \$55,050 | \$102,430 AS: \$38,040 | H |
| 21093 24 | Edgemoor Rd OW: Dzbinski Katherine M | \$47,130 LD: Imps | \$81,210 | \$128,340 AS: \$49,560 | H |
| 21093 27 | Edgemoor Rd OW: Vanleeuwen Wm H | \$47,790 LD: Imps | \$79,590 | \$127,380 AS: \$48,850 | H |
| 21093 28 | Edgemoor Rd OW: Nickel Richard E | \$47,890 LD: Imps | \$77,260 | \$125,150 AS: \$49,130 | H |

| | | | | | |
|-----------------------------|---------------|---------------------|-----------|--------------|---|
| 21093 46 | Timonium Rd | \$42,670 | \$57,820 | \$100,490 | H |
| OW: Giarth Eleanor G | | LD: Imps | | AS: \$38,680 | |
| 21093 47 | E Timonium Rd | \$42,200 | \$62,750 | \$104,950 | H |
| OW: Oberholtzer Frederick L | | LD: Imps | | AS: \$41,980 | |
| 21093 48 | Timonium Rd | \$46,180 | \$77,590 | \$123,770 | H |
| OW: Critzer Gary E | | LD: Imps | | AS: \$49,500 | |
| 21093 49 | Timonium Rd | \$47,090 | \$75,590 | \$122,680 | H |
| OW: Schroeder William R | | LD: Imps | | AS: \$49,070 | |
| 21093 51 | Timonium Rd | \$47,560 | \$60,630 | \$108,190 | H |
| OW: Leishear James E | | LD: Imps | | AS: \$41,580 | |
| 21093 53 | Timonium Rd | \$47,580 | \$63,460 | \$111,040 | H |
| OW: Moulden William A | | LD: Imps | | AS: \$44,410 | |
| 21093 54 | Timonium Rd | \$47,880 | \$64,370 | \$112,250 | H |
| OW: Persinger Gary M | | LD: Imps | | AS: \$44,900 | |
| 21093 56 | W Timonium Rd | \$176,390 | \$174,470 | \$350,860 | N |
| OW: Wight Edward I | | LD: Imps.9502 Ac Ns | | AS: \$0 | |
| 21093 56 | E Timonium Rd | \$47,620 | \$81,670 | \$129,290 | H |
| OW: St John Mary Lee | | LD: Imps | | AS: \$51,710 | |
| 21093 58 | Timonium Rd | \$42,590 | \$56,800 | \$99,390 | H |
| OW: Grubbs Richard H | | LD: Imps | | AS: \$39,750 | |
| 21093 60 | Timonium Rd | \$45,560 | \$78,790 | \$124,350 | H |
| OW: Saffell Mary Lou | | LD: Imps | | AS: \$49,740 | |
| 21093 65 | W Timonium Rd | \$57,680 | \$97,430 | \$155,110 | H |
| OW: Elliott Mary E | | LD: Imps | | AS: \$62,040 | |

Prot. Ex. 22

MLS# (BC)57759
42 Timonium Road
Timonium

--- S e t t l e d ---
Zip: 21093 Map: BC19A12
Gr. Cap: \$0

-1- Residential
L i s t : \$99,500
Ground Rent: \$120

Desc. :Rancher Detached 3 Bedrooms 1/0 BATHS Age: Unknown
:Brick Home Compo Roof

Rooms :LR: 09x16/ DR: 09x10/ KT: 07x11/
:MB: 10x14/1 B2: 12x09/1 B3: 10x11/1
:Sunporch-Screened

Floor :Formal LRoom Lr/Dr Combo
Ament. :WW Carpet
Lwr Lvl :Slab
Heat :Fuel-Gas Heat-Fha Window A/C

Site :Parking Pad Corner Lot
Lot :60/60 13 X 122 39/126 40
Utils. :Public Water Public Sewer Public Gas Cable Tv

Deed :Lib: 5165 Fol: 365
Ann.Fees:TX: \$999 G&E: \$1,779
Finance :Curr Loan Pd

Excluded:Ceiling Fan Refrigerator Dryer Exter Shed

Show :Call Office Poss: 60-90 Poss: Negot

*Contract:10/20/92 D.O.M.: 125 Sold Price: \$85,000
Settled :11/09/92 Loan: A19 Rate: 8.00 Term: 09 GR: \$120
:Mtg: BP: 0.00 SE: 0.00 Mortg. Amt: \$60,000
:CB: 8330 W. H. C. Wilson & Company PH: (410)433-7800

Dir. :East Of York Rd - 2 Blocks On Left 24 Hour Notice To Show
Remarks :Property Presently Rented-Call Agent To Show. Nice Home With
:Wonderful Screen Porch. 24 Hour Notice To Show
:Porch 15 X 17 - Screened

SV) Seller Incentive:
DU: N BB: Y BB1: SU: SU1:
LA: Joe Wade, Iii PH: ()494-0204 CO: 3 CPOUFS TL: ER
B#: 8330 W. H. C. Wilson & Company PH: (410)433-7800 MLS# (BC)57759

All information is deemed reliable but not guaranteed by the Broker or MARIT
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=====
Run Date: 02/05/95
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Printed 10/21

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,
424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
3. Zoning Regulations, as amended, be and it is hereby repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

rendered an opinion on September 28, 1995 in that both Fatemeh Falahi and Gordon Harrison sought a special exception to operate a Class B group child care center, and sought variances - buffer, lot size, etc. In Harrison, the Board based its decision on Section 1B01.1.B.1g(10a) of the zoning regulations. The Petitioner in the subject case before us argued in memorandum that the Board had misconstrued this section, which was in fact exception from residential transition. Petitioner pointed out this was to exempt Class A and B group child care centers from RTA where bulk standards are otherwise met. I'm not an attorney, but I have read this carefully, and it seems to me that, while it is true about exceptions from RTA, it is clear that bulk standards per section 424.7 must be met. I've read over my notes and was especially impressed by Diana Itter from Planning, who is familiar with the law which is the basis for this section. Must comply with this section to get the special exception. Bulk standards must be maintained. Due to number of variances requested, the granting would cause overcrowding of land, and Planning recommended denial.

I will be interested to hear how the other Board members feel about the zoning law; I agree with Planning and the Board in Harrison. I would deny on the basis that the bulk standards will not be maintained; however, I do want to say that, even if this is not the case and I would consider the request for variances, I would say that this property does not meet uniqueness; similar to other lots in the neighborhood. I would, therefore, deny the variances. This would be the main reason, but there are others.

KKH: Even if we went beyond this, this is a factual matter?

SDL: I want to make that clear because I don't know what the others will do.

HEB: I'll pick up on the uniqueness. With all the testimony and commentary, I spent several hours yesterday and days prior to this deliberation; it's difficult. My first consideration was the question of the location of the property and the limitations of the property. Looking at the Haverford community, I see some uniqueness to this site. Many houses in Haverford border the shopping center, but it's their backyard that faces the commercial site, unlike the Falahi property. Also, other properties are not adjacent to a service station, an auto repair facility. Only this subject property in the total community has this unique characteristic. The size of property, values of property throughout the community are the same. But this location gives it a unique aspect. Mr. Gerber

1. SECTION 2. AND BE IT FURTHER ENACTED, that Sections
2. 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B., 424.5.A. and B., and
3. 424.7 be and they are hereby added to the Baltimore County Zoning
4. Regulations, as amended, to read as follows:

5. 1B01.1. - General Use Regulations in D.R. Zones.

6. A. Uses Permitted as of Right.

7. 10.B. CLASS A GROUP CHILD CARE CENTERS AND CLASS B
8. GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40 CHILDREN, IF NOT
9. LOCATED IN A RESIDENTIAL TRANSITION AREA, SUBJECT TO THE REQUIREMENTS
10. OF SECTION 424, AND FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS
11. AND NURSERY SCHOOLS.

12. 1B01.1.

13. B.1. Residential Transition Areas and Uses Permitted
14. Therein.

15. c. Exceptions to residential transition.

16. 10.A. CLASS A AND CLASS B GROUP CHILD CARE CENTERS,
17. PROVIDED THAT THE ZONING COMMISSIONER DETERMINES, DURING THE SPECIAL
18. EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A
19. WAY THAT COMPLIANCE WITH THE BULK STANDARDS OF SECTION 424.7 WILL BE
20. MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO
21. BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING
22. RESIDENTIAL PREMISES.

23. 1B01.1.

24. C. USES PERMITTED BY SPECIAL EXCEPTION.

25. 6B. CLASS B GROUP CHILD CARE CENTERS FOR MORE THAN 40
26. CHILDREN SUBJECT TO THE STANDARDS SET FORTH IN SECTION 424, AND FAMILY
27. CHILD CARE HOMES, GROUP CHILD CARE CENTERS AND NURSERY SCHOOLS, AND

1. CLASS A AND CLASS B GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40
 2. CHILDREN, IF LOCATED IN A RESIDENTIAL TRANSITION AREA.

3. Section 424 - Family Child Care Homes, Group Child Care Centers,
 4. and Nursery Schools

5. 424.5.A. ALL OTHER PRINCIPAL USE GROUP CHILD CARE CENTERS AND
 6. NURSERY SCHOOLS IN RESIDENTIAL ZONES ARE PERMITTED IN ACCORDANCE WITH
 7. THE FOLLOWING SCHEDULE:

8. GROUP CHILD CARE CENTERS

| 9. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|---|---------|---------|-----------------|
| 10. | RC 2 | SE | SE | SE |
| 11. | RC 3 | SE | SE | SE |
| 12. | RC 4 | N | N | N |
| 13. | RC 5 | SE | SE | SE |
| 14. | D.R.(ALL ZONES): | | | |
| 15. | | N/A | | |
| 17. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 17. | 40 OR FEWER CHILDREN | C | C | C |
| 18. | 40 OR FEWER CHILDREN AND RTA IS APPLICABLE | SE | SE | SE |
| 19. | | | | |
| 20. | R.A.E. 1, 2 | C | C | C |
| 21. | PERMITTED ONLY WITHIN | | | |
| 22. | APARTMENT BUILDINGS OF | | | |
| 23. | 50 OR MORE UNITS AND | | | |
| 24. | SUBJECT TO SUPPLEMENTAL | | | |
| 25. | REGULATIONS OF PARAGRAPHS | | | |
| 26. | 200.2.B. and 201.2.B. | | | |

27. B. GROUP CHILD CARE CENTERS IN BUSINESS AND MANUFACTURING
 28. ZONES ARE PERMITTED AS A NONCOMMERCIAL ACCESSORY OR PRINCIPAL USE IN
 29. ACCORDANCE WITH THE FOLLOWING SCHEDULE:

| 30. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|----------------------------|---------|---------|-----------------|
| 31. | R-0: | | | |
| 32. | | N/A | | |
| 33. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 34. | 40 OR FEWER CHILDREN | C | C | C |
| 35. | O-1, O-2 | R | R | R |
| 36. | O.T. | C | C | C |
| 37. | ONLY PERMITTED WITHIN | | | |
| 38. | BUILDINGS OF PRINCIPAL | | | |
| 39. | USES PERMITTED IN 207.3.A. | | | |
| 40. | BUSINESS ZONES | R | R | R |
| 41. | M.R., M.H., M.L. & | | | |
| 42. | M.L.R. ZONES | R | R | R |

43. R = PERMITTED AS OF RIGHT
 44. SE = PERMITTED BY SPECIAL EXCEPTION
 45. N = NOT PERMITTED
 46. C = PERMITTED SUBJECT TO ADDITIONAL CONDITIONS

1. 424.7. - Bulk Standards for Group Centers in D.R. Zones.

2. The following standards apply to group child care centers
3. located in D.R. Zones:

4. A. MINIMUM LOT SIZE: 1 ACRE FOR THE FIRST 40 CHILDREN
5. PLUS 500 SQUARE FEET PER CHILD FOR
6. EVERY CHILD BEYOND 40 CHILDREN

7. B. MINIMUM SETBACK
8. REQUIREMENTS:

9. FRONT: 25 FEET FROM STREET LINE OR THE
10. AVERAGE SETBACK OF THE ADJACENT
11. RESIDENTIAL DWELLINGS, WHICHEVER
12. IS LESS

13. SIDE: 50 FEET FROM PROPERTY LINE, WITH
14. 20' PERIMETER VEGETATIVE BUFFER

15. REAR: 50 FEET FROM PROPERTY LINE, WITH
16. 20' PERIMETER VEGETATIVE BUFFER

17. C. PARKING, DROP OFF AND DELIVERY AREAS SHALL BE LOCATED
18. IN THE SIDE OR REAR YARDS UNLESS THE ZONING COMMISSIONER, UPON THE
19. RECOMMENDATION OF THE DIRECTOR OF PLANNING, DETERMINES THAT SAFETY
20. OR-NEIGHBORHOOD-COMPATIBILITY-WILL-BE-IMPROVED THERE WILL BE NO
21. ADVERSE IMPACT BY USING THE FRONT YARD FOR PARKING, DROP OFF OR
22. DELIVERY PURPOSES. IN ALL CASES THESE AREAS SHALL BE LOCATED OUTSIDE
23. OF THE REQUIRED BUFFER AREA.

24. D. MAXIMUM HEIGHT: 35 FEET

25. E. MAXIMUM IMPERVIOUS
26. SURFACE AREA: 25% OF GROSS AREA

27. SECTION 3. AND BE IT FURTHER ENACTED, that Section 424.1.B. of
28. the Baltimore County Zoning Regulations, as amended, be and it is
29. hereby repealed and re-enacted, with amendments, to read as follows:

30. 424.1 - General. Family child care homes, group child care
31. centers, and nursery schools shall meet the following requirements:

32. B. In addition, with respect to group child care centers
33. and nursery schools, outdoor play space abutting residential property
34. shall be fenced [, if required by the Zoning Commissioner]. FENCES
35. SHALL BE SOLID WOOD STOCKADE OR PANEL, A MINIMUM HEIGHT OF 5 FEET, AND
36. NO CLOSER TO THE PROPERTY LINE THAN TWENTY (20) FEET.

37. SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
38. effect forty-five days after its enactment.

Proposed Amendments to
the Baltimore County
Zoning Regulations

*Prot. Exh ID
20*

REGARDING



CHILD CARE

A Final Report of
The Baltimore County
Planning Board

November 16, 1989

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS
REGARDING DENSITY BONUSES FOR CHILD CARE CENTERS

A Final Report of the Baltimore County Planning Board
November 16, 1989

PROJECT DESCRIPTION

County Council Resolution #48-88 (See Attachment #1) requests the Baltimore County Planning Board to consider proposing amendments to the Zoning Regulations "in order to facilitate the placement of day care centers in Baltimore County by providing a density allocation to developers."

BACKGROUND

Density bonus incentives have been considered for elderly housing and historic preservation. For the elderly, increased density is considered necessary to meet the unique needs of the expanding elderly population and appropriate because elderly households have less impact on County facilities than the general population. The Planning Board recommended that a density bonus be permitted for elderly housing facilities at hospital, institutional and historic sites through a special exception process if certain conditions are met. The Planning Board also recommended that density be calculated by "density unit" rather than "dwelling unit" for elderly housing facilities which provides a density increment for projects containing efficiency and one bedroom units. The County Council implemented the Planning Board recommendations through Bill No. 36-88.

The Planning Board also considered density bonuses to encourage historic preservation in response to Resolution #38-87. Except for elderly housing facilities, the application of density bonuses to historic properties as an incentive for historic preservation was determined to be infeasible. The Resource Conservation zones, lacking public water and sewer, cannot support high densities. In the other zones, maximum office and business zone floor area ratios and residential densities are rarely developed.

The Planning Board recommended that new definitions and regulations be adopted for child care centers in 1984. The recommendations were adopted by the County Council. The text amendments eliminated most of the zoning problems associated with small child care operations in homes and made it easier for larger child care facilities to open in schools, churches and hospitals.

The child care issue was last addressed by the Planning Board in November, 1987, in response to County Council Resolution #35-87. The Planning Board recommended that child care centers be exempt from RTA restrictions, subject to Zoning Commissioner approval. The Planning Board also recommended the exemption of space used for child care centers in office buildings from the calculation of the adjusted

gross floor area of the building where the office building has a minimum gross floor area of 100,000 square feet and the child care center a maximum area of 4,000 square feet. The County Council held a hearing on these amendments, but has not introduced legislation.

DISCUSSION

It is still difficult to establish freestanding commercial child care centers in Baltimore County although developers and potential operators find that there is a demand for such facilities. Plans for child care centers are not routinely included in large residential subdivisions or at adjacent commercial developments. This is not the case in neighboring jurisdictions, such as Harford, Carroll and Howard Counties where a number of new child care centers have been built.

Zoning regulations are related to the gap in child care facilities in several ways:

1. As stated in the 1987 Final Report of the Planning Board, the residential transition area (RTA) buffer applies to child care centers, although it does not apply to schools or community facilities. This buffer often makes it infeasible to develop sites which would otherwise be suitable for child care. While the full RTA buffer may not be available, an adequate buffer to protect neighboring homes can be provided in many cases.
2. The County does not have a neighborhood-type commercial zone which permits only a limited range of uses. Land costs in commercial zones are high and child care must compete with uses which are more profitable.
3. Child care centers require special exception approval to operate in residential zones. Uncertainty of approval and an inability to carry additional costs over an extended period of time because of limited profits discourages providers from scheduling a special exception hearing.

The high cost of land throughout the County in general also discourages the development of child care centers. A density bonus, if child care centers are provided, could offset the cost of land. However, as discussed in the Final Report regarding historic preservation, a density bonus is not feasible in most parts of the County. The issue of density bonuses has been raised in the proposed 1989 Master Plan. The Master Plan also stresses the need to make major revisions in the Density-Residential (D.R.) Zones, business zones and planned unit development (PUD) provisions.

RELATION TO COUNTY EXECUTIVE INITIATIVES

Expanding the supply of accessible, affordable, quality, child care is an initiative of this Administration. As stated in Closest to the People (Children and Youth Executive Initiatives), "Priority attention will be given to child care needs".

The lack of child care is a factor which encourages homebuyers to move to neighboring jurisdictions where such facilities are being developed. This movement can lead to changes in the location of the County's labor force with negative ramifications for the economic development and tax base of the County.

The County Executive has established an inter-agency steering committee to deal with problems involving the establishment of child care facilities. The Chamber of Commerce has also established a Committee to facilitate child care. The Office for Children in the Department of Community Development has the primary responsibility for implementing Child Care initiatives.

ANALYSIS

To achieve quality child care in Baltimore County the Zoning Regulations must permit child care facilities to be located in quality environments. Clearly, a residential zone provides a more ideal environment for children than a business or manufacturing zone, with the additional benefit of being near the family residence. Proximity to the residence provides convenience for the parents. However, because this activity center is not a residential use, additional standards are necessary to ensure that it does not adversely affect the surrounding residential properties.

Zoning requirements in local Maryland jurisdictions typically require day care centers to have a minimum lot area of 20,000 square feet plus 500 square feet per child, a minimum lot width of 100-200 feet and setbacks of 25 feet. Minimum interior and exterior area requirements have been established by the State in COMAR 10.05.01 and the Annotated Code of Maryland in SS14-101-14-114, governing group day care centers. The required minimum of useable interior floor space is 35 square feet per child. Procedural Guidance for the Inspection of COMAR 10.05.01 Regulation .16, Playgrounds, establishes an exterior play area of 75 square feet per child for 50% of the licensed capacity or 75 square feet per child for the total number of children to use the play area at one time, but not less than 50% of the licensed capacity.

The Planning Board's recommended amendments are based on State requirements, traffic circulation and the protection of adjacent residential property owners from excessive sounds or visual intrusions. Specific statements of justification are presented below.

MAXIMUM NUMBER OF CHILDREN

The base standard of 40 children to be permitted in group day care centers in D.R., (Density Residential), Zones was chosen because it is the highest number of children permitted in an intermediate size center under the State's licensing requirements. A center for forty children provides the most financially feasible operating size for day care providers serving less than 100 children.

Moreover, a capacity restriction reduces the transportation impacts resulting from the center. When the number of child pick-up and drop-off, employee and delivery trips are counted, a center for forty (40) children could generate approximately one hundred (100) vehicle trips per day. This level of traffic approximates the amount of traffic which would be generated by ten (10) single family dwellings, or one cul-de-sac. The use should be compatible with surrounding residential uses, from a transportation perspective, provided that access points afford good sight distance and safe ingress and egress according to the County Bureau of Traffic Engineering.

AREA STANDARDS

The State's combined minimum area requirements for interior and exterior space per child totals 110 square feet. This standard is based on "useable area". Each requirement was increased to adjust for gross area. 35 square feet of interior useable area was assumed to be 50 square feet of gross area, while the 75 square feet exterior requirement was adjusted to 100 square feet. The combined minimum gross area per child, for the determination of the minimum lot size standard, was 150 square feet. The maximum capacity of the center was used for determining the minimum lot area. There is potential for reduction of the exterior play area to accommodate shift play periods but this is a matter for the State Office of Child Care Licensing and the Zoning Commissioner to consider upon a request for a modification or variance.

PARKING, DELIVERY AND TRAFFIC CIRCULATION

Parking, delivery and traffic circulation area requirements were based on Section 409.3 and Section 409.4C of the Zoning Regulations pertaining to parking space and aisle dimensions and Section 409.6.4, governing the required number of parking spaces to be provided at group child care centers.

The Zoning Regulations require that there be at least one (1) parking space per employee on the largest shift but in no case less than two (2) spaces. Based on the State's maximum staff to child ratio of 1 staff member per 6 children (where all children are two (2) years old), a center for forty (40) children would require seven (7) parking spaces to accommodate employee parking. One space for delivery vehicles should also be provided at a strict minimum.

These requirements assume that a sufficient number of staff parking spaces will be available for use by clients. All children should be met at the car and escorted into the center to minimize the parking period per client, in order for this shared parking to be effective. If only the minimum amount of parking is provided, a loop driveway should be seriously considered.

Parking areas should be located in the side or rear yards to be consistent with the residential character and design of the neighborhood. However, the front yard may be used for parking or circulation when the Zoning Commissioner, upon the recommendation of the Director of Planning, or any reviewing agency, determines that safety or neighborhood compatibility will be improved.

BUFFER AND SETBACK REQUIREMENTS

The buffer and setback requirements were based on the RTA (Residential Transition Area) requirements specified in Article 1B regulating the DR (Density Residential) Zones; particularly, Section 1B01.1.B.3(b), which establishes buffer areas of 50 or 75 feet, depending on the orientation of the building and its relationship to adjoining properties. Also, Table 504 under Section V.B.2 of the CMDP (Comprehensive Manual of Development Policies), Setback Standards for Principal Buildings Permitted in any D.R. zone for Nonresidential Uses, was considered along with the requirements of other jurisdictions.

No minimum lot width is proposed. Instead, minimum buffer and maximum impervious surface area standards are recommended. A front yard setback has been suggested to be a minimum of twenty-five (25) feet. Also, a vegetative buffer twenty (20) feet wide along the perimeter of the side and rear yards, would be required. A solid fence five feet in height would be required along the perimeter of the play area. This security fence would also provide a sound barrier and visual screen to adjoining property owners. To enhance the noise reduction capabilities of the fence it may not be closer than twenty feet (20') from the property line. The required vegetative buffer will minimize the intrusive effects of the fence on surrounding properties. In addition, a maximum impervious surface area (including buildings and parking areas) of twenty-five percent (25%) is proposed. These requirements are intended to provide design flexibility while ensuring that the center will be in harmony with the surrounding residential uses when the RTA (Residential Transition Area) requirements cannot be met, or when a center providing for more than forty (40) children is proposed. Within an RTA, the bulk standards are to be applied as part of the special exceptions

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

testified to the appearance of the property and recalled back at the time the shopping center, gas station, etc., were perceived, he opposed this. And he projected that this location at 42 E. Timonium Road was going to have changes, different from the other properties. Mr. Gerber also felt that the petition satisfied all the criteria for a special exception under 502.1. Petitioner has emphasized that none of the protestants were aware of the child care facility for eight children for the first 6 months of its operation. Very unobtrusive operation, until petition for special exception was filed. No one, by testimony of Mrs. Falahi, ever came to her with a complaint. Once the request for up to 40 children became known to the community, now reduced to 20, it's understandable why mounting concern arose, particularly in regard to safety in the unloading of children.

The Petitioner, in my opinion, has pointed out some contradictions in the expert testimony regarding traffic; number of vehicles a day, time period between vehicles, etc; discrepancies in testimony. In view of the present enrollment of eight children, traffic effects on the operation of the facility appear to be manageable, but observers this past year, since notice of petition, have noticed driveway problems, things such as wrong way stops for unloading, etc. Obviously, Mrs. Falahi and members of her staff cannot readily regulate or control parents in traffic procedures which I'm sure she has recommended they follow. Safety issue could increase. Measures taken to extend the driveway on the property and provide better discharge location in front of residence might reduce vehicle problems under present enrollment. Obviously buffer area between Falahi property and shopping center, which they thought they owned initially, was utilized by her but that has since changed, and has added to the difficulty of vehicle access and egress to site.

In granting the special exception, we must consider whether the Falahi petition is in the interest of the general welfare. Would the neighboring properties be adversely affected? It's argued that the case of Class B child care limited to 20 children in RTA with a shopping center on one side and single-family dwelling on the other, does not have to dovetail absolutely with bulk standards, 402.7. Louis Miller, immediate neighbor, testified at length to his objection to expansion to 20 children and increase in noise, confusion, undersized lot, etc. He contends that the variances for side yard setback are extreme and cannot be met by size of the property; that the parking and pick-up procedures are frightening as observed, in his opinion. Other witnesses testified to inappropriateness of location for center of up to

provided in Section 502 of the Baltimore County Zoning Regulations. In DR (Density Residential) Zones not within an RTA, centers for up to forty (40) children will be permitted by right, subject to compliance with the bulk standards in Section 424.7.

RECOMMENDATIONS

The provision of facilities for the supervision, care and education of the children is a matter of great concern to the County and to the general public. The Staff recommends amendments to Section 424, "Family Child Care Homes, Group Child Care Centers and Nursery Schools" only. Under the general provision of Section 424, where any conflicts arise between this section and any other Section of the Zoning Regulations, this section shall govern. Additional amendments providing for density bonuses and implementing other Master Plan recommendations should be considered following the adoption of the Master Plan by the County Council.

These amendments will promote the expansion of the supply of Child Care Centers in the County.

The Baltimore County Planning Board recommends that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below. Wherever utilized, dashes indicate text to be deleted, and underlining indicates text to be added.

1. Add new paragraphs to 1B01.1.A (uses permitted as of right in D.R. zones) as follows:

10B. Class A group child care centers and Class B group child care centers providing for up to 40 children, subject to the requirements of Section 424, Family Child Care Homes, Group Child Care Centers and Nursery Schools.

2. Add a new Subparagraph 10 A to Section 1B01.B.1.C (exceptions to residential transition areas) as follows:

* 10.A Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

3. Add a new Subparagraph 6B to Section 1B01.1.C (uses permitted by Special Exception in DR Zones) as follows:
 - 6B. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424, Family Child Care Homes, Group Child Care Centers and Nursery Schools.
4. Amend Section 424.5.A (Schedule of permitted uses for group child care centers) as shown on Chart 1.
5. Add a new Section 424.7 entitled (Bulk Standards for group centers in DR Zones
 - a. Minimum Lot Size: 1 acre for the first 40 children plus 500 square feet per child for every child beyond 40 children
 - b. Minimum setback requirements:

| | |
|---------------|--|
| <u>front:</u> | <u>25 feet from street line or the average setback of the adjacent residential dwellings, whichever is less.</u> |
| <u>side:</u> | <u>50 feet from property line, with 20' perimeter vegetative buffer</u> |
| <u>rear:</u> | <u>50 feet from property line, with 20' perimeter vegetative buffer</u> |
 - c. Parking, drop off and delivery areas shall be located in the side or rear yards unless the Zoning Commissioner, upon the recommendation of the Director of Planning, determines that safety or neighborhood compatibility will be improved by using the front yard for parking, drop off or delivery purposes. In all cases these areas shall be located outside of the required buffer area.
 - d. Maximum height: 35 feet
 - e. Maximum impervious surface area: 25% of gross area
6. Amend Section 424.1.B (general child care center requirements) as follows:

In addition, with respect to group child care centers and nursery schools, outdoor play space, abutting residential property, shall be fenced ~~if required by the Zoning Commissioner~~. Fences shall be solid wood stockade or panel, a minimum height of 5 feet, and no closer to the property line than twenty (20') feet.

424.5 A. All other principal use group child care centers and nursery schools in residential zones are permitted in accordance with the following schedule:

GROUP CHILD CARE CENTERS

| | <u>CLASS A</u> | <u>CLASS B</u> | <u>NURSERY SCHOOLS</u> |
|--|----------------|----------------|--|
| RC 2 | SE | SE | SE |
| 3 | SE | SE | SE |
| 4 | N | N | N |
| 5 | SE | SE | SE |
| D.R. (ALL) | SE | SE | SE |
| <u>More than 40 children or RTA exemption</u> | | | |
| D.R. (ALL) | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>40 or fewer children subject to RTA if applicable, otherwise, Section 424.7</u> | | | |
| R.A.E.1,2 <u>Permitted only within apartment buildings of 50 or more units and subject to supplemental regulations of paragraphs 200.2.B and 201.2.B. {Bill No. 47, 1985.</u> | C | C | C Permitted only within apartment buildings of 50 or more units and supplemental regulations of paragraphs 200.2.B and 201.2.B. {Bill No. 47, 1985.} |

B. Group child care centers in business and manufacturing zones are permitted as a noncommercial accessory or principal use in accordance with the following schedule:

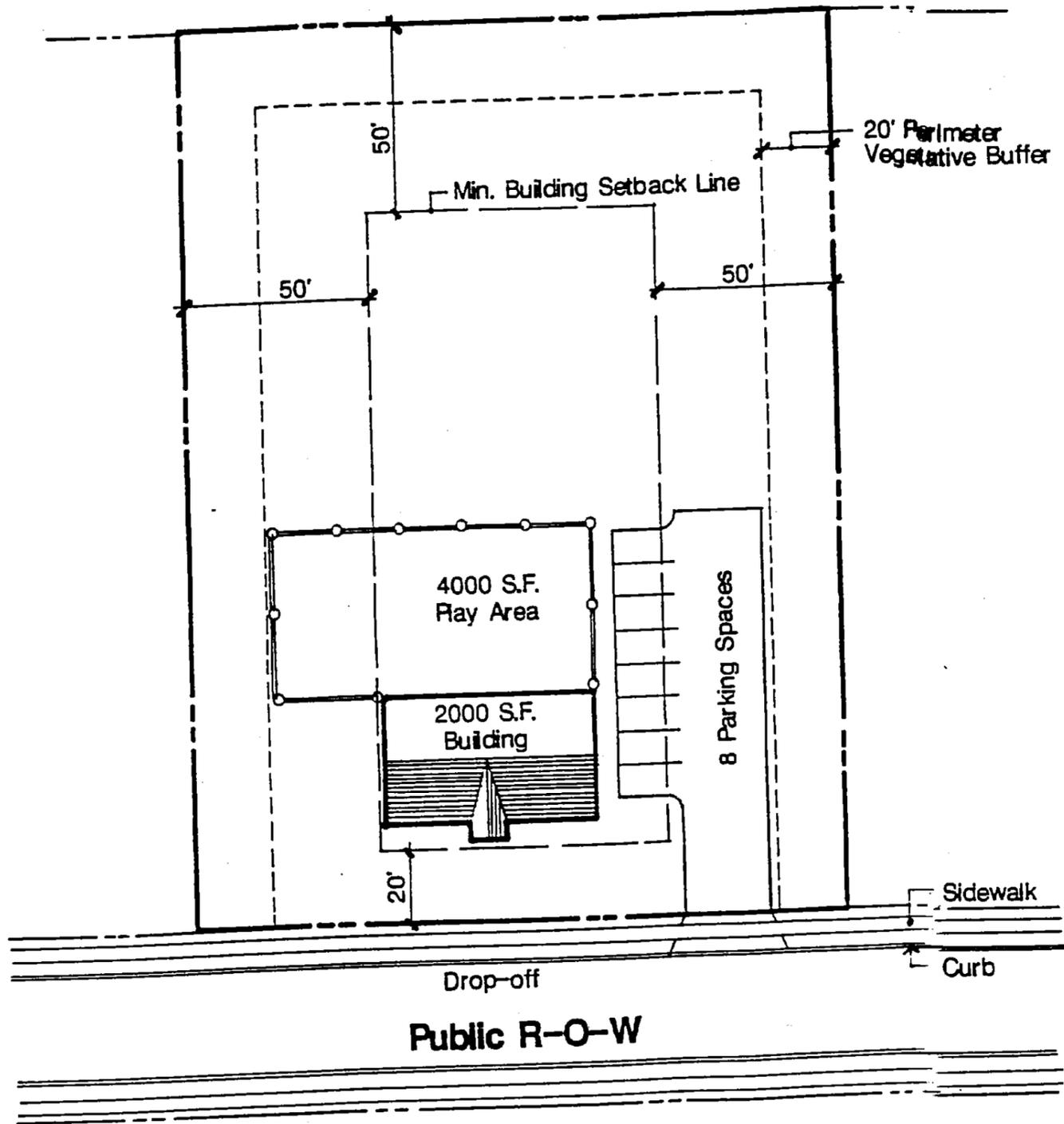
| | <u>CLASS A</u> | <u>CLASS B</u> | <u>NURSERY SCHOOLS</u> | |
|--|----------------|----------------|------------------------|---|
| R-O | SE | SE | SE | |
| <u>More than 40 children</u> | | | | |
| R-O | <u>C</u> | <u>C</u> | <u>C</u> | |
| <u>40 or fewer children, subject to Section 424.7</u> | | | | |
| O-1, O-2 | R | R | R | |
| O.T. <u>Only permitted within buildings of principal uses permitted in 207.3A</u> | C | C | C | <u>Only-per- mitted- within buildings of-prin- cipal-uses permitted in-207-3A</u> |
| Business Zones | R | R | R | |
| M.R., M.H. M.L. & M.L.R. Zones | R | R | R | |

R = Permitted as of Right

SE= Permitted by Special Exception

N = Not Permitted

C = Permitted subject to additional conditions
{Bill No. 47, 1985.}



EXAMPLE SITE PLAN # 1

One Acre Lot (min.)/40 Children
 Scale: 1"=40'

~~FD~~
Prot. Exh #18

REVIEW/ANALYSIS

of the

Traffic Impact

of the Proposed

Child Care Center

at

42 East Timonium Road
Baltimore County
Case No. 94271

by

Everett C. Carter
10509 Unity Lane
Potomac, MD 20742

February 1995

Reissued July, 1995

**PROPOSED CHILD CARE CENTER AT 42 E. TIMONIUM ROAD, BALTIMORE,
MD, CASE NO. 94271**

SUMMARY OF FINDINGS

I. INTRODUCTION

Timonium Road is a busy county arterial with an ADT of over 25,000 vehicles per day. At the site (42 E. Timonium) it is a two lane (one lane in each direction) facility with parking on both sides. Speeds are from 30 to 35 mph (some are higher). The proposed site has a very narrow driveway (about 8 ft.) with no capability to turn around off-street. Backing into this busy arterial is very hazardous, especially during the peak hours - and especially for drop off/pick up of pre-school aged children. It is proposed to expand the ~~present small daycare~~ operation of 8 children to a class B Group Child Care Center for up to 20 children. Thus, the amount of activity at the site driveway would more than double, creating even more of a serious traffic safety problem.

II. CAPACITY/LEVEL OF SERVICE

Turning movement counts were provided by the Baltimore County Division of Traffic Engineering for 1992. An analysis of the signalized intersections on either side of 42 E. Timonium Road for AM peak operation showed the following: Work sheets are attached Exhibits 1 and 2.

| <u>Results Intersection</u> | <u>CLV*</u> | <u>LOS*</u> |
|-----------------------------|-------------|-------------|
| Timonium and York Rd. | 1515 | E |
| Timonium and Eastridge Rd. | 1044 | B |

* See Exhibit 3 for explanations

20. Mr. W ber, Chief of Traffic Engineering, opined that day care centers should have off-street unloading and turn-around areas where cars can return to street without backing, one of the problems at the present location. The turn-around area for the subject site is in the front yard. Ms. Itter of Planning and Community Conservation asserted that due to the traffic observed, drop off conditions, overcrowding of land and number of variances on various regulations, the special exception for more students should be denied. I feel the site is appropriate as it presently exists, a family day care home. But not the requested expansion. The Petition for special exception and variances should be denied.

KKH: For varying reasons, I am going to concur with my Board members. I sat on the Harrison case, and the Harrison case was an interesting case legally and perhaps more sympathetic factually than this case. We had attorneys on both sides citing various facts and what struck me at that time was any way you looked at it, the emphasis on each one, whichever statute you went through, emphasis on ultimate obligation was that the bulk standards otherwise had to be met. And I'm always willing to re-examine facts and I did - but I do not see where this Board is permitted to variance the bulk standards. I think that Mr. Tanczyn hit essentially on the issue ultimately when he did that. I'm not troubled that we are a Board of limited jurisdiction and statutes as drafted now do not permit us to variance that. That does not strike me as unconstitutional or anything. With respect to the initial prong, I would have to be of the view that just as a matter of law, we are not allowed to permit the variances in this case insofar as they ask us to go against bulk standards.

Assuming, however, that we could do that, I think then we need to look, and I would look at the uniqueness question. I grappled with both your positions; was it not unique because it's the same size, or was it unique because it's next to a gas station? My reading was that the property itself has to be unique in character, and that I had to keep my eyes closed to the fact that there was a gas station nearby. Property was not particularly unique in shape from any other property around it. It also has a use, as Mr. Buchheister noted, and it has present use as family day care. So again, there were not circumstances to prevent property from having use. As I said, I did find the Harrison case factually sympathetic. On this one, I will have to say that, even if I were wrong on the applicability of the bulk standards and our inability to variance them, and even if I am wrong that the property is not unique, I was persuaded by substantial amount of testimony as to the difficulties of health, safety, and welfare issues that

The intersection of Timonium and Eastridge operates at a good level of service (LOS), while the operation of the Timonium/York Road intersection is at LOS E or capacity - very close to failure. Only a few more trips would cause Timonium and York to reach a failing LOS.

III. GAP ANALYSIS

Because of the very high traffic volumes on Timonium Road and the increased conflicts which would be at the driveway of 42 E. Timonium Road if this application were approved, an analysis of available gaps was conducted. The traffic volumes on Timonium Road, just east of York Road are:

| | |
|---------------------------|------|
| 7:30 - 8:30 am | 1515 |
| 4:45 - 5:45 pm | 1846 |

The traffic follows a Poisson distribution which is described by the following equation.

$$P(X) = \frac{M^x e^{-m}}{X!} \text{ and the probability of a gap}$$

$$\text{is given by } P(g \geq T) = e^{-\frac{VT}{3600}}$$

where

V = volume in vehicles per hour

T = time period of interest

e = base of natural log

g = size of gap = T

According to Highway Capacity Manual, an acceptable gap for a left turn from a stop sign controlled driveway or street is 6 seconds. Applying this,

$$AM P(g \geq 6) = e^{-\frac{1515(6)}{3600}} = e^{-2.525} = 0.080$$

$$PM P(g \geq 6) = e^{-\frac{1846(6)}{3600}} = e^{-3.077} = 0.04$$

What this indicates is that in the evening, an acceptable gap is available only 4.6% of the time and during the am peak hour an acceptable gap may be present only 8% of the time. This equates to long waits leading to frustration and a high potential for conflicts and accidents.

IV. SAFETY

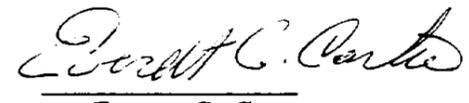
For a 1.5 mile section of Timonium Road east of York Road, there were 58 traffic citations in 1994, in spite of police budget cut backs and lack of personnel. Most citations were for speeding. The conflicts with drop off/pick up at the existing day care center would be 2 1/2 times as bad if this application is approved. Combining speed and conflicts results in a much higher probability of accidents at the proposed site.

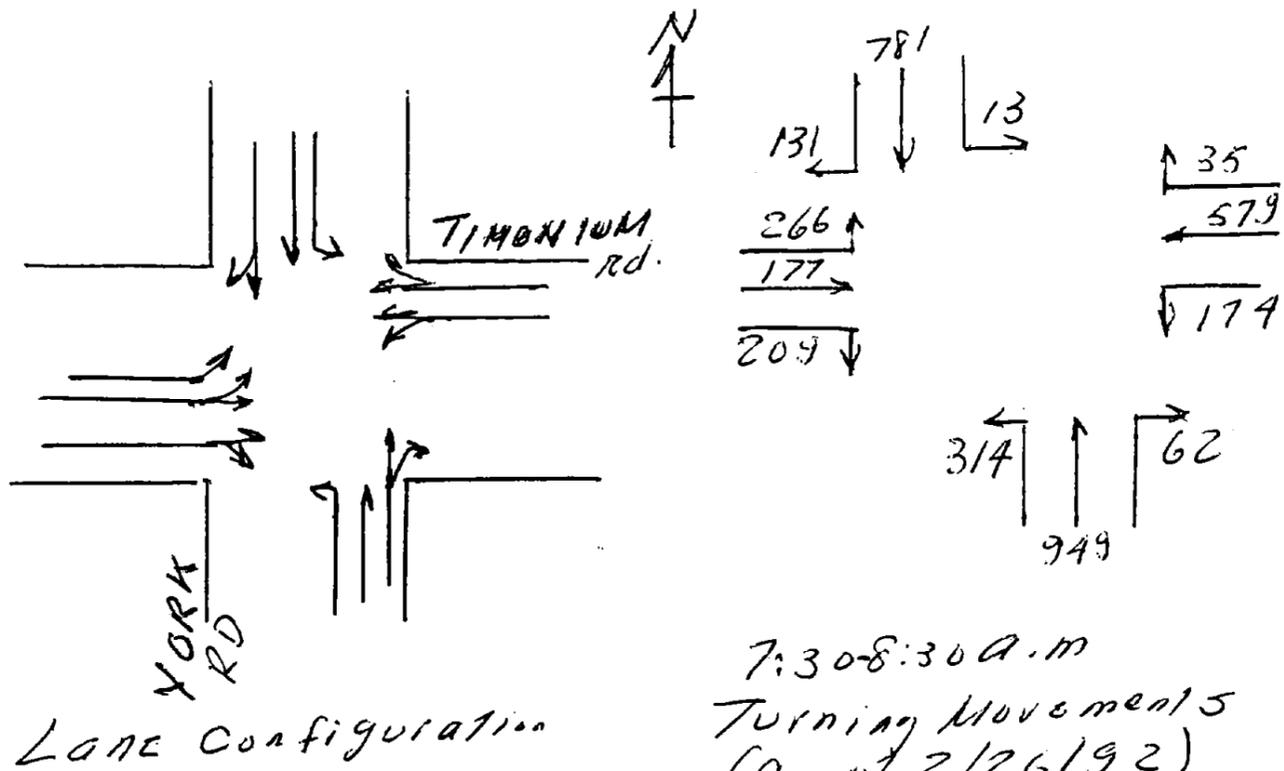
V. Conclusions

This application should be denied because:

1. It is served by a high volume two-lane street which:
 - o Can not provide adequate gaps for entering and leaving the site.
 - o Is close to capacity at the York Road intersection.
2. There is inadequate site driveway width (about 8 ft.).
3. There is no off-street turn-around area, resulting in requiring backing onto busy Timonium Road.

4. There should be real concern for safety of small pre-school children at such a driveway/high volume arterial point.


Everett C. Carter



CAPACITY/LEVEL OF SERVICE ANALYSIS

$$NB (949 + 62) \cdot 55 + 13 = 569$$

$$SB (781 + 131) \cdot 55 + 314 = 816^*$$

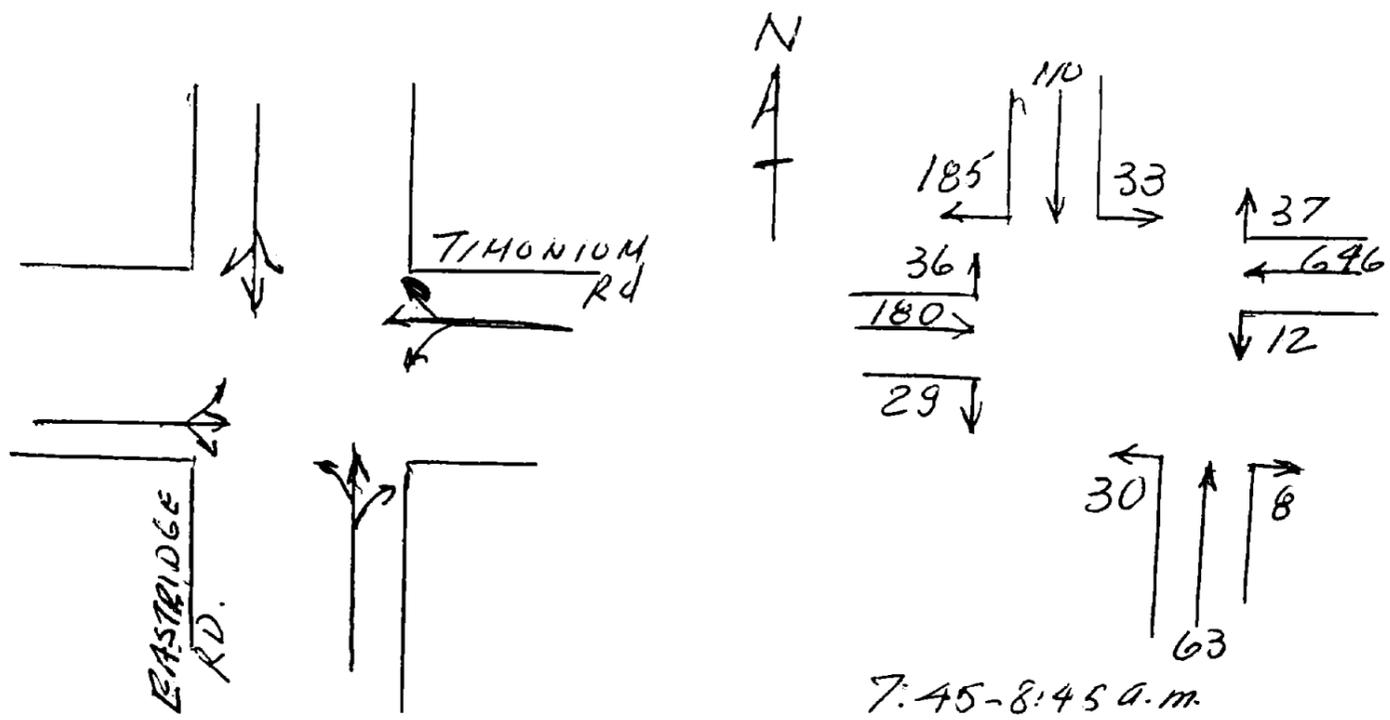
$$WB (579 + 35 + 174) \cdot 55 + 266 = 699^*$$

$$(209 + 177) \cdot 55 + 174 = \underline{386}$$

$$CLV \Sigma = 1515$$

$$LOS = E$$

EXHIBIT 71: LEVEL OF SERVICE/CAPACITY ANALYSIS INTERSECTION YORK RD. & TIMONIUM ROAD



Load Configuration

7:45-8:45 a.m.
Turning Movements

CAPACITY/LEVEL OF SERVICE ANALYSIS

$$\begin{aligned}
 NB: (63 + 8) + 33 &= 104 \\
 SB: (185 + 110) + 30 &= 325* \\
 EB: (180 + 29) + 12 &= 221 \\
 WB: (646 + 37) + 36 &= 719* \\
 \hline
 CLV E &= 1044
 \end{aligned}$$

$$LOS = B$$

EXHIBIT 2: CAPACITY/LEVEL OF SERVICE ANALYSIS
INTERSECTION OF TIMONIUM RD & EASTRIDGE RD

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

would be raised with more intensive use of this property. And so, even though it may be, and I think she is to be commended for working so hard to provide this kind of service, this property seems to small, and I think we do have to defer to the experts and neighbors who have concerns about fitting up to 12 children at any given time onto that relatively small lot. I will say what I said in Harrison; this is how I read the statute, and if the County Council thinks that is a shame -- that we really should have people like Mrs. Falahi allowed to have larger day care centers on their property, I think the recourse has to be the County Council changing laws; not the Board ignoring statutes.

So for varying reasons, we appear to be in concurrence. We may be issuing a separate or joint opinion, depending on how we agree with the whole gamut of arguments. We will try to issue an opinion as soon as practicable; appeal lies 30 days from that time.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant

Adequate Accommodation of Traffic:

The ability of a highway system to carry traffic is expressed in terms of "Service Level" at the critical locations (usually intersections). "Service Level" is defined alphabetically as follows:

- "A" Conditions of free unobstructed flow, no delays and all signal phases sufficient in duration to clear all approaching vehicles.
- "B" Conditions of stable flow, very little delay, a few phases are unable to handle all approaching vehicles.
- "C" Conditions of stable flow, delays are low to moderate, full use of peak direction signal phase(s) is experienced.
- "D" Conditions approaching unstable flow, delays are moderate to heavy, significant signal time deficiencies are experienced for short durations during the peak traffic period.
- "E" Conditions of unstable flow, delays are significant, signal phase timing is generally insufficient, congestion exists for extended duration throughout the peak period.
- "F" Forced Flow - Gridlock

The following table indicates the "Critical Lane Volume" range to be used in determining "Service Level":

| <u>Service Level</u> | <u>"Critical Lane Volume" Range</u> (vehicles per lane per hour) |
|----------------------|---|
| A | 1,000 or less |
| B | 1,000 to 1,150 |
| C | 1,150 to 1,300 |
| D | 1,300 to 1,450 |
| E | 1,450 or greater |
| F | greater than 1600 |

* See Traffic Engineering, January 1971.

EXHIBIT 3: Explanation of Critical Lane Volume and Level of Service Values

Everett C. Carter

Proct. Exp.
17

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EDUCATION

B.S.C.E. Virginia Polytechnic Institute, 1958
M.E. (Transportation), University of California, Berkeley, 1959
Ph.D. (Transportation), Northwestern University, 1969

ACADEMIC EXPERIENCE

University of Maryland: Professor, Department of Civil Engineering, 1972 to present;
Associate Professor 1970-1972; Chairman 1973-1977;
Director, Transportation Studies Center, 1975 to 1985
West Virginia University: Associate Professor 1969 and 1970; Assistant Professor 1963-1969
Northwestern University: Teaching Assistant 1961-1962

COURSES TAUGHT

Regional Transportation Planning, Urban Transportation Planning, Urban Problems, Transportation Engineering, Transportation Economics and Administration, Highway Laws, Traffic Engineering Characteristics and Operations, Highway Engineering, Airport Planning and Design, Civil Engineering Planning, Geometric Design of Highways.

PROFESSIONAL SOCIETIES AND HONORS

American Society of Civil Engineers, Transportation Research Board, Institute of Transportation Engineers, American Public Works Association, Sigma Xi, Chi Epsilon, Tau Beta Pi, Phi Kappa Phi, American Road and Transportation Builders Association, American Society for Engineering Education.

PROFESSIONAL EXPERIENCE

Consultant on Traffic Impact Studies for various citizen groups and developers, 1980 - present.

Consultant to several local governments, several development companies and to FHWA, 1985 - present.

Consultant, Comsis Corporation, Work Zone Accident Data Process, FHWA 1983-84.

Consultant, KELLERCO, Inc., (1) Trip Generation Factors, FHWA 1984-85; (2) Traffic Impact Analyses - several developers 1983-84.

Consultant, AMAF Industries, Inc. (1) Removal of Multiway Stop Signs With Minimum Hazard, FHWA 1982-83; (2) High Speed Water Transit, UMTA, 1983-84; (3) Safety Aspects of Textured Shoulder Treatments, FHWA, 1983-85; (4) Motorist Diversion Synthesis, FHWA, 1984-85.

Consultant, Wagner-McGee, Vehicle Characteristics Related to Highway Design, FHWA, 1982.

Consultant, CounselTrans, Inc., Passenger Car Equivalencies for Cost Allocation, FHWA, 1980-1981; Several accident investigations, design reviews, and traffic impact studies, 1981-1983.

Consultant, System Design Concepts, Inc., Transportation Energy Contingency Planning for N.Y. State DOT, 1980.

Consultant, Moore & Johnson, Transportation Impacts of State Multi-Service Centers, 1979-1980.

Consultant, North Central Texas COG, Energy Alternatives Analysis for Dallas North Central Corridor, 1979.

Consultant, RK&K, Cost Effectiveness Analysis of Route I-83, Interstate Division, Baltimore, 1978.

Consultant, KLD Associates, Signing and Informational Needs of Motorists, 1977- 78; Economic Benefits of Roadside Safety Rest Areas, 1986-1988.

Consultant, R.J. Hansen Associates, 1976 to 1979 for NCHRP Study of Truck Size, Weight and Speed Regulations, and FHWA Study of Heavy Truck Corridors.

Consultant, Office of the Secretary, U.S. Department of Transportation 1976 (for a Study of Airport Terminals).

Consultant, Agency for International Development, 1973-74 (for Environmental Study of Irrigation and Highway Project in Jordan).

Consultant, Curtis C. Harris Associates, 1973-74 (for Regional Economic Input- Output Model Development).

Consultant, Office of the Secretary, U.S. Department of Transportation 1971-72 (for the Airport and Airways Cost Allocation Study).

Associated Consultant, Roy Jorgensen Associates, 1971-74 (for Transportation Planning).

Traffic Planning Analyst, Chicago Area Transportation Study, part-time basis, 1961, 63 and 64.

County Traffic Engineer, DeKalb County, Georgia (part of Atlanta Metropolitan Area), February to September, 1960.

Traffic Engineer, Engineering Economics Section, Virginia Department of Highways, 1959-60.

Civil Engineer, Traffic Engineering Department, California Division of Highways, summer 1958.

PUBLICATIONS AND PAPERS PRESENTED AT MAJOR CONFERENCES

"Approach Capacity of Arterial Street Intersections," presented at the National Meeting of Highway Research Board, January 1962, Washington, D.C.

"A Model for the Allocation of Funds for Capacity Improvements of Urban Highway Systems," Highway Research Board, *Research Record 20*, with Joseph R. Stowers), 1963, pp. 84-102.

"Relationship of Transportation to the Underdevelopment of Appalachia," Proceedings of the Fifth World Meeting of the International Road Federation, London, England, September 1966, 28 pp.

"Avenues of Research on Traffic Control Devices," presented to the Institute of Traffic Engineers, March 1966, Baltimore, Maryland.

"The Utilization of Research Results," presented at the Annual National Meeting of the Institute of Traffic Engineers, September 1967, St. Louis, Missouri.

"Establishing Criteria for Speed Limits in School Zones," presented at the National Meeting of the Highway Research Board, January 1968.

"Simplified Techniques for Developing Transportation Plans-Trip Generation in Small Urban Areas," Highway Research Board, *Research Record 240*, Washington, D.C., (with Wilbur Jefferies), 1968, pp. 66-87.

"Innovation in Transportation - The Application of V/STOL in the Appalachian Region," presented to the North-Central Conference of the American Society of Civil Engineers Meeting, April 1969, Akron, Ohio.

"Feasibility Study of V/STOL Air Transportation in the Appalachian Region: A Conceptual Framework and Example Analysis," Ph.D. Dissertation, Northwestern University, 1969, 284 pp.

"Commercial Air Trip Generation in West Virginia," *Journal of the Transportation Engineering Division, American Society of Civil Engineers*, May 1970, pp. 185-200.

"Statewide or Regional Transportation Planning: State-of-the Art," (with F.J. Wegmann) Proceedings, 6th World Meeting of the International Road Federation, Montreal, Canada, October 1970.

"The Emerging Statewide Transportation Planning Process," (with F.J. Wegmann), *Traffic Quarterly*, July 1971, pp. 365-390.

"Emerging Analysis Issues in Statewide Transportation Studies," (with L.E. Haefner and R.D. Johnson) October 1971, 12th Annual Meeting of the Transportation Research Forum, Philadelphia.

"Techniques for Evaluating Factors Relevant to Decision Making on Highway Locations," an informational report (with L.E. Haefner and J.W. Hall), for the Federal Highway Administration, December 1972.

"Literature References on Techniques for the Evaluation of Factors Relevant to Decision Making on Highway Location," (with L.E. Haefner and J.W. Hall) for the Federal Highway Administration, January 1972.

"Synthesis of Transportation System Evaluation Techniques into an Operational Framework," (with L.E. Haefner and J.W. Hall) presented at the 41st ORSA meeting, April 1972.

"Testing an Emergency and Regional Medical Helicopter Transport System," (with F.J. Wegmann and R.F. Jordan) Highway Research Board, *Research Record 358*, 1972, pp. 46-48.

"Statewide Transportation Planning - A Current Review," (with F.J. Wegmann) presented at the ASCE National Transportation Meeting, Milwaukee, July 1972, ASCE, *Transportation Engineering Journal*, May 1973, pp. 323-338.

"Incorporating Environmental Impacts in the Transportation System Evaluation Process," (with L.E. Haefner and J.W. Hall) January 1973, *Research Record 467*, 1973, pp. 1-13.

"Discussion of "Searching for the Best Location of Service Facilities Along the Freeway," (by We-Min Chow and Adolph D. May), presented at the Annual National Meeting of the Highway Research Board, January 1973, *Research Record 450*, 1973, pp. 31-33.

"U.S. Experience in Deployment and Planning of Alternative Emergency Medical Care Delivery System," (with F.J. Wegmann) Proceedings, 7th World Meeting of the International Road Federation, October 1973, (Munich, Germany).

"Cost Effectiveness of Traffic Accident Countermeasures," *Compendium of Technical Papers*, 43rd Annual Meeting, Institute of Traffic Engineers, 1973, pp. 396-399.

"Transportation Planning for Colleges and Universities," *Traffic Engineering*, August 1974, pp. 38-43.

"Discussion of Resource paper on Systems Planning and Programming Methodology -Freight Movement," Transportation Research Board *Special Report 146*, Issues in Statewide Transportation Planning, pp. 178-181, 1974.

"Resource Requirements for Highway Construction and Maintenance," presented at the 1974 IRF Regional Meeting, Budapest, Hungary, September 22-27, 1974.

To the Hearing Officer:

On the request for variance,
the specific language is worded
awkwardly. The attorney's language
should match the site plan, but
it might be a good idea to have
him clarify ^(reiterate) his requests at the
hearing.

Match
1/6/94

MICROFILMED

"Transportation and the Action Plan," *Compendium of Technical Papers*, 44th Annual Meeting, Institute of Traffic Engineers, 1974, pp. 12-16.

"Transportation Planning for College and Universities," Response to the Technical Council Committee Award, 44th Annual Meeting, Institute of Traffic Engineers, Detroit, September 16, 1974.

"Traffic Analysis for Airport Asphaltic Pavements," (with J.W. Hall, W.A. Wild and M.W. Witczak), ASCE, *Transportation Engineering Journal*, November 1974, pp. 873-888.

"Transportation Planning for Elementary and Secondary Schools," *Better Schools*, September-October 1974, pp. 13-14.

"Planning an Air Transport Network in Appalachia," (with E.K. Morlok), ASCE *Transportation Engineering Journal*, August 1975, pp. 569-588.

"Pretimed Signal Control System for An Underwater Vehicular Tunnel," (with S.A. Smith) Transportation Research Board, *Research Record 533*, 1975, pp. 22-33.

"Mathematical Evaluation of Traffic Control Alternatives for Restricted Facilities," (with R.C. Loutzenheiser and E.A. Gonzalez) Transportation Research Board, *Research Record 533*, 1975, pp. 97-109.

"Campus Transportation Planning: Principles and Recent Experience on One Campus," presented at the National ORSA meeting, November 1976.

"The Airport Terminal Interface: Institutional Arrangements," (with T.E. Mulinazzi) presented at the Transportation Research Board, January 1977.

"Managing the Transportation System," 82nd Annual Conference of the International Municipal Signal Association, Baltimore, Maryland, August 1977, *Municipal Engineer*, December 1977.

Introduction to Transportation Engineering, Prentice-Hall, 1978, 260 pp. (with W.S. Homburger).

"High Hazard Location Identification in the Baltimore County Road rating Project," Transportation Research Board, *Research Record 753*, 1980 (with D.L. Renshaw).

"Goods Transportation in Urban Areas," Institute of Transportation Engineers, *Technical Notes*, December 1980.

"Transportation Planning: Developing vs. Developed Countries," *Proceedings*, 2nd Pan American Congress on Traffic and Transportation Engineering, Popayan, Columbia, November 1982, 17 pages.

"The Changing Roles of Transit and Auto Use in a World Awakened to Energy Limitations," *Proceedings*, 2nd Pan American Congress on Traffic and Transportation Engineering, Popayan, Columbia, November 1982, 26 pages.

"Sign Vandalism: A Costly and Dangerous National Problem," presented at the Transportation Research Board Annual Meeting, January 1983, *Research Record* 926, 1983.

"Multi-Way Stop Signs -- Have We Gone Too Far?," (with H.S. Chadda), Institute of Transportation Engineers, *ITE Journal*, May 1983, pp. 19-21.

"Curbing Traffic Sign Vandalism," (with H.S. Chadda), *Public Works*, November 1983, pp. 46-49.

"Sign Vandalism: Time for Action -- Now," (with H.S. Chadda), *ITE Journal*, August 1983, pp. 16-19.

"The Changing Role of Multi-way Stop Control," (with H.S. Chadda), *ITE Compendium of Technical Papers*, Annual Meeting, London, England, August 1983.

"A Comparison of Transportation Planning in Developing and Developed Countries," (with H.S. Chadda and P.M. Schonfeld), *Transportation Quarterly*, January 1984, pp. 69-85.

"Sign Vandalism: Pranksters are Playing a Deadly Joke on Motorists," (with H.S. Chadda), National Safety Council, *Traffic Safety*, March/April 1984, pp. 7-9.

"The Safety, Operational and Cost Impacts of Pedestrian Indications at Signalized Intersections," (with H.D. Robertson), Transportation Research Board, *Research Record* 959, 1984, pp.1-7.

"Multi-Way Stop Sign Removal Procedures," (with C.M. Ligon and H. McGee), accepted for presentation and publication by Transportation Research Board, *Research Record* 1010, 1985, pp. 45-53.

"Innovative Financing for Transportation Infrastructure" (with H.S. Chadda & R.D. Johnson), Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, New Orleans, August 1985.

"TSM Strategies for Medium Sized Cities," (with P.M. Schonfeld), *Proceedings*, International Symposium on Urban Transportation, Taipei, Republic of China, November, 1986.

"Some Suggested Solutions to Downtown Parking Problems," (with C.S. Chen), *Proceedings*, International Symposium on Urban Transportation, Taipei, Republic of China, November, 1986.

"Criteria for Pedestrian Overpasses and Underpasses," (with H.S. Chadda & P.M. Schonfeld), Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, New York, August 1987.

"Urban Congestion: Unused Capacity to Meet Travel Demand," presented at National Workshop, Strategies to Alleviate Traffic Congestion, ITE, San Diego, CA, March 9-11, 1987.

"Port Access Routing Program," (with K.J. Hausman) Institute of Transportation Engineers, *Compendium of Technical Papers*, Annual Meeting, Vancouver, British Columbia, September, 1988.

"Intersection Ranking Methodology for Pedestrian Safety," (with H.D. Robertson), *Transportation Engineering Journal*, SCE, November, 1988, pp. 744-757.

"Data Bases for Traffic Impact Studies," in *Development Impact Analysis*, Center for Urban Policy Research, Piscataway, N.J., 1988.

"Traffic Sign Maintenance and Management" (with F.I. Awadallah), *Proceedings*, 3rd IRF Middle East Regional Meeting, February 1988.

"Statistical Applications to Accident Analyses", presented at the International Forum on Traffic Safety, Rio de Janeiro, Brazil, June 26-29, 1988.

"Safety Belt Use and Highway Safety," *Proceedings* of the VI Pan American Conference on Traffic and Transportation, July 1990, Popayan, Columbia.

"Intervention Analysis for the Impacts of the 65 mph Speed Limit on Interstate Highway Fatalities," (with G.L. Chang and C.H. Chen), presented at the Annual Meeting of the Transportation Research Board, January 1991.

"Mandatory Safety Belt Law and Highway Safety in Maryland" (with P.M. Schonfeld), presented at the January 1990 TRB Annual Meeting.

"Model of the Effects of Rail-Highway Grade Crossings on Emergency Access," (with T.A. Ryan), Transportation Research Board, *Research Record 1254*, 1991.

REPORTS AND LIMITED DISTRIBUTION PUBLICATIONS

"A Study of Traffic Flow at Arterial Street Intersections," Chicago Area Transportation Study, 1963, 39 pp.

"The Relationship of Highway Planning to Right of Way Procedures," presented to the American Right of Way Association Meeting, February 1965, Morgantown, West Virginia.

"A Pilot Study to Investigate the Relationship between Land Development and Transportation Patterns," prepared for the Planning and Research Division, West Virginia Department of Commerce, (with O.K. Mabry), 1966, 68 pp.

"West Virginia Secondary Road Maintenance Responsibility: A Preliminary Study," prepared for the Planning and Research Division, West Virginia Department of Commerce (with R.G. Corder) 1966, 135 pp.

"The Impact of the Highway Beautification Act of 1965 on the Outdoor Advertising Industry in West Virginia," Final Report to the State Road Commission of West Virginia, Engineering Experiment Station, West Virginia University, (with W.W. Lyon, Jr. and J.H. Suttle) 1967, 127 pp.

"Establishing Criteria for Speed Limits in School Zones," Final Report to the State Road Commission of West Virginia, Engineering Experiment Station, West Virginia University (with R.P. Jain), 1967, 126 pp.

"What is Meant by the Word Transportation?" Community Resource Development, West Virginia Center for Appalachian Studies and Development, Morgantown, Issue No. 31, October 1968, pp. 1-7.

"Transportation in West Virginia," Treasures of the Trail, January, February and March 1969. "Transportation," pp. 6-9 "Modern Highway Construction -- What is Involved?", pp. 10-12; "Bond Financing," p. 27. Appalachian Center, West Virginia University.

"V/STOL as Part of the Transportation System in West Virginia," presented at the West Virginia Highway Engineering Conference sponsored by the American Road Builders Association, Montgomery, West Virginia, April 1969.

"Trade-Offs of the Application of V/STOL to Naval Carrier Operations", Project THEMIS, Office of Naval Research for Aeronautics, NR 215-163, August 1969 (not yet released).

"Comparison of maintenance Policies for V/STOL Aircraft Aboard Smaller Naval Vessels," Project THEMIS, ONR, October 1969 (not yet released).

"The Feasibility of a Helicopter System for Emergency and Regular Medical Service: A Pilot Study of a Sub-Region of West Virginia," West Virginia University, Civil Engineering Technical Report, January 1970.

"Study of Traffic Flow on a Restricted Facility, Interim Report, Phase I," (with S.P. Palaniswamy), Department of Civil Engineering, University of Maryland for Maryland State Highway Administration, June 1973.

"A Parking and Traffic Study for College Park," (with J.W. Hall and J.E. Kennedy) for the City of College Park, Maryland, February 1974.

"Traffic Flow on a Restricted Facility, Interim Report, Phase II, Summary (with R.C. Loutzenheiser and S.P. Palaniswamy), Department of Civil Engineering, University of Maryland for the Maryland State Highway Administration, June 1974.

"Traffic Flow on a Restricted Facility, Interim Report, Phase II, Report II-3, Pretimed Signal Control System for a Vehicular Tunnel," (with S.A. Smith and R.C. Loutzenheiser), Department of Civil Engineering for the Maryland State Highway Administration, June 1974.

"Traffic Flow on Restricted Facilities, Phase III-Summary" (with R.C. Loutzenheiser), December 1976.

"Study of Statewide Traffic Volume Counting Systems for Maryland and West Virginia: Final Report and Appendices," 1977 (with T.E. Mulinazzi):

"Traffic Flow on Restricted Facilities, Final Project Report" (with R.C. Loutzenheiser), January 1977.

"Comprehensive Transportation Study for the College Park Campus, Executive Summary," for Board of Regents, 1977.

"Priority Programming for Road Systems," presented to the South African Institute of Civil Engineers, Capetown Branch, July 4, 1979; Pretoria Branch, July 17, 1979.

"Introduction to Transportation Engineering," Short Course presented for the South African Road Federation, July 2-6, Capetown University; July 9-13, University of Pretoria.

"Engineering Education in the 1980's," presented to the County Engineers Association of Maryland, May, 1981.

"Analysis of the Impacts of Future Fuel Shortage Scenarios," (with R. Bixby, A. Reno, T. Corsi and P. Schonfeld), Preliminary Research Report 194, New York State Department of Transportation, 1981.

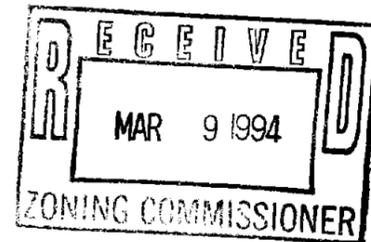
"Analysis of Actions Appropriate for Transportation Energy Contingencies," (with R. Bixby, A. Reno, T. Corsi, P. Schonfeld and M. Hess) Preliminary Research Report 195, New York State Department of Transportation, 1981.

"Impact Assessment of Alternative Selective Traffic Enforcement Activities," for the Maryland State Police, July, 1983.

"Revenue Allocation Process for Metro-Bus," for Washington Metropolitan Area Transit Authority, 1983.

"Reevaluation of Traffic Control at Non-Signalized Intersections," for Maryland State Highway Administration, 1984.

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827



March 9, 1994

Timothy K. Kotroco, Deputy Zoning Commissioner
ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 94-271-XA, Item 271
42 East Timonium Road
Petition of Fatemeh Falahi & Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Kotroco:

I represent the Petitioner, Mrs. Falahi, for the matter for which a continued hearing date was set for March 10, 1994.

Based on comments received shortly before the first hearing date from the Office of Planning and issues raised by the Timonium Shopping Center Limited Partnership, we have worked to attempt to address the concerns raised. We have hired expert witnesses who are in discussions with the Office of Planning, and we would like to request a continuance on behalf of the Petitioner of the continued hearing on March 10, 1994 to allow attempts to occur to resolve the concerns expressed. These attempts are likely to result in a plat revision regarding employee parking and drop-off area and may require comment by the County.

We would therefore respectfully request that the matter be continued when called on March 10, 1994. If you believe this an appropriate way to proceed, please let me know and I will appear and request a continuance on March 10, 1994 for the record.

You will recall that, when we adjourned, we were still involved in the direct examination of the Petitioner and we have an expert witness whose opinion should be expressed on the plat when revised, rather than commenting on a plat which we believe will be revised.

MICROFILMED

"Removal of Multiway Stop Signs with Minimum Hazard," two volumes, (with C.M. Ligon and H. McGee) for Federal Highway Administration, 1984.

"A Qualitative Analysis of Ferry Operations and Competing Modes," (with R.D. Johnson and D. Joost) for Urban Mass Transportation Administration, 1984.

"Effects of Shoulder Textured Treatments on Safety," (with C.M. Ligon and D. Joost) Federal Highway Administration (FHWA/RD-85/027) 1985.

"Shoulder Surface Treatment and Use," (with X. Fang & P.M. Schonfeld) Maryland State Highway Administration, 1988.

"Effectiveness of Word and Symbol Pavement Markings," (with H.M. Chiu & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Guidelines for Effective Use of Delineation," (with R. Trivedi & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Flashing Operations of Traffic Signals," (with K.T. Lee), Maryland State Highway Administration, 1988.

"Warrants for Firehouse Signals," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Intersections and Driveways Near Freeway Ramps," (with H.M. Chiu & P.M. Schonfeld), Maryland State Highway Administration, 1988.

"Service Levels for Different Interchange Configurations," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Increasing Intersection Capacity with Additional Through Lanes," (with M. Dia & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Removal of Non-Applicable Pavement Markings in Work Zones," (with P. Pisano & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Traffic Response to Variable Message Signs," (with S. Sirisoponilp & P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Offset T Intersections," (with S.K. Chang and P.M. Schonfeld), Maryland State Highway Administration, 1989.

"Safety Impacts of the 65-MPH Speed Limit on Interstate Highways," (with G.L. Chang and C.H. Chen), AAA Foundation for Traffic Safety, 1991.

"Training Needs for Highway Construction Personnel," Final Report on Project 20-25 to NCHRP, Transportation Research Board, 1991.

PRESENTATIONS/LECTURES

"Freeway Planning, Design Operations and Management," Two-day Lecture, UNDP, Beijing, China, January 1990.

"Advanced Technology and Freeway Incident Management," UNDP, Beijing, China, August 13-17, 1991.

COMMITTEES

Professional Committees include:

Institute of Transportation Engineers:

Trip Generation Committee, 1963-1965;
Student Chapter Committee, 1964-1972; Chairman, 12/66-1/69.
Philosophy of Signs Committee, Chairman 1966-1969;
Transportation Planning for College and Universities; Chairman 1969-74;
Equal Opportunities Committee, 1972 to 1977;
Fellowship Awards Committee, Chairman, 1974;
Research Committee, 1974;
University-Professional Interaction Committee, Chairman 1974-1976;
Chairman, Forecasting and Inventory Division, Dept. 6 (Transportation Planning), Technical Council, 1974-1977; Assistant Head, Dept. 6; 4 48-1980, Head, Dept. 6, 1980-1983.
Expert Witness Council, 1986 to present, Board of Directors, 1987-1989;
Safety Coordinating Committee, 1988 - Present;
Tort Liability Feedback Committee 1989 - Present;
Brochure on Traffic Impacts for Public Officials, Chairman, 1988-1989;
Left Turn Lane Storage length Design Criteria, 1987-1989.

Transportation Research Board:

Motorist Services Committee 1970-1980; Chairman, 1973-1979
Special Committee on Air Transportation Activities - 1974 to present (to determine how TRB should be reorganized to include air transport)
Low Volume Roads Committee, 1978-1987.
Group 3 (Operation and Maintenance of Transportation Facilities) 1979, Chairman of Section B, 1980 to 1983.

American Public Works Association:

Educational Committee of the Transportation Institute, 1975;
Representative on the National Committee on Uniform Laws and Ordinances, 1984 to present.

American Road and Transportation Builders Association:

Educational Division, President 1976
Educational Division, Board of Directors 1975-present
Airports Advisory Council, 1974 to present; Chairman 1984-1986
Specifications Review Committee, 1974 to present
Railroads Committee 1980 - 1984

American Society of Civil Engineers: Air Transport Division

Publications Committee - 1971 to 1978
Chairman, 1974 to 1977; Awards Committee 1971 to 1977;
Planning Committee 1979 to present; Secretary, 1980 - 1982; Vice Chairman, 1982-1985;
Chairman 1985-1988; Program Committee - 1987-1990.

University Committees at the University of Maryland

University-Wide:

Libraries & Instructional Aids - 1971-1973
State Ad Hoc Committee on "Land Use Guidelines in the Vicinity of the College Park Campus," 1971
Campus Physical Development (Senate Adjunct Committee, Chairman, 1974-1977)
Capital Improvements Budget Committee - 1974-1977
Graduate Programs Committee - 1977-1980
Transportation Advisory Committee - 1977-1980
Graduate Faculty Committee on Programs, Courses and Curriculum, 1984-1986
Senate: General Committee on Education Affairs, 1984-86

College:

Research and Graduate Studies - 1970-1971 and 1972-1973
Ad Hoc Committee on Promotions and Tenure - 1972-1973, 1978-79 (Chairman); 1989-1991.
Minta-Martin Fund Administrative Committee - 1972 to 1977
Programs, curricula and courses - 1988 - 1990.

Department:

Department Advisory Committee 1971-72 and 1972-73
Department Reorganization Committee - 1971
Undergraduate Curriculum Committee - 1972
Graduate Affairs Committee - 1970-1973; Chairman, 1971-73
PCC Committee - 1970-71
Dr. Carter also served on numerous committees at West Virginia University

Committees and Activities on Institutional Grants

Transportation Science Committee, Chairman, 1966-1969; Committee developed proposal and administered \$210,000 NSF Incentive Grant at West Virginia University

V/STOL Applications on Naval Carriers:

Sponsored by: U.S. Department of Defense, Project THEMIS

Dates: 1968-1970

Amount: \$210,000 Annually - Dr. Carter was in charge of one portion of this overall study involving \$30,000 to \$35,000 per year.

Inter-Campus Transportation Feasibility Study:

Sponsored by: US Department of Housing & Urban Development

Dates: 1966-67

Amount: \$130,000 (led to the Morgantown People Mover System)

Planning National Seminars for Mass Transit Executives:

Sponsored by: US Department of Housing & Urban Development

Dates: 1966-67

Amount: \$60,000

Conference on the Application of Engineering Technology to the Problems of Appalachia:

Sponsored by: National Science Foundation

Dates: 1964-65

Amount: \$50,000

Technology Transfer to Local Transportation Agencies:

Sponsored by: Federal Highway Administration, MD State Highway Administration

Dates: 1984-present

Amount: \$125,000/year to 1987; \$225,000/year - since 1988

OTHER RESEARCH UNDER DR. CARTER'S DIRECTION

This includes the following sponsored research projects at West Virginia University:

Establishing Criteria for Speed Limits in School Zones, \$7,000 (1965-66).

Determining the Feasibility and Economic Impact of Vertical or Short Take-Off and Landing Aircraft for the Appalachian Region, \$72,000 (1965-68).

Simplified Techniques for Transportation Planning: Trip Generation for Small Urban Areas, \$3,000 (1965-66).

The Impact of the Highway Beautification Act on the Outdoor Advertising Industry in West Virginia, \$18,000 (1966-67).

Feasibility of helicopter and Ground Ambulance Transportation Systems for Emergency and Regional Medical Services in West Virginia, \$110,000 (1970).

Bridge Shoulder Width Study, \$27,000 (1970).

Sponsored Research at the University of Maryland:

Study of Traffic Flow on a Restricted Facility, 3 Phases, \$262,000, 1971-77.

Study of Traffic Diversion at a Single Point (Sub-contract with Sperry-Rand Corp.) - FHWA, \$75,000, June 1973 to December 1975.

Traffic Volume Counting Study for Maryland & W. Va., \$85,000, 1973-77

Comprehensive Transportation Study for the College Park Campus. Board of Regents, \$100,000, August 1976 to August 1977.

Glen L. Martin Airport Access Study, Maryland State Aviation Administration, \$5,000, 1977-78.

Road Rating and Priority Programming Study, Phase I, \$131,900, Baltimore County, 1978-79.

Training Needs of Safety Personnel in State and Local Agencies, \$30,000, Maryland DOT, Transportation Safety Division, 1978-79.

Origin-Destination Study for the Washington Metropolitan Area External Update, \$35,000, 1980-81.

Study of Cost Allocation for Maryland's Highways, Roads and Streets, \$169,000, 1980-82.

Evaluation of Selective Enforcement on Maryland's Streets and Highways, \$48,000, 1982-1983.

Re-evaluation of Traffic Control at Non-Signalized Intersections, \$35,000, 1982-1983.

Study of Revenue Allocation for Metro-Bus, \$28,000, 1982-1983.

Heavy Duty Truck Drivers Visual Task: Binocular vs. Monocular Drivers, FHWA, 1983-84 (subcontract to NPSRI - \$18,000).

Truck Accidents on Freeways, Maryland SHA, 1985, \$9,800.

Routing of Oversize/Overweight Vehicles, Maryland, SHA, 1985-86, 4,000. Signal Systems: Methodology for Project Selection, Maryland SHA, 1984-48, \$35,000.

Traffic Related State of the Art Studies (14 Selected State-of-the-Practice Studies), Maryland SHA, 1986-1988; COPI, \$90,000.

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Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

2480-94
5/12/94

May 11, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

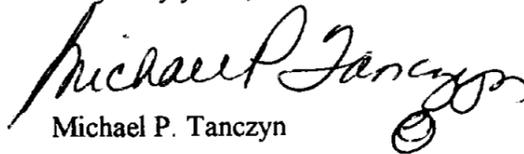
Dear Gwen:

Please reschedule this case for hearing. The revision to the plan is coming from the engineer and will be submitted to the County with the revision fee as soon as we receive it.

As the Protestants' case was heard last time, we anticipate no more than 1/2 day to conclude.

We would like this scheduled so that a decision might be rendered prior to the Fall 1994 school term.

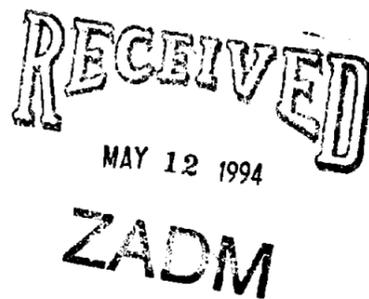
Very truly yours,


Michael P. Tanczyn

MPT/ed

cc: Ms. Fatema Falahi

Dictated but not read.


MAY 12 1994
ZADM

Evaluation of Maryland's Mandatory Safety Belt Use Law, Maryland DOT, 1987-1989, \$95,000.

General Aviation Airport Study for Anne Arundel County, Anne Arundel County, 1989, \$17,700.

Analysis and Adaptation of the Brakemaster (emergency truck brake) - MD. Industrial Partnership, 1989-90, \$30,000.

Training Needs for Highway Construction Personnel, NCHRP Project 20-25, 1989- 90, \$75,000.

Defining the Traffic Impact Area for New Development, Maryland SHA, 1990-91, \$41,000.

Safety Impacts of the 65-MPH Speed Limit on Interstate Highways, AAA Foundation for Traffic Safety, 1990-91, \$42,000.

Professional Development of Maintenance Engineers and Managers, NCHPP project 14-9(6), 1991-1992, \$175,000.

Local Highway Safety Engineering Manpower & training Needs Study, Maryland DOT, 1990-91, \$44,000.

Highway Safety Training, Maryland DOT, 1990-91, \$32,000.

Technology Transfer to Local Transportation Agencies, 1984 to present, FHWA & Maryland SHA, \$225,000/year.

OTHER EXPERIENCE AND QUALIFICATIONS RELEVANT TO TRUCK OPERATIONS AND SAFETY

Everett C. Carter Ph.D. has over 30 years of transportation experience, much of which lies in the area of highway and traffic engineering. He has conducted several studies and research projects relevant to truck operations and safety.

Dr. Carter is a professor at the University of Maryland, where he has taught both graduate and undergraduate level courses in highway engineering, traffic engineering and safety. As a key member of the Transportation Studies Center at UMCP, he has served as a consultant for various organizations and government agencies, including the Office of the Secretary, U.S. Department of Transportation.

Dr. Carter has been involved with highway and traffic engineering since his graduate school experience. He has taught highway operations and design for almost 30 years at the University of Maryland and at West Virginia University. Specific projects related to trucks for which he has been responsible include:

- ◆ Vehicle Characteristics Related to Highway Design
- ◆ NCHRP 198, Truck Size, Weight and Speed Regulations
- ◆ Federal Highway Administration, Heavy Truck Corridors Study
- ◆ MD SHA, Impacts of the Differential Speeds: Cars and Trucks
- ◆ MD Port Administration, Port Access Routing for Overweight/Oversize Trucks
- ◆ MD DOT, Truck Weight Study

AFFIDAVIT

Prot. Gal # 16

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
YORKSHIRE COMMUNITY ASSOCIATION.

ATTEST:

Mary Lee Das

Kathleen F. Beadell

Mary Lee Das
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKAFDV

RESOLUTION

YORKSHIRE COMMUNITY ASSOCIATION

RESOLVED: THAT AT THE REGULAR MEETING OF THE YORKSHIRE COMMUNITY ASSOCIATION HELD ON FEB. 17, 1994~~5~~ IT WAS DECIDED BY THE ASSOCIATION THAT THE RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD FEB. 17, 1994 TO UNTIL CHANGED BE PLACED IN THE BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|----------------|------------------|
| PRESIDENT | KATHLEEN BEADELL |
| VICE PRESIDENT | DENNIS KUNDRATIC |
| SECRETARY | MARY LEE SAS |
| TREASURER | JOHN POZNICK |
| DIRECTOR 1 | MARIE KASKOW |
| DIRECTOR 2 | JOCELYN PARKS |
| DIRECTOR 3 | JOHN SMAILKOWSKI |
| DIRECTOR 4 | CORRINE JANES |
| DIRECTOR 5 | ALCIE COOPER |

AS WITNESS OUR HANDS AND SEAL THIS 22 DAY OF MAR., 1995

ATTEST:

Mary Lee Sas
Mary Lee Sas
SECRETARY

Kathleen F. Beadell
Kathleen F. Beadell
PRESIDENT

YRKRSLN1

RESOLUTION

YORKSHIRE COMMUNITY ASSOCIATION

RESOLVED: THAT THE POSITION OF THE YORKSHIRE COMMUNITY ASSOCIATION
AS ADOPTED BY THE BOARD OF DIRECTORS ON THE ZONING MATTER
KNOWN AS:

BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE
CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

IS THAT:

1. OPPOSED TO THE PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 17th DAY OF FEB., 1994

ATTEST:

YORKSHIRE COMMUNITY ASSOCIATION

May Lee Sas

Kathleen F. Beadell

May Lee Sas
SECRETARY

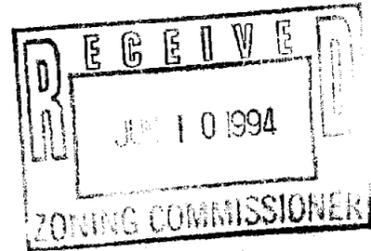
Kathleen F. Beadell
PRESIDENT

YRKRES2

file

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848



June 8, 1994

Timothy Kotroco, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

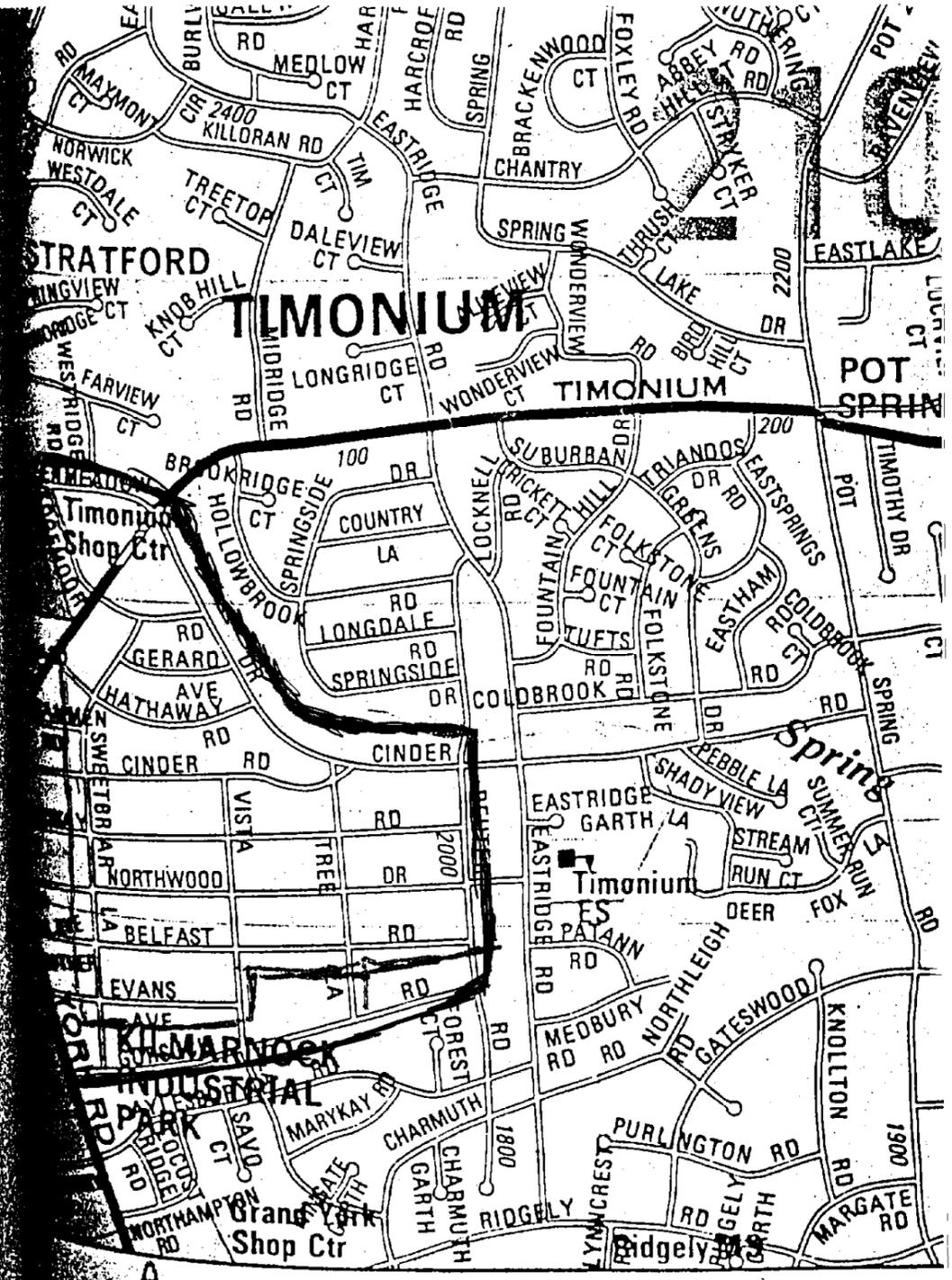
Dear Mr. Kotroco:

Pursuant to my conversation with your secretary, enclosed is a copy of my May 11, 1994 letter to Gwen Stevens of the Zoning Office requesting that the above matter be reset for hearing.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure



Yorkshire Community

910,000 FT

A
37°30'

Post # 15

LIBER 9499 PAGE 334

C R/F 15.00

C T TX 275.00
C DOCS 425.00
CC IMP 51.00

DEED OF ASSIGNMENT

ASSIGN 0.

THIS DEED OF ASSIGNMENT, Made this 9th day of November 1992, by and between PHYLLIS J. BURKE, formerly known as Phyllis J. Riggleman and Phyllis J. Kopelke, party of the first part, Grantor; and FATEMEH FALAHI and MOHAMMAD HAERIAN, husband and wife, parties of the second part, Grantees

WITNESSETH: That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid or to be paid in connection with this conveyance being EIGHTY FIVE THOUSAND AND NO/100THS DOLLARS (\$85,000.00), this day paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and assign unto the said Grantees, as tenants by the entireties their assigns, the survivor of them and the personal representatives and assigns of the survivor, all that lot of ground situate and lying in the County of Baltimore, State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as Lot No. 12, Block D as shown on the Plat entitled, "Section Three, Part of Blocks D, E, F, F1, G, H & I, Haverford" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book GLB No. 21, folio 23. The improvements thereon being known as No. 42 Timonium Road.

BEING ALL AND THE SAME PROPERTY which by Deed of Assignment dated February 8, 1971, and recorded among the Land Records of Baltimore County, Maryland in Liber OTG No. 5165, folio 365, was granted and assigned by James Richard Kopelke and Phyllis J. Kopelke, husband and wife unto Phyllis J. Kopelke, now known as Phyllis J. Burke, the within Grantor, subject to the payment of an annual ground rent of \$120.00, payable in even and equal half-yearly installments on the 16th days of April and October, in each and every year.

TOGETHER WITH the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining thereto.

TO HAVE AND TO HOLD the said described property and premises unto and to the use of the said Grantees, as tenants by the entireties, their assigns, the survivor of them, and the personal representatives and assigns of the survivor for all the rest and residue of the term of years yet to come and unexpired therein with the benefit of renewal forever,

AGRICULTURAL TRANSFER TAX NOT APPLICABLE

03A03#0024TLTRTX \$1,360.00
BA C002:52PM11-18-92

SIGNATURE DW DATE 11/19/92

RECEIVED BY REGISTER
of Baltimore County
for Baltimore County
11/19/92
Date

LIBER 91.00 PAGE 35

subject to the payment of the annual ground rent aforesaid.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter, or thing whatsoever to encumber the property hereby assigned, that she will warrant specially the property assigned, and that she will execute such further assurances of the same as may be requisite.

AS WITNESS the hand and seal of the said Grantor.

WITNESS:

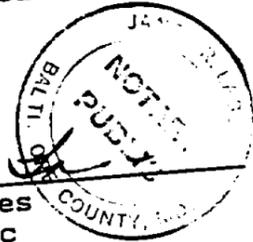
Janet R. Lages Phyllis J. Burke (SEAL)
Phyllis J. Burke

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 9th day of November, 1992, before me, a Notary Public of the State aforesaid, personally appeared Phyllis J. Burke, formerly known as Phyllis J. Riggleman and Phyllis J. Kopelke, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Janet R. Lages
Janet R. Lages
Notary Public



My Commission Expires: August 1, 1993

The within Grantees hereby certify under penalties of perjury, that the land conveyed in the within Deed of Assignment is residentially improved owner-occupied real property and that the residence will be occupied by us.

Fatemeh Falahi
Fatemeh Falahi
Mohammad Haerian
Mohammad Haerian

immediately prior hereto:

a) Deed of Assignment dated November 9, 1992, which was granted and assigned by Phyllis J. Burke, subject to the payment of an annual ground rent in the amount of \$120.00, payable in even and equal half yearly installments on the 16th days of April and October, in each and every year;

b) Deed dated November 9, 1992, which was granted and conveyed by Maryland National Bank, in fee simple.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot(s) of ground, with the improvements and appurtenances aforesaid, to the said Mortgagee.

PROVIDED, that if the said Mortgagor shall well and truly pay or cause to be paid the aforesaid principal sum of Sixty Thousand and no/100ths Dollars, and all the interest thereon when and as such payments shall respectively be due and payable as aforesaid and shall perform each and all of the covenants herein on Mortgagor's part to be performed, then this Mortgage shall be void.

But upon any default being made in the payment of said principal or interest, in whole or in part, when due, or upon any default being made in any covenant or condition of this Mortgage, then the whole mortgage debt hereby secured and then unpaid may thereupon be declared to be due and payable, at the option of the Mortgagee, after such default shall have continued for thirty (30) days.

AND the said Mortgagor hereby assents to the passage of a decree for the sale of the herein described property at any time after a default has occurred in any of the covenants of this mortgage, as herein provided; and the said Mortgagor hereby authorizes the said Mortgagee, after any default shall have occurred as aforesaid, to sell the hereby mortgaged property. Any such sale, whether under the aforementioned assent to a decree or under the aforementioned power of sale, shall be under the provisions of Real Property Article of the Annotated Code of Maryland Section 7-105 (Acts of 1974 of Chapter 12) and the Rules W70-W76 of the Maryland Rules of Procedure, or under any other general or local laws of the State of Maryland relating to mortgages, or any supplement, amendment or addition thereto. Such sale shall be made after giving notice by advertisement as required by the aforesaid Statute and Rules; and the terms of the sale may be all cash upon ratification of the sale or such other terms as the party selling may deem expedient. And upon any such sale of said property under this mortgage, the proceeds shall be applied as follows: (1) to repayment of all expenses incident to said sale, including a reasonable counsel fee for conducting the

proceedings if without contest, but if legal services be rendered to the Mortgagee or to the Trustees or party selling under the power of sale in connection with any contested matter in the proceedings, then such additional counsel fees and expenses shall be allowed out of the proceeds of sale as the Court may deem proper; and a commission to the party making the sale of said property equal to the commission allowed Trustees for making sale of property by virtue of a decree of a Court having equity jurisdiction in the State of Maryland; (2) to the payment of all claims of the said Mortgagee hereunder, whether the same shall have matured or not, including interest thereon until the final ratification of the final Auditor's Account in the foreclosure proceedings; (3) and the balance if any, to the said Mortgagor, or to whomever may be entitled to same. And in the event that the mortgage debt shall be paid after any advertisement of said property, but before sale thereof, the Mortgagor hereby covenants to pay also, all expenses incident to said advertisement or notice, all court costs and all expenses incident to the foreclosure proceedings under this mortgage, and a commission on the total amount of the mortgage indebtedness, principal and interest, equal to one-half of the percentage allowed as commission to trustees making sale under orders or decrees of a Court having equity jurisdiction in the State of Maryland and a reasonable counsel fee; but said sale may be proceeded with unless, prior to the day appointed therefor, payment be made of said principal and interest, costs, expenses, commission and fee.

AND the said Mortgagor hereby covenants with the Mortgagee as follows:

(1) To repay the mortgage indebtedness hereby secured, together with the interest thereon at the rate aforesaid, at the times and in the amounts aforesaid;

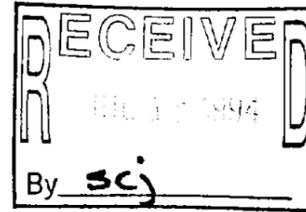
(2) To purchase and pay the premiums thereon, during the term of this mortgage, of all policy or policies of fire and extended coverage insurance on the improvements on the above described lot of ground insuring the same against loss by fire and other hazards, usually referred to as "extended coverage," with an endorsement thereon making the proceeds of the policy or policies, in event of damage by fire or other covered casualty, payable to the Mortgagee to the extent of Mortgagee's lien on the land and improvements, in such companies, through such agents or brokers, and in such form as shall be satisfactory to the Mortgagee, in amounts sufficient to protect Mortgagee's lien thereon, and to deliver the policy or policies and all renewal policies or receipts to the Mortgagee; and in the event of any loss by fire or other casualties, the insurance company or companies issuing said policy or policies are hereby, and in said policy or policies are to be directed by the Mortgagor to make payment for such loss to the Mortgagee only, to the extent of its lien thereon and any unpaid insurance premiums or taxes and other expenses advanced, and not to the Mortgagor and Mortgagee jointly; such payment to the Mortgagee shall be applied to the extinguishment of the

MICHAEL P. TANCZYN, P.A.

Suite 106, 106 Chesapeake Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

June 13, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204



Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find the revised plans in the above matter together with our check for the filing fees for the revisions.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi

**REVISED PLATS
DROP-OFF
NO REVIEW
7-19-94 WCR**

MICROFILMED

principal, interest and other obligations secured by this mortgage, whether then due or not; however, the Mortgagee, in lieu thereof, may consent, in writing, to the application by the Mortgagee of said insurance proceeds to the reconstruction of the improvements on the mortgage property;

(3) To pay all taxes, water and sewer charges and other public dues and assessments of every kind whatsoever for which the property hereby mortgaged may become liable, and to pay all ground rent, if any, when and as the same shall become due and payable and to deposit receipts for the same with the Mortgagee within 30 days after the due date for such payments;

(4) To pay to the Mortgagee, if required, on the same date upon which the payment on account of principal and interest are made, for the purpose of establishing a fund to assure the payment of the taxes, water and sewer charges, and other public dues and charges, the ground rent, if any, the premiums on the policies of fire and extended coverage and any other obligations for which the above-described property may become liable, one-twelfth (1/12th) of the yearly aggregate of such payments as estimated by the Mortgagee. Said amounts so paid to the Mortgagee shall be held by the Mortgagee in trust solely for the purposes indicated and the funds may be commingled with other funds of the Mortgagee, such deposit as herein required shall be known as "Expense Account." In the event the Mortgagor fails to provide sufficient funds to pay said expenses, the Mortgagee is hereby authorized to pay said expenses, and the amount so paid shall then be added to the principal debt herein and shall bear interest at the rate hereinbefore stated as the interest payable on the principal debt, from the date of such payment or payments, and said Mortgagee shall have a lien under this Mortgage on the premises hereinbefore described for the amount or amounts so paid, together with the interest thereon as herein stated upon the principal debt. Failure to establish and maintain the aforesaid expense account for the payment of the aforesaid expenses shall, at the option of the Mortgagee, constitute a default in this Mortgage, for which foreclosure of this Mortgage may be instituted. If said Expense Account is not required, Mortgagor shall have the privilege of making payment on all real estate taxes, hazard insurance premiums, and other liens superior to this Mortgage, and shall furnish Mortgagee with proof of payment of each, within thirty (30) days following the due date of each payment (or in case of real estate taxes, such date shall be construed to be that date after which interest and/or penalty begins to accrue on said bill). Should Mortgagor fail to pay each bill and/or provide proof of such payment to Mortgagee as specified herein, Mortgagor shall, as Mortgagee's sole option and within thirty (30) days of Mortgagee's written demand, establish an escrow account with Mortgagee as specified herein.

(5) Not to permit, commit or suffer to be committed any waste, impairment or deterioration of said above described property or any part thereof; and

(6) To pay a late charge in the amount of Five Percent (5%) of the principal and interest installment if the Mortgagee does not receive the required payment within fifteen (15) days of the due date.

It is further agreed between the parties:

1. Each monthly payment made by the Mortgagor and paid to the Mortgagee, where the amounts shall not be equal to the required monthly payments of principal, interest and the Expense Account, if required, shall be applied as follows: First: To the payment of the interest due on the date of said payment; Second: Any balance remaining shall be credited on account of the unpaid principal due as of such date; and Third: Any balance remaining shall be credited to the Expense Account.

2. The holder of this mortgage, in any action to foreclose the same, shall be entitled, without regard to the adequacy of the security for the debt, to have a receiver appointed by the Court to collect the rents and profits of said property and account therefor as the Court may direct.

3. Should the title to the herein mortgaged property be acquired by any person, persons, partnership or corporation, other than the Mortgagor, by voluntary or involuntary grant or assignment, or conveyed or encumbered in any manner, without the Mortgagee's, or other holder of this Mortgage, consent in writing or should the Mortgagor, or any one or more of the Mortgagor group, if more than one, be declared insolvent or bankrupt, then the balance then due or to become due on said principal indebtedness shall, at the option of the Mortgagee, become due and payable and constitute a ground of foreclosure if not paid on demand.

4. At the option of the Mortgagee, the entire indebtedness then unpaid and secured hereby shall become due and payable after a default in the payment of any monthly installment of principal or interest, as herein provided, shall continue for thirty (30) days, or after default, in the performance of any of the covenants or conditions hereof shall have continued for thirty (30) days;

5. The Mortgagee, at Mortgagee's election, may sell the property hereinabove described at the foreclosure sale, subject to one or more of the tenancies entered into subsequent to the recording of the mortgage, provided such fact is disclosed in the advertisement of the sale;

6. Should any portion of the above described property, or an easement appurtenant thereto, be condemned or taken under eminent domain, all or such part of any award or proceeds, as Mortgagee shall be entitled to receive in payment of the balance due on principal and interest and shall declare the same in writing, is, by this instrument assigned by Mortgagor to Mortgagee

writing, is, by this instrument assigned by Mortgagor to Mortgagee for payment of the said principal and interest due on said mortgage indebtedness, and Mortgagee is hereby authorized to give receipts and releases therefor; and

7. Until default is made, the said Mortgagor may retain possession of the hereby mortgaged property.

8. Each of the parties hereto, Mortgagor and Mortgagee, shall promptly advise the other of any change in the address of either.

THE Mortgagor warrants specially the property hereby mortgaged and will execute such further assurances of the same as may be requisite.

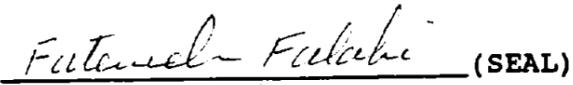
Whenever used herein, the words "Mortgagor" and "Mortgagee" shall include the heirs, personal representatives and/or assigns of the Mortgagor or Mortgagors, or Mortgagee or Mortgagees, and the successors and/or assigns of the Mortgagee or Mortgagees. The use of any gender shall be applicable to all genders and "Mortgagee" shall include any payee of the indebtedness hereby secured, or any transferee thereof whether by operation of law or otherwise. The use of the singular shall include the plural, and the plural the singular.

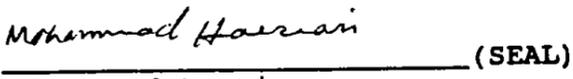
WITNESS the hands and seals of said Mortgagors.

WITNESS:


Janet R. Lages

Janet R. Lages


Fatemeh Falahi (SEAL)


Mohammad Haerian (SEAL)

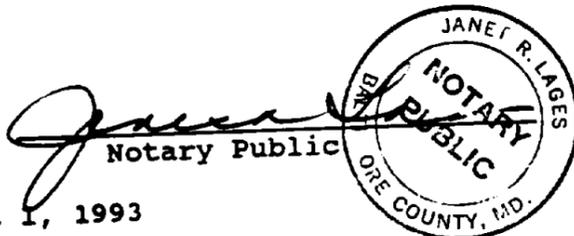
STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 9TH day of November, 1992, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Fatemeh Falahi and Mohammad Haerian, husband and wife, known to me, or satisfactorily proven, to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

At the same time also appeared Joseph Wade and made oath in due form of law that he is the agent of the party secured by the foregoing mortgage, that the consideration set forth in the foregoing mortgage is true and bona fide as therein set forth.

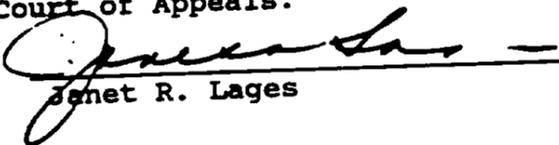
AS WITNESS my hand and notarial seal.

LIBER9499 PAGE343



My Commission Expires: August 1, 1993

I hereby certify that the within instrument was prepared under my supervision and that I have been duly admitted to practice law by the Maryland Court of Appeals.


Janet R. Lages

RETURN TO:
Janet R. Lages, Esquire
312 Wyndhurst Avenue
Baltimore, Maryland 21210
(410) 433-3292
File No. BA-161.92

LIBER 9499 PAGE 344

EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lot No. 12, Block D as shown on the Plat entitled, "Section Three, Part of Blocks D, E, F, F1, G, H & I, Haverford" which said Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book GLB No. 21, folio 23. The improvements thereon being known as No. 42 Timonium Road.

BEING THE SAME PROPERTY, fee simple title to which was acquired by Fatemeh Falahi and Mohammad Haerian, husband and wife, by the following conveyances to them, recorded or intended to be recorded among the Land Records of Baltimore County, Maryland immediately prior hereto:

a) Deed of Assignment dated November 9, 1992, which was granted and assigned by Phyllis J. Burke, subject to the payment of an annual ground rent in the amount of \$120.00, payable in even and equal half yearly installments on the 16th days of April and October, in each and every year;

b) Deed dated November 9, 1992, which was granted and conveyed by Maryland National Bank, in fee simple.



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Administrator

7-29-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 271
CASE NO: #94-271-XA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

October 28, 1994

Ms. Eileen Hennegan
Office of the Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variances

Dear Ms. Hennegan:

Please note an appeal from the Decision of September 30, 1994 in the above matters to the County Board of Appeals for Baltimore County on behalf of the Petitioners.

Enclosed you will find my check made payable to Baltimore County in the amount \$460.00.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: Norman E. Gerber, AICP
Ms. Fatema Falahi

RECEIVED
OCT 28 1994
ZADM

[Faint, illegible text]

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND, 21204

3-2-93
OEA: COP/UB
HISTORIC DISTRICT/BLDG

ISSUED
PERMIT # B156355
RECEIPT # A177701
CONTROL # PK
XREF #
FEE: \$25.00
PAID: 25.00
PAID BY: APP
INSPECTOR: LF

PROPERTY ADDRESS 42 Timonium Rd
SUBDIV: Timonium MD 21093
TAX ACCOUNT # 08-11-06760
OWNER'S INFORMATION (LAST, FIRST)
NAME: Fateme Fakhri Mohamadal Haerian
ADDR: 42 Timonium Rd

APPLICANT INFORMATION
NAME: Fateme Fakhri
COMPANY: Owner
ADDR1: 42 Timonium Rd
ADDR2: Timonium MD 21093
PHONE #: 443-540 MHIC LICENSE #:
APPLICANT SIGNATURE: Fateme Fakhri TRACT: BLOCK:
PLANS: CONST PLOT PLAT DATA EL PL
TENANT:
CONTR: owner
ENGR:
SELLR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE OBSERVED UNLESS OTHERWISE SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

- BUILDING 1 or 2 FAM
CODE CODE
BOCA CODE
TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

- TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. SWIMMING POOL
06. GARAGE
07. OTHER
TYPE FOUNDATION BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

DESCRIBE PROPOSED WORK: (Enclose screened in porch on rear of ex, SFD w/drywall + F finishes + construct addition on side of enclosure to square off house. To be used as family room + bathroom) 35x16x10=560sq ft. This permit cancels + replaces B155789MR - change in

- NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

- TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINFORCED CONCRETE
TYPE OF HEATING FUEL
1. GAS
2. OIL
3. ELECTRICITY
4. COAL
TYPE OF SEWAGE DISPOSAL
1. PUBLIC SEWER
2. PRIVATE SYSTEM
3. SEPTIC
4. PRIVY
EXISTENCE
PROPOSED
EXISTS
PROPOSED
EXISTS
PROPOSED
EXISTS
PROPOSED

ESTIMATED COST: \$
PROPOSED USE: SFD + ADDITION
EXISTING USE: SFD

OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL
RESIDENTIAL CATEGORY
1. DETACHED
2. SEMI-DET
3. GROUP
4. TOWNHSE
5. MIDRISE
6. HIGHRISE
FAMILY BEDROOMS
BATHROOMS
KITCHENS
APPROVAL SIGNATURES

PROTESTANT'S
EXHIBIT NO. 12

PLOT PLAN

OWNER Faterick Falck Application No. _____

ADDRESS 42 Timonium Rd
Timonium, MD 21093

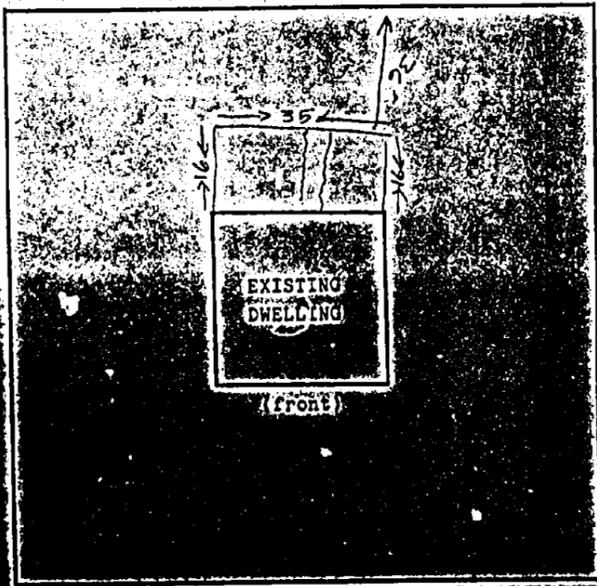
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback _____ Left side setback _____
 Rear yard setback Right side setback _____

NOTE:

Cannot fence access easements.



ROAD NAME TIMONIUM RD

6/91

Greater Timonium Community Council

Box 276, 9 B West Ridgely Road,
Lutherville-Timonium, Maryland 21093

Mr. Timothy Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21204

August 22, 1994

Re: Case No. 94-271-XA
42 East Timonium Rd.

Dear Mr. Kotroco:

We are writing to voice our displeasure with the proposal that would request a special exception and a variety of variances for 42 East Timonium Road. In our estimation the property is too small to provide for such use, and due to its size, the variances are excessive in number. The adjoining residential properties will suffer a loss of privacy if this proposal is granted.

In addition, the adjoining neighbors have demonstrated to us that the traffic flowing from this site presents a hazardous situation at present, and it can only get worse if the enrollment increases.

We urge you to deny these zoning requests.

**PROTESTANTS
EXHIBIT NO. 14**

Sincerely,



Eric Rockel, President

cc: J. Owen

MICROFILMED

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

PERMIT NO. B155193 RECEIPT NO. 174-18650 CONTROL NO. 174-18650 XREF. NO. 174-18650

PROPERTY ADDRESS: 42 Timonium Rd SUBDIV: Hawthorn DISTRICT/PRECINCT: 08-11-067650

OWNER'S INFORMATION (LAST, FIRST): Falah, Fatemeh ADDRESS: 42 Timonium Rd

APPLICANT INFORMATION: NAME: Falah, Fatemeh COMPANY: owner ADDRESS: 42 Timonium Rd ADDRESS 2: Timonium MD 21093 PHONE: 410-666-3540 MHC LICENSE:

APPLICANT SIGNATURE: X Fatemeh Falah TRACT: BLOCK: 2 PL 2

PLANS: CONST PLOT 1 PLAT DATA EL 2 PL 2

TENANT: CONTR: owner ENGR: SELLR:

TYPE OF IMPROVEMENT: NEW BLDG CONST

TYPE OF USE: RESIDENTIAL

TYPE OF FOUNDATION: SLAB

TYPE OF CONSTRUCTION: MASONRY

ESTIMATED COST: 10000

PROPOSED USE: RESIDENTIAL

EXISTING USE: RESIDENTIAL

RESIDENTIAL CATEGORY: 2 BED

BATHROOMS: 2 KITCHENS: 1

APPROVAL SIGNATURES: _____ DATE: _____

BLDG INSP: _____ DATE: _____

BLDG PLAN: _____ DATE: _____

FIRE: _____ DATE: _____

GEDI: _____ DATE: _____

ZONING: _____ DATE: _____

PUB SERV: _____ DATE: _____

ENVRMNT: _____ DATE: _____

PERMITS: _____ DATE: _____

NO PERMIT FEES REFUNDED

DESCRIBE PROPOSED WORK: Erect 6 high wooden fence
in rear & side yard. 226 sq ft. Cannot fence
walking elements. Any fence erected within
must be described in owners expense of fence
Rear fence & side yarding Rear Yard

PROTESTANT'S EXHIBIT NO. 11

PLOT PLAN

OWNER Fatimah Felahi F.F.

Application No. _____

ADDRESS 42 Timonium Rd

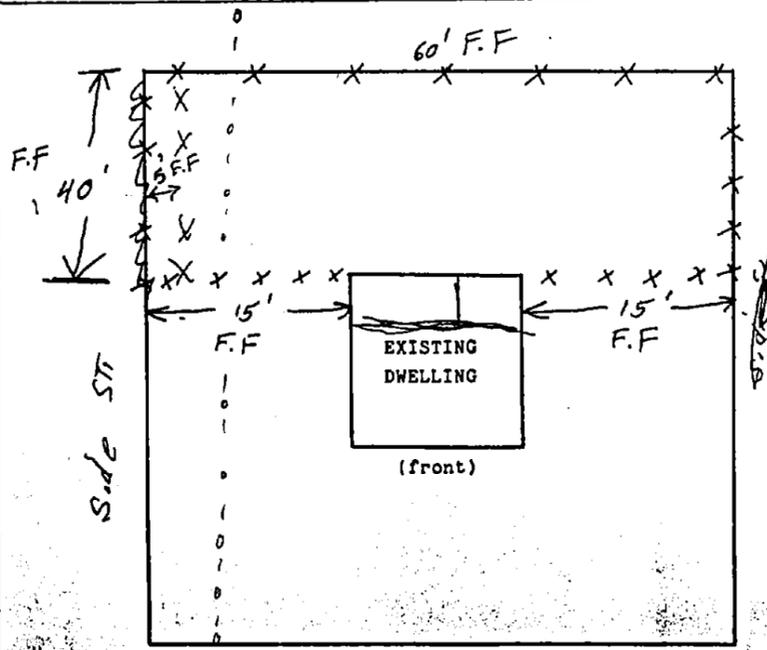
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback _____ Left side setback _____
Rear yard setback _____ Right side setback _____

NOTE:

PROPERTY LINE (F.F.)
Cannot fence access easements.



ROAD NAME Timonium Rd

6/91

Printed on Recycled Paper

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

February 14, 1995

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

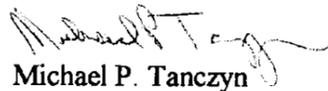
Re: ~~Case No. 94-271-XA~~ Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find Amended Petition for Variance as well as 10 copies of the amended plats to reflect changes which have occurred adjacent to the lot and within the plan of the Petitioner.

This matter is scheduled for hearing before the County Board of Appeals for Baltimore County on February 28, 1995.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi
Mr. J. Finley Ransone

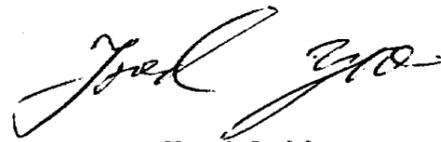
Timonium Citgo
40 E. Timonium Road
Timonium, Maryland 21093
July 10, 1994

Patemeh Falahi
42 E. Timonium Road
Timonium, Maryland 21093

Dear Ms. Falahi:

In result of my growing business, I cannot provide parking space in my parking lot anymore. My parking lot is very congested and in a month or two I am planning to add a state inspection station and coin-operated vacuum machines so it makes it very difficult to share any parking space with you. I would like to withdraw from the contract we made last March. Until you find parking space at a different location you can still use my parking space temporarily. I hope you understand my situation.

Sincerely,



Fred C. Yoo

**PROTESTANT'S
EXHIBIT NO. 7**

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

February 22, 1994

HAND DELIVERED

Fatemeh Falahi
Mohammad Haerian, M.D
10630 Pot Spring Road
Cockeysville, Maryland 21030-3017

c/o Michael P. Tanczyn, Esquire

Dear Mr. Tanczyn:

This firm has been retained by Timonium Shopping Center Associates Limited Partnership, which owns property located adjacent to the property you own at 42 East Timonium Road. As clearly evidenced by the attached survey, there are certain encroachments on the property owned by our client. These include macadam and gravel drives, fencing and a shed as also shown on your site plan.

Without expressing any opinion as to the zoning relief you currently request, please be advised that we intend to take appropriate legal action to secure our client's interest in the adjacent property. Accordingly, please take the necessary steps to remove all encroachments on the Timonium Shopping Center property.

If you wish to discuss this matter, please feel free to contact me.

Sincerely,

Kathleen Gallogly Cox

KGC/cjc
Enclosures

TANCZYN.KGC

**PROTESTANT'S
EXHIBIT NO. 8**

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS
(410) 494-6268

KATHLEEN GALLOGLY COX

March 9, 1994

Michael P. Tanczyn, Esquire
Michael P. Tanczyn, P.A.
606 Baltimore Avenue, Suite 606
Towson, Maryland 21204

Re: Timonium Shopping Center Associates Limited Partnership
Our File No.: 16899 110166

Dear Mike:

I am writing to confirm our conversation of March 8, 1994. Unfortunately, my clients are not in a position to accommodate your proposal for continued use of portions of our property. Accordingly, we must insist that all encroachments in our property be removed.

As we discussed, please let me know your client's proposal on the timing for these actions to be taken. Additionally, I understand that you have authorized us to remove the shed from the property, but will make arrangements to have your client remove any property first which remains in the shed. Please let me know when that action is taken.

Sincerely,



Kathleen Gallogly Cox

KGC/cjc
cc: Mr. Martin H. Pechter

2-TANCZYN.KGC

**PROTESTANT'S
EXHIBIT NO. 9**

MICROFILMED



July 1, 1994

Fatemeh Falahi
10630 Pot Spring Road
Cockeysville, MD 21030-9017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear Ms. Falahi:

As you are aware from our numerous conversations and correspondence from my attorney Ms. Cox, you encroaching on the property of Timonium Shopping Center. As the management company responsible for the center, I have informed you verbally, and in writing that the situation must be corrected immediately.

Tristar Management plans to begin work on a fence which will be located approximately 15 feet from the property line as shown on the attached plat. This fence will eliminate a substantial part of your driveway and a portion of your back yard. As you have a child care business which is currently utilizing the back yard area I would suggest that you immediately make arrangements to cease using the Timonium Shopping Center property so that when the contractors begin work there is no danger to the children. It is also important that you immediately arrange to create an enclosure on your property in the rear for the children to play, so that when the existing fences are removed, once again there is no danger to the children.

If by some chance you decide not to pursue the expansion of the commercial use on your property thereby satisfying the neighboring residential community, I would be happy to reconsider the taking of your driveway.

Please accept this letter as your notice that on or about July 15, the above noted work will begin. Please make all of the appropriate arrangements to have all of your personal property removed, and all necessary safeguards for the children in place. Thank you in advance for your cooperation.

Very truly yours,

PROTESTANTS
EXHIBIT NO. 10

Pik
Martin Pechter
President

MICROFILM

cc: Kathleen Cox, Esquire
40 York Road - Suite 200 - Towson, Maryland 21286 / (410) 321-8460 / (410) 321-8777 / Fax (410) 321-8788

Forward

A major purpose of the Office of Child Care Licensing and Regulation (OCCLR) is the establishment and enforcement of minimum standards of health and safety for out-of-home child care. We have updated the family day care regulations and you are expected to use the updated version to maintain your registration or to obtain a new registration.

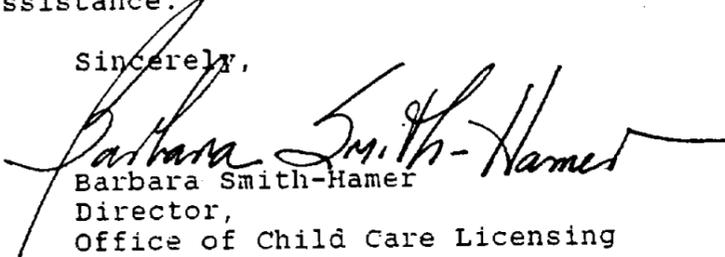
In addition to providing training on the regulations, we are also giving you this workbook entitled Understanding the Family Day Care Regulations, A Workbook for Providers to provide you with in-depth information about the Family Day Care Regulations. We believe that the Workbook will become a good friend over time.

We are very interested in making this Workbook the best that it can be. We ask you to use it during and after training and let us know what you think about it. Address your comments directly to me by December 1, 1990. It will be very helpful if you follow the guidelines for comments provided on the next page.

Our plan is to establish a working group to refine the Workbook. We will update the Workbook and will distribute the final version to newly registered providers and to existing providers when they renew their certificates.

Thank you in advance for your assistance.

Sincerely,


Barbara Smith-Hamer
Director,
Office of Child Care Licensing
and Regulation

**PROTESTANT'S
EXHIBIT NO. 6**

NOV 1990

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

March 27, 1995

Honorable William Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners
Hearing Date - March 31, 1995 @ 9:00 a.m.

Dear Mr. Hackett:

This will confirm my telephone conversation with Kathy. I was very sorry to hear about the death of Jud Lipowitz's father.

I am involved in a jury trial starting today which was scheduled for two days but may go the entire week. We will let you know later in the week.

I would appreciate it if the Board could advise of the first available dates in the event my trial runs over to Friday.

Very truly yours,



Michael P. Tanczyn

MPT/ed

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi
Norman E. Gerber, AICP
Mr. J. Finley Ransone

95 MAR 29 11:03
COUNTY BOARD OF APPEALS

Maryland Department of Human Resources**Office of Child Care
Licensing and Regulation**

The Department of Human Resources, Office of Child Care Licensing and Regulation (OCCLR) is committed to quality child care in the state of Maryland. Throughout the state, OCCLR registers, licenses and regulates family day care homes and child care centers to ensure they meet minimum standards. The standards are spelled out in the Family Day Care and Child Care Center Regulations. The intent of the regulations is to protect children and help assure that they will be cared for in quality programs.

The central office of OCCLR is located in downtown Baltimore at:

2701 North Charles Street, Fifth Floor
Baltimore, Maryland 21218
(301) 554-0400

The central office provides policy and overall direction for state day care licensing operations. It is made up of an executive office, a licensing unit, a compliance unit, a program support unit, and a program development unit. The licensing unit is responsible for overseeing and directing all licensing functions. The compliance unit is responsible for supervising the investigation of complaints and taking enforcement actions against non-complying providers. The Program Support unit is responsible for designing and implementing systems (including staff and provider training) to improve operations. The program development unit is responsible for expanding OCCLR operations.

In addition to the central office, there are 12 regional offices located throughout the state. Regional offices are staffed with a manager, licensing supervisors, and licensing specialists. Regional office staff are the operational arm of OCCLR. Since they are responsible for implementing policies and applying regulations, providers and parents will most directly be in contact with regional office staff. The 12 regional offices, their locations and telephone numbers are listed below.

This Workbook is issued to registered Maryland Family Day Care Providers by the Maryland Office of Child Care Licensing and Regulation, 8/90

**OFFICE OF CHILD CARE LICENSING AND REGULATION
REGIONAL OFFICES**

| | | | |
|------------|---|--|----------------------------|
| Region I | Anne Arundel | 77 West Street Annapolis, MD 21401 | 974-5090 1-800-637-5561 |
| Region II | Baltimore City | CCB-Liberty Campus, Rm.241 2901 Liberty Heights Ave. Baltimore, MD 21215 | 333-5644 |
| Region III | Baltimore County | Dundalk Comm. College 7200 Sollers Point Rd. Baltimore, MD 21222 | 284-5043 1-800-468-3790 |
| Region IV | Prince George's County | 425 Brightseat Road 2nd Floor Landover, MD 29785 | 808-1685 |
| Region V | Montgomery County | 51 Monroe Street Suite 606 Rockville, MD 20850 | 294-0344 1-800-648-3112 |
| Region VI | Howard County | Bethany 40, Center I(Unit 115) 10176 Baltimore National Pike Ellicott City, MD 21043 | 750-8770 1-800-344-2230 |
| Region VII | Western Maryland (Allegheny, Garrett, & Washington Co.) | P.O. Box 2945 6 W. Washington Street Hagerstown, MD 21741 | 791-4585 1-800-468-6771 |
| Region VII | Upper Shore (Caroline, Dorchester, Kent, Queen Anne & Talbot Counties) | P.O. Box 218 Chesapeake Comm. College Routes 50 & 213 Wye Mills, MD 21679 | 820-2381 1-800-637-5563 |
| Region IX | Lower Shore (Somerset, Wicomico Worcester Co.) | 209-C Milford Street Salisbury, MD 21801 | 543-6731 |
| Region X | Southern Tri-County (Calvert, Charles, St. Mary's Co.) | P.O. Box 260, 32 Courthouse Dr. Olde Towne Professional Ctr. Leonardtown, MD 20650 | 475-3770 1-800-874-6797 |
| Region XI | North Central (Cecil & Harford Counties) | 413 W. Bel Air Avenue Suite 106 Aberdeen, MD 21001 | 272-5358 1-800-343-0955 |
| Region XII | Midwestern (Carroll & Frederick Counties) | 7470 New Technology Way Suite P Frederick, MD 21701 | 696-9766 |

What This Workbook Can and Cannot Do

This Workbook will give providers in-depth information about the Family Day Care Regulations. Specifically, it is designed to:

Help providers understand each regulation and the intent of each regulation.

Help providers look at themselves, their home, and their individual situations as they self-assess compliance using the tools available in the Workbook.

Give providers information about child growth and development and help them consider this information as they look at their level of compliance with each regulation.

Give providers information about the inspection process and what the licensing specialist will be looking for during an inspection visit.

Give providers copies of the forms associated with the Family Day Care regulatory system.

Give providers resources that they can use to help strengthen their programs.

This Workbook:

Does not capture all noncompliance possibilities.

Does not guarantee that providers will be in compliance even if they assess themselves and their homes according to the process outlined in the Workbook.

Please Note: To be officially judged in compliance with regulations, providers must undergo an official assessment of compliance conducted by staff from the Office.

INTRODUCTION

About This Workbook

Providers will not read this Workbook from cover to cover in a single sitting. It is not the type of book that will entertain. But whenever providers need information about any of the regulations, or have a question or some type of concern, they will turn to that section of the Workbook and will most likely find the information and guidance they need.

Because regulations, interpretations and forms change, the Workbook was printed on loose leaf paper to accommodate updates when they occur. OCCLR will distribute updated information when needed. Providers can readily make updates in their Workbooks by replacing single pages rather than replacing the entire Workbook.

About The Family Day Care Regulations

The Family Day Care Regulations focus on maintaining health and safety standards necessary to ensure adequate child care, while attempting to respect the personal character and the individuality of the home. Each regulation has a number and name. The abbreviation COMAR (means Code of Maryland Regulations) precedes the number and name of each regulation. For example, COMAR 07.04.01--01 Purpose means Code of Maryland Regulations, number 07.04.01 -- regulation number 01, Purpose. This pattern is repeated for all 47 regulations.

ABOUT THE OFFICE OF CHILD CARE LICENSING AND REGULATION'S REGULATORY RESPONSIBILITIES

Under the Office of Child Care Licensing and Regulation's standardized licensing system, licensing specialists will follow a set procedure for inspections and other licensing operations. Licensing specialists will use an inspection manual and a process that requires them to apply the regulations consistently and equitably across the state. Providers should undergo similar treatment whether they live in Western Maryland, Southern Maryland, the Eastern shore of Maryland, Northern Maryland or anywhere in-between.

This Workbook is issued to registered Maryland Family Day Care Providers by the Maryland Office of Child Care Licensing and Regulation, 8/90

OCCLR believes that it is very important for applicants and providers to know what to expect during regulatory operations that impact on them, their homes, and their families. Therefore, the following information makes up the main body of this Workbook. This Workbook provides information on:

- a. The underlying meaning or intent of each of the regulations.
- b. The Provider's role and OCCLR's responsibility regarding registration procedures and legal requirements, requirements for operating a family day care home, and enforcement actions.
- c. The process that licensing specialists will follow to perform regulatory functions.
- d. The things providers will do or show to exhibit compliance with regulations.
- e. The forms associated with the regulatory process.
- f. Resources that providers might use to support compliance and strengthen the child care program.

Mail Notice of New slate to:

| NAME | ADDRESS |
|--|---|
| * Diane Atte | Belts & Pliers Office |
| * MARTIN DECHTER | 40 York Road STE 200 TIMONIUM 21204 Timonium Shopping Center Assoc. LT PTS 4 |
| * CAROLYN LONDON | 41-43 E. Timonium Rd |
| * LOUIS W. MILLER | 44 E. TIMONIUM RD |
| Thomas S Amrhein | 10 Edgemoor Road |
| Diana M. Amrhein | 10 Edgemoor Road |
| Marglea J. Miller | 44 E. Timonium Rd. |
| HENRY C. WIEDEFELD | 45 E. Timonium Rd |
| John P. Mannion | 37 E. Timonium Rd |
| HAROLD E. MANNION | 37 E. Timonium Rd |
| Stephen Moulden | 53 E. Timonium Rd |
| WILLIAM A. MOULDEN | 53 E. TIMONIUM RD |
| HARRY V. HARMAN | 52 E TIMONIUM RD. |
| WALT DANIELS | 9 SCOTSDALE CT. |
| * Eric Rocket for Greater Timonium Community Council, P.O. Box 276, 9B.W. Ridgely Rd | |
| * Kathleen F. Beadell for Yorkshire Community ASS. 30 Northwood Dr. | |
| HAROLD W. THOMPSON for Yorkshire Community ASS. 108 Oakway Road 21093 | |
| Jack D. Mast | 11 Hathaway Rd. |
| Guy Kern | 17 Timonium Rd. 21093 |
| Dorothy KERN | 17 E. Timonium Rd. 21093 |
| James Lubin | 5 Hathaway Rd 21093 |
| George Lubin | 5 Hathaway Rd 21093 |
| HOWARD WHITE | 19 EDGEMOOR RD 21093 |
| Charles G. Zapp | 35 EAST TIMONIUM 21093 |
| Norman D. Zapp | 35 E. TIMONIUM |



COMAR 07.04.01 .46
Revocation

- A. The Office may revoke a certificate of registration if the:
- (1) Provider or home is in violation of one or more of these regulations and the health, safety, or welfare of a child in the home is threatened;
 - (2) Provider knowingly misrepresented or offered false information on the application or on any form or report required by the Office;
 - (3) Provider interferes with the agency representative in the performance of the duties of the Office;
 - (4) Provider refuses to permit access to a child or to the space in the home used for child care by a parent or an agency representative during operating hours of the child care home;
 - (5) Terms or conditions of a sanction have been violated;
 - (6) Provider or a resident is identified as responsible for child abuse or neglect;
 - (7) Provider or a resident is convicted of criminal charges which indicate a threat to the welfare of children in care; or
 - (8) Evaluation of information provided to or acquired by the Office indicates that the provider is unable to care for the welfare of children.
- B. If the Office decides to revoke a certificate of registration, the Office shall notify the provider in writing at least 20 calendar days in advance of the revocation, stating:
- (1) The effective date of the revocation;
 - (2) The reason for revocation;
 - (3) The regulation with which the provider has failed to comply that is the basis for the revocation;
 - (4) That the provider shall stop providing child care on the effective date of the revocation;
 - (5) That the provider is entitled to a fair hearing if requested in writing within 20 calendar days of the delivery of the notice;
 - (6) The procedure to be used if the provider wishes to request a hearing to appeal the decision of the Office;
 - (7) The revocation shall be stayed if the hearing is requested, unless the revocation immediately follows an emergency suspension period; and
 - (8) That the provider is required to surrender the certificate of registration to the Office when the revocation becomes effective.
- C. The Office shall notify the parents of the children in care of the revocation.

1. When can my registration certificate be revoked and under what circumstances?

In family day care, revocation of the registration generally follows a period of emergency suspension in an abuse or neglect case. In a case where the spouse or other resident is identified as responsible for physical abuse, and not the day care provider, an agreement of non-access by the abusing resident to the day care children is required. In a case involving indicated sexual abuse by a provider or resident of the day care home, non-access agreements will not be used, as they are ineffective to protect children. In the latter case, the Office will attempt to revoke the registration.

Some physical abuse, injurious treatment, and neglect cases will not result in emergency suspensions, because it appears that there is no continuing, imminent risk to day care children. However, such cases may result in revocation of the registration on the basis that the incidents of physical abuse, injurious treatment, or neglect have shown the provider to be unfit to be caring for day care children.

Revocations require 20 days advance notice before they are effective. The home will be allowed to stay open during the period of appeal, unless the revocation directly follows a period of emergency suspension, in which case the home may not reopen pending the appeal.

UCCLR
Record Of Complaint

REGION _____

Taken By: _____
Date: _____ Time: _____

1. Day Care Facility _____
Address & Zip _____
Family Day Care Home / / Child Care Center / /
Registered/Licensed / / Unregistered/Unlicensed / /

2. Category Of Complaint:
A. Unlicensed Care / / F. Health Hazard / /
B. Exceeding Infant/
Toddler Capacity / / G. Environmental Hazard / /
C. Exceeding Total
Capacity / / H. Injurious Treatment / /
D. Group Size/Staffing
Problems / / I. Unreported Resident / /
E. Other Supervision
Problems / / J. Cleanliness / /
K. Improper Use of
Substitute / /
L. Other
Specify _____ / /

3. Complainant: _____
(If Anonymous - Write Anonymous)
Relation to Facility: _____

4. Brief Summary Of Complaint: _____

5. Assignment: Specialist _____ Date _____
Supervisor _____

6. Date(s) of Site Visit(s): _____

7. Findings:
A. Complaint Confirmed / /
B. Complaint Ruled Out / /
C. Uncertain / /
D. Other Violation Found / /

8. Regulatory Violations, if any (cite) _____

9. Summary of Findings: _____

10. Action Taken: _____

11. Additional Comments _____

Licensing Specialist _____ Date Completed _____
(Signature)
Supervisor _____ Date Reviewed _____
(Signature)

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

SUMMARY DATA ABSTRACTED AND CALCULATED FROM TRAFFIC SURVEYS ATTACHED FOR TIMONIUM & YORK ROAD, WEDNESDAY, 2/26/92 FOR EAST & WEST BOUND ON TIMONIUM ROAD AND EASTRIDGE RD & TIMONIUM ROAD, JUNE 17, 1993 FOR EAST AND WEST BOUND TRAFFIC. COMPLETE SOURCE DATA IS ATTACHED WITH COVER LETTER FROM CHIEF, TRAFFIC ENGINEERING, BALTIMORE COUNTY.

| TIMONIUM & YORK 2/26/92 WEDNESDAY | | | | EASTRIDGE & TIMONIUM RD 6/17/93 THURSDAY | | | |
|--------------------------------------|---------------------|-----------------------|--------------------------|---|---------------------|-----------------------|--------------------------|
| TIMES A.M. | EAST/WEST | | CARS PER HOUR | CARS PER 3 SECONDS | TIMES A.M. | EAST/WEST | |
| | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS | | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS |
| 7:00-8:00 | 1248 | 20.8 | 1.04 | 7:00-8:00 | 647 | 10.9 | 0.54 |
| 7:15-8:15 | 1468 | 24.5 | 1.04 | 7:15-8:15 | 868 | 14.5 | 0.72 |
| 7:30-8:30 | 1515 | 24.5 | 1.22 | 7:30-8:30 | 911 | 15.2 | 0.76 |
| 7:45-8:45 | 1467 | 24.5 | 1.22 | 7:45-8:45 | 940 | 15.7 | 0.78 |
| 8:00-9:00 | 1465 | 24.5 | 1.22 | 8:00-9:00 | 906 | 15.1 | 0.76 |
| | | | | P.M. | | | |
| 4:00-5:00 | 1553 | 25.9 | 1.29 | 4:00-5:00 | 1205 | 20.1 | 1.00 |
| 4:15-5:15 | 1753 | 29.2 | 1.46 | 4:15-5:15 | 1283 | 21.38 | 1.07 |
| 4:30-5:30 | 1749 | 29.2 | 1.46 | 4:30-5:30 | 1302 | 21.70 | 1.09 |
| 4:45-5:45 | 1846 | 30.8 | 1.54 | 4:45-5:45 | 1342 | 22.37 | 1.12 |
| 5:00-6:00 | 1737 | 29.0 | 1.45 | 5:00-6:00 | 1381 | 23.02 | 1.15 |
| | | | | | | | |
| | | | TOTAL CARS EAST/WEST | | | | |
| | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS | | CARS PER HOUR | CARS PER MINUTE | CARS PER 3 SECONDS |
| 7:00-9:00AM | 2713 | 22.61 | 1.13 | 7:15-9:00AM | 1553 | 14.79 | 0.74 |
| 4:00-6:00PM | 3290 | 27.42 | 1.37 | 4:00-5:45PM | 2246 | 21.39 | 1.07 |
| TOTALS | 6003 | 25.01 | 1.25 | TOTALS | 3799 | 18.09 | 0.90 |
| | | | AVERAGE DAILY TRIPS | | | | |
| | | EAST | 14633 | EAST | 11630 | | |
| | | WEST | 24459 | WEST | 13866 | | |
| | | TOTALS | 39092 | TOTALS | 25466 | | |

**PROTESTANTS
EXHIBIT NO. 5**

**ALL 1/26/92 FIGURES WOULD BE INCREASED BY 2% PER YEAR TO UPDATE OR 4% PER TRAFFIC ENG. LM

LM EXH _____
94271CAR

MICROFILMED

Baltimore County Government
Department of Public Works
Division of Traffic Operations



401 Bosley Avenue Suite 405
Towson, MD 21204

(410) 887-3554
Fax (410) 887-5784

February 15, 1994

Mr. Louis W. Miller
44 E. Timonium Road
Timonium, Maryland 21093

Dear Mr. Miller:

This letter is in response to your request for traffic count information and for clarification of our position regarding access for day care centers.

Attached are turning movement counts taken during the peak hours on Timonium Road at York Road and at Eastridge Road. The last 24-hour count we had taken on Timonium Road in the vicinity of 42 E. Timonium Road was 14,000 vehicles per day in 1991. Also attached are trip generation rates for day care centers based on the most recent information published by the Institute of Transportation Engineers. The rate for day care centers is 4.65 trips per child.

Be advised that this agency has always advocated that day care centers should have an off-street pick-up and drop-off area for children to ensure that this activity is not taking place next to moving traffic. We also find that an on-site turnaround area should be provided to minimize backing up on the property and to not cause parents to back into a street. Pulling head-out into the street ensures a better line of sight for the driver and minimizes the potential for accidents. This is especially critical along a road like Timonium Road which carries a relatively high traffic volume and does not afford the driver as many gaps to safely egress onto the roadway.

I hope this provides you sufficient information. Should you have any other questions, feel free to give me a call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen E. Weber".

Stephen E. Weber, P.E., Chief
Division of Traffic Engineering

SEW:lvd

Attachments (3)



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

~~PETITIONER~~ DND, CITIZEN

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Douglas N. Oke

11 Hammen Ave

DEBRA D. MILLER

9 Hammen Ave

EUGENE GOTSCH

33 EDGEMOOR RD

DIANA GOTSCH

"

DIANA AMRHEIN

10 " "

~~Eugene Gotsch~~

5 Hathaway Rd

George GEORGE LUBIN (9/14)

5 HATHAWAY RD.

Moorthy Kern

17 E Timonium Rd. 21093

Guy Kern

" " "

Jim Leishear

51 E. Timonium Rd

MAUREEN MANNION

37E TIDWATER RD 21093

John MANNION

37E. TIMONIUM RD 21093

LOUISA MILLER

401E TM RD 21093

TURNING MOVEMENT COUNT DATA

LOCATION TIMONIUM RD + YORK RD County Signal Number 53

| Recorder ROAD NAME | CT | Weat. DRIZZLE | | | | Road Surf. WET | | | | Day of the Week WEDNESDAY | | | | | Date of Count 2/26/92 | | | | E+W BOUND TOTAL | GRAND TOTAL |
|-----------------------|-----|---------------|----|-------|----|----------------|-----|-------|-------|---------------------------|-----|-----|-------|-----|-----------------------|----|-------|-------|--------------------|----------------|
| | | YORK RD | | | | YORK RD | | | | TIMONIUM RD | | | | | TIMONIUM RD | | | | | |
| | | N BOUND | | | | S BOUND | | | | N+S BOUND | | | | | W BOUND | | | | | |
| A.M. COUNT | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | TOTAL | |
| 6:00-6:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-6:30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-6:45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:45-7:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:00-7:15 | 67 | 187 | 5 | 261 | 3 | 183 | 39 | 145 | 486 | 28 | 33 | 22 | 83 | 18 | 123 | 12 | 153 | 236 | 642 | |
| 7:15-7:30 | 63 | 216 | 5 | 284 | 2 | 137 | 42 | 179 | 463 | 32 | 47 | 28 | 107 | 23 | 152 | 9 | 131 | 288 | 751 | |
| 7:30-7:45 | 69 | 238 | 7 | 306 | 4 | 198 | 35 | 237 | 543 | 49 | 39 | 36 | 124 | 48 | 182 | 12 | 234 | 358 | 981 | |
| 7:45-8:00 | 62 | 249 | 11 | 322 | 9 | 178 | 35 | 214 | 536 | 53 | 41 | 51 | 145 | 51 | 168 | 18 | 221 | 366 | 982 | |
| 8:00-8:15 | 115 | 247 | 18 | 380 | 4 | 243 | 31 | 278 | 658 | 84 | 56 | 74 | 214 | 58 | 177 | 15 | 242 | 456 | 1114 | |
| 8:15-8:30 | 68 | 223 | 26 | 317 | 1 | 178 | 38 | 201 | 518 | 88 | 41 | 48 | 169 | 37 | 124 | 5 | 166 | 335 | 853 | |
| 8:30-8:45 | 62 | 169 | 22 | 253 | 14 | 179 | 59 | 252 | 585 | 58 | 44 | 57 | 151 | 36 | 118 | 5 | 159 | 318 | 815 | |
| 8:45-9:00 | 62 | 146 | 16 | 224 | 18 | 212 | 47 | 277 | 581 | 74 | 47 | 68 | 189 | 38 | 126 | 11 | 175 | 364 | 865 | |
| A.M. HOUR TOTALS | | | | | | | | | | | | | | | | | | | | |
| 6:00-7:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 6:15-7:15 | 67 | 189 | 5 | 261 | 3 | 183 | 39 | 145 | 436 | 28 | 33 | 22 | 83 | 18 | 123 | 12 | 153 | 236 | 642 | |
| 6:30-7:30 | 130 | 425 | 19 | 545 | 5 | 242 | 79 | 324 | 869 | 68 | 68 | 58 | 192 | 38 | 275 | 21 | 334 | 524 | 1393 | |
| 6:45-7:45 | 199 | 635 | 17 | 851 | 9 | 438 | 114 | 561 | 1412 | 189 | 119 | 86 | 314 | 76 | 457 | 33 | 568 | 882 | 2294 | |
| 7:00-8:00 | 261 | 884 | 28 | 1173 | 18 | 688 | 149 | 775 | 1948 | 162 | 168 | 137 | 459 | 129 | 617 | 43 | 789 | 1248 | 3196 | |
| 7:15-8:15 | 389 | 942 | 41 | 1292 | 19 | 748 | 141 | 928 | 2288 | 218 | 183 | 189 | 598 | 161 | 671 | 46 | 878 | 1468 | 3668 | |
| 7:30-8:30 | 314 | 949 | 62 | 1325 | 19 | 781 | 131 | 938 | 2255 | 266 | 177 | 229 | 652 | 178 | 643 | 42 | 863 | 1515 | 3778 | |
| 7:45-8:45 | 387 | 888 | 77 | 1272 | 28 | 762 | 155 | 945 | 2217 | 267 | 182 | 238 | 679 | 174 | 579 | 35 | 768 | 1467 | 3684 | |
| 8:00-9:00 | 387 | 785 | 92 | 1174 | 37 | 684 | 167 | 1328 | 2182 | 288 | 189 | 247 | 723 | 161 | 545 | 36 | 742 | 1465 | 3647 | |

| Recorder ROAD NAME | CT | Weat. CLEAR | | | | Road Surf. DRY | | | | Day of the Week WEDNESDAY | | | | | Date of Count 2/26/92 | | | | E+W BOUND TOTAL | GRAND TOTAL |
|-----------------------|-----|-------------|-----|-------|-----|----------------|-----|-------|-------|---------------------------|-----|-----|-------|-----|-----------------------|----|-------|-------|--------------------|----------------|
| | | YORK RD | | | | YORK RD | | | | TIMONIUM RD | | | | | TIMONIUM RD | | | | | |
| | | N BOUND | | | | S BOUND | | | | N+S BOUND | | | | | W BOUND | | | | | |
| P.M. COUNT | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | TOTAL | |
| 3:00-3:15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:15-3:30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:30-3:45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:45-4:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 4:00-4:15 | 39 | 187 | 28 | 246 | 11 | 316 | 86 | 413 | 659 | 87 | 189 | 53 | 249 | 27 | 53 | 8 | 88 | 337 | 996 | |
| 4:15-4:30 | 68 | 227 | 45 | 332 | 28 | 323 | 182 | 425 | 757 | 123 | 131 | 54 | 308 | 36 | 54 | 9 | 99 | 434 | 1161 | |
| 4:30-4:45 | 45 | 185 | 29 | 263 | 21 | 237 | 67 | 325 | 555 | 89 | 115 | 78 | 274 | 25 | 56 | 12 | 93 | 367 | 952 | |
| 4:45-5:00 | 63 | 249 | 32 | 344 | 26 | 291 | 119 | 436 | 768 | 189 | 146 | 46 | 381 | 42 | 94 | 8 | 144 | 445 | 1225 | |
| 5:00-5:15 | 77 | 274 | 51 | 402 | 27 | 316 | 147 | 490 | 892 | 126 | 173 | 98 | 399 | 45 | 94 | 9 | 148 | 537 | 1429 | |
| 5:15-5:30 | 48 | 284 | 32 | 284 | 25 | 258 | 80 | 363 | 647 | 78 | 143 | 54 | 275 | 28 | 85 | 12 | 125 | 488 | 1847 | |
| 5:30-5:45 | 71 | 227 | 46 | 344 | 25 | 318 | 133 | 468 | 812 | 112 | 143 | 81 | 356 | 32 | 68 | 8 | 108 | 464 | 1276 | |
| 5:45-6:00 | 46 | 174 | 24 | 246 | 12 | 179 | 92 | 283 | 529 | 98 | 114 | 48 | 264 | 26 | 48 | 6 | 72 | 336 | 865 | |
| P.M. HOUR TOTALS | | | | | | | | | | | | | | | | | | | | |
| 3:00-4:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| 3:15-4:15 | 39 | 187 | 28 | 246 | 11 | 316 | 86 | 413 | 659 | 87 | 189 | 53 | 249 | 27 | 53 | 8 | 88 | 337 | 996 | |
| 3:30-4:30 | 99 | 414 | 65 | 578 | 31 | 619 | 188 | 838 | 1414 | 287 | 248 | 187 | 554 | 63 | 187 | 17 | 187 | 741 | 2157 | |
| 3:45-4:45 | 144 | 628 | 94 | 836 | 52 | 656 | 255 | 1143 | 2281 | 296 | 355 | 177 | 828 | 88 | 163 | 29 | 298 | 1128 | 3187 | |
| 4:00-5:00 | 287 | 849 | 126 | 1122 | 78 | 1147 | 374 | 1599 | 2781 | 485 | 531 | 235 | 1129 | 138 | 257 | 37 | 424 | 1553 | 4334 | |
| 4:15-5:15 | 245 | 936 | 157 | 1338 | 94 | 1147 | 435 | 1676 | 3814 | 444 | 545 | 262 | 1269 | 148 | 298 | 38 | 484 | 1753 | 4767 | |
| 4:30-5:30 | 233 | 913 | 144 | 1290 | 99 | 1182 | 413 | 1614 | 2924 | 482 | 577 | 268 | 1239 | 148 | 329 | 41 | 518 | 1749 | 4653 | |
| 4:45-5:45 | 259 | 954 | 161 | 1374 | 123 | 1175 | 479 | 1757 | 3131 | 425 | 625 | 271 | 1321 | 147 | 341 | 37 | 525 | 1946 | 4777 | |
| 5:00-6:00 | 242 | 879 | 135 | 1276 | 39 | 1063 | 452 | 1534 | 2888 | 426 | 593 | 285 | 1234 | 131 | 287 | 35 | 453 | 1737 | 4617 | |

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

| ROAD NAME | | YORK RD N BOUND | | | | YORK RD S BOUND | | | | TIMONIUM RD E BOUND | | | | TIMONIUM RD W BOUND | | | | N+S+E+W TOTAL |
|------------------|------|-----------------|------|-----|-------|-----------------|------|------|-------|---------------------|------|-----|-------|---------------------|------|-----|-------|---------------|
| | | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | |
| TURNING MOVEMENT | A.M. | 24% | 71% | 5% | 100% | 3% | 79% | 18% | 100% | 38% | 29% | 32% | 100% | 19% | 76% | 5% | 100% | N/A |
| | P.M. | 18% | 72% | 11% | 100% | 5% | 69% | 26% | 100% | 34% | 45% | 21% | 100% | 30% | 62% | 8% | 100% | N/A |
| TOTAL VOLUMES | A.M. | 568 | 1669 | 118 | 2347 | 55 | 1412 | 316 | 1783 | 458 | 348 | 384 | 1190 | 298 | 1162 | 79 | 1531 | 6943 |
| | P.M. | 449 | 1728 | 281 | 2458 | 167 | 2218 | 826 | 3283 | 811 | 1294 | 508 | 2413 | 261 | 544 | 72 | 877 | 6574 |
| GRAND TOTAL | | 1017 | 3397 | 399 | 4805 | 222 | 3622 | 1142 | 4986 | 1269 | 1442 | 892 | 3595 | 559 | 1706 | 151 | 2408 | 15794 |
| ESTIMATED ADT'S | | NORTH: 32115 | | | | SOUTH: 32361 | | | | EAST: 14633 | | | | WEST: 24459 | | | | |

ESTIMATED CARS ENTERING THE INTERSECTION -----> 51784

INTERSECTION: TIMONIUM RD + YORK RD

DESC. YORK RD IS A FOUR LANE UNDIVIDED STATE RD WITH LEFT TURN LANES AND ARROWS IN BOTH DIRECTIONS. TIMONIUM RD IS AN UNDIVIDED COUNTY RD WITH A LEFT AND STRAIGHT LANE AND STRAIGHT AND RIGHT LANE W/B. TIMONIUM RD E/B HAS A LEFT, LEFT-STRAIGHT AND STRAIGHT LANE WITH A RIGHT YIELD.

The signal functions as a 6 phase light. The cycle lengths in the morning averages 118 seconds and in the afternoon the cycle length averages approximately 129. The peak hours were 7:38 to 8:38 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the N/B direction of YORK RD during the A.M. peak hour and occurs on the S/B direction of YORK RD during the P.M. peak hour.

LOADED CYCLES:

| | N/B | S/B | E/B | W/B |
|------------|---------|---------|---------|---------|
| % LOADS | 4% | N/A | N/A | 4% |
| TIME(A.M.) | 738-838 | * | * | 738-838 |
| % LOADS | N/A | 7% | 7% | 12% |
| TIME(P.M.) | * | 415-515 | 445-545 | 438-538 |

REMARKS

THE LEVEL OF SERVICE IS C

A = 0% C = 11 - 30% E = 71 - 85%
 B = 1 - 10% D = 31 - 70% F = 86 - 100%

For Updated List Y N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION EASTRIDGE RD./TIMONIUM RD.

County Signal Number 21E

| Recorder ROAD NAME | ECW | West. SUNNY EASTRIDGE RD. N BOUND | | | Road Surf. DRY EASTRIDGE RD. S BOUND | | | Day of the Week THURSDAY TIMONIUM RD. N+S BOUND | | | E BOUND | | | Date of Count TIMONIUM RD. W BOUND | | | E-17-93 E+W BOUND TOTAL | GRAND TOTAL | | | |
|-----------------------|-----|---|----|---|--|---|----|---|-------|-------|---------|----|---|--|---|-----|-------------------------------|----------------|-----|-------|---|
| | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | | | R | TOTAL | |
| A.M. COUNT | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | | | |
| 6:00-6:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-6:30 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-6:45 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:45-7:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:00-7:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7:15-7:30 | | 5 | 12 | 0 | 17 | 3 | 16 | 29 | 48 | 65 | 27 | 29 | 0 | 56 | 1 | 132 | 10 | 143 | 199 | 264 | |
| 7:30-7:45 | | 7 | 14 | 0 | 21 | 6 | 33 | 49 | 87 | 109 | 14 | 31 | 2 | 47 | 3 | 139 | 6 | 148 | 195 | 303 | |
| 7:45-8:00 | | 10 | 15 | 0 | 25 | 9 | 38 | 42 | 89 | 114 | 15 | 45 | 6 | 66 | 4 | 177 | 6 | 187 | 253 | 367 | |
| 8:00-8:15 | | 3 | 27 | 0 | 30 | 9 | 38 | 41 | 88 | 112 | 6 | 46 | 6 | 58 | 1 | 151 | 11 | 163 | 221 | 339 | |
| 8:15-8:30 | | 4 | 13 | 3 | 20 | 9 | 18 | 49 | 75 | 95 | 9 | 44 | 8 | 61 | 3 | 165 | 13 | 181 | 242 | 337 | |
| 8:30-8:45 | | 13 | 8 | 5 | 25 | 6 | 15 | 54 | 76 | 102 | 6 | 45 | 9 | 60 | 4 | 153 | 7 | 164 | 224 | 326 | |
| 8:45-9:00 | | 15 | 11 | 0 | 26 | 4 | 18 | 36 | 58 | 84 | 9 | 55 | 5 | 69 | 0 | 140 | 10 | 150 | 219 | 303 | |

A.M. HOUR TOTALS

| | | | | | | | | | | | | | | | | | | | | | |
|-----------|--|----|----|---|-----|----|-----|-----|-----|-----|----|-----|----|-----|----|-----|----|-----|-----|------|---|
| 6:00-7:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:15-7:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 6:30-7:30 | | 5 | 12 | 0 | 17 | 3 | 16 | 29 | 48 | 65 | 27 | 29 | 0 | 56 | 1 | 132 | 10 | 143 | 199 | 264 | |
| 6:45-7:45 | | 12 | 26 | 0 | 38 | 9 | 49 | 77 | 135 | 173 | 41 | 60 | 2 | 103 | 4 | 271 | 16 | 291 | 394 | 567 | |
| 7:00-8:00 | | 22 | 41 | 0 | 63 | 19 | 87 | 119 | 224 | 287 | 56 | 195 | 9 | 199 | 8 | 448 | 22 | 476 | 647 | 934 | |
| 7:15-8:15 | | 25 | 68 | 0 | 93 | 27 | 125 | 160 | 312 | 405 | 62 | 151 | 14 | 227 | 9 | 599 | 33 | 641 | 852 | 1273 | |
| 7:30-8:30 | | 24 | 69 | 3 | 96 | 33 | 127 | 179 | 339 | 435 | 44 | 165 | 22 | 232 | 11 | 632 | 35 | 679 | 911 | 1345 | |
| 7:45-8:45 | | 30 | 63 | 8 | 101 | 33 | 110 | 195 | 328 | 429 | 36 | 150 | 29 | 245 | 12 | 646 | 37 | 695 | 940 | 1363 | |
| 8:00-9:00 | | 35 | 59 | 8 | 102 | 28 | 90 | 179 | 297 | 399 | 30 | 150 | 22 | 248 | 8 | 609 | 41 | 659 | 905 | 1305 | |

| Recorder ROAD NAME | ECW | West. SUNNY EASTRIDGE RD. N BOUND | | | Road Surf. DRY EASTRIDGE RD. S BOUND | | | Day of the Week THURSDAY TIMONIUM RD. N+S BOUND | | | E BOUND | | | Date of Count TIMONIUM RD. W BOUND | | | E-17-93 E+W BOUND TOTAL | GRAND TOTAL | | | |
|-----------------------|-----|---|----|---|--|----|----|---|-------|-------|---------|-----|----|--|---|----|-------------------------------|----------------|-----|-------|---|
| | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | | | R | TOTAL | |
| P.M. COUNT | | L | S | R | TOTAL | L | S | R | TOTAL | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | | | |
| 3:00-3:15 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15-3:30 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:30-3:45 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:45-4:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4:00-4:15 | | 13 | 23 | 5 | 41 | 6 | 24 | 22 | 52 | 93 | 26 | 204 | 7 | 237 | 0 | 78 | 11 | 89 | 325 | 419 | |
| 4:15-4:30 | | 7 | 22 | 0 | 29 | 17 | 24 | 25 | 66 | 95 | 25 | 143 | 9 | 177 | 1 | 29 | 14 | 103 | 280 | 375 | |
| 4:30-4:45 | | 8 | 14 | 1 | 23 | 11 | 40 | 23 | 74 | 97 | 22 | 170 | 15 | 207 | 1 | 84 | 6 | 91 | 298 | 395 | |
| 4:45-5:00 | | 11 | 35 | 4 | 50 | 16 | 42 | 29 | 87 | 137 | 40 | 175 | 15 | 230 | 1 | 58 | 12 | 71 | 301 | 438 | |
| 5:00-5:15 | | 5 | 20 | 2 | 27 | 44 | 32 | 24 | 101 | 128 | 34 | 215 | 20 | 269 | 0 | 73 | 12 | 85 | 354 | 482 | |
| 5:15-5:30 | | 15 | 43 | 1 | 59 | 12 | 44 | 25 | 81 | 140 | 43 | 194 | 21 | 258 | 1 | 33 | 17 | 51 | 349 | 499 | |
| 5:30-5:45 | | 16 | 54 | 5 | 75 | 18 | 27 | 12 | 57 | 132 | 35 | 193 | 14 | 240 | 2 | 62 | 12 | 96 | 338 | 470 | |
| 5:45-6:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

P.M. HOUR TOTALS

| | | | | | | | | | | | | | | | | | | | | | |
|-----------|--|----|-----|----|-----|----|-----|-----|-----|-----|-----|-----|----|-----|---|-----|----|-----|------|------|---|
| 3:00-4:00 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 3:15-4:15 | | 13 | 23 | 5 | 41 | 6 | 24 | 22 | 52 | 93 | 26 | 204 | 7 | 237 | 0 | 78 | 11 | 89 | 325 | 419 | |
| 3:30-4:30 | | 20 | 45 | 5 | 70 | 23 | 48 | 47 | 118 | 189 | 51 | 347 | 15 | 413 | 1 | 155 | 25 | 192 | 505 | 791 | |
| 3:45-4:45 | | 26 | 59 | 6 | 91 | 34 | 86 | 70 | 192 | 265 | 73 | 517 | 21 | 607 | 2 | 250 | 31 | 283 | 801 | 1129 | |
| 4:00-5:00 | | 39 | 94 | 10 | 143 | 50 | 130 | 99 | 279 | 422 | 113 | 632 | 46 | 851 | 3 | 309 | 42 | 354 | 1205 | 1627 | |
| 4:15-5:15 | | 31 | 91 | 7 | 129 | 88 | 139 | 101 | 328 | 457 | 121 | 703 | 59 | 989 | 3 | 303 | 44 | 350 | 1233 | 1690 | |
| 4:30-5:30 | | 39 | 112 | 9 | 159 | 83 | 159 | 101 | 343 | 502 | 139 | 754 | 71 | 954 | 3 | 288 | 47 | 338 | 1302 | 1834 | |
| 4:45-5:45 | | 47 | 152 | 12 | 211 | 90 | 146 | 90 | 326 | 537 | 150 | 737 | 70 | 959 | 4 | 295 | 53 | 343 | 1340 | 1875 | |

Recorder
A.M. ECW
P.M. ECW

Weather
SUNNY
SUNNY

Road Surface
DRY
DRY

Day of the Week
THURSDAY
THURSDAY

Date of Count
8-17-83
8-17-83

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

| ROAD NAME | | EASTRIDGE RD. N BOUND | | | | EASTRIDGE RD. S BOUND | | | | TIMONIUM RD. E BOUND | | | | TIMONIUM RD. W BOUND | | | | N+S+E+W TOTAL |
|--------------------|------|-----------------------|-----|----|-------|-----------------------|-----|-----|-------|----------------------|------|-----|-------|----------------------|------|-----|-------|---------------|
| | | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | L | S | R | TOTAL | |
| % TURNING MOVEMENT | A.M. | 35% | 61% | 5% | 100% | 3% | 34% | 57% | 100% | 21% | 71% | 6% | 100% | 1% | 93% | 6% | 100% | N/A |
| | P.M. | 25% | 69% | 6% | 100% | 24% | 45% | 31% | 100% | 14% | 39% | 5% | 100% | 1% | 88% | 12% | 100% | N/A |
| TOTAL VOLUMES | A.M. | 57 | 100 | 8 | 165 | 46 | 177 | 293 | 521 | 26 | 295 | 26 | 417 | 15 | 1057 | 53 | 1136 | 2239 |
| | P.M. | 75 | 211 | 18 | 304 | 124 | 234 | 150 | 519 | 225 | 1294 | 101 | 1620 | 6 | 536 | 84 | 626 | 3953 |
| GRAND TOTAL | | 132 | 311 | 26 | 469 | 170 | 411 | 458 | 1039 | 311 | 1589 | 137 | 2037 | 22 | 1593 | 147 | 1762 | 5307 |
| ESTIMATED ADT'S | | NORTH 5928 | | | | SOUTH 3407 | | | | EAST 11530 | | | | WEST 13836 | | | | |

ESTIMATED CARS ENTERING THE INTERSECTION -----> 17400

INTERSECTION: EASTRIDGE RD./TIMONIUM RD.

DESC. EASTRIDGE RD. AND TIMONIUM RD. ARE BOTH TWO LANE UNDIVIDED COUNTY ROADS WITH APPROACH LANES IN ALL DIRECTIONS.

The signal functions as a 2 phase light. The cycle lengths in the morning averages 60 seconds and in the afternoon the cycle length averages approximately 53 seconds. The peak hours were 7:45 to 8:45 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the W/B direction of TIMONIUM RD. during the A.M. peak hour and occurs on the E/B direction of TIMONIUM RD. during the P.M. peak hour.

LOADED CYCLES:

| | N/S | S/S | E/E | W/B |
|------------|-----|-----------|-----|-----|
| % LOADS | N/A | N/A | N/A | N/A |
| TIME(A.M.) | * | * | * | * |
| % LOADS | N/A | 2% | N/A | N/A |
| TIME(P.M.) | * | 4:45-5:45 | * | * |

REMARKS

THE LEVEL OF SERVICE IS B

A = 0 % C = 11 - 30 % E = 31 - 35 %
B = 1 - 10 % D = 31 - 30 % F = 66 - 100 %

For Updated List N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

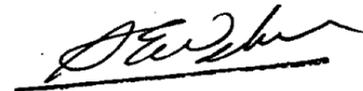
SUMMARY OF TRIP GENERATION CALCULATION
FOR 8 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|--------------|--------------------|-------------------|------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 37 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 4 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 3 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 7 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 3 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 4 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 7 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 3 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 1 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 3 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 0 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 1 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY

FEB 14 '94



TRIP GENERATION BY MICROTRANS

Aug 23, 1994

94-271 XA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Tanczyn

606 Baltimore Ave Towson Md 21204

Fatemeh Falahi

42-E Timonium Rd Timonium MD 21093

SUMMARY OF TRIP GENERATION CALCULATION
 FOR 12 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|-----------------|-----------------------|----------------------|------------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 56 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 5 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 5 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 10 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 5 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 5 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 10 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 5 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 0 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 1 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 4 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 1 |

Note: A zero rate indicates no rate data available
 Source: Institute of Transportation Engineers
 Trip Generation, 5th Edition, 1991.

APPROVED
 BUR. OF TRAFFIC ENG.
 BALTIMORE COUNTY

FEB 14 1994



TRIP GENERATION BY MICROTRANS

SUMMARY OF TRIP GENERATION CALCULATION
FOR 15 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|--------------|--------------------|-------------------|------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 70 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 7 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 6 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 12 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 6 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 7 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 12 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 6 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 2 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 6 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 1 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 1 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 2 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

20 STUDENTS = 93 (4.65 x 20)

| | | |
|-----|-----|----|
| 7-9 | IN | 9 |
| | OUT | 8 |
| | TOT | 17 |
| 4-6 | IN | 8 |
| | OUT | 9 |
| | TOT | 17 |

TRIP GENERATION BY MICROTRANS

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY

FEB 14 1994

[Signature]

SUMMARY OF TRIP GENERATION CALCULATION
FOR 40 STUDENTS OF DAY CARE CENTER

| | AVERAGE RATE | STANDARD DEVIATION | ADJUSTMENT FACTOR | DRIVE WAY VOLUME |
|--------------------|-----------------|-----------------------|----------------------|------------------------|
| AVG WKDY 2-WAY VOL | 4.65 | 2.41 | 1.00 | 186 |
| 7-9 AM PK HR ENTER | 0.44 | 0.00 | 1.00 | 18 |
| 7-9 AM PK HR EXIT | 0.38 | 0.00 | 1.00 | 15 |
| 7-9 AM PK HR TOTAL | 0.82 | 0.92 | 1.00 | 33 |
| 4-6 PM PK HR ENTER | 0.38 | 0.00 | 1.00 | 15 |
| 4-6 PM PK HR EXIT | 0.45 | 0.00 | 1.00 | 18 |
| 4-6 PM PK HR TOTAL | 0.83 | 0.95 | 1.00 | 33 |
| SATURDAY 2-WAY VOL | 0.39 | 0.70 | 1.00 | 16 |
| PK HR ENTER | 0.07 | 0.00 | 1.00 | 3 |
| PK HR EXIT | 0.04 | 0.00 | 1.00 | 2 |
| PK HR TOTAL | 0.11 | 0.34 | 1.00 | 4 |
| SUNDAY 2-WAY VOL | 0.37 | 0.65 | 1.00 | 15 |
| PK HR ENTER | 0.06 | 0.00 | 1.00 | 2 |
| PK HR EXIT | 0.05 | 0.00 | 1.00 | 2 |
| PK HR TOTAL | 0.11 | 0.33 | 1.00 | 4 |

Note: A zero rate indicates no rate data available
Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, 1991.

APPROVED
BUR. OF TRAFFIC ENG.
BALTIMORE COUNTY
FEB 14 1994

[Signature]

TRIP GENERATION BY MICROTRANS

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED:

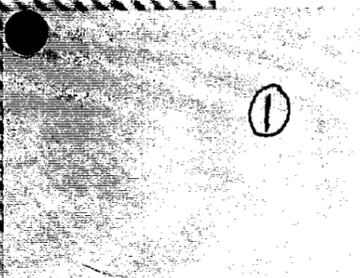
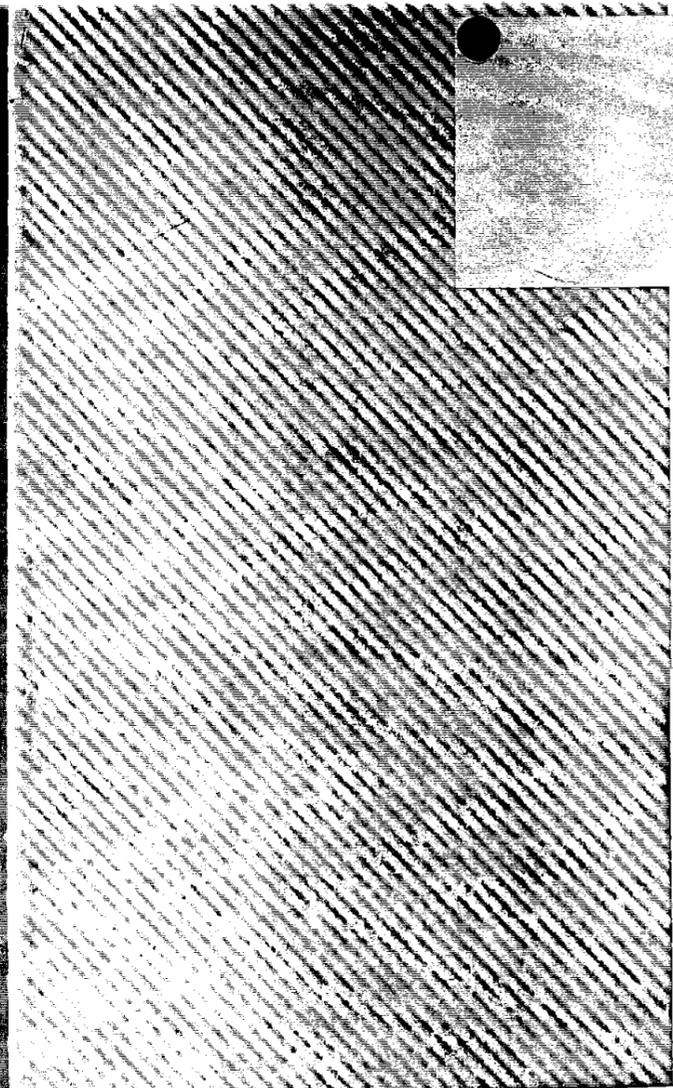
EXHIBIT _____

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD. & EAST SIDE OF 19 EDGEMORE RD. WHITE PROPERTY.
2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD.
3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD.- NOTE HEIGHT OF ROOF LINE.
4. ENCROACHMENT OF FENCE INTO BUFFER ZONE TO 6' CHAIN LINK SLATTED FENCE.
5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS.
6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE.
7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TEAR UP OF BUFFER ZONE.
8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY
9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94
10. CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD 2/15/94
11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED WRONG WAY ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94
13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD.
14. REAR VIEW OF 44 E. TIMONIUM RD FACING NORTH WEST FROM TIMONIUM RD. NOTE REAR PICTURE WINDOWS, KITCHEN WINDOWS, BASEMENT STEPS. COMPARE THIS VIEW WITH #1 PICTURE FOR CLOSENESS OF HOUSES, FENCE, AND YARDS.

94271PIC

PROTESTANTS
EXHIBIT NO. 2 - I - XIV

MICROFILMED



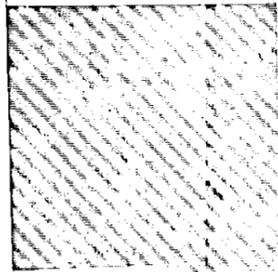
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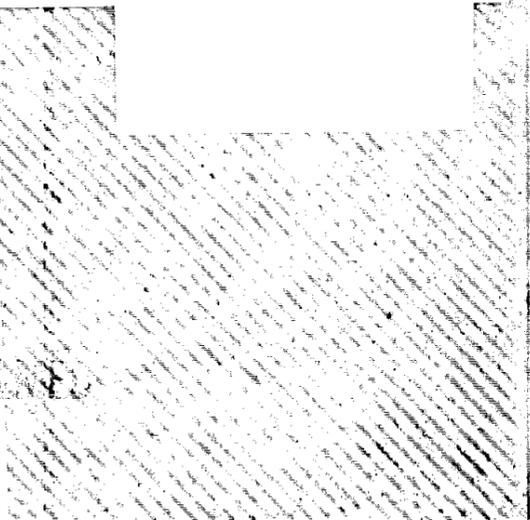
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③



MICROFILMED



12-11-95

| | | |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF THE | * | BEFORE THE |
| THE APPLICATION OF | * | COUNTY BOARD OF APPEALS |
| <u>FATEMEH FALAH AND MOHAMMAD</u> | * | |
| <u>HAERIAN -PETITIONERS</u> | * | OF |
| FOR SPECIAL EXCEPTION AND | * | BALTIMORE COUNTY |
| VARIANCES ON PROPERTY LOCATED | * | |
| ON THE NORTHWEST SIDE | * | |
| TIMONIUM ROAD, 90' SOUTHWEST | * | CASE NO. 94-271-XA |
| OF CENTERLINE OF EDGEMOOR RD | * | |
| (42 EAST TIMONIUM ROAD) | * | |
| 8TH ELECTION DISTRICT | * | |
| 4TH COUNCILMANIC DISTRICT | * | |
| * * * * | * | * * * * |

O P I N I O N

This matter comes before the Board on appeal of an Order in which a Petition for Special Exception and Petition for Variances were DENIED by the Deputy Zoning Commissioner on September 30, 1994.

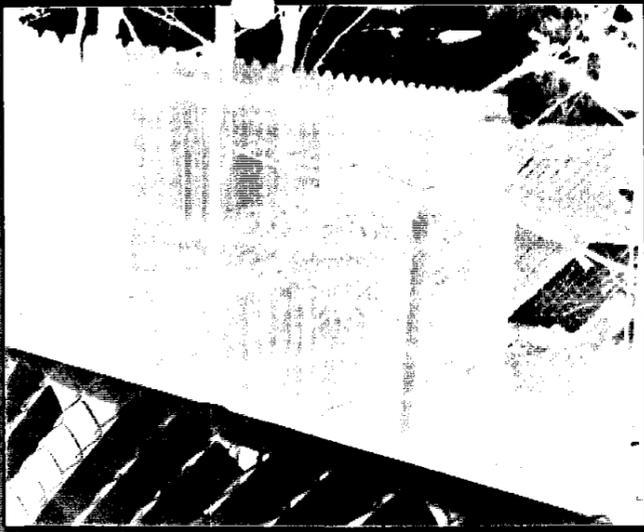
This case was initially scheduled for hearing on February 28, 1995, but was postponed due to the retirement of a member of the Board of Appeals. The case was re-scheduled and the hearing commenced on Wednesday, July 5; Wednesday, July 12; and was continued and concluded on October 4, 1995. A public deliberation by the Board was then scheduled and conducted on Thursday, October 26, 1995.

The Appellant, Fatemeh Falahi, appeared and testified, represented by Michael P. Tanczyn, Esquire. Representing the Protestants was J. Carroll Holzer, Esquire. Peter M. Zimmerman, People's Counsel for Baltimore County, also participated in these proceedings.

Protestants' objections to an expanded child care center were primarily based on concerns for increased traffic difficulties and dangers at the location of the children's drop-off, and an undersized property requiring too many variances to comply with the zoning standards.



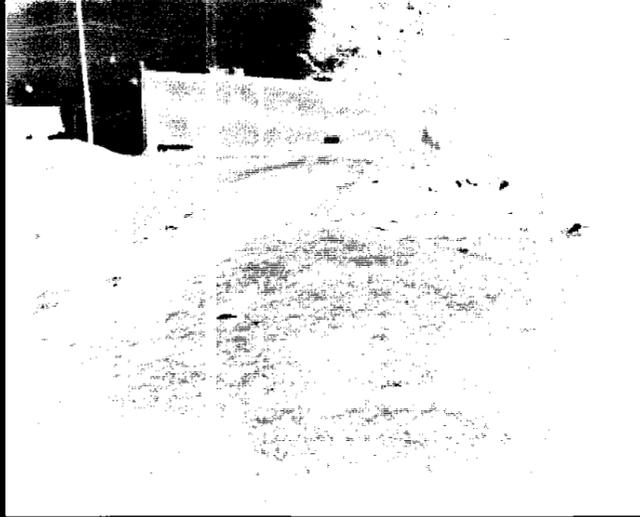
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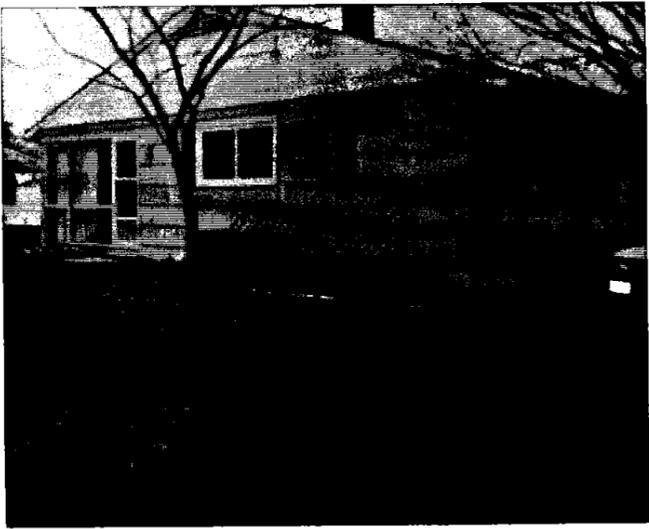


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MICROFILMED



13

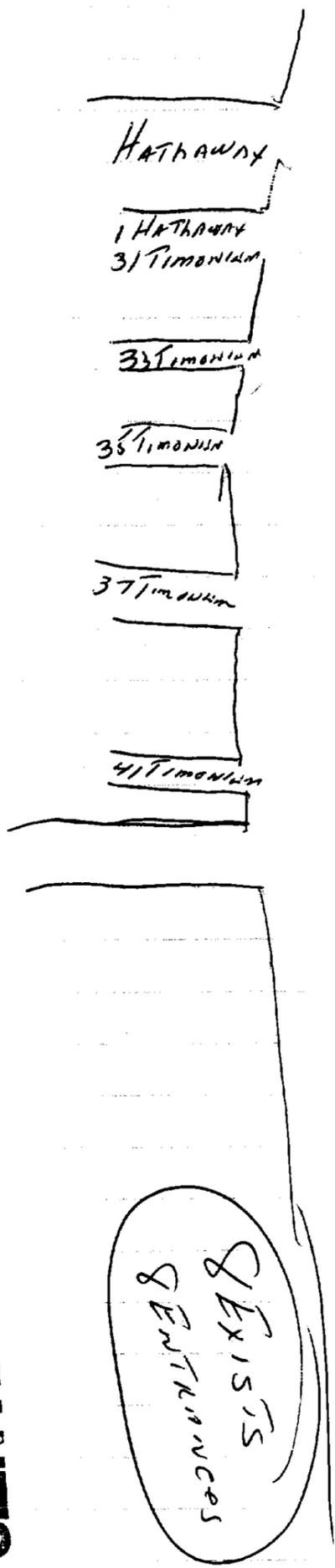


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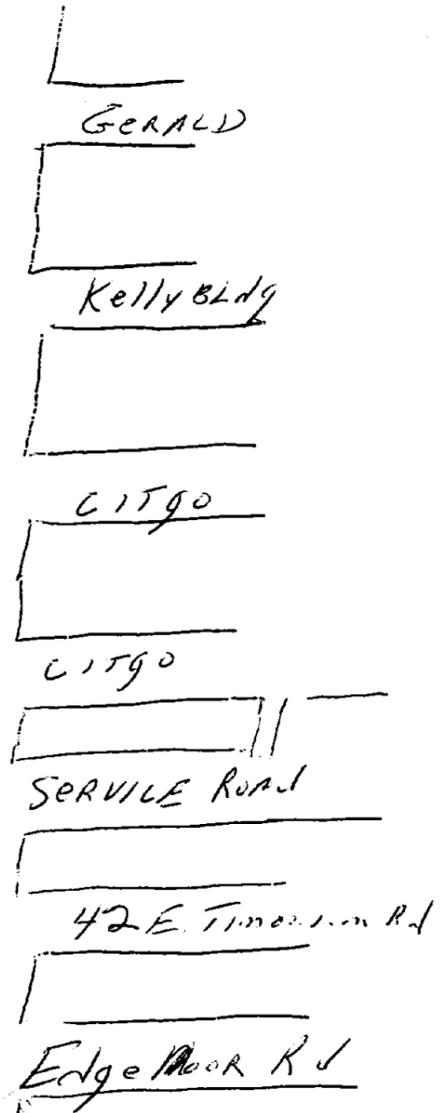
-1

MICROFILMED

YORK RD



Timonian Road



Timonian Rd

PROTESTANTS
EXHIBIT NO. 1

DULANEY VALLEY RD

MICROFILMED

5



Man Kaper

Center Associates L.P.
7016/92

LM
EXH.
B

HOWARD G. WHITE, ET AL
810061074402
8863/172

Lot 10

Use



RESIDENCE

$N40^{\circ}06'42''E$ 60.13

(REAR YARD USED AS OUTDOOR PLAY AREA)

50'

48'

Lot 12

Net Area 7,063'

Grass Area 2,265'

65.54'

Condition of fence

Lot 11

LOUIS W. MILLER &
810613056400
2925/348

Use: RESIDENC.

EXISTING 1 STORY FRAME DWELLING

(Use: RESIDENCE)
Day Care Center
1,036'

$S53^{\circ}42'40''E$ 33.38'

#AA

$N36^{\circ}12'20''E$ 60.00

EXISTING

Cont.

CLUB

22.00 TD

EDGEHODE RD.

WATER

(Drawing 59-1132)

TIMONIUM

MICROFILMED

55 MW

#15211

B VCP

55

(Drawing 59-1133)

80 R/W

LM
EXH.
C

EXISTING HIGHWAY DRIVE
EVIDENCE EXT TO SHOPPING CENTER

BM

DR 5.5

FENCE

EXISTING E CURB CURVE

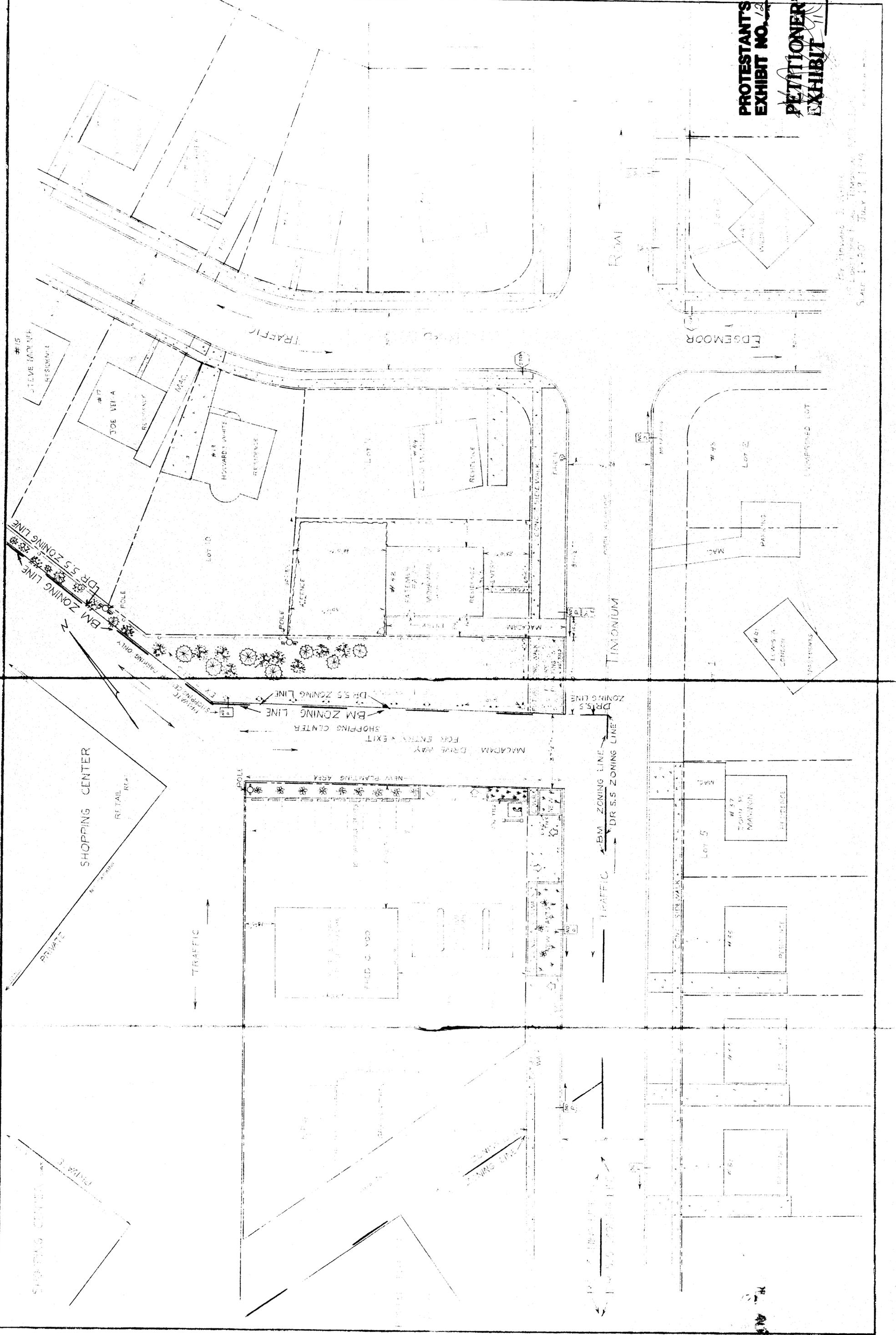
EXISTING DRIVEWAY

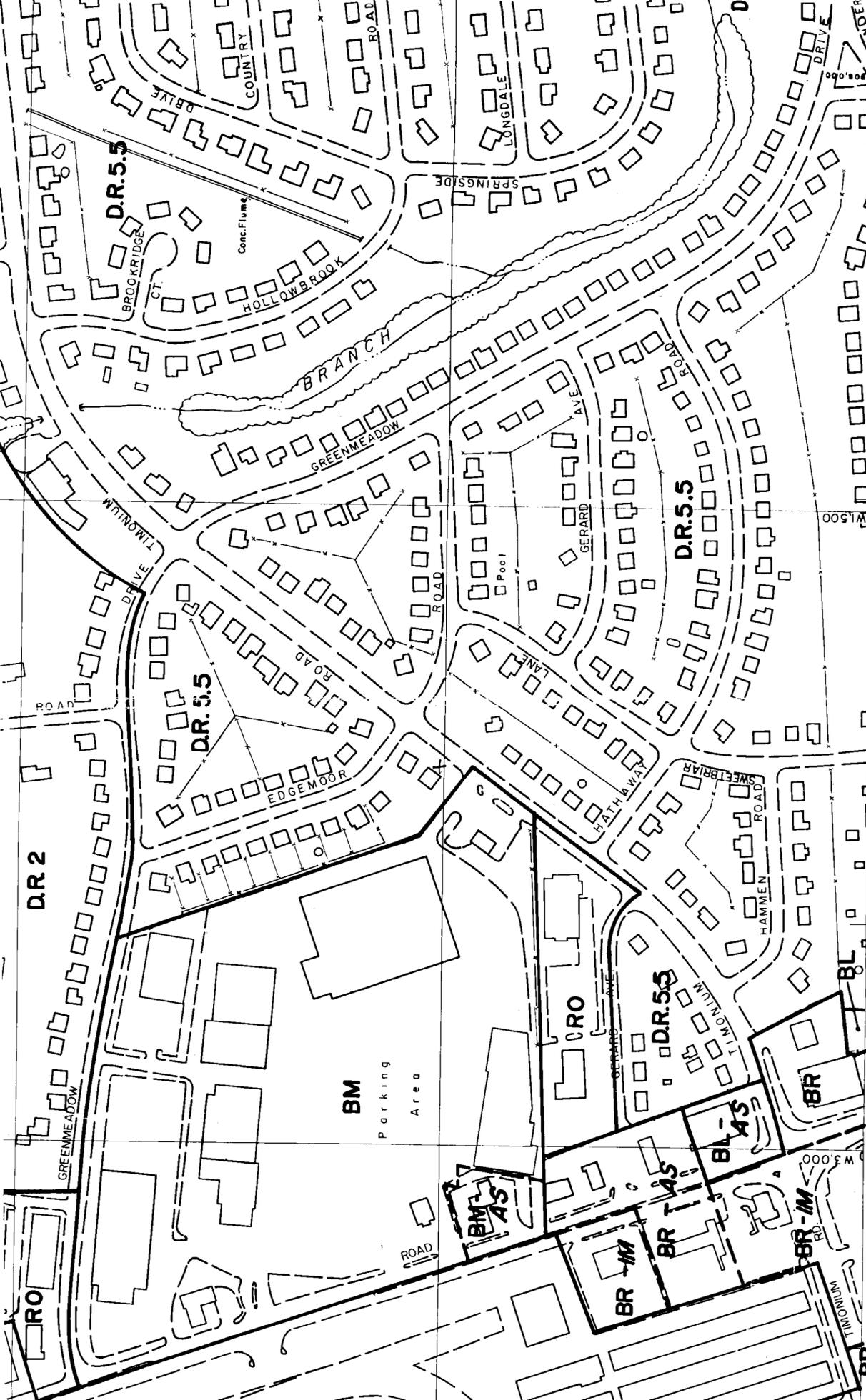
D=

PROTESTANT'S
EXHIBIT NO. 12

PETITIONER'S
EXHIBIT

For Review & Approval
of Local Planning Commission
Scale 1" = 20' JULY 19, 1999





BALTIMORE COUNTY

(SHEET N.W. 3-A)

SCALE
1" = 200'±

LOCATION

Cont. S/L # 19

CLUNDEK DRIVE

SPRINGSIDE

LONGDALE

COUNTRY ROAD

DRIVE

BR

CONC. FLUME

BR

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 15, 1994

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Case No. 94-271-XA, Item No. 271
Petitioner: Fatemeh Falahi and Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 16, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

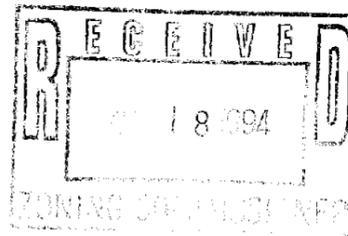
Sincerely,


W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmm
Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 17, 1994

SUBJECT: 42 E. Timonium Road

REVISED COMMENT

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

A revised plan (1st amendment) dated 5/16/94, but received on 7/19/94 has been submitted for the proposed Class B Group Child Care Center.

As previously indicated, due to a number of factors and site constraints, the Special Exception for a Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan still does not note the proposed number of employees. Provisions for drop-off and pick-up have been noted (note 7) on the site plan. However, the drop-off/pick-up provision is still inadequate since it involves the necessity for cars to back out onto Timonium Road, a busy major arterial road.

Note 6 on the site plan indicates three spaces for employee parking to be provided off-site at the Fred C. Yoo service station. A letter from Mr. Yoo is needed indicating that he has given permission for the parking as well as a site plan showing that he has surplus parking which can be shared/leased.

The site plan still indicates half of the driveway off-site on the property owned by Timonium Shopping Center Associates Limited Partnership. This is within an area set aside as a buffer between the shopping center and the residential community according to the plan for Special Exception for Service Station approval in 1961.

Previous comments are still applicable with regard to the area Variance and the impervious area Variance.

Prepared by: *Pat Keller*

Division Chief: *Sam L. Kerns*

PK/JL:pat

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 9, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 8, 1994
Item No. 271, Case No. 94-271-XA

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual. A final landscape plan must be approved as a condition of releasing permits.

The existing driveway appears to be offsite and there is no onsite drop-off pick-up area. Adequate onsite maneuvering must be provided.

RWB:sw



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Administrator

7-29-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 271
CASE NO: #94-271-XA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

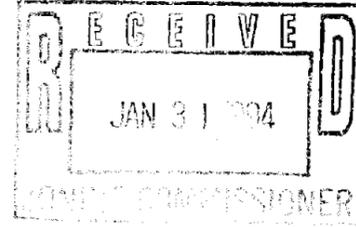
Jim
94-271-XA
2/22/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning



DATE: January 27, 1994

SUBJECT: 42 E. Timonium Road

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

The proposal for Special Exception for Class B Group Child Care Center and numerous Variances is requested for 42 East Timonium Road. This site is within a Community Conservation Area designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a secondary means of access to the Timonium Shopping Center as well as several single-family residences.

Due to a number of factors and site constraints, the proposal for a Special Exception for Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan does not indicate the number of employees, hours of operation and does not make provisions for either off-street parking or for the drop-off and pick-up of children. Timonium Road is a busy major arterial road with no parking permitted and is posted accordingly. The existing macadam driveway, which is partly off-site, could accommodate a maximum of three (3) cars subject to blockage. However, paving the front yard to provide parking is not a good solution since it would detract from the residential character of the area. This issue of adequate parking and site drop-off/pick-up of children must be addressed for any child care operation, Class A or Class B.

The existing wood fence would provide somewhat of a barrier between the outdoor play area and the adjacent dwellings but it does not completely enclose the rear yard. Some planting should be provided between the adjacent dwellings and the wood fence. A dilapidated chain link fence with slats (shown as being off-site) is in disrepair. The area within the fence to the side and rear apparently cannot be incorporated within the proposed outdoor play area since it is under restrictive covenant and under different ownership.

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The area Variance request from Section 424.7A is also of some concern; the net lot area is only 7,463 sq. ft. while the gross area is 9,263 sq. ft. The BCZR requirement of one (1) acre minimum lot area does not indicate whether the requirement is for net or gross area, if it is for net area the Variance required is greater than indicated on the Petition form.

The impervious area Variance request from Section 424.7E is also of some concern due to the fact that on such a small site the actual useable area for outdoor play area is further limited when 38% of the site area is either building or paving.

Should the applicant's request be granted, the size of the child care center should be limited to 12 children.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:pat

[Faint handwritten notes]

This matter centers on a combination of a special exception and variances for a Class B child care center in a D.R. zone involving a residential transition area (RTA). As defined in Section 1B01.1C.6B of the Baltimore County Zoning Regulations (BCZR), this petition, reduced from an initial request before the Deputy Zoning Commissioner of 40 children to 20 children, is a permitted use if not located in an RTA. As such, however, the property is subject to a special exception under Section 502.1 (BCZR), and also must comply with the bulk standards of Section 424.7.

This regulation requires specific standards for minimum lot size, setbacks, fencing, parking, height and impervious surface area for group child care centers in all D.R. zones. In requesting the special exception, Appellant seeks variances in side and rear yard setbacks, the square foot area of the property, and the extent of the impervious surface on the one-quarter acre property.

Ms. Falahi testified to the facts of her purchase of the subject property at 42 E. Timonium Road in November 1992, a single-family dwelling built in the community of Haverford in the 1950s. She told of the improvements made to a property littered with debris and abandoned materials, and of obtaining the necessary permits to enlarge the house and install a privacy stockade fence in the rear yard.

Appellant reviewed her years of experience in child care programs at Towson State University, and at a local church and her private residence. After completing the improvements to the subject property, she related of her establishing a family child care center at the residence as permitted by right under Section

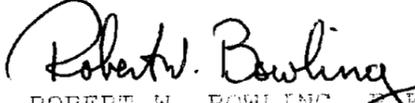
BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 24, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 24, 1994
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual.


ROBERT W. BOWLING, Chief
Developers Engineering Section

RWB:s



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +271 (MTK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for *DAVID N. RAYSEY, ACTING CHIEF*

~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

* BEFORE THE ZONING COMMISSIONER

IN RE *
 42 East Timonium Road * Case No. 94-271-XA
 * Item 271
 * * * * *

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

| | |
|---|--|
| Number of Employees: | 3 |
| Number of Children to be Enrolled (Maximum): | 20 |
| Hours of Operation: | Arrival 7:30 a.m. Depart by 5:30 p.m. |
| Known Amount of Traffic Generated: 20 Children X 1 Drop-Off and 1 Pick-up = 40 Trips Per Day 3 Employees = 3 Trips Per Day | 43 Trips Per Day |
| 1E | Site Plan Previously Submitted |
| 1F | Pictures Submitted At Hearing |

Michael P. Tanczyn
 MICHAEL P. TANCZYN, ESQ.
 Attorney for the Petitioner
 606 Baltimore Avenue
 Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: FATEMEH FALAHI & MOHAMMAD HAERIAN, M.D.

LOCATION: NW/S TIMONIUM RD., 90' SW OF CENTERLINE EDGEWOOD RD.
(42 EAST TIMONIUM RD.)

Item No.: 271 (MJK) Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1991 edition prior to occupancy.

RECEIVED
JAN 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



Printed with Soybean Ink
on Recycled Paper

ZONING ADVISORY COMMITTEE AGENDA
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF FEBRUARY 27, 1995
FORMAL OR INFORMAL RESPONSE DUE AT MARCH 6, 1995 MEETING

\$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
- # ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
- # ZADM, Development Control Work File (Joyce Watson)
- * ZADM, Development Management (David Flowers)
- * ZADM, Development Management (Kurt Kugelberg)
- * ZADM, Development Control (John Alexander)
- \$& Public Works, Development Plan Review (Dennis A. Kennedy)
- \$* Planning Office Director (Pat Keller)
- # Planning Office (Jeffrey Long)
- * Recreation and Parks (Ronald Schaeffer); MS #52
- # DEPRM (Larry Pilson) - 2 plats
- * DEPRM, Air Quality Management (Dave Filbert); MS #3404
- & State Highway Administration, Access Permits Division (David N. Ramsey)
- & Fire Prevention, Plans Review (Lt. Robert Sauerwald); MS #1102F
- * Dept. of Permits & Licenses, Building Plans Review (Dick Seim); MS #1106
- * Economic Development Commission, Business Develop. (Susan Brennan); MS #2M07
- * Highways (Richard Cox); MS #1003
- * Community Development (Amy Johanson); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF ELDERLY HOUSING, Community Development (Frank Welsh); MS #1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5708).

Revised 11/16/94

ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
MEETING OF FEBRUARY 27, 1995

- + Non-Residential or Complex Residential
- \$ Residential, Non-Administrative
- * Administrative Variance (Posting Procedure Only, if not challenged)

Revised Petitions and Plans were dropped off for Item #271; Case #94-271-XA (Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.) on 2/14/95. This case has a hearing scheduled before the Board of Appeals on February 28, 1995.

Item Number: * 284 (JJS)
Legal Owner: Louis T. Toth & Celene M. (Czajkowski) Toth
Contract Purchaser: N/A
Critical Area? No
Location: E/S White Oaks Avenue, 2414' E of centerline Hilton Avenue (#752 White Oaks Avenue)
Existing Zoning: D.R.-2
Proposed Zoning: Administrative Variance to allow a side yard setback of 10 feet for an open projection (deck) in lieu of the required 11-1/4 feet.
Area: .313 +/- acre
District: 1st Election District
1st Councilmanic District

Item Number: + 285 (WCR) **DROP-OFF; NO REVIEW**
Legal Owner: Richard O. Huffman, Jr. & Elizabeth S. Huffman
Contract Purchaser: White Marsh Child Care, Inc.
Critical Area? No
Location: NE/end Winding Way, N of Silver Spring Road; also NW/S I-95 (#8650 Winding Way)
Existing Zoning: D.R.-5.5
Proposed Zoning: Special Hearing to approve an expansion of a special exception for a child care center in a D.R.-5.5 zone by adding a 60-foot by 40-foot addition to the existing day care structure to accommodate additional children by modifying the approval of the special exception obtained previously in case #82-289-X, to establish a nursery school/day care facility; #87-329-SPH to expand the nursery school/day care facility; and #89-7-SPHA to permit a church use to share the day care facility.
Area: 4.74 +/- acres
District: 11th Election District
? Councilmanic District
Misc.: Zoning Cases #87-7-SPHA; #87-329-SPH; #82-289-x

(OVER)

Item Number: + 286 (JRA)
Legal Owner: Amir Aviram & Cicero H. Brown
Contract Purchaser: N/A
Critical Area? No
Location: NE/S Reisterstown Road, NC Reisterstown Road and
Hammershire Road (#11629 Reisterstown Road -- Owings
Mills Car Wash)
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Special Hearing to approve a revised zoning plan and order
as approved in zoning cases.
Area: 49,299 square feet
District: 4th Election District
3rd Councilmanic District
Misc.: Zoning Cases #93-82-SPHX, #77-45-X, #65-157-X
Limited Exemption Approved 11/7/94

Item Number: * 287 (JRF)
Legal Owner: Richard C. Schmidt
Contract Purchaser: N/A
Critical Area? Yes
Location: N/S Holly Neck Road, 630' +/- of centerline Goff Road
(#2106 Holly Neck Road)
Existing Zoning: R.C.-5
Proposed Zoning: Administrative Variance to allow a front yard setback of 16
feet (for an open projection deck) in lieu of the required 37.5
feet.
Area: 40,000 square feet
District: 15th Election District
5th Councilmanic District
Misc.: Stop Work Order per Building Inspector (B-222573; B-
222574; B-222578)

Item Number: * 288 (JLL)
Legal Owner: Virginia W. Gordon
Contract Purchaser: N/A
Critical Area? No
Location: E/S Greenlea Drive, 445' N of Old Court Road (#5 Greenlea
Drive)
Existing Zoning: D.R.-1
Proposed Zoning: Administrative Variance to permit a side yard setback of 16
feet in lieu of the required 20 feet for a proposed 10-foot by
12-foot addition.
Area: 1.27 acres
District: 3rd Election District
2nd Councilmanic District
Misc.: Provisional Approval Permit #B-226021

(OVER)

| | |
|---------------------|--|
| Item Number: | + 289 (JRA) |
| Legal Owner: | Donald O. Peck & Helen S. Peck |
| Contract Purchaser: | Priceless Carpets |
| Critical Area? | No |
| Location: | E/S Greenspring Drive, 1320' S of centerline Timonium Road (#1967 Greenspring Drive) |
| Existing Zoning: | M.L.-I.M. |
| Proposed Zoning: | <u>Variance</u> to permit a side yard setback (south side) of zero feet in lieu of the minimum required 30 feet. |
| Area: | .501 acre |
| District: | 8th Election District 4th Councilmanic District |
| Misc.: | Zoning Hearing #76-99-A |

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 3, 1994

Mr. Louis Miller
44 E. Timonium Road
Timonium, MD 21093

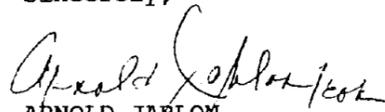
RE: Petition for Special Exception and
Variance
90' S/W of c/l of Edgemoor Road
(42 E. Timonium Road)
8th Election District
4th Councilmanic District
Fatemeh Falahi and
Mohammad Haerian-Petitioners
Case No. 94-271-XA

Dear Mr. Miller:

Please be advised that an appeal of the above-referenced case was filed in this office on October 28, 1994 by Michael P. Tanczyn, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,


ARNOLD JABLON
Director

AJ:eoh

c: Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue,
Baltimore 21204
Ms. Carolyn London, 41-43 E. Timonium Rd., Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, MD 21093
Ms. Diana Itter, Office of Planning and Zoning
People's Counsel



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on Recycled Paper

APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

- Petitions for Special Exception and Variance
- Description of Property
- Certificate of Posting
- Certificate of Publication
- Entry of Appearance of People's Counsel
- Zoning Plans Advisory Committee Comments
- Petitioner(s) and Protestant(s) Sign-In Sheets
- Petitioner's Exhibits:
- 1 - Plat to Accompany Special Exception and Variance
 - 2(a) - 1 Photograph
 - 2(b) - 1 Photograph
 - 2(c) - 4 Photographs
 - 2(d) - 4 Photographs
 - 2(e) - 5 Photographs
 - 3 - Daily Schedule
 - 4(a) - 4 Photographs
 - 4(b) - 4 Photographs
 - 4(c) - 2 Photographs
 - 4(d) - 6 Photographs
 - 5 - Department of Human Resources, Child Care Administration-Summary of Findings
 - 6 - Plat of property
 - 7 - Plat to Accompany Special Exception and Variance
 - 7(a) - Letter of Support
 - 7(b) - Letter of Support
 - 7(c) - Letter of Support
 - 7(d) - Letter of Support
 - 7(e) - Letter of Support
 - 8 - Letter from Fatemeh Falahi
 - 9 - Lease Agreement
 - 10 - Curriculum Vitae-Norman E. Gerber
- Protestant's Exhibits:
- 1 - Sketch of exits & entrances onto Timonium Road
 - 2 - Descriptions and 14 Photographs
 - 3 - Video Tape and 2 Photographs
 - 4 - Plat of property
 - 5 - Traffic Survey
 - 6 - Workbook-Office of Child Care Licensing and Regulation
 - 7 - Letter to Fatemeh Falahi from Fred Yoo
 - 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - 9. Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - 11 - Application for Permit

- 11 - Application for Permit
- 12 - Partial Plat
- 13 - Application for Permit
- 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

1. Roster of Protestants to speak at hearing
2. 20 Letters in Opposition to Petitions
3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

Deputy Zoning Commissioner's Order dated September 30, 1994

Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030
Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204
Ms. Carolyn London, 41-41 Timonium Road, Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council, P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
Ms. Diana Itter, Office of Planning and Zoning
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

- ✓ Petitions for Special Exception and Variance ✓
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Entry of Appearance of People's Counsel
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) and Protestant(s) Sign-In Sheets
- ✓ Petitioner's Exhibits: ✓
 - ✓ 1 - Plat to Accompany Special Exception and Variance
 - ✓ 2(a) - 1 Photograph
 - ✓ 2(b) - 1 Photograph
 - ✓ 2(c) - 4 Photographs
 - ✓ 2(d) - 4 Photographs
 - ✓ 2(e) - 5 Photographs
 - ✓ 3 - Daily Schedule
 - ✓ 4(a) - 4 Photographs
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 - ✓ 7(d) - Letter of Support
 - ✓ 7(e) - Letter of Support
 - ✓ 8 - Letter from Fatemeh Falahi
 - ✓ 9 - Lease Agreement
 - ✓ 10 - Curriculum Vitae-Norman E. Gerber
- Protestant's Exhibits: ✓
 - ✓ 1 - Sketch of exits & entrances onto Timonium Road
 - ✓ 2 - Descriptions and 14 Photographs
 - ✓ 3 - Video Tape and 2 Photographs
 - ✓ 4 - Plat of property
 - ✓ 5 - Traffic Survey
 - ✓ 6 - Workbook-Office of Child Care Licensing and Regulation
 - ✓ 7 - Letter to Fatemeh Falahi from Fred Yoo
 - ✓ 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - ✓ 9. Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - ✓ 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - ✓ 11 - Application for Permit

RECORDED
COUNTY CLERK
94 NOV -3 AM 11:32

✓E

- ✓ 11 - Application for Permit
- ✓ 12 - Partial Plat
- ✓ 13 - Application for Permit
- ✓ 14 - Letter to Timothy Kotroco from Eric Rockel (8/22/94)

Miscellaneous Correspondence

- ✓ 1. Roster of Protestants to speak at hearing
- ✓ 2. 20 Letters in Opposition to Petitions
- ✓ 3. Inter-Office Memo from Pat Keller to Timothy Kotroco, dated March 17, 1994
- ✓ 4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., BCZR.

✓ Deputy Zoning Commissioner's Order dated September 30, 1994 (DENIED)

✓ Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030

* Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204

Ms. Carolyn London, 41^{43E} Timonium Road, Timonium, MD 21093

Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204

Mr. Eric Rockel, c/o Greater Timonium Community Council, ~~Box~~ Box 276, Timonium, MD 21093 (98 W. RIDGELY RD)

Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093

People's Counsel of Baltimore County, M.S. 2010

~~Mr. Howard White, 19 Edgemoor Road, Timonium, MD 21093 Deceased~~

Request Notification: Patrick Keller, Director, Planning & Zoning
 Lawrence E. Schmidt, Zoning Commissioner
 Timothy M. Kotroco, Deputy Zoning Commissioner
 Ms. Diana Itter, Office of Planning and Zoning
 W. Carl Richards, Jr., Zoning Supervisor
 Docket Clerk
 Arnold Jablon, Director of ZADM

(MR MILLER #254-3444)

LOUIS MILLER, 44 E. TIMONIUM ROAD, TIMONIUM, MD 21093

REQUESTS NOTIFICATION BY
 WRITTEN REQUEST DTD 1/18/95:
 Mr. Richard Jarvis Hoffman
 35 Cinder Road
 Timonium, MD 21093

J. Carroll Holzer, Esquire
 HOLZER AND LEE
 305 Washington Ave., Suite 502
 Towson, MD 21204
 COUNSEL FOR PROTESTANTS

WHILE YOU WERE OUT

| | | |
|---|--|-------------------------------|
| FOR <u>Kathi</u> | DATE <u>1/11</u> | TIME <u>3:40</u> A.M. P.M. |
| M <u>Lou Miller</u> | | |
| OF _____ | <input checked="" type="checkbox"/> PHONED | |
| PHONE <u>252-3444</u> | <input checked="" type="checkbox"/> RETURNED YOUR CALL | |
| AREA CODE NUMBER EXTENSION | <input checked="" type="checkbox"/> PLEASE CALL | |
| MESSAGE <u>re 94-271</u> | <input type="checkbox"/> WILL CALL AGAIN | |
| SIGNED <u>Holzer to represent at hearing before CBA - Entry of Appearance</u> | <input type="checkbox"/> CAME TO SEE YOU | |
| | <input type="checkbox"/> WANTS TO SEE YOU | |

TOPS FORM 482B

11/29/94 -Notice of Assignment for hearing scheduled for Tuesday,
February 28, 1995 at 10:00 a.m. sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
Ms. Diane Itter
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/23/95 -Memo dated 2/14/95 from Sophia Jennings /ZADM; forwarding copies of amended petition, description, plat, etc.; revisions to be placed on ZAC agenda for 2/27/95 meeting.

2/28/95 -Notice of Assignment sent to parties; case scheduled for Friday, March 24, 1995 at 9:00 a.m. /Day #2; also scheduled for Friday, March 31, 1995 at 9:00 a.m. /Day #3 (if third day needed). Added J. Carroll Holzer, Esquire, as counsel for protestants. Continued dates as agreed to and confirmed with Counsel 2/28/95.

3/23/95 -Matter postponed from day #2 3/24/95 by CBA (death in family); reassigned for hearing day #2 to previously held date of Friday, March 31, 1995 at 9:00 a.m.; will assign Day #3 if needed on 3/31/95. All parties notified by telephone morning of 3/23/95 regarding postponement and reassignment to 3/31/95 as Day #2.

-Notice of PP and Reassignment sent to parties; matter to be heard for hearing day #2 on previously held date of Friday, March 31, 1995 at 9:00 a.m.

3/24/95 -T/C from M. Tanczyn - two-day jury trial may require entire week; could possibly conflict with Friday 3/31/95 hearing for Day #2 of subject matter. He will advise as soon as he knows for certain.

3/28/95 -Letter from M. Tanczyn -- confirming above comments. Requesting information re next available dates should trail run over into Friday 3/31/95.

- T/C from Eve /M. Tanczyn's office -- trial will not be completed until some time next week; therefore, will require postponement of 3/31/95 hearing date. Told her scheduled would be reviewed and parties contacted by Wednesday 3/29 regarding postponement and possible rescheduling. Note composition of Board and limitations on hearing dates that can be rescheduled.

3/30/95 -T/C from M. Tanczyn; jury trial settled; however, matter is pending in Frederick County (postponed from earlier date; unable to obtain postponement from Judge; 3/31/95 must go forward in Frederick). Must request postponement. Parties contacted; matter will be postponed; to be rescheduled to date when all parties available. Also -composition of Board will be consideration due to term limits.

Notice of Postponement sent to parties; to be reset as soon as possible.

5/15/95 -Notice of Assignment for hearing scheduled for two days; namely, Wednesday, July 5, 1995 and Wednesday, July 12, 1995 at 10:00 a.m., sent to the following:

Michael P. Tanczyn, Esquire
Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/12/95 -Notice of Assignment sent to parties; Day #3 scheduled for Wednesday, October 4, 1995 at 10:00 a.m., upon confirmation of availability of counsel. (NOTE: Howard White {recently deceased} removed from file at request of Mr. Louis Miller.)

10/04/95 -Hearing concluded. Memos due from counsel on 10/18/95; scheduled for deliberation on 10/26/95; notice to be sent.

| | |
|---------------------------|----------|
| Memo received from Holzer | 10/18/95 |
| " " " Tanczyn | 10/18/95 |
| Copies to Board members | 10/19/95 |

10/05/95 -Notice of Deliberation sent to parties; scheduled for Thursday, October 26, 1995 at 9:00 a.m.; copies to K.M.B.

10/13/95 -Received requested Rule 8 papers from Greater Timonium Community Council.

10/26/95 -Deliberation concluded. Board to deny petitions for special exception and variances; written Opinion and Order to be issued; appellate period to run from date of that written Order. (K.B.M.)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

June 30, 1995

CAROLE G. DEMILIO
Deputy People's Counsel

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petitions for Special Exception
and Zoning Variance
42 East Timonium Road - 8th Election
District, 6th Councilmanic
Petitioners - FATEMEH FALAHI and
MOHAMMAD HAERIAN
Case No. 94-271-XA

Dear Chairman Schuetz:

This is the first in a series of combination special exception and variances for principal use Class B Group Child Care Centers in D.R. (density residential) zones involving Residential Transition Areas (RTA's). See BCZR 424.5A. Upon review of the applicable statutes and case law, it appears that the use cannot properly be allowed.

Bill 200-90 (enclosed) amended the child care center law. As a result, BCZR 1B01.1B1g (10a) allows such special exceptions, "provided... that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained. ..." BCZR 424.7 provides the specific bulk standards for minimum lot size, setbacks, parking, height, and impervious surface area for group child care centers in all D.R. zones.

The present special exception presents multiple variances of BCZR 424.7. Even were there no special exception, it does not appear that the requested variances meet the "uniqueness" standard of BCZR 307.1 and Cromwell v. Ward, 102 Md.App. 691 (1995) (excerpt enclosed). The presence of the combination special exception/variance is a second bar to approval. See Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md.App. 324 (1995).

The specific statutory prerequisite under BCZR 1B01.1B1g (10a) of BCZR 424.7 compliance for group child care centers in the RTA is yet a third layer of preclusions.

REC'D
JUN 30 11:21 AM '95
PEOPLE'S COUNSEL

Mr. Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
June 30, 1995
Page Two

This office is thus interested in the defense of the zoning maps in this case. In view of the clear legal issue, the undisputed material facts about the proposal, and the presence of counsel for other parties, we do not find it necessary to present additional testimony.

We also enclose an outline of relevant excerpts from the Cromwell and Chester Haven cases.

Please accept this letter as a memorandum in lieu of oral argument.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures

cc: Michael P. Tanczyn, Esquire

J. Carroll Holzer, Esquire

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,
424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
 2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
 3. Zoning Regulations, as amended, be and it is hereby repealed.
-

Variance Standards

Cromwell v. Ward: 651 A.2d 424

Quoting 2 Rathkopf, The Law of Zoning and Planning,

"Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner... will be regarded as having been self-created, barring relief." Page 431-32

Quoting Bowman v. City of York:

"[A] variance [may be granted] ... only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of the enactment, [of the zoning ordinance] 'would result in peculiar and exceptional practical difficulties.'" Page 434-35

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located'.... The ...argument that the insufficient width ...constitutes a special circumstance of "shape" is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity..."

Continuing in Cromwell: "In the case *sub judice*, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435

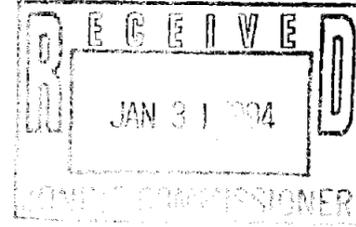
Jim
94-271-XA
2/22/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning



DATE: January 27, 1994

SUBJECT: 42 E. Timonium Road

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

The proposal for Special Exception for Class B Group Child Care Center and numerous Variances is requested for 42 East Timonium Road. This site is within a Community Conservation Area designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a secondary means of access to the Timonium Shopping Center as well as several single-family residences.

Due to a number of factors and site constraints, the proposal for a Special Exception for Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan does not indicate the number of employees, hours of operation and does not make provisions for either off-street parking or for the drop-off and pick-up of children. Timonium Road is a busy major arterial road with no parking permitted and is posted accordingly. The existing macadam driveway, which is partly off-site, could accommodate a maximum of three (3) cars subject to blockage. However, paving the front yard to provide parking is not a good solution since it would detract from the residential character of the area. This issue of adequate parking and site drop-off/pick-up of children must be addressed for any child care operation, Class A or Class B.

The existing wood fence would provide somewhat of a barrier between the outdoor play area and the adjacent dwellings but it does not completely enclose the rear yard. Some planting should be provided between the adjacent dwellings and the wood fence. A dilapidated chain link fence with slats (shown as being off-site) is in disrepair. The area within the fence to the side and rear apparently cannot be incorporated within the proposed outdoor play area since it is under restrictive covenant and under different ownership.

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101 of the BCZR, with her mother and brother in residence. In this Hearing, Counsel for the Appellant made special note that the center for eight children operated with no complaints from anyone until she made application for the Class B facility in January 1994.

The subject property zoned D.R. 5.5 has dimensions comparable to all the platted lots of Haverford, with the exception that it is one of a few constructed on a concrete slab. Also, the 60' x 125' site is bounded by the Timonium Shopping Center along its length, separated by a 15-foot buffer of grass and scrubs. A dilapidated, slatted chain-link fence extended down the middle of the buffer. At the time of purchase, Appellant assumed this parcel was available to her use, as a shed of a previous resident existed there. This misconception was later clarified when the shopping center owner relocated a new fence within one foot of the Falahi property boundary.

Directly across the buffer from the subject site, a large service station (Citgo) and garage facility has operated for many years. Other commercial uses are in the immediate vicinity, and Counsel for Appellant asserts that these commercial activities give a uniqueness to the residential character of the subject property, unlike any other in the community of Haverford.

Norman Gerber, readily recognized as an expert land planner, testified of his familiarity with the property, understanding of documents, County comments, and proposed modifications to the site plan. As an official in the Office of Planning & Zoning in the 1960s, Mr. Gerber told of his opposition to the shopping center and gas station, and foresaw the potential negative effect on the

Variance: Self-Created Hardship

Cromwell v. Ward:

Quoting Ad + Soil, Inc. v. County Comm'rs:

"The essence of AD + Soil's argument .. is that the setback requirements ...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements... The Board declined to grant the variances, concluding that Ad + Soil's 'hardship' was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance." Page 439

Quoting Pollard v. Board of Zoning Appeals:

"Self-inflicted or self-created hardship ...is never considered proper grounds for a variance....[W]here the applicant creates a nonconformity, the board lacks power to grant a variance." Page 439

Judge Cathell concludes:

"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted." 439-40.

Xanthos v. Board of Adjustment:

"...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming by additional construction."

In the Matter of Umerley Circuit Court for Baltimore County (Byrnes, J.)

"Uniqueness cannot be created by the owner." Page 6

"There is nothing unusual about the shapes of lots 2 and 5. They are rectangles." Page 9

**The Chester Haven Case: Prohibition of Special Exceptions with Variances
Discussion of Grandfathered Development**

Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County

"All of its variance requests concern what it perceives to be a necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property owner caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom."

"The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is a permitted use because the legislative body has made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that establishes certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails." Page 11-12
(Emphasis supplied)

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAHI AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | * | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | * | |
| 42 East Timonium Road | * | |
| 8th Election District | * | |
| 4th Councilmanic District | * | Case No. 94-271-XA |
| * * * * * | | |

SUBPOENA DUCES TECUM

PLEASE issue a Subpoena for the following person to appear and testify before the County Board of Appeals for Baltimore County on Wednesday, July 12, 1995, at 10:00 a.m. to testify for the Petitioners before the County Board of Appeals for Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204:

STEVE WEBBER
 Department of Traffic Engineering
 County Courts Building
 401 Bosley Avenue, 4th Floor
 Towson, Maryland 21204

and to bring with him the most recent traffic count figures for Timonium Road, eastbound and westbound, at York Road, and for Timonium Road at Eastridge, specifically for 1992 and for any more current period which Baltimore County may have.

Michael P. Tanczyn
 MICHAEL P. TANCZYN, ESQ.
 606 Baltimore Avenue, Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823
 Attorney for the Petitioners

Kathleen A. Redenhammer
 SECRETARY, COUNTY BOARD OF APPEALS

5-10-19 1:20

IN THE MATTER OF
Eatemeh Falahi and
Mohammad Haerian
NW/s Timonium Rd.

* BEFORE THE
* COUNTY BOARD OF APPEALS
* BALTIMORE COUNTY
* CASE NO. 94-271-XA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Steve Weber
Address: Traffic Engineering
County Courts Bldg.
Towson, MD

Name: J. Carroll Holzer, Esq.
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Cer
County Board of Appeals of
Baltimore County

Cost: \$ _____

Summoned: _____, 19__

Not served: _____, 19__

Sheriff of Baltimore County

95 FEB 23 PM 12:19

IN THE MATTER OF * BEFORE THE
Fatemeh Falahi and M. Haerian * COUNTY BOARD OF APPEALS
Petitioners, NW/s Timonium Rd. * BALTIMORE COUNTY
42 East Timonium Rd. * CASE NO. 94-271-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday Oct. 4, 1995 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse Towson, MD and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Rose Hays
Address: Child Care Admin., Region III
409 Washington Ave., LL8
Towson, MD 21204

Name: J. Carroll Holzer
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
County Board of Appeals of
Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

1810 12 8-10096
10/10/95

IN THE MATTER OF * BEFORE THE
Fatemeh Falahi and Mohammad * COUNTY BOARD OF APPEALS
Haerian NW/s Timonium Rd. * BALTIMORE COUNTY
42 E. Timonium Rd. * CASE NO. 94-271-XA
* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday March 24, 1995 at 9:00 a.m. at Room 48, located at Basement, Old Courthouse, 400 Washington Ave. Towson and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Betty Botsko, Regional Manager
Address: Child Care, Admin. region III
409 Washington Ave. LL8
Towson, MD 21204

Subpeonae Following:

Results of investigation of complaint of 3/9/95 for 42 East Timonium Rd.

Name: J. Carroll Holzer
Firm: Holzer and Lee
Address: 305 Washington Ave. #502
Towson, MD 21204
825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Ce
County Board of Appeals of Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____

Sheriff of Baltimore County

COUNTY BOARD OF APPEALS
95 MAR 10 PM 3:27

| | | |
|---------------------------|---|---------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| <u>Fatemeh Falahi and</u> | * | COUNTY BOARD OF APPEALS |
| <u>Mohammad Haerian</u> | * | BALTIMORE COUNTY |
| <u>NW/s Timonium Rd.</u> | * | CASE NO. <u>94-271-XA</u> |
| * * * * * | * | * * * * * |

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday Feb. 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Diane Itter
 Address: Planning, County Courts Bldg
Bosley Ave. Towson, MD

Name: J. Carroll Holzer, Esq.
 Firm: Holzer and Lee
 Address: 305 Washington Ave. #502
Towson, MD 21204

825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Car
 County Board of Appeals of
 Baltimore County

Cost: \$ _____
 Summoned: _____, 19____
 Not served: _____, 19____

Sheriff of Baltimore County

95 FEB 23 PM 12:18

Comm. copy.

ROSTER TO TESTIFY AT ZONING HEARING 2/22/94, 9:00AM, 106 BALTO. CO. OFFICE
BLDG. RE: SEPECIAL PETITION & VARIANCES, 42 E. TIMONIUM RD, TIMONIUM, MD
21093.

| SEQUENCE | APPX. TIME | NAME & ADDRESS | |
|----------|------------|--|--|
| 2 | | JOHN MANNION 37 E. TIMONIUM RD. | TRAFFIC & SAFETY ZONING |
| 3 | | HARRY HARMAN 52 E. TIMONIUM RD. | ZONING, ILLEGAL TRAFFIC ACTIVITY |
| | | MARTIN PECHTER OWNER-TIMONIUM SHOPPING | ENCROACHMENT ON BUFFER ZONED AREA |
| | | DON BAIRTH <i>HARRY WIEDEFFELD</i> 45 E. TIMONIUM RD. | ZONING, NOISE ETC. |
| | | HOWARD WHITE 19 EDGEMORE RD | ZONING, NOISE, BUFFERS ADJOINING PROPERTY |
| | | GUY KERN 17 E. TIMONIUM RD | ZONING, VARIANCES TRAFFIC, SAFETY |
| | | DIANNE AMRHEIN 10 EDGEMORE RD. | RESIDENT FAMILY DAY CARE MOTHER - SAFETY QUALITY OF CARE |
| 1 | | CAROLYN & LEWIS LONDON 43 E. TIMONIUM RD. | RENTAL PROPERTY VALUE NOISE, TRAFFIC, SAFETY |
| | | KATHY BEADELL 30 NORTHWOOD DR. PRESIDENT-YORKSHIRE COMMUNITY ASSOC. 300 MEMBERS INCLUDES OLD HAVERFORD | REALTY VALUES |
| | | ERIC ROCKEL PRESIDENT, GREATER TIM. COMM. COUNCIL (22 ASSOC.) | GENERAL ZONING, RESIDENTIAL CHARACTER CROSS EXAM. THEIR CASE |
| | | LOUIS W. MILLER 44 E. TIMONIUM RD. ADJOINING PROPERTY | HISTORY, ZONING, COMMENTS, NOISE, PLAT, SAFETY. DAY CARE STATS TRAFFIC COUNTS BELIEVABILITY OF INTENT |
| | | OTHERS WHO WISH TO SPEAK | |

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 28, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Revision Review
Case #94-271-XA
42 East Timonium Road
8th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The 50-foot rear yard setback is required pursuant to Section 424.7, subsection B, not A.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Merrey", written over the typed name and title.

Joseph C. Merrey
Planner I

JCM:scj

Enclosure (receipt)

c: Board of Appeals



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on Recycled Paper

2/28/95

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

file copy

TO: K. Howanski
D. Levero
H. Buchheister

DATE: October 19, 1995

FROM: Kathi

SUBJECT: Fatemeh Falahi et al -Petitioners
Case No. 94-271-XA

As indicated on the Notice of Deliberation sent to you October 4th, the above-referenced case is scheduled for public deliberation on Thursday, October 26, 1995 at 9:00 a.m.

Enclosed for your review prior to this deliberation are the following documents:

1. Petitioners' Memorandum filed by Michael P. Tanczyn, Esquire, on behalf of Fatemeh Falahi and Mohammad Haerian, Petitioners.
2. Memorandum in Lieu of Final Argument filed by J. Carroll Holzer, Esquire, on behalf of Protestants in this matter.

Should you have any questions regarding the above, please call me.

Attachments



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

Kathleen C. Weidenhammer
Administrative Assistant



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on Recycled Paper

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners / Case No. 94-271-XA

DATE : Thursday, October 26, 1995 @ 9:00 a.m.

BOARD / PANEL : Kristine K. Howanski, Acting Chairman (KKH)
S. Diane Levero (SDL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Weidenhammer
Administrative Assistant

Those present included Michael P. Tanczyn, Esquire, Counsel for Petitioners; J. Carroll Holzer, Esquire, Counsel for Protestants; and Peter Max Zimmerman, People's Counsel for Baltimore County.

PURPOSE --to deliberate issues and matter of petition for special exception and variances presented to the Board; testimony and evidence received over three hearing days; namely, July 5, July 12, and October 4, 1995. Opinion and Order to be issued by Board setting forth written findings of fact.

KKH: Opening comments: We are here to deliberate the Falahi case, #94-271-XA, a case in which Counsel were kind enough to submit memorandum on the matter, and I am assuming at this point that my colleagues have considered the memorandums and gone over their notes. One of the items we did have to pull, and I think, Mr. Holzer, you need to be aware of this as a matter of courtesy, Mr. Tanczyn cited Star Construction case; we did not have that in our records. And Ms. Weidenhammer was kind enough to make a copy of that Order that Mr. Tanczyn cited, so we do have a copy of that.

[At this point in deliberation, Mr. Holzer indicated that he had been in contact with Mr. Tanczyn, and was aware of this.]

Well, I just wanted to say that for the record that we had looked at that. Diane?

SDL: I will be very brief. This is a very involved case, and I don't want to spend 1/2 hour going over my thoughts; I'll just hit the main points.

This case is similar to Gordon L. Harrison in which the Board

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

rendered an opinion on September 28, 1995 in that both Fatemeh Falahi and Gordon Harrison sought a special exception to operate a Class B group child care center, and sought variances - buffer, lot size, etc. In Harrison, the Board based its decision on Section 1B01.1.B.1g(10a) of the zoning regulations. The Petitioner in the subject case before us argued in memorandum that the Board had misconstrued this section, which was in fact exception from residential transition. Petitioner pointed out this was to exempt Class A and B group child care centers from RTA where bulk standards are otherwise met. I'm not an attorney, but I have read this carefully, and it seems to me that, while it is true about exceptions from RTA, it is clear that bulk standards per section 424.7 must be met. I've read over my notes and was especially impressed by Diana Itter from Planning, who is familiar with the law which is the basis for this section. Must comply with this section to get the special exception. Bulk standards must be maintained. Due to number of variances requested, the granting would cause overcrowding of land, and Planning recommended denial.

I will be interested to hear how the other Board members feel about the zoning law; I agree with Planning and the Board in Harrison. I would deny on the basis that the bulk standards will not be maintained; however, I do want to say that, even if this is not the case and I would consider the request for variances, I would say that this property does not meet uniqueness; similar to other lots in the neighborhood. I would, therefore, deny the variances. This would be the main reason, but there are others.

KKH: Even if we went beyond this, this is a factual matter?

SDL: I want to make that clear because I don't know what the others will do.

HEB: I'll pick up on the uniqueness. With all the testimony and commentary, I spent several hours yesterday and days prior to this deliberation; it's difficult. My first consideration was the question of the location of the property and the limitations of the property. Looking at the Haverford community, I see some uniqueness to this site. Many houses in Haverford border the shopping center, but it's their backyard that faces the commercial site, unlike the Falahi property. Also, other properties are not adjacent to a service station, an auto repair facility. Only this subject property in the total community has this unique characteristic. The size of property, values of property throughout the community are the same. But this location gives it a unique aspect. Mr. Gerber

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

testified to the appearance of the property and recalled back at the time the shopping center, gas station, etc., were perceived, he opposed this. And he projected that this location at 42 E. Timonium Road was going to have changes, different from the other properties. Mr. Gerber also felt that the petition satisfied all the criteria for a special exception under 502.1. Petitioner has emphasized that none of the protestants were aware of the child care facility for eight children for the first 6 months of its operation. Very unobtrusive operation, until petition for special exception was filed. No one, by testimony of Mrs. Falahi, ever came to her with a complaint. Once the request for up to 40 children became known to the community, now reduced to 20, it's understandable why mounting concern arose, particularly in regard to safety in the unloading of children.

The Petitioner, in my opinion, has pointed out some contradictions in the expert testimony regarding traffic; number of vehicles a day, time period between vehicles, etc; discrepancies in testimony. In view of the present enrollment of eight children, traffic effects on the operation of the facility appear to be manageable, but observers this past year, since notice of petition, have noticed driveway problems, things such as wrong way stops for unloading, etc. Obviously, Mrs. Falahi and members of her staff cannot readily regulate or control parents in traffic procedures which I'm sure she has recommended they follow. Safety issue could increase. Measures taken to extend the driveway on the property and provide better discharge location in front of residence might reduce vehicle problems under present enrollment. Obviously buffer area between Falahi property and shopping center, which they thought they owned initially, was utilized by her but that has since changed, and has added to the difficulty of vehicle access and egress to site.

In granting the special exception, we must consider whether the Falahi petition is in the interest of the general welfare. Would the neighboring properties be adversely affected? It's argued that the case of Class B child care limited to 20 children in RTA with a shopping center on one side and single-family dwelling on the other, does not have to dovetail absolutely with bulk standards, 402.7. Louis Miller, immediate neighbor, testified at length to his objection to expansion to 20 children and increase in noise, confusion, undersized lot, etc. He contends that the variances for side yard setback are extreme and cannot be met by size of the property; that the parking and pick-up procedures are frightening as observed, in his opinion. Other witnesses testified to inappropriateness of location for center of up to

20. Mr. W ber, Chief of Traffic Engineering, opined that day care centers should have off-street unloading and turn-around areas where cars can return to street without backing, one of the problems at the present location. The turn-around area for the subject site is in the front yard. Ms. Itter of Planning and Community Conservation asserted that due to the traffic observed, drop off conditions, overcrowding of land and number of variances on various regulations, the special exception for more students should be denied. I feel the site is appropriate as it presently exists, a family day care home. But not the requested expansion. The Petition for special exception and variances should be denied.

KKH: For varying reasons, I am going to concur with my Board members. I sat on the Harrison case, and the Harrison case was an interesting case legally and perhaps more sympathetic factually than this case. We had attorneys on both sides citing various facts and what struck me at that time was any way you looked at it, the emphasis on each one, whichever statute you went through, emphasis on ultimate obligation was that the bulk standards otherwise had to be met. And I'm always willing to re-examine facts and I did - but I do not see where this Board is permitted to variance the bulk standards. I think that Mr. Tanczyn hit essentially on the issue ultimately when he did that. I'm not troubled that we are a Board of limited jurisdiction and statutes as drafted now do not permit us to variance that. That does not strike me as unconstitutional or anything. With respect to the initial prong, I would have to be of the view that just as a matter of law, we are not allowed to permit the variances in this case insofar as they ask us to go against bulk standards.

Assuming, however, that we could do that, I think then we need to look, and I would look at the uniqueness question. I grappled with both your positions; was it not unique because it's the same size, or was it unique because it's next to a gas station? My reading was that the property itself has to be unique in character, and that I had to keep my eyes closed to the fact that there was a gas station nearby. Property was not particularly unique in shape from any other property around it. It also has a use, as Mr. Buchheister noted, and it has present use as family day care. So again, there were not circumstances to prevent property from having use. As I said, I did find the Harrison case factually sympathetic. On this one, I will have to say that, even if I were wrong on the applicability of the bulk standards and our inability to variance them, and even if I am wrong that the property is not unique, I was persuaded by substantial amount of testimony as to the difficulties of health, safety, and welfare issues that

Minutes of Deliberation /Fatemeh Falahi and
Mohammad Haerian -Petitioners; Case No. 94-271-XA

would be raised with more intensive use of this property. And so, even though it may be, and I think she is to be commended for working so hard to provide this kind of service, this property seems to small, and I think we do have to defer to the experts and neighbors who have concerns about fitting up to 12 children at any given time onto that relatively small lot. I will say what I said in Harrison; this is how I read the statute, and if the County Council thinks that is a shame -- that we really should have people like Mrs. Falahi allowed to have larger day care centers on their property, I think the recourse has to be the County Council changing laws; not the Board ignoring statutes.

So for varying reasons, we appear to be in concurrence. We may be issuing a separate or joint opinion, depending on how we agree with the whole gamut of arguments. We will try to issue an opinion as soon as practicable; appeal lies 30 days from that time.

Respectfully submitted,


Kathleen C. Weidenhammer
Administrative Assistant

271

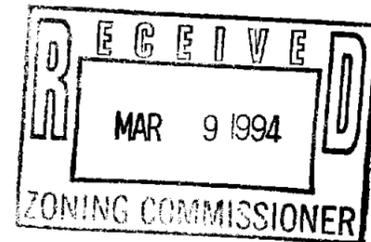
To the Hearing Officer:

On the request for variance,
the specific language is worded
awkwardly. The attorney's language
should match the site plan, but
it might be a good idea to have
him clarify ^(reiterate) his requests at the
hearing

Mich
1/6/94

MICROFILMED

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827



March 9, 1994

Timothy K. Kotroco, Deputy Zoning Commissioner
ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 94-271-XA, Item 271
42 East Timonium Road
Petition of Fatemeh Falahi & Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Kotroco:

I represent the Petitioner, Mrs. Falahi, for the matter for which a continued hearing date was set for March 10, 1994.

Based on comments received shortly before the first hearing date from the Office of Planning and issues raised by the Timonium Shopping Center Limited Partnership, we have worked to attempt to address the concerns raised. We have hired expert witnesses who are in discussions with the Office of Planning, and we would like to request a continuance on behalf of the Petitioner of the continued hearing on March 10, 1994 to allow attempts to occur to resolve the concerns expressed. These attempts are likely to result in a plat revision regarding employee parking and drop-off area and may require comment by the County.

We would therefore respectfully request that the matter be continued when called on March 10, 1994. If you believe this an appropriate way to proceed, please let me know and I will appear and request a continuance on March 10, 1994 for the record.

You will recall that, when we adjourned, we were still involved in the direct examination of the Petitioner and we have an expert witness whose opinion should be expressed on the plat when revised, rather than commenting on a plat which we believe will be revised.

MICROFILMED

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(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

2480-94
5/12/94

May 11, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

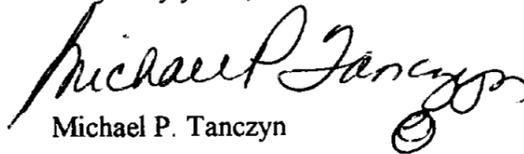
Dear Gwen:

Please reschedule this case for hearing. The revision to the plan is coming from the engineer and will be submitted to the County with the revision fee as soon as we receive it.

As the Protestants' case was heard last time, we anticipate no more than 1/2 day to conclude.

We would like this scheduled so that a decision might be rendered prior to the Fall 1994 school term.

Very truly yours,


Michael P. Tanczyn

MPT/ed

cc: Ms. Fatema Falahi

Dictated but not read.



RECEIVED
MAY 12 1994
ZADM

subject property. All that he projected came to be. The fence on the buffer in 1992 was worthless as a shield to 42 E. Timonium Road. Of all the homes in Haverford, 42 E. Timonium Road is the only house that abuts the shopping center and station, both zoned B.M. With the addition of a cinema, Mr. Gerber opined that a small residential lot adjacent to the entrance to a busy commercial location, and other changes in the vicinity, have created a "unique" property.

Mr. Gerber remarked that the granting of a special exception would not be detrimental, but positive over the long run because a residential use would be continued. The subject property he perceived as under stress because of the traffic from the adjacent shopping center. With a Class B group child care center, the property would still maintain its residential character.

Mr. Gerber agreed that the granting of the special exception would be consistent with the regulations of Section 502.1. In regard to the variances required, he felt that the approval would be within the spirit and intent of the law at the subject location, and help the health and welfare of the community.

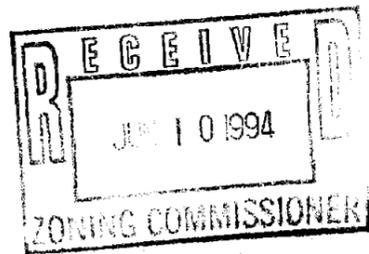
Ms. Kathleen Beadell testified on behalf of the Yorkshire-Haverford Community Association and of their resolution (2/17/94) to oppose the petition. Their concern centered on the drop-off and pick-up procedures during times of heavy traffic in the a.m. and p.m. Ms. Beadell referred to the subject location as a "scary place" for child care as parents' cars stack up in the short driveway, back out into Timonium Road, and often drop off and pick up children to and from cars facing the wrong way on Timonium Road.

Dr. Everett C. Carter, Professor of Civil Engineering &

file

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Towson, Maryland 21204
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Fax: (410) 296-8827
Computer Fax: (410) 296-2848



June 8, 1994

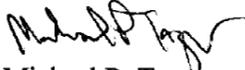
Timothy Kotroco, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Kotroco:

Pursuant to my conversation with your secretary, enclosed is a copy of my May 11, 1994 letter to Gwen Stevens of the Zoning Office requesting that the above matter be reset for hearing.

Very truly yours,


Michael P. Tanczyn

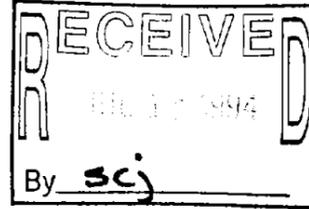
MPT/ed
Enclosure

MICHAEL P. TANCZYN, P.A.

Suite 106, 106 Chesapeake Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

June 13, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204



Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find the revised plans in the above matter together with our check for the filing fees for the revisions.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi

**REVISED PLATS
DROP-OFF
NO REVIEW
7-19-94 WCR**

MICROFILMED

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Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
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Computer Fax: (410) 296-2848

October 28, 1994

Ms. Eileen Hennegan
Office of the Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variances

Dear Ms. Hennegan:

Please note an appeal from the Decision of September 30, 1994 in the above matters to the County Board of Appeals for Baltimore County on behalf of the Petitioners.

Enclosed you will find my check made payable to Baltimore County in the amount \$460.00.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosure

cc: Norman E. Gerber, AICP
Ms. Fatema Falahi

RECEIVED
OCT 28 1994
ZADM

[Faint, illegible text]

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

February 14, 1995

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

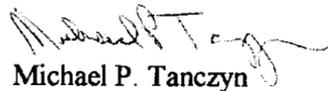
Re: ~~Case No. 94-271-XA~~ Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find Amended Petition for Variance as well as 10 copies of the amended plats to reflect changes which have occurred adjacent to the lot and within the plan of the Petitioner.

This matter is scheduled for hearing before the County Board of Appeals for Baltimore County on February 28, 1995.

Very truly yours,


Michael P. Tanczyn

MPT/ed
Enclosures

cc: Ms. Fatema Falahi
Mr. J. Finley Ransone

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

March 27, 1995

Honorable William Hackett, Chairman
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners
Hearing Date - March 31, 1995 @ 9:00 a.m.

Dear Mr. Hackett:

This will confirm my telephone conversation with Kathy. I was very sorry to hear about the death of Jud Lipowitz's father.

I am involved in a jury trial starting today which was scheduled for two days but may go the entire week. We will let you know later in the week.

I would appreciate it if the Board could advise of the first available dates in the event my trial runs over to Friday.

Very truly yours,

Michael P. Tanczyn

Michael P. Tanczyn

MPT/ed

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi
Norman E. Gerber, AICP
Mr. J. Finley Ransone

95 MAR 29 11:11:03
COUNTY BOARD OF APPEALS

Mail Notice of New slate to:

| NAME | ADDRESS |
|--|---|
| * Diane Atte | Belts & Pliers Office |
| * MARTIN DECHTER | 40 York Road STE 200 TOWNSH 21204 Timonium Shopping Center Assoc. LT PTS 4 |
| * CAROLYN LONDON | 41-43 E. Timonium Rd |
| * LOUIS W. MILLER | 44 E. TIMONIUM RD |
| Thomas S Amrhein | 10 Edgemoor Road |
| Diana M. Amrhein | 10 Edgemoor Road |
| Marglea J. Miller | 44 E. Timonium Rd. |
| HENRY C. WIEDEFELD | 45 E. Timonium Rd |
| John P. Mannion | 37 E. Timonium Rd |
| HAROLD E. MANNION | 37 E. Timonium Rd |
| Stephen Moulden | 53 E. Timonium Rd |
| WILLIAM A. MOULDEN | 53 E. TIMONIUM RD |
| HARRY V. HARMAN | 52 E TIMONIUM RD. |
| WALT DANIELS | 9 SCOTSDALE CT. |
| * Eric Rocket for Greater Timonium Community Council, P.O. Box 276, 9B.W. Ridgely Rd | |
| * Kathleen F. Beadell for Yorkshire Community ASS. 30 Northwood Dr. | |
| HAROLD W. Thompson for Yorkshire Community ASS. 108 Oakway Road 21093 | |
| Jack D. Mast | 11 Hathaway Rd. |
| Guy Kern | 17 Timonium Rd. 21093 |
| Dorothy KERN | 17 E. Timonium Rd. 21093 |
| James Lubin | 5 Hathaway Rd 21093 |
| George Lubin | 5 Hathaway Rd 21093 |
| HOWARD WHITE | 19 EDGEMORE RD 21093 |
| Charles G. Zapp | 35 EAST TIMONIUM 21093 |
| Norman D. Zapp | 35 E. TIMONIUM |



Aug 23, 1994

94-271 XA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Tanczyn

606 Baltimore Ave Towson Md 21204

Fatemeh Falahi

42-E Timonium Rd Timonium MD 21093

12-11-95

| | | |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF THE | * | BEFORE THE |
| THE APPLICATION OF | * | COUNTY BOARD OF APPEALS |
| <u>FATEMEH FALAH AND MOHAMMAD</u> | * | |
| <u>HAERIAN -PETITIONERS</u> | * | OF |
| FOR SPECIAL EXCEPTION AND | * | BALTIMORE COUNTY |
| VARIANCES ON PROPERTY LOCATED | * | |
| ON THE NORTHWEST SIDE | * | |
| TIMONIUM ROAD, 90' SOUTHWEST | * | CASE NO. 94-271-XA |
| OF CENTERLINE OF EDGEMOOR RD | * | |
| (42 EAST TIMONIUM ROAD) | * | |
| 8TH ELECTION DISTRICT | * | |
| 4TH COUNCILMANIC DISTRICT | * | |
| * * * * | * | * * * * |

O P I N I O N

This matter comes before the Board on appeal of an Order in which a Petition for Special Exception and Petition for Variances were DENIED by the Deputy Zoning Commissioner on September 30, 1994.

This case was initially scheduled for hearing on February 28, 1995, but was postponed due to the retirement of a member of the Board of Appeals. The case was re-scheduled and the hearing commenced on Wednesday, July 5; Wednesday, July 12; and was continued and concluded on October 4, 1995. A public deliberation by the Board was then scheduled and conducted on Thursday, October 26, 1995.

The Appellant, Fatemeh Falahi, appeared and testified, represented by Michael P. Tanczyn, Esquire. Representing the Protestants was J. Carroll Holzer, Esquire. Peter M. Zimmerman, People's Counsel for Baltimore County, also participated in these proceedings.

Protestants' objections to an expanded child care center were primarily based on concerns for increased traffic difficulties and dangers at the location of the children's drop-off, and an undersized property requiring too many variances to comply with the zoning standards.

This matter centers on a combination of a special exception and variances for a Class B child care center in a D.R. zone involving a residential transition area (RTA). As defined in Section 1B01.1C.6B of the Baltimore County Zoning Regulations (BCZR), this petition, reduced from an initial request before the Deputy Zoning Commissioner of 40 children to 20 children, is a permitted use if not located in an RTA. As such, however, the property is subject to a special exception under Section 502.1 (BCZR), and also must comply with the bulk standards of Section 424.7.

This regulation requires specific standards for minimum lot size, setbacks, fencing, parking, height and impervious surface area for group child care centers in all D.R. zones. In requesting the special exception, Appellant seeks variances in side and rear yard setbacks, the square foot area of the property, and the extent of the impervious surface on the one-quarter acre property.

Ms. Falahi testified to the facts of her purchase of the subject property at 42 E. Timonium Road in November 1992, a single-family dwelling built in the community of Haverford in the 1950s. She told of the improvements made to a property littered with debris and abandoned materials, and of obtaining the necessary permits to enlarge the house and install a privacy stockade fence in the rear yard.

Appellant reviewed her years of experience in child care programs at Towson State University, and at a local church and her private residence. After completing the improvements to the subject property, she related of her establishing a family child care center at the residence as permitted by right under Section

101 of the BCZR, with her mother and brother in residence. In this Hearing, Counsel for the Appellant made special note that the center for eight children operated with no complaints from anyone until she made application for the Class B facility in January 1994.

The subject property zoned D.R. 5.5 has dimensions comparable to all the platted lots of Haverford, with the exception that it is one of a few constructed on a concrete slab. Also, the 60' x 125' site is bounded by the Timonium Shopping Center along its length, separated by a 15-foot buffer of grass and scrubs. A dilapidated, slatted chain-link fence extended down the middle of the buffer. At the time of purchase, Appellant assumed this parcel was available to her use, as a shed of a previous resident existed there. This misconception was later clarified when the shopping center owner relocated a new fence within one foot of the Falahi property boundary.

Directly across the buffer from the subject site, a large service station (Citgo) and garage facility has operated for many years. Other commercial uses are in the immediate vicinity, and Counsel for Appellant asserts that these commercial activities give a uniqueness to the residential character of the subject property, unlike any other in the community of Haverford.

Norman Gerber, readily recognized as an expert land planner, testified of his familiarity with the property, understanding of documents, County comments, and proposed modifications to the site plan. As an official in the Office of Planning & Zoning in the 1960s, Mr. Gerber told of his opposition to the shopping center and gas station, and foresaw the potential negative effect on the

subject property. All that he projected came to be. The fence on the buffer in 1992 was worthless as a shield to 42 E. Timonium Road. Of all the homes in Haverford, 42 E. Timonium Road is the only house that abuts the shopping center and station, both zoned B.M. With the addition of a cinema, Mr. Gerber opined that a small residential lot adjacent to the entrance to a busy commercial location, and other changes in the vicinity, have created a "unique" property.

Mr. Gerber remarked that the granting of a special exception would not be detrimental, but positive over the long run because a residential use would be continued. The subject property he perceived as under stress because of the traffic from the adjacent shopping center. With a Class B group child care center, the property would still maintain its residential character.

Mr. Gerber agreed that the granting of the special exception would be consistent with the regulations of Section 502.1. In regard to the variances required, he felt that the approval would be within the spirit and intent of the law at the subject location, and help the health and welfare of the community.

Ms. Kathleen Beadell testified on behalf of the Yorkshire-Haverford Community Association and of their resolution (2/17/94) to oppose the petition. Their concern centered on the drop-off and pick-up procedures during times of heavy traffic in the a.m. and p.m. Ms. Beadell referred to the subject location as a "scary place" for child care as parents' cars stack up in the short driveway, back out into Timonium Road, and often drop off and pick up children to and from cars facing the wrong way on Timonium Road.

Dr. Everett C. Carter, Professor of Civil Engineering &

Transportation and an expert in traffic engineering, first looked at the site (12/94) when asked by Mr. Louis Miller, neighbor to the child care location. Dr. Carter observed the gas station and shopping center access and heavy traffic volume as measured by Baltimore County at 25,000 vehicles a day. With a 40 m.p.h. limit on Timonium Road, Dr. Carter commented that it was not a good access road to a day care center. He noted that the gap between vehicles travelling on Timonium Road was negative at peak hours, and for parents discharging children from the driveway, the only way out was to back into Timonium Road. Dr. Carter testified that from traffic-safety considerations, the special exception should not be granted because of the heavy volume and speed of traffic, making drop-off and pick-up very unsafe for children and parents at peak hours.

Mr. Steven Weber, Chief of Traffic Engineering of Baltimore County, testified and related his comments to a greatly reduced traffic count at the location from those of Dr. Carter, and a level of service of "A" at the intersection of Timonium Road and Eastridge. In response to Counsel for Protestants, Mr. Weber explained why special consideration is given for discharge of children. Day care centers should have off-street unloading and turn-around areas where the car can return to the street without backing. The gaps needed for backing out are less numerous than for a vehicle going forward. Mr. Weber observed that the shopping center and gas station drive present a problem with a day care so close by, as parents try to "back out" of the day care at the same time the CITGO and shopping center traffic is trying to enter Timonium Road "going forward." Once out, the "backer" has to shift

gears and change direction, unlike the drivers from Citgo. Mr. Weber remarked that there have been no accidents at the day care center since 1993.

Testifying for Petitioner was James Ransome, a registered land surveyor, who prepared (1/20/95) the amended plat of the Falahi property, which in the original survey showed the fencing setback in the buffer of 15 feet, subsequently corrected to one foot from the Falahi property line. His plan called for an improvement for the driveway, turn around on the site, and parking on an extended drive for three cars. Mr. Ransome assumed that the impervious surface of the property had been there since the 1950s at 30 percent of the gross area. The extended driveway would utilize pervious material such as crusher run, and the impervious area is 39 percent of the site, while Section 424.7E limits it to 25 percent.

Mr. Ransome noted the uniqueness of the site abutting the commercial property and that the RTA didn't exist when Haverford was developed. Other lots abutting the shopping center face the street and not the shopping center, a marked difference. He testified that, if the special exception were granted, the Class B child care center would not be detrimental to the health, safety and general welfare of the community.

Diane Itter of the Office of Planning Community Conservation testified of her opposition to the petition. As one who reviews all plans and plats for special exceptions, she explained her familiarity with the location and of the area designated as a "Community Conservation Area." She felt that a special exception would cause an erosive effect on the community since several other

Transportation and an expert in traffic engineering, first looked at the site (12/94) when asked by Mr. Louis Miller, neighbor to the child care location. Dr. Carter observed the gas station and shopping center access and heavy traffic volume as measured by Baltimore County at 25,000 vehicles a day. With a 40 m.p.h. limit on Timonium Road, Dr. Carter commented that it was not a good access road to a day care center. He noted that the gap between vehicles travelling on Timonium Road was negative at peak hours, and for parents discharging children from the driveway, the only way out was to back into Timonium Road. Dr. Carter testified that from traffic-safety considerations, the special exception should not be granted because of the heavy volume and speed of traffic, making drop-off and pick-up very unsafe for children and parents at peak hours.

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properties are similarly located next to the shopping center and a precedent could be established. Visiting the property in the a.m. and p.m. at peak traffic times, Ms. Itter concurred with previously mentioned traffic concerns. She took the position that, due to the number of variances requested, the special exception was problematical. Because of the plan's overcrowding of the land, the petition should be denied. The site as a family day care center for eight children is barely appropriate, but Ms. Itter remarked that jurisdiction for a family day care center is not within the authority of Baltimore County.

Louis W. Miller, a resident of the neighboring property at 44 E. Timonium Road for 39 years, described the community and recalled the construction of the shopping center and service station in 1962. He reviewed the occupancy of the subject property over the years, and the changing characteristic of the buffer strip and its general neglect. He acknowledged that he was not aware of the day care center for 6 months from September 1993 to February 1994, until notified of the Petition for a Class B center. Petitioner had informed him of the addition and improvements in the Spring of 1993 for her mother, niece and small children, but he was not told by her of the petition for a child day care center.

Mr. Miller's concerns as next door neighbor are that the expansion will exacerbate noise and congestion, and actual fear of what might happen over traffic problems that cause dangerous conditions now, much less with more children. He expressed concern for present violations of the number of permitted children at any one time for 8 and what it might be if expanded to 20.

Mr. Eric Rockel, President of the Greater Timonium-Lutherville

Community Council, stressed that the community is a conservation area to be protected and enhanced by restricting encroachment and traffic. The Council objects because the use of the property for group child care of up to 20 children is inappropriate for the location.

The Petition for a Special Exception to conduct a Class B child care center at the subject site is very questionable because of the several variances needed to make the undersized property appropriate for an increased enrollment from 8 to 20 young children.

Bill 200-90 amended the existing child care law and established pursuant to Section 1B01.1B.1.g.(10a) (BCZR) that Class B centers may be permitted provided that during the special exception process the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 (BCZR) will be "maintained."

From evidence and testimony heard, the Board has to assume that improvements and additions to the residence were not made in consideration of the requirements to be met for a special exception under the applicable law. In Appellant's plan, the bulk standards are far beyond the dimensions of the property, such as lot size, setbacks and impervious surface requirements.

Appellant asserts that the lot was created in the 1950s as one of hundreds of similar properties (60' x 125'), but in three decades has singularly been harmed by commercial development on adjacent land. She further asserts that the location is thereby unique because the businesses have a negative effect on her residential property and have caused a hardship.

In Cromwell v. Ward, 102 Md.App. 691 (1995), it is clarified that a variance may be granted because of the unusual physical characteristics of a property existing at the time of the zoning ordinance and which would result in peculiar and exceptional practical difficulties. The hardship in this case now arises because Appellant has to apply the requirements of the law to an undersized lot. On this issue, the Board feels, even if there was uniqueness to the property itself, the hardships to Appellant were incurred when she purchased the small property in 1992, after the enactment of Bill 200-90, and thereby the hardship was self-created.

The Board is appreciative of the negative effects of the shopping and auto service center on the Falahi's residential property, but as cited by Protestants, the property itself is similar to others in the vicinity and there is nothing unusual about the land. Section 307.1 (BCZR) permits variances for unique sites where strict compliance with the zoning regulations would result in practical difficulty. It has always been occupied by a resident and today has a worthwhile use as a family day care center. Denial of the variances does not result in an undue hardship.

From all the testimony, the Board is persuaded that the inadequate setbacks and buffering of the day care center, and the community concerns over traffic hazards are of such dimensions and difficulty that the enlarged day care center will be detrimental to the health, safety and welfare of the community.

In consideration of variances for the subject property, the Board feels that the property existing in an RTA must meet the bulk

standards of Section 424.7 and cannot be varianced. This precludes the Board from granting the special exception.

O R D E R

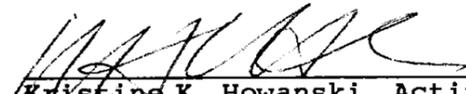
THEREFORE, IT IS this 14th day of December, 1995 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Exception to permit a Class B Group Child Care Center on the subject property where there is an RTA be and is hereby DENIED; and it is further

ORDERED that the requested variances seeking relief from the Baltimore County Zoning Regulations pertaining to setbacks, lot size and impervious surface area requirements be and are hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

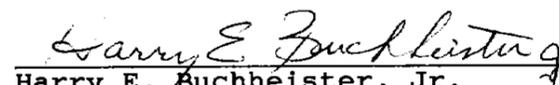
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Acting Chairman



S. Diane Levero



Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 14, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Case No. 94-271-XA
Fatemeh Falahi, et al

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

encl.

cc: Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping
Center Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Mr. Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence S. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



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on Recycled Paper

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| IN THE MATTER OF | * | BEFORE THE |
| Fatemeh Falahi and M. Haerin | * | COUNTY BOARD OF APPEALS |
| Petitioners, NW/s Timonium Road | * | BALTIMORE COUNTY |
| 42 East Timonium Road | * | CASE NO. 94-271-XA |

* * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT

The Protestants, Greater Timonium Community Council, Yorkshire-Haverford Community Association, Louis Miller, and Irene Graziano, Eric Rockell, Kathleen Beadell, and other individuals testifying before the Board, hereby submit this Memorandum in Lieu of Final Argument as requested by the County Board of Appeals (hereinafter CBA), by J. Carroll Holzer and Holzer and Lee.

STATEMENT OF THE CASE

The Petitioner has filed a Petition for Special Exception to permit a Class B child care center not to exceed twenty children pursuant to Baltimore County Zoning Regulation (hereinafter B.C.Z.R.) 1.B.01.b.6.(b) and B.C.Z.R. 424.5.A; a Petition for Variances to provide rear yard setbacks, a lot of 9,263 square feet in lieu of the required one acre, etc., all for the property known as 42 East Timonium Road located in northeastern Baltimore County in the Timonium area. The case was heard before the Deputy Zoning Commissioner, and on September 30, 1994, the Petition for Special Exception was denied and the Petitions for Variances were denied by an Order on that date. The Petitioners took an appeal to the CBA and the case was originally scheduled for Tuesday, February 28, 1995. A full day's testimony was taken, at which time the case was then continued due to a panel member leaving the Board. The case was rescheduled in its entirety for a hearing before a new Board. The case was heard before this Board on Wednesday, July 5, Wednesday, July 12, and Wednesday, October 4, 1995.

99 0 100 55

LAW OFFICE
HOLZER AND LEE
 305 WASHINGTON AVENUE
 SUITE 502
 TOWSON, MARYLAND
 21204
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 FAX: (410) 825-4923

The zoning for the subject site is DR-5.5, it is known as 42 East Timonium Road. It is within a "community conservation area" designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a forty-foot (40') planted fenced buffer area zoned DR as well as within the community known as Haverford, consisting of single family residences of the same size and lot description. The net lot area of the subject site is 7,463 square feet, while the gross area is 9,263 square feet. The site has been adequately photographed and identified in Protestants' Exhibit Numbers 2, 3, and 25-29 A & B.

STATEMENT OF FACTS

The facts presented during the course of the two and a half days of testimony will be incorporated into those relevant portions of the legal argument.

LEGAL ARGUMENT

I. As a matter of law, the CBA should deny the Special Exception in view of the required variances requested by the Petitioners.

The Protestants hereby adopt the previously submitted Memorandum on behalf of the People's Counsel of Baltimore County dated June 30, 1990, in which this issue was ably raised by Peter M. Zimmerman. This case involves a combination of Special Exceptions and Variances for principal use, class B group, child care centers in a DR- zone involving residential transition areas (RTA's). B.C.Z.R. 424.5A. It is the Protestants' position that upon your review of the following statutes and case law, the use can not be properly allowed as requested by this Petitioner. Bill #200-90 passed by the County Council on October 15, 1990, amends the child care center law and creates, pursuant to B.C.Z.R., Section 1B01.1.b1g(10a) that "class B group child care centers may be permitted provided that the Zoning Commissioner determines, during the Special Exception

process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained" (emphasis supplied) and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. B.C.Z.R. Section 424.7 provides the specific bulk standards for minimum lot size, setbacks, fencing, parking, height, and impervious surface area for group child care centers in all DR- zones. The present Special Exception presents a multitude of variances of B.C.Z.R. 424.7. The presence of the combination of Special Exceptions/variances is a bar to approval. See the case of Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md. App. 324 (1995). In that case, Judge Cathell, speaking for the Court of Special Appeals in the Chester Haven case stated as follows:

"All of its variance requests concern what it perceives to be necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7.

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom.

“The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is permitted use because the legislative body had made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that established certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails.” Pages 11-12.

II. Subject property does not meet the “uniqueness” standard of B.C.Z.R. 307.1.

Even if this Court does not find that the Chester Haven case supports the proposition that the combination Special Exception/Variance is a bar to approval, there is a second basis upon which it is clear that these variances can not be granted. That is, even if there were no Special Exception requested, it does not appear that the requested variances meet the “uniqueness” standard of B.C.Z.R. 307.1. and Cromwell v. Ward, 102 Md. App. 691 (1995). Here the subject property does not meet the “uniqueness” standard. In the Cromwell v. Ward case, the Court of Special Appeals there stated, again by Judge Cathell, the following:

Quoting 2 Rathkopf, The Law of Zoning Planning:

“Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner...will be regarded as having been self-created, barring relief.” Pages 431-32.

Quoting Bowman v. City of York:

“[A] variance [may be granted]...only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of

the enactment [of the zoning ordinance], 'would result in peculiar and exceptional practical difficulties.'" Pages 434-35.

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located....' The...argument that the insufficient width...constitutes a special circumstance of 'shape' is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The Court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity...'

Continuing in Cromwell: "In the case sub judice, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435.

Quoting Xanthos v. Board of Adjustment:

"...in order to justify a variance...the applicant [must] show...that there are special conditions with regard to the property...:

'What must be shown...is that the property itself contains some special circumstance that relates to the hardship complained of....

'...The property is neither unusual topographically or by shape, nor is there anything extraordinary about the piece of property itself. Simply having an old building on land upon which a new building had been constructed does not constitute special circumstances.'" Page 436.

Quoting Prince William County Board of Zoning Appeals v. Bond:

"...the hardship allegedly created by the ordinance must 'not [be] shared generally by other properties in the same zoning district and the same vicinity....' [It then held] 'The limitation imposed by the zoning ordinance is one shared by all property owners in the A-1 district.' Page 437.

gears and change direction, unlike the drivers from Citgo. Mr. Weber remarked that there have been no accidents at the day care center since 1993.

Testifying for Petitioner was James Ransome, a registered land surveyor, who prepared (1/20/95) the amended plat of the Falahi property, which in the original survey showed the fencing setback in the buffer of 15 feet, subsequently corrected to one foot from the Falahi property line. His plan called for an improvement for the driveway, turn around on the site, and parking on an extended drive for three cars. Mr. Ransome assumed that the impervious surface of the property had been there since the 1950s at 30 percent of the gross area. The extended driveway would utilize pervious material such as crusher run, and the impervious area is 39 percent of the site, while Section 424.7E limits it to 25 percent.

Mr. Ransome noted the uniqueness of the site abutting the commercial property and that the RTA didn't exist when Haverford was developed. Other lots abutting the shopping center face the street and not the shopping center, a marked difference. He testified that, if the special exception were granted, the Class B child care center would not be detrimental to the health, safety and general welfare of the community.

Diane Itter of the Office of Planning Community Conservation testified of her opposition to the petition. As one who reviews all plans and plats for special exceptions, she explained her familiarity with the location and of the area designated as a "Community Conservation Area." She felt that a special exception would cause an erosive effect on the community since several other

Quoting McQuillin, Municipal Corporations:

"It is fundamental that the difficulties or hardships must be unique to justify a variance; they must be peculiar to the application of zoning restrictions to particular property and not general in character...[I]t is not uniqueness of the plight of the owner, but uniqueness of the land causing the plight, which is the criterion...." Page 438 (Excerpt of quotation).

Judge Cathell concludes:

"We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it always has been - a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." Page 439.

Quoting Ad+ Soil, Inc., v. County Commissioners:

"The essence of Ad+ Soil's argument...is that the setback requirements...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements...The Board declined to grant the variances, concluding that the Ad+ Soil's 'hardship' was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance." Page 439.

Quoting Pollard v. Board of Zoning Appeals:

"Self-inflicted or self-created hardship...is never considered proper grounds for a variance...[W]here the applicant creates a nonconformity, the Board lacks power to grant a variance." Page 439.

Judge Cathell concludes:

"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted." Pages 439-40.

Xanthos v. Board of Adjustment:

“...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming b additional construction.”

In the Matter of Umerley Circuit Court for Baltimore County (Byrnes, J.):

“Uniqueness cannot be created by the owner.” Page 6.

“There is nothing unusual about the shapes of lots 2 and 5. They are rectangles.” Page 9.

In addition, this Board of Appeals sitting In the Matter of Gordon L. Harrison Case number 95-280-XA, analyzed this issue in a similar request for a group child care center in the Essex area of Baltimore County. In that Opinion, rendered on September 28, 1995, the Board found, in rejecting the Petition for Special Exception and for a Variance the following: “Class B group child care centers are permitted [in a DR- zone] by Special Exception, provided that the Zoning Commissioner determines during the Special Exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained...” The fact that compliance with the bulk standards will not be maintained precludes the Board from granting the Special Exception.

The Board also found in that case that the variances may be granted under Cromwell only if strict application of the regulation due to unique circumstances would result. In that case they found the subject property was a parcel similar in shape, size, and appearance to many other parcels in the area.

Such is the case here. A review of the testimony of Louis Miller will result in the conclusion that 42 East Timonium Road is no different than many other lots in Haverford subdivision. It is also

clear from review of Petitioner's Exhibit Numbers 12 and Protestant's Exhibit Numbers 4 (DZC) and 19 (CBA), as well as Protestant's Exhibit Numbers 22 and 23 (the plat for Haverford) that there is nothing unusual or unique about this lot as it pertains to the uniqueness necessary to grant a variance under the Cromwell case.

III. Assuming arguendo that Section 502.1 B.C.Z.R. must be examined, the Petitioner has failed to meet her burden factually in that there will be a detriment to the health, safety, and welfare of the community and neighborhood if the Special Exception is granted.

A. Lack of Buffering

Mr. Louis Miller, the next-door neighbor to the Petitioner, testified as to his opposition in regard to the variances being granted to the side yard setback and various buffering requirements. He indicated that there is inadequate space to comply with the County regulations requiring fencing and buffering and that the Petitioner's yard abuts his yard and that he will be able to see and hear and be aware of the additional children, up to twenty in number, which are the subject of this Special Exception request. Not only the nature of the small yard in relation to his, but also the lack of suitable buffering and the size of the lot will cause adverse impact upon the use and enjoyment of his back yard.

Kathleen Beadell, testifying on behalf of the Yorkshire Community Association, likewise objected to the noise of back yard play and the inadequate size of the proposed day care operation in this neighborhood.

Diane Amrhein, a licensed family day care mother, testified as to the safety of children in such a small environment even for the eight allowed as family day care home notwithstanding expansion

to twenty or more. She was also concerned with the traffic and safety to herself and neighbors due to the parking and traffic movement surrounding the location. She was also opposed to expansion due to the general welfare of the close neighbors due to noise from the small area.

B. Traffic

Traffic was a universal complaint of all of the witnesses who testified and whose testimony was proffered; that is, Mr. Lubin, Mr. Manion, and Mr. Kern. The testimony basically centered on the difficulty of parents dropping their children off while being required to utilize Timonium Road and inadequate parking area and turn-around area for the existing family day care home for eight children. There was plentiful testimony in regard to the parents of the day care children backing onto Timonium Road, causing traffic hazards, as well as illegal parking causing congestion in front of the family day care home. There was also ample testimony concerning various individuals' episodic experiences of traffic near-misses as a result of all of the turning movements into the day care as well as the parents dropping off and picking up children. Many of the Protestants testified to illegal parking in front of the subject site as well. (See Protestant's Exhibit Number 3 [DZC] videotape.)

Protestants called Dr. Everett Carter, who was qualified as an expert and who testified that Timonium Road was a busy county arterial with average daily trips of over 25,000 vehicles per day; that the proposed site has a very narrow driveway with no capacity to turn around offstreet; that because of the high level of trips both morning and evening on Timonium Road that there are an increased conflicts which would be at the driveway of 42 East Timonium Road if this were approved. Also, Carter's testimony centered upon the basic acceptable gap for a left turn from a stop sign controlled driveway is about six seconds and in the evening at this location, an acceptable gap is only available 4.6% of the time, and in the morning peak hour, an acceptable gap may be presented only

8% of the time. In addition, Carter testified that there was a safety issue of 58 traffic citations being issued in 1994 for speeding and that conflicts exist on this road. His conclusion was that this application should be denied because it cannot provide adequate gaps for entering and leaving the site; there is inadequate site driveway width; there is no offstreet turnaround; and there is real concern for safety of small pre-school children by the parents dropping off and picking up children from curbside.

In addition, Steve Weber from the Baltimore County Traffic Engineering Department testified that his agency has always advocated that day care centers should have an offstreet pickup and dropoff area for children to ensure that this activity is not taking place next to moving traffic. He also found that an on-site turnaround area should be provided to minimize backing up into the street. It is clear that both of these criteria are not met by the subject site. Mr. Weber also testified as to the traffic volumes during morning and evening rush hours determined by Baltimore County traffic counts. He also furnished traffic volumes generated as a standard for child care centers. This standard is 4.65 trips per child registered and thus produces, for twenty children, 93 trips per day at the location. (Protestant's Exhibit Number 5 [DZC].)

C. Planning

The Planning Department's comments submitted as Petitioner's Exhibit Numbers 20-22 and as testified to by Diane Itter concluded that twenty children would overcrowd the site; that the subject site is too small and that the variances are too many; that the drop off provisions and pick up provisions are inadequate and having paving in the front yard to provide parking is not a good solution; and finally that they recommend denial. In addition, the Planning Office accurately pointed out that this was a "community conservation area" and that the language in the B.C.Z.R. previously

referred to as Section 1B01.1 required that this Special Exception not be varied in order to be obtained. The Planning Office's comments supported the strict interpretation of the Chester Haven case. Diane Itter also testified that she heard Norman Gerber's expert testimony on behalf of the Petitioner and she testified to the contrary of his conclusion.

Eric Rockell, testifying on behalf of the Greater Lutherville-Timonium Community Council along with a number of the other Protestants, objected to the precedential nature of granting what they perceived as a commercial operation into a purely residential neighborhood and were concerned about the dominant effect of that decision. The Council's Rule 8 statements were submitted subsequent to the hearing as permitted by the ruling of the CBA.

D. Prognosis of Compliance

Based upon Mr. Louis Miller's testimony and the following exhibits in this record, Protestants believe that the Petitioner will not comply with all applicable restrictions for the operation of this center if granted:

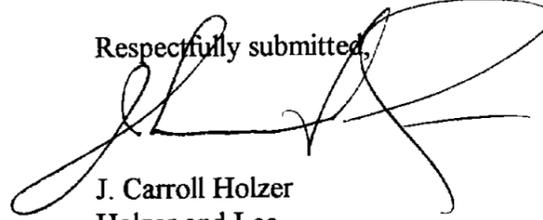
- (1) Protestant's Exhibit Number 31, child care ADM, conference agreement exceeds allowed capacity and mix.
- (2) Safety violations.
- (3) Resident occupancy violations.
- (4) Non-compliance with required record-keeping.
- (5) Using non-licensed space.
- (6) Encroachment on non-owned buffer property, Protestant's Exhibits (DZC) 8, 9, 10.
- (7) Misrepresentation on building application permits, Protestant's Exhibits (DZC) 11, 13.

- (8) Purchase of property deed of assignment signed under oath and penalty, perjury, Protestant's Exhibit Number 15.
- (9) Introduced signed lease for off-street parking knowing such lease was negated by letter from the lessor, Protestant's Exhibit Number 7, Petitioner's Exhibit Number 9.

SUMMARY

Protestants submit that based upon the cases and Zoning Regulation sections previously cited, this Honorable Board should deny the Special Exception and Request for Variance.

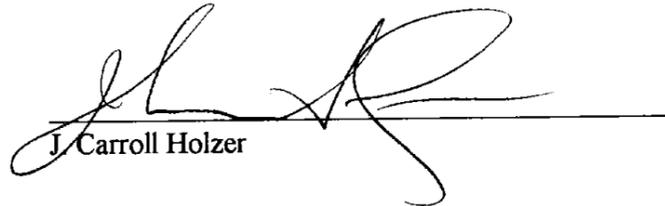
Respectfully submitted,



J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 18th day of October 1995, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed, postage pre-paid, to Mike Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Baltimore, Maryland, 21201-4026; and Peter Max Zimmerman, People's Counsel for Baltimore County, Basement, Old Courthouse, Towson, Maryland, 21204.



J. Carroll Holzer

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827

October 18, 1995

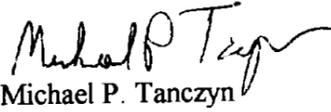
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA
Fatema Falahi & Mohammad Haerian, Petitioners

Gentlemen:

Enclosed please find Memorandum submitted on behalf of the Petitioners in the above matter.

Very truly yours,



Michael P. Tanczyn

MPT/ed
Enclosure

cc: J. Carroll Holzer, Esq.
Peter Max Zimmerman, Esq.
Ms. Fatema Falahi

05 OCT 19 11 09 AM '95

10-2-95

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| FATEMEH FALAHI AND MOHAMMAD | * | COUNTY BOARD OF APPEALS |
| HAERIAN, Petitioners | * | |
| NW/s Timonium Road | * | FOR BALTIMORE COUNTY |
| 90' SW of C/L of Edgemoor Road | * | |
| 42 East Timonium Road | * | |
| 8th Election District | * | |
| 4th Councilmanic District | * | Case No. 94-271-XA |

* * * * *

PETITIONERS' MEMORANDUM

NOW COMES, Petitioners, Fatemeh Falahi and Mohammad Haerian, by their attorney, Michael P. Tanczyn, Esq., and submit this Memorandum as requested by the County Board of Appeals for Baltimore County to assist the Board in its deliberations and decision in the above matter.

FACTS

The Petitioners purchased the subject property Lot 12 on the Haverford Plat at 42 East Timonium Road by deed admitted into evidence in this case and recorded among the Land Records of Baltimore County in Liber 9499, folio 334, in the Fall of 1992.

The site is bounded by an entrance/exit of Timonium Shopping Center and the adjacent existing gas station as well as additional commercial uses to the West of the property; the shopping center and residences in the platted community of Haverford are located to the North, and by residences to the East and to the South including a large three story apartment dwelling on what is known as Lot 1 of Haverford, directly across the street

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from the Petitioners' property.

Following purchase of the property in November of 1992 the Petitioners made a general cleanup of what was agreed was a messy rear and side yard and squared off the rear of the building by improvement work done according to permits admitted into evidence. Petitioners then sought and obtained approval to operate a child care center for eight (8) or fewer children (which is permitted of right in residential zones without requiring zoning approval throughout Baltimore County as well as other counties in the State of Maryland). Petitioners began operating the child care facility in September of 1993 and first applied for zoning approval for a Class B group child care center and specified variances in January of 1994. Petitioners sought a special exception to permit a Class B group child care center pursuant to Section 1.B.01.1.B.6.b and Section 424.5.A et seq of the Baltimore County Zoning Regulations.

By undisputed testimony Haverford was a platted community as shown on a Petitioners' Exhibit and was built out in the early 1950s pursuant to the approved plan found in TB No. 21, folio 23, as recorded among the Land Records of Baltimore County.

It is also undisputed that there were no child care regulations in existence in the Baltimore County Zoning Regulations at the time that this subdivision was platted and then built out.

Petitioners had also obtained a courtesy pre-inspection

properties are similarly located next to the shopping center and a precedent could be established. Visiting the property in the a.m. and p.m. at peak traffic times, Ms. Itter concurred with previously mentioned traffic concerns. She took the position that, due to the number of variances requested, the special exception was problematical. Because of the plan's overcrowding of the land, the petition should be denied. The site as a family day care center for eight children is barely appropriate, but Ms. Itter remarked that jurisdiction for a family day care center is not within the authority of Baltimore County.

Louis W. Miller, a resident of the neighboring property at 44 E. Timonium Road for 39 years, described the community and recalled the construction of the shopping center and service station in 1962. He reviewed the occupancy of the subject property over the years, and the changing characteristic of the buffer strip and its general neglect. He acknowledged that he was not aware of the day care center for 6 months from September 1993 to February 1994, until notified of the Petition for a Class B center. Petitioner had informed him of the addition and improvements in the Spring of 1993 for her mother, niece and small children, but he was not told by her of the petition for a child day care center.

Mr. Miller's concerns as next door neighbor are that the expansion will exacerbate noise and congestion, and actual fear of what might happen over traffic problems that cause dangerous conditions now, much less with more children. He expressed concern for present violations of the number of permitted children at any one time for 8 and what it might be if expanded to 20.

Mr. Eric Rockel, President of the Greater Timonium-Lutherville

from the State of Maryland Child Care Licensing Administration following completion of her site improvements, also admitted as a Petitioners' Exhibit, which approved her facility as built with the play area provided for up to 20 children subject to meeting any local requirements.

It is undisputed in the testimony of all Protestants that none of the Protestants were aware of a child care facility at 42 East Timonium Road from September of 1993 until they were made aware by government officials of the filing of a Petition for Special Exception some time in the Winter of 1994, so unobtrusive was the center as operated by Petitioner, Fatemeh Falahi, for the eight (8) children at 42 East Timonium Road.

Fatemeh Falahi further testified without contradiction at each and every hearing at which she has testified, both before the Deputy Zoning Commissioner as well as before the County Board of Appeals, that until the first hearing before the Deputy Zoning Commissioner not one of her neighbors had come to her with any complaints concerning any aspect of the operation of her child care center and that, if they would have, she would have done everything within her power to mitigate or alleviate the concerns, which was borne out by her exhibit that after the complaint was made about parking at her facility by the parents on discharge and pickup of the children when she promptly sent a letter to all parents after which, indisputably, the problems, which the neighbors believed

were so severe but which they had kept to themselves and had not shared with Mrs. Falahi, were mitigated greatly, if not totally eliminated.

It is further undisputed that no traffic accidents have occurred in the front of 42 East Timonium Road or at the exit from the shopping center throughout any time pertinent or relevant to these proceedings, and that on the Petitioners' plans as amended, the provisions for employee parking were provided by the extension of the driveway into her rear yard for the necessary parking spaces for the employees. The pickup and dropoff point for the child care facility as proposed, and as expressly limited at all hearings and pursuant to documentation submitted to the hearing authorities by the Petitioners to no more than 20 children with hours of operation as stated on the exhibit, was located on the shopping center entrance side of 42 East Timonium Road to the rear of the facility, shielded and sheltered to the extent possible from the residential community of Haverford.

Furthermore, before opening the child care center in September of 1993, it is similarly not disputed that the Petitioners erected a large, high stockade-style fence enclosing her rear yard at 42 East Timonium Road, which served as an efficient noise buffer for the remainder of the community by virtue of the fact that no one was aware that a child care facility was even being conducted at this location throughout the Fall of 1993,

even though the Petitioners had begun operations in September of 1993.

Petitioners would ask the Board to take note of its own prior decisions in the case of Star Construction Company, 4314-X, to discern the chronology as to the creation of a buffer screen on shopping center land between the shopping center entrance and the residential use of 42 East Timonium Road as well as the role of the community association of Haverford in correspondence recorded in that proceeding decided in the late 1950s and early 1960s whereby the gasoline service station and service garage was first approved for the property to the West of the Petitioners' site.

ISSUES PRESENTED

1. Whether on the evidence presented the special exception for a Class B group child care center should be granted.
2. Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

ISSUE 1

Whether on the evidence presented the special exception for a Class B group child care center should be granted.

The authority of the County Board of Appeals as set forth in the Baltimore County Charter, Section 602.B, is to hear cases, which include appeals from Orders relating to zoning. The County Board of Appeals of Baltimore County was established pursuant to

Maryland Annotated Code, Article 25A, Section 5(U), which permitted counties to establish a county board of appeals with jurisdiction over matters relating to zoning. Relay Improvement Association v. Sycamore Realty Company, Inc., ___ Md.App. ___ (July 5, 1995).

The Baltimore County Code, Section 26-132 provides that any appeal from the Zoning Commissioner shall be made to the County Board of Appeals which shall dispose of the appeals in accordance with the Charter and the Board's own rules of procedure.

Section 603 of the Baltimore County Charter provides that all hearings held by the Board shall be held de novo unless otherwise provided by legislative act of the County Council and shall be open to the public. The County Board of Appeals therefore had jurisdiction to consider the appeal de novo as filed by the Petitioners.

As to the granting of a special exception, the special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and therefore valid. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981).

Before the Court of Appeals in Schultz v. Pritts (supra) the issue was whether the appeals board in Carroll County had improperly denied the requested special exception use to develop a funeral establishment and a variance for reduction of the minimum front yard requirements. The Court of Appeals in Schultz set out

the legal standard for judicial review of the grant or denial of the special exception use:

" . . . The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible *absent any fact or circumstance negating the presumption*. The duties given the Board are to judge whether the *neighboring properties in the general neighborhood would be adversely affected* and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal. . ."

In reviewing the pertinent Baltimore County Zoning Regulations, the Petitioners' request was for a Class B group child care center which is a permitted use under Section 1.B.01.1.A.10.B under DR zones for up to forty (40) children if not located in an RTA. It is only a special exception use when located in an RTA, as

is herein defined in Section 1.B.01.1.C.6.B.

The County Board of Appeals recently has considered another case involving a request for special exception for a Class B group child care center in the matter of Gordon L. Harrison, et ux, 95-280-XA, in which the Board apparently misconstrued and misstated the pertinent section of the Baltimore County Zoning Regulations describing Class B child care centers as permitted by special exceptions. In fact, the section stated by the County Board of Appeals in that decision refers to residential transition areas as defined in Section 1.B.01.1.B and the section enumerated by the County Board of Appeals in that opinion is entitled "Exceptions to Residential Transition" for uses which are exempt from meeting RTA requirements where bulk standards are maintained, pursuant to Section 424.7. The Board in that case then confused the existence of RTA which requires that a special exception be sought where RTA is implicated with the stated section in the RTA regulations, which specifically exempts uses from meeting RTA requirements where bulk standards are otherwise met in deciding to deny the special exception on the erroneous belief that bulk standards could not be varianced.

The Board similarly in that case overlooked the provisions in RTA regulations 1.B.01.1.B.1.c.1 and 2 which provides for variancing requirements under RTA pursuant to Section 307, where the hearing officer makes findings as otherwise required by

Section 26-206 or Section 26-282 of the Code.

The use requested in this case of a Class B child care center as limited by the Petitioners to no more than 20 children (emphasis supplied) is an RTA use as defined in Section 1.B.01.1.B.1.d.2. Therefore, this case provides an opportunity for the Board to correct the error contained in the previous decision in the Gordon L. Harrison, et ux case, 95-280-XA for the reasons hereinafter stated.

The Baltimore County Zoning Regulations in Section 502.1 set out the requirements for factors which must be considered by the Board before granting a special exception. Being mindful of the decision reached in Schultz v. Pritts (supra) at 1326:

" . . . The presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particularized proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses. Consequently, the bald allegation that a funeral home use is inherently psychologically depressing and adversely influences adjoining property values, as well as other evidence which confirms that generally accepted conclusion, is insufficient to overcome the presumption that such a use promotes the general welfare of a local community. Because there were neither facts nor valid reasons to support the conclusion that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than would result from the location of any funeral home in any residential zone, the evidence presented by the protestants was, in effect, no evidence at all. . . . Anderson v. Town of Chesapeake Beach, 23 Md.App. at 624-25, 329 A.2d at 724 (emphasis added) (citations omitted)."

The testimony from the Protestants on the special exception was that they feared noise from the child care center and that they feared a traffic impact due to the addition of 12 more children to the 8 already permitted for pickup and dropoff twice per day.

It is undisputed that there have been no automobile accidents related to the operation of this child care center at this location and that parking is permitted in front of the Petitioners' property at 42 East Timonium Road as well as parking being permitted in the driveway adjacent to the pickup and dropoff point.

Furthermore, the testimony of the Protestants' expert witness, Dr. Everett Carter, was apparently based on erroneous information given him by one or more of the Protestants in which he erroneously found that Timonium Road in the vicinity of this site had an average daily traffic count of 25,000 vehicles per day. (Emphasis supplied.) Dr. Carter's only time on site had been one rush hour day in the winter from 7:30 until not quite 8:30 a.m., and he performed no traffic count to verify the data provided him; nor had any other Protestants, to dispute the testimony of Stephen Weber of the Baltimore County Department of Traffic Engineering; who subsequently testified that in 1991 on Timonium Road east of York Road, traffic in both directions would have been measured at 14,000 cars per day for a 24 hour period. (Emphasis supplied.)

Dr. Carter further gave testimony that, according to a reference book he was using, the Class B group child care center would generate 4.65 trips per child for a daycare center. He overlooked or ignored any limitation proposed by Petitioners that proposed in lieu of a child care center for up to 40 children as proposed in the Zoning Regulations for this type of a center, she would voluntarily limit herself to no more than 20 children.

Similarly, Dr. Carter's gap analysis for the spacings between vehicles was similarly flawed because it was based on the erroneous numbers given him by the Protestants, which were contradicted by Mr. Weber. Dr. Carter used his estimate for the morning rush hour of 1,515 vehicles where Mr. Weber estimated the a.m. peak on Timonium Road east of York Road, excluding any turnoffs prior to reaching the Petitioners' site such as the gas station or the shopping center, to be 1,120 cars. The Department Comments from Baltimore County as to traffic do not mention any concern as to increase by 12 children.

Similarly, in the afternoon rush hour traffic analysis Dr. Carter estimated 1,846 vehicles between 4:45 and 5:45 p.m. while Mr. Weber's estimate for the traffic heading East on Timonium Road from York before accounting for any traffic turnoffs into the community or into the office building, gas station, or the shopping center prior to reaching 42 East Timonium Road, to be 1,414 vehicles at Eastbound and Westbound Timonium Road at York Road.

There is no Protestant testimony, credible or coherent, which would establish that this use would tend to create congestion in the roads, streets or alleys by the addition of transportation requirements for 12 more children on roads which are operating well within capacity and on which there have been no traffic accidents due to the operation of a child care center from September of 1993 to the present.

There was no testimony whatsoever that the use would be detrimental to health, safety or general welfare or would create a potential hazard from fire, panic or other dangers, nor would it violate the provisions of Baltimore County Zoning Regulations, Sections 502.1.E, F, G, or H.

As the Court of Appeals pointed out in Schultz v. Pritts (supra) at 1325:

"Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material, if the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." (cases omitted)

The area Variance request from Section 424.7A is also of some concern; the net lot area is only 7,463 sq. ft. while the gross area is 9,263 sq. ft. The BCZR requirement of one (1) acre minimum lot area does not indicate whether the requirement is for net or gross area, if it is for net area the Variance required is greater than indicated on the Petition form.

The impervious area Variance request from Section 424.7E is also of some concern due to the fact that on such a small site the actual useable area for outdoor play area is further limited when 38% of the site area is either building or paving.

Should the applicant's request be granted, the size of the child care center should be limited to 12 children.

Prepared by: Jeffrey W. Long
Division Chief: Carol L. Kerns

PK/JL:pat

Community Council, stressed that the community is a conservation area to be protected and enhanced by restricting encroachment and traffic. The Council objects because the use of the property for group child care of up to 20 children is inappropriate for the location.

The Petition for a Special Exception to conduct a Class B child care center at the subject site is very questionable because of the several variances needed to make the undersized property appropriate for an increased enrollment from 8 to 20 young children.

Bill 200-90 amended the existing child care law and established pursuant to Section 1B01.1B.1.g.(10a) (BCZR) that Class B centers may be permitted provided that during the special exception process the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 (BCZR) will be "maintained."

From evidence and testimony heard, the Board has to assume that improvements and additions to the residence were not made in consideration of the requirements to be met for a special exception under the applicable law. In Appellant's plan, the bulk standards are far beyond the dimensions of the property, such as lot size, setbacks and impervious surface requirements.

Appellant asserts that the lot was created in the 1950s as one of hundreds of similar properties (60' x 125'), but in three decades has singularly been harmed by commercial development on adjacent land. She further asserts that the location is thereby unique because the businesses have a negative effect on her residential property and have caused a hardship.

Otherwise, as the Court of Appeals pointed out in Schultz (supra), the evidence presented is in effect no evidence at all which is legally sufficient.

Therefore, the Petitioners have met their burden to show that the special exception use is permitted within the zone and, indeed, is presently permitted for up to 8 children without any zoning approvals throughout Baltimore County and has therefore met her burden and the special exception should be granted if the variances are granted.

ISSUE 2

Whether the variances requested ought be granted pursuant to Section 307.1 of the Baltimore County Zoning Regulations.

Without repeating the portion of the argument stated in Issue 1, the County Board of Appeals recently in the case of Gordon L. Harrison, Case Number 95-280-XA, erroneously concluded after misreading Section 1.B.01.1.B.1.G.10.A as prohibiting special exceptions where bulk standards could not be met by confusing that section with the following subsection C of the Baltimore County Zoning Regulations which expressly permits special exceptions for Class B child care centers and the other relevant sections of the Zoning Regulations allowing the hearing officer, in considering a special exception, to grant variances under the authority of Section 307 and Baltimore County Code Section 26-206 and Section 26-282 where properties are located in RTA areas.

The matter of the Board's ability to consider and grant zoning approvals where statutory requirements were an apparent contradiction to Charter approved jurisdiction was considered in the case of Hope v. Baltimore County, 288 Md. 656, 421 A.2d 576. As the Court pointed out in Hope (supra):

"Section 602 of the Baltimore County charter after referring to appeals from certain types of orders provides in Section 602(d) in unmistakably clear language that the board is to 'hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Article 25A . . . as amended . . .'. The approval or disapproval of a subdivision plat is an administrative or adjudicatory order. The section refers to 'all' such orders.

There would have been no need to insert in Constitution Art. XI-A, Section 1 the provision that public local laws inconsistent with the provisions of the charter were to be thereby repealed unless it had been contemplated that the people of a county in adopting a charter might thereby enact charter provisions inconsistent with prior acts of the General Assembly. The power granted counties under Art. 25A, Section 5(U) is '[t]o enact local laws providing . . . for the establishment of a county board of appeals' etc. It follows that when the people of Baltimore County placed a provision relative to a board of appeals in their charter they were acting pursuant to the authority granted under Constitution Art. XI-A and Section 5(U). If one had the slightest doubt of the intent of the charter it would be dispelled by reference to the Reporter' Notes. Those to Section 601 state:

Section 601. *County Board of Appeals; Appointments; Terms; Compensation.* The legal authority for the creation of a County Board of Appeals is contained in Article 25A, Section 5(V) of the State Code, as amended by the Acts of 1953, Chapter 199. This statute expressly authorizes the chartered county to enact local laws providing for the establishment of a County Board of Appeals 'whose members shall be appointed by the

county council'. [Proposed Home Rule Charter for Baltimore County, Maryland with Reporter's Notes and Index (1956) 135-36.]

Art. 25A, Section 5(V) has since been renumbered to the present Section 5(U). Constant reference is made to Section 5(V) or, as it is now, Section 5(U) in the several pages of Reporter's Notes dealing with Article VI of the Baltimore County Charter. The plain meaning of the charter provisions is to embrace all of the authority granted under Section 5(U). This provides for a right of appeal in the matter of any 'approval . . . or other form of permission or of any adjudicatory order,' language sufficiently broad to grant a right of appeal from the approval or disapproval of a subdivision plat.

It is suggested that '[i]t would be unreasonable and illogical to interpret the thrust of Article 25A, Section 5(U) as mandatory rather than discretionary.' It certainly does not mandate that a county create a board of appeals implementing the powers there granted. Here Baltimore County in its creation of its board of appeals has indicated an intent that the board's powers are to be those set forth in Art. 25A, Section 5(U). Once having availed itself of that power, then it follows that Section 5(U)'s provisions must be applicable. The concluding sentence of the section is, 'The review proceedings provided by this subsection shall be exclusive.' This provision appeared at the time of the original enactment by the General Assembly of what is now Section 5(U) by Chapter 670 of the Acts of 1951. Accordingly, under Constitution Art. XI A, Section 1 providing that enactment of a charter would constitute repeal of all public local laws inconsistent with the charter provisions, the right of appeal provided in the preexisting county code was repealed. Thereafter, if Baltimore County had attempted to enact a statute concerning appeals inconsistent with the exclusive right of appeal provided in Article 25A, Section 5(U) it would have been acting in a manner not permitted by its own charter. Obviously, it could repeal the charter provision."

In the case before the Board, the provisions of 1.B.01.1.B.1.C, Variance of RTA, expressly proposes that the hearing officer may reduce RTA upon making findings and

determinations as called for in that section. That dovetails absolutely and should be read in pari materia with the provisions of Section 307.1 to allow for a reasonable reading of the Zoning Regulations, including the bulk standards of 425.5 and 425.7 so as not to violate the Court's clear holding in Hope v. Baltimore County (supra) which says that any statute in violation of Charter powers is nugatory.

The first prong which the Petitioner must meet under the provisions of Cromwell v. Ward, 102 Md.App. 691, 651 A.2d 424 (1995), is to show unique circumstances affecting the property. In this case, every single child care regulation ever enacted by Baltimore County, and particularly those presently the law as promulgated by Bill 200-90, were enacted after the platting and development of Haverford as a subdivision in the early 1950s, which was built out substantially in accordance with the subdivision plat.

The testimony of Norman Gerber, expert witness for the Petitioners, on the uniqueness of the Petitioners' property pointed out, in pertinent summary, that the Petitioners' property was the closest property most immediately affected by its proximity to the shopping center entrance and exit as well as the gas station and other commercial buildings to the west, more so than any other lot in the community of Haverford.

Furthermore, since this Petition was originally filed and

heard by the Deputy Zoning Commissioner, at the prompting of the community association, the developer of the Timonium Shopping Center removed the slatted high buffer screen fence shown in numerous pictures in evidence which had been located in the center of the buffer strip adjacent to the Petitioners' property and had put an open metal fence with wooden bollards around the perimeter of the buffer area, thereby opening up the view of all of the commercial uses aforesaid to the West for the Petitioners' property, provided even more reason to favorably consider the requested use as a Class B group child care center as limited by the Petitioners' request for no more than 20 children as this site as a buffer between the more intense commercial uses and the residential community to the east, north and south of this property.

The testimony of Norman Gerber, expert witness for the Petitioners, further established that the grant of the special exception requested and the variances requested would be in keeping with the Baltimore County Zoning Regulations in that the use as requested would provide a buffer between the commercial uses and the residential uses to the North, South and East of the Petitioners' property and the commercial uses to the West. Mr. Gerber forcefully expressed his opinion that the opening up of the commercial use view to 42 East Timonium Road would make this property even less viable than before for continued residential

use.

He further observed that the original owners at the time of the approval of the gas station in Case 4314-X, the Kopelke's, not only had moved away from the property after utilizing it as their residence, but had held it out for rental for several different subsequent tenants. Of those tenants, at least one of engaged in what Mr. Gerber had observed what he believed to be a prohibited automobile repair facility in the side and rear yard closest to the shopping center at 42 East Timonium Road on occasions when Mr. Gerber was in the area while his vehicle was being worked on at the adjacent approved gas station and service garage.

Mr. Gerber noted that, of the variances requested, none if granted would result in new construction on the Petitioners' property and further that the 1990 child care regulation requirements of a 20 foot vegetative buffer on both side and rear yards would be of little utility in view of the existing stockade fence which enclosed the Petitioners' rear yard as well as the fact that the Protestants did not even know that the Petitioner was operating a child care facility from September of 1993 until they had been given word that a Petition had been filed in the Winter of 1994.

As to the other side yard area variances, those are based on the distances from the existing house to the side yard lot line

with the nearest adjacent residential property owner, and the testimony of all Protestants was that they could not hear any sounds coming from the house relating to the child care activity, and so the reason for the greater distance did not appear to be either a necessity or of any utility in strictly enforcing the bulk standards.

Mr. Gerber also found that the location of the dropoff and pickup point on the side of 42 East Timonium Road furthest away from the residential neighbors and closest to the shopping center entrance driveway and the gas station to be the best location of that entrance to shelter or shield the residential community and neighbors from the coming and going of the child care parents and children.

Mr. Gerber also found that this proposed use and the area variances would be in keeping with the spirit and intent of the zoning regulations and could be granted without injury to the public health, safety and general welfare.

There was no testimony of any kind of danger posed to the neighbors or to the neighborhood from flooding, so the request for an exception from impervious area requirements as first requested would be properly granted by the Board.

In pictures submitted by the Petitioner in her rebuttal case on the last day of hearing the Board will be aware of the fact that a substantial portion of the Petitioners' front yard has been

emanating from the Petitioners' facility with 8 children, which she has had from September of 1993, casts the Protestants' objections in the proper light. They are objecting based on technicalities which are of no moment when you consider that the child care center has not negatively affected any Protestants. Indeed, none of them were even aware that any child care was taking place on the site from September of 1993 until a Petition was filed in the Winter of 1994. All of the Protestants' action thereafter were designed solely to thwart the use of the Petitioners' site for a child care facility and opened up the site to adjacent commercial uses to make it less viable than before as a residence.

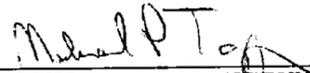
The Zoning Regulations clearly empower the County Board of Appeals as hearing officer to consider not only the use but the reasons for the requests for the area variances and the real effect of the grant of those variances on a neighborhood in which residential children in great numbers are permitted of right in any residence and the protests of the Protestants can be seen in a proper light.

If the test under the Zoning Regulations properly stated is, has the Petitioner shown a good faith reason why she cannot meet with the area requirements where as here no new construction of improvements will be occasioned by the grant of the variances or the special exception, then the Petitioners have met their burden and the special exceptions ought be granted.

CONCLUSION

For the reasons and argument stated aforesaid, the Petitioners request the County Board of Appeals grant the special exception with limitations as requested by the Petitioners and the variances requested.

Respectfully Submitted,


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Attorney for the Petitioners

I HEREBY CERTIFY that on this 18th day of October, 1995 a copy of the foregoing was mailed, postage prepaid, to J. Carroll Holzer, Esquire, Holzer & Lee, 305 Washington Avenue, Suite 502, Towson, Maryland, 21204, attorney for the Protestants; and to Peter Max Zimmerman, Esquire, Baltimore County People's Counsel, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204.


MICHAEL P. TANCZYN, ESQ.

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND VARIANCE - NW/S Timonium Road, * DEPUTY ZONING COMMISSIONER
 90' SW of c/l of Edgemoor Road * OF BALTIMORE COUNTY
 (42 East Timonium Road) *
 8th Election District *
 4th Councilmanic District * Case No. 94-271-XA

 Fatemeh Falahi and *
 Mohammad Haerian - *
 Petitioners *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 42 East Timonium Road, in northeastern Baltimore County. The Petitions were filed by the owners of the property, Fatemeh Falahi and Mohammad Haerian. The Petitioners seek a special exception to permit a Class B Group Child Care Center for no more than 40 children on the subject property, pursuant to Sections 1B01.1.b.6.b and 424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, variances are being requested from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 7.

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 By [Signature]

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In Cromwell v. Ward, 102 Md.App. 691 (1995), it is clarified that a variance may be granted because of the unusual physical characteristics of a property existing at the time of the zoning ordinance and which would result in peculiar and exceptional practical difficulties. The hardship in this case now arises because Appellant has to apply the requirements of the law to an undersized lot. On this issue, the Board feels, even if there was uniqueness to the property itself, the hardships to Appellant were incurred when she purchased the small property in 1992, after the enactment of Bill 200-90, and thereby the hardship was self-created.

The Board is appreciative of the negative effects of the shopping and auto service center on the Falahi's residential property, but as cited by Protestants, the property itself is similar to others in the vicinity and there is nothing unusual about the land. Section 307.1 (BCZR) permits variances for unique sites where strict compliance with the zoning regulations would result in practical difficulty. It has always been occupied by a resident and today has a worthwhile use as a family day care center. Denial of the variances does not result in an undue hardship.

From all the testimony, the Board is persuaded that the inadequate setbacks and buffering of the day care center, and the community concerns over traffic hazards are of such dimensions and difficulty that the enlarged day care center will be detrimental to the health, safety and welfare of the community.

In consideration of variances for the subject property, the Board feels that the property existing in an RTA must meet the bulk

Appearing at the hearing on behalf of the Petitions were Fatemeh Falahi, property owner, J. Finley Ransone, Registered Land Surveyor, and Harriet Douthirt, Director of the Day Care Center for Towson State University. The Petitioners were represented by Michael P. Tanczyn, Esquire. Many residents of the surrounding community appeared in opposition to the Petitioners request. On their behalf, Louis Miller, Howard White, and Eric Rockel sat at the Protestant's trial table and participated in these proceedings, which took place over the course of three hearing days.

Testimony and evidence presented revealed that the subject property consists of a gross area of 9,263 sq.ft., zoned D.R. 5.5 and is improved with a one-story frame dwelling which is currently used as a residence and a day care center for up to eight (8) children. The Petitioners are desirous of expanding the day care center use to provide day care services for up to 20 children. While the special exception requested is for a maximum of 40 children, the Petitioners have agreed to limit the number of children to 20 as a result of recent findings by the State Licensing Department.

Appearing and testifying on behalf of the Petitioners was Harriet Douthirt. Ms. Douthirt holds a Masters Degree in Elementary Education from Goucher College and is the Director of the Day Care Center at Towson State University. Ms. Douthirt testified that she met Ms. Falahi approximately 14 years ago while a student at Towson State. She testified that she has referred families from her facility at Towson State to Ms. Falahi's day care center. Ms. Douthirt stated that it is very rare for her to refer children to other facilities, but because she has such good faith in Ms. Falahi's abilities to operate a day care center, she often refers families to Ms. Falahi. Furthermore, Ms. Douthirt testified that she is aware that Ms. Falahi is very cautious about who she will accept into her

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day care center. In her opinion, Ms. Falahi operates an excellent child day care facility and she supports her request to increase the number of children attending the center from 8 to 20.

Also appearing and testifying on behalf of the Petitioners was J. Finley Ransone, Registered Land Surveyor. Mr. Ransone prepared the site plan for the property which was marked into evidence as Petitioner's Exhibit 7. Mr. Ransone testified that during the course of the site plan preparation, he learned that approximately 5 feet of the paved portion of the 10-foot wide driveway which serves the present day care center is located on the adjacent property owned by the Timonium Shopping Center Associates Limited Partnership. Mr. Ransone testified that it is not possible for a vehicle to utilize this driveway without trespassing onto the shopping center property. Therefore, the pick up and delivery of children to the site is severely compromised by this title flaw.

Ms. Falahi testified that she purchased the subject property in November, 1992 and that she has operated a licensed day care facility at this site since September 15, 1993. She stated that the property is used as both a residence and a child day care center, which caters to children from the infant stage to up to 7 years of age. Ms. Falahi testified that she did not order a Title Search at the time of her purchase and that the property was in deplorable condition. She testified that she has made extensive improvements since her purchase of the property. Mrs. Falahi testified that she is present on a daily basis at the day care center and that she currently provides services for 8 children. Ms. Falahi testified that she had a survey performed by the State Licensing Department and that they advised her that the size of her facility could accommodate up to 20 children. Thus, she has requested the special exception to expand her

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current operation to provide services for a maximum of 20 children. She testified that the parents of the children currently enrolled at the day care center use Timonium Road to drop off and pick up their children. Ms. Falahi stated that she would like to use the shopping center driveway for this purpose but has been denied such use by its owners. Furthermore, the shopping center owners have advised Ms. Falahi that she is no longer permitted to trespass onto their property and have requested that she remove any improvements located thereon. This would include the 5-foot section of the paved driveway, an existing shed, and fencing.

Mr. Martin Pechter, a representative of the Timonium Shopping Center Associates Limited Partnership, appeared and testified in opposition to Ms. Falahi's request. Mr. Pechter testified that Ms. Falahi must terminate all encroachment onto the shopping center property. He testified that the owners of the shopping center property will pursue legal action in the event appropriate steps are not taken to remove all encroachments on their property. He further testified that Ms. Falahi has been placed on notice that the parents of those children attending her day care center must cease utilizing the driveway to the shopping center to drop off and pick up their children.

Also appearing and testifying in opposition to the Petitioners' request was Carolyn London. Ms. London is opposed to the Petitioners' request to increase the number of children at this facility. She testified that in her opinion, such an increase would be harmful to the residential character of this neighborhood. She cited tremendous traffic problems when parents drop off and pick up their children. She also cited noise problems relative to the use of the property as a day care center and projected an increase in such noise in the event the relief requested is

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granted. Furthermore, she opposes the variances requested for this site, arguing that the relief requested is excessive.

Ms. Kathleen F. Beadell appeared and testified in opposition to the relief requested on behalf of the Yorkshire Community Association. Ms. Beadell is President of that Association and has lived in the Timonium area all of her life. Ms. Beadell believes that any increase in the number of children permitted at this site, particularly to 20 or 40 children, would adversely affect the value of surrounding homes in this community. She also cited the lack of an appropriate delivery and pick up site for the children, inadequate parking, and stated that the noise generated by the operation of this day care facility is detrimental to the surrounding community.

Ms. Diane Itter, a representative of the Office of Planning and Zoning and a Community Planner for the Cockeysville area, appeared and testified in opposition to the Petitioners' request. She testified that in her opinion, the special exception requested is in direct conflict with the Master Plan and is inconsistent with the Community Conservation Area plan for this locale. She further testified that the privacy fence which has been constructed around this site is an inadequate buffer from the adjacent residential properties and believes that the subject property is too small in area and size to support an increase in the number of children up to 20. She also cited traffic safety concerns and indicated there have been numerous traffic violations committed by parents dropping off and picking up their children at the day care center .

Ms. Diana Amrhein appeared and testified in opposition to the Petitioners' request. Ms. Amrhein testified that she has been a licensed day care mother since 1976 and that she currently operates a day care

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9/30/94
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center in her home. In her opinion, based on her experience, the Falahi property is too small to accommodate 20 children. Ms. Amrhein testified that an increase in the number of children at this facility would increase the amount of noise emanating from the site and would be unreasonable for the surrounding neighbors. She further testified that the pick up and delivery area for children is not efficient and causes traffic problems. She concluded that the subject site is not an appropriate candidate for the special exception and variance relief sought.

Mr. John Mannion appeared and testified in opposition to the Petitioners' request. Mr. Mannion testified concerning the issue of traffic along Timonium Road. He testified that his personal automobile has been struck by passing motorists on three occasions and that he was forced to construct a driveway on his property in order to avoid parking on Timonium Road. He further testified that he has witnessed motorists making U-turns in the middle of Timonium Road and crossing over the yellow line to pick up or drop off children. Mr. Mannion noted Timonium Road is a snow emergency route, which in times of bad weather, does not permit the parking or stopping of vehicles. He also joined in opposing any increase in the number of children permitted to attend this day care center.

Mr. Howard White testified in opposition to the Petitioners' request. Mr. White resides directly behind the subject site on Edgemoor Road. Mr. White testified that he specifically chose to live in this neighborhood due to the lack of children in the area and the fact that most homeowners are older residents without children. He testified that he is particularly sensitive to the noise generated by young children and feels that any increase in the number of children at this site would exacerbate an already uncomfortable situation. He is concerned over the im-

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pact this day care center will have on the value of his property and is strongly opposed to the special exception relief requested.

Mr. Guy Kern appeared and testified in opposition to the Petitioners' request. He testified as to the existing traffic problems on Timonium Road. He believes that any increase in the number of children at this site will cause additional traffic problems.

Mr. George Lubin also appeared and testified in opposition to the Petitioners' request. Mr. Lubin believes that the requested special exception constitutes another commercial encroachment into this residential community and asked that the relief requested be denied.

Mr. Louis Miller, adjoining property owner, appeared and testified. Mr. Miller's testimony was best characterized by a video tape presentation he made at the hearing. Mr. Miller had video-taped the day care center operation from the window of his residence for approximately 8 hours. He edited the tape down to 17 minutes and played the tape at the hearing. The video presentation made by Mr. Miller clearly depicted the numerous traffic problems and safety hazards associated with the present day care operation which currently provides services for only 8 children. Mr. Miller testified that an increase in the number of children permitted at this site would only exacerbate those problems depicted in the video.

After the presentation of Mr. Miller's testimony and evidence, the Petitioners recalled Mr. Ransone for further testimony. Mr. Ransone testified that the site plan has been revised to show additional screening which is being proposed in order to mitigate the effects of this day care center on surrounding residents.

Ms. Falahi also offered additional testimony. Ms. Falahi testified that she has received permission from Mr. Fred C. Yoo, who operates

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the adjacent gasoline service station on Timonium Road, to park three automobiles on his lot. Furthermore, Ms. Falahi testified that she has made some changes in their operating schedule which allows parents to drop off and pick up their children in a more efficient manner. On cross examination, Ms. Falahi admitted that she received a letter from Mr. Yoo revoking the parking arrangement previously agreed upon for three parking spaces. She also stated that she had received notification from the owners of the shopping center property requesting that any encroachments on their property be removed.

The Petitioner introduced a new witness, Mr. Norman Gerber, an expert planner and land use consultant. Mr. Gerber testified that he is very familiar with the subject site and the traffic on Timonium Road and that he has driven by this area on a number of occasions. Mr. Gerber testified that in his opinion, the use of this property as a day care center is an appropriate use. He believes that this property is a prime candidate for rezoning in that it sits on the border of commercial and residential properties. Mr. Gerber further argued that it is not the ideal residential property, given its close proximity to the commercial zone adjacent to it and the amount of traffic in this area of Timonium Road.

On cross examination, Mr. Gerber admitted that vehicles utilizing the driveway to this site cannot do so without trespassing onto that portion of the driveway located on the shopping center property. However, he pointed out that the trespassing issue is not a proper issue before me and is one that should be pursued in the Circuit Court for Baltimore County.

Mr. Gerber also offered testimony concerning the vegetative buffer requirements from which the Petitioners are seeking relief. Mr. Gerber testified that a vegetative buffer is not necessary at this location in

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that the Petitioners have provided a privacy fence around the perimeter of this site, which, in his opinion, is an adequate buffer for the surrounding residences. He testified that any buffer on the inside of this fence would provide little, if any, benefit to the surrounding neighbors. However, on cross examination, it was pointed out that a vegetative buffer required by the regulations must be constructed on the exterior of this privacy fence and not the interior. Obviously, inasmuch as this privacy fence is located on the property line, this 20-foot vegetative buffer cannot be located on the exterior of this fence. Furthermore, it is clear that this site, given its small size, cannot accommodate any vegetative buffer around its perimeter.

After the conclusion of Mr. Gerber's testimony, the Protestants offered two additional witnesses. Mr. Howard White, who had testified on a previous day, again reiterated his opposition to the Petitioners' request and noted that the Petitioners have only provided a setback of 48 feet on the east side of the existing dwelling to the rear property line and that an additional variance should have been requested. A review of the site plan revealed that the west side satisfies the requirements for a 50-foot distance from the rear property line; however, the east side clearly shows a distance of only 48 feet from the rear property line. It does appear that an additional variance should have been requested.

Lastly, Mr. Eric Rockel, a representative of the Greater Timonium Council, testified in opposition to the Petitioners' request. Mr. Rockel is opposed to the special exception and variance relief requested in that it conflicts with the Master Plan and does not conform to the Community Conservation Area plan for this locale. Furthermore, Mr. Rockel testified that the variances from landscaping and buffer requirements do not promote

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the residential character of the community. He is very much concerned over the adverse effects on traffic the operation of this child care center currently has which he believes will only be exacerbated by any expansion. He testified that this site is just too small an area to accommodate this special exception relief requested.

As noted previously, the testimony and evidence offered by both the Petitioners and the Protestants in this case spanned several days. Each side entered into evidence many exhibits, all of which are contained within the file. After carefully considering all the testimony of the witnesses who testified and after fully reviewing the exhibits entered into evidence, I find that the Petitioners' request for special exception and variances should be denied. It is clear that the subject property is not an appropriate candidate to permit the expansion of the existing day care center beyond the 8 children currently attending. Several issues prevent me from allowing the expansion of this day care facility. Those issues involve the lack of an adequate and proper drop off and pick up plan. The driveway that is currently used forces parents to either pull in from and back out onto Timonium Road, or stop along Timonium Road and impede the flow of traffic. The traffic flow along this stretch of Timonium Road is very heavy. Furthermore, the driveway that is currently utilized by the Petitioner is only partially owned by them. Half of this driveway is located on property owned by the Timonium Shopping Center, who, by letter, has notified the Petitioners to cease and desist using that portion of their driveway.

Another issue which prevents me from granting the Petitioners' request is the size of the property itself. Due to the small size of this lot, the Petitioners are forced to request several variances. Of particu-

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lar concern is the variance from the 20-foot vegetative buffer requirements which should be located outside the 50-foot setback required from the existing dwelling to the property line. There simply is not enough room to provide this buffer, which would greatly assist in reducing the amount of noise generated at this site and buffer its use from neighboring residences.

One particular piece of evidence which clearly demonstrated the problems which currently exist at this site was the video tape provided by Mr. Miller. Mr. Miller was able to capture the traffic congestion caused by parents dropping off and picking up their children at this site. To allow an increase in the number of children permitted at this day care center would only exacerbate the traffic problems which currently exist.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a Class B Group Child Care Center for no more than 40 children (or 20 children as modified herein), pursuant to Sections 1B01.1.b.6.b and 424.5.A of the B.C.Z.R., in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-

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standards of Section 424.7 and cannot be varianced. This precludes the Board from granting the special exception.

O R D E R

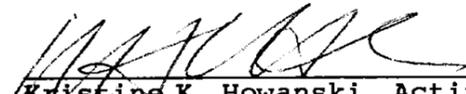
THEREFORE, IT IS this 14th day of December, 1995 by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Special Exception to permit a Class B Group Child Care Center on the subject property where there is an RTA be and is hereby DENIED; and it is further

ORDERED that the requested variances seeking relief from the Baltimore County Zoning Regulations pertaining to setbacks, lot size and impervious surface area requirements be and are hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

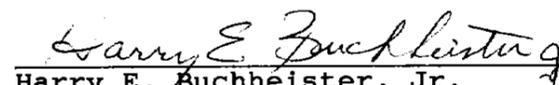
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Acting Chairman



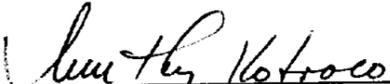
S. Diane Levero



Harry E. Buchheister, Jr.

foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area, in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to continue to operate the existing day car center facility in accordance with the dictates of the B.C.Z.R. and all other applicable laws and ordinances.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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Date 9/23/04
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian - Petitioners
Case No. 94-271-XA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093

Ms. Carolyn London, 41-43 E. Timonium Road, Timonium, Md. 21093

Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part.
40 York Road, Suite 220, Towson, Md. 21204

Mr. Eric Rockel, c/o Greater Timonium Community Council
P.O. Box 276, Timonium, Md. 21093

Ms. Kathleen Beadell, President, Yorkshire Community Assoc.
30 Northwood Drive, Timonium, Md. 21093

People's Counsel; File

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on Recycled Paper

6/28/94
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|--|----------------------|
| RE: PETITION FOR SPECIAL EXCEPTION * | BEFORE THE |
| PETITION FOR VARIANCE | ZONING COMMISSIONER |
| 42 Timonium Road, NW/S Timonium Rd., * | FOR BALTIMORE COUNTY |
| 90' SW of c/l Edgemoor Road, 8th | |
| Election Dist., 4th Councilmanic * | CASE NO.: 94-271-XA |
| Fatemeh Falahi and M. Haerian, M.D. * | |
| Petitioners | |
| * * * * * | |

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

RECEIVED

JUN 28 1994

ZADM



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

94-271-XA

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
 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 Regulations of Baltimore County, to use the herein described property for
 a Class B Group Child Care Center pursuant to BCZR 1.B.01.6.b and BCZR 424.5.A for up to but not to exceed 40 children

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.

Contract Purchaser/Lessee:

 (Type or Print Name)

 Signature

 Address

 City State Zipcode

Legal Owner(s):

FATEMEH FALAHI
 (Type or Print Name)

Fatemeh Falahi
 Signature

MOHAMMAD HAERIAN, M.D.
 (Type or Print Name)

M. Haerian
 Signature

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
 (Type or Print Name)

Michael P. Tanczyn
 Signature

606 Baltimore Avenue, Suite 106
 Address Phone No. (410) 296-8823

Towson, MD 21204
 City State Zipcode

10630 Pot Spring Road 252-0636
 Address Phone No.

Cockeysville, MD 21030-3017
 City State Zipcode

Name, Address and phone number of representative to be contacted.

Michael P. Tanczyn, Esq.
 606 Baltimore Avenue, Suite 106
 Towson, MD 21204 296-8823
 Address Phone No.

ORDER RECEIVED FOR FILING

Date 1/6/94
 By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr +
 unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER _____

REVIEWED BY: [Signature] DATE 1/6/94





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 42 East Timonium Road
94-271-XA which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s) BCZR 424.7.B without a 20 ft. perimeter vegetative buffer to provide sideyard setbacks of 13.66 ft and 14.05 feet in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer. BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre (Continued) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):
FATEMEH FALAHI
(Type or Print Name)
Fatemeh Falahi
Signature
MOHAMMAD HAERIAN, M.D.
(Type or Print Name)
M. Haerian
Signature

Attorney for Petitioner:
MICHAEL P. TANCZYN, ESQ.
(Type or Print Name)
Michael P. Tanczyn
Signature
606 Baltimore Avenue
Suite 106 296-8823
Address Phone No.
Towson, MD 21204
City State Zipcode

10630 Pot Spring Road 252-0636
Address Phone No.
Cockeysville, MD 21030-3017
City State Zipcode
Name, Address and phone number of representative to be contacted
MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
Address Phone No.

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BY [Signature]

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the following dates _____ Next Two Months
ALL OTHER _____
REVIEWED BY: MJK DATE 1/6/99

94-271-XA

BCZR 424.7.B to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer.

BCZR 424.7.E to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

10/1/00
10/1/00

REV 2/14/95
94-271-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 42 East Timonium Road

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Variance from Section(s)

BCZR 424.7.B - to provide side yard setbacks of 13.66' & 14.05' without a 20' perimeter vegetative buffer in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer;

BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre.

BCZR 424.7.A to provide a minimum rear yard setback of 48' in lieu of 50' without a 20'*** of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

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

I, or we, agree to pay expenses of above Variance 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.

***vegetative buffer

BCZR 474.7.E impervious area 25% of gross area

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/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.

(Type or Print Name)

Signature

606 Baltimore Avenue
Suite 106

Address

296-8823

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

FATEMEH FALAHI

(Type or Print Name)

Fatemeh Falahi

Signature

MOHAMMAD HAERIAN, M.D.

(Type or Print Name)

M. Haerian

Signature

10630 Pot Spring Road

Address

252-0636

Phone No.

Cockeysville, MD 21030-3017

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

MICHAEL P. TANCZYN, ESQ.

Name

606 Baltimore Avenue, Suite 106

Address

296-8823

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

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DATE

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No REVIEW**



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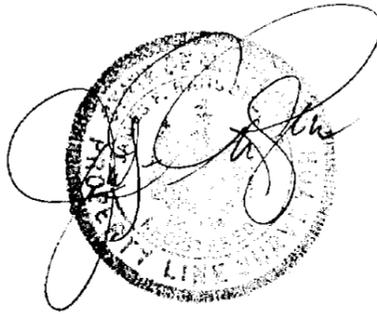
94-271-XA

ZONING DESCRIPTION

for the property located at
No. 42 East Timonium Road

BEGINNING for the same at a point on the northwesterly right of way line of Timonium Road, 80 feet wide distant South 36 degrees 17 minutes 20 seconds West from the center of Edgemoor Road, 50 feet wide; thence running and binding on the outlines of the property of the petitioners herein, and binding on the northwest side of Timonium Road, South 36 degrees 17 minutes 20 seconds West 60.00 feet; thence leaving said road, North 53 degrees 42 minutes 40 seconds West 126.40 feet, thence North 40 degrees 06 minutes 02 seconds East 60.13 feet, thence South 53 degrees 42 minutes 40 seconds East 122.39 feet to the place of beginning.

BEING Lot No. 12, Block D, as shown on a plat entitled "Section Three, Part of Blocks D - E - F - F1 - G - H & I, HAVERFORD" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 21 folio 23.



#271

MICROFILM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

94-271 XA

District: 9th Date of Posting: 6/14/94

Posted for: Special Exception + Variance

Petitioner: Fatemeh Falaki + Mohammed Haerin

Location of property: 412 E. Timonium Rd, Nuls

Location of Signs: Facing roadway on property being zoned

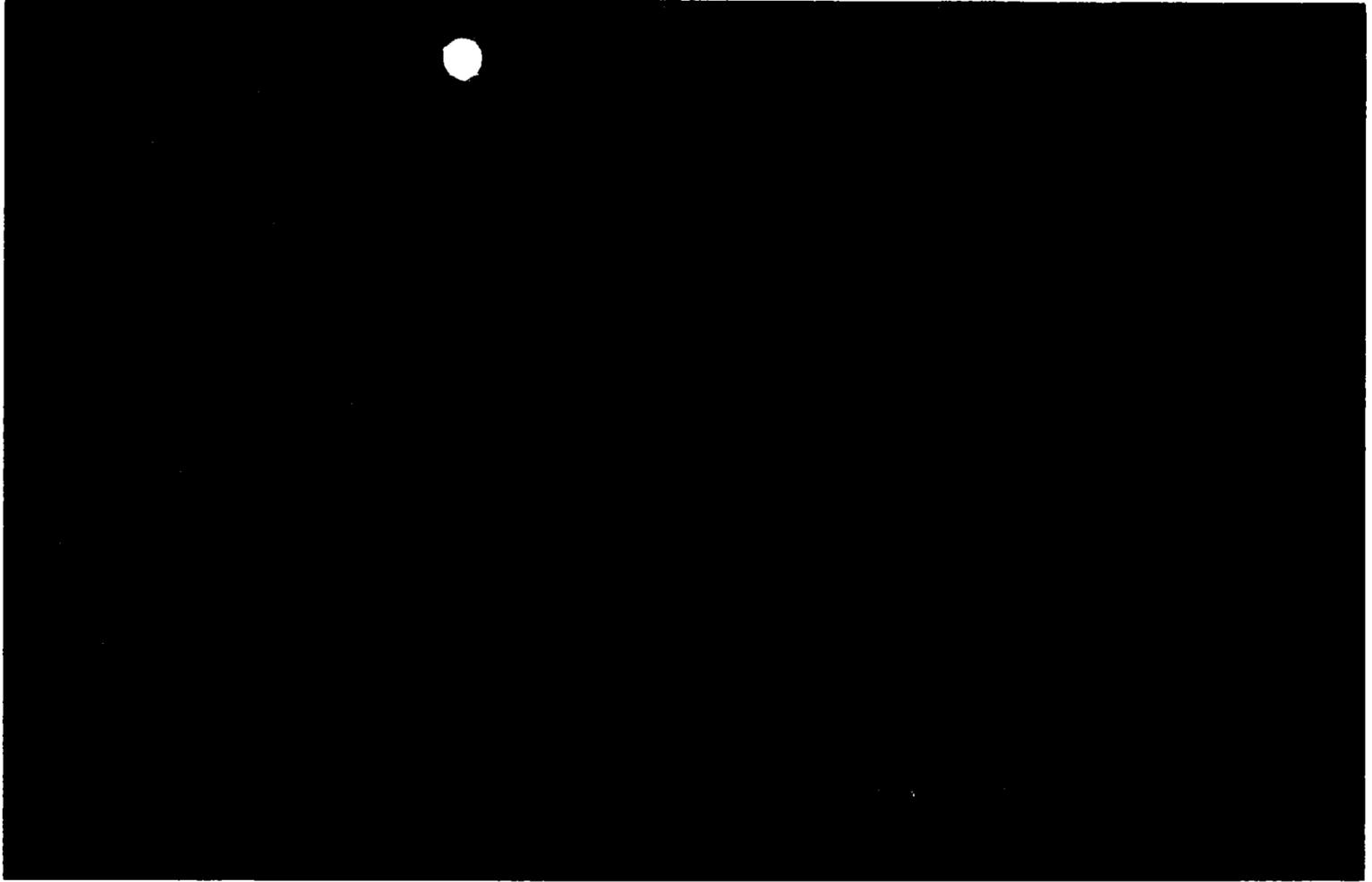
Remarks: _____



Posted by: [Signature] Date of return: 7/1/94
Signature

Number of Signs: 1

[Signature]



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY *94-771-X17*
Towson, Maryland

District *TT4* Date of Posting *7/7/94*

Posted for: *Special Exception + Variance*

Petitioner: *Fatemeh Folehi & Mohamad Haerian*

Location of property: *42 E Timonium Rd, 90' SW / Edgewood Rd*

Location of Signs: *Facing road way, on property being zoned*

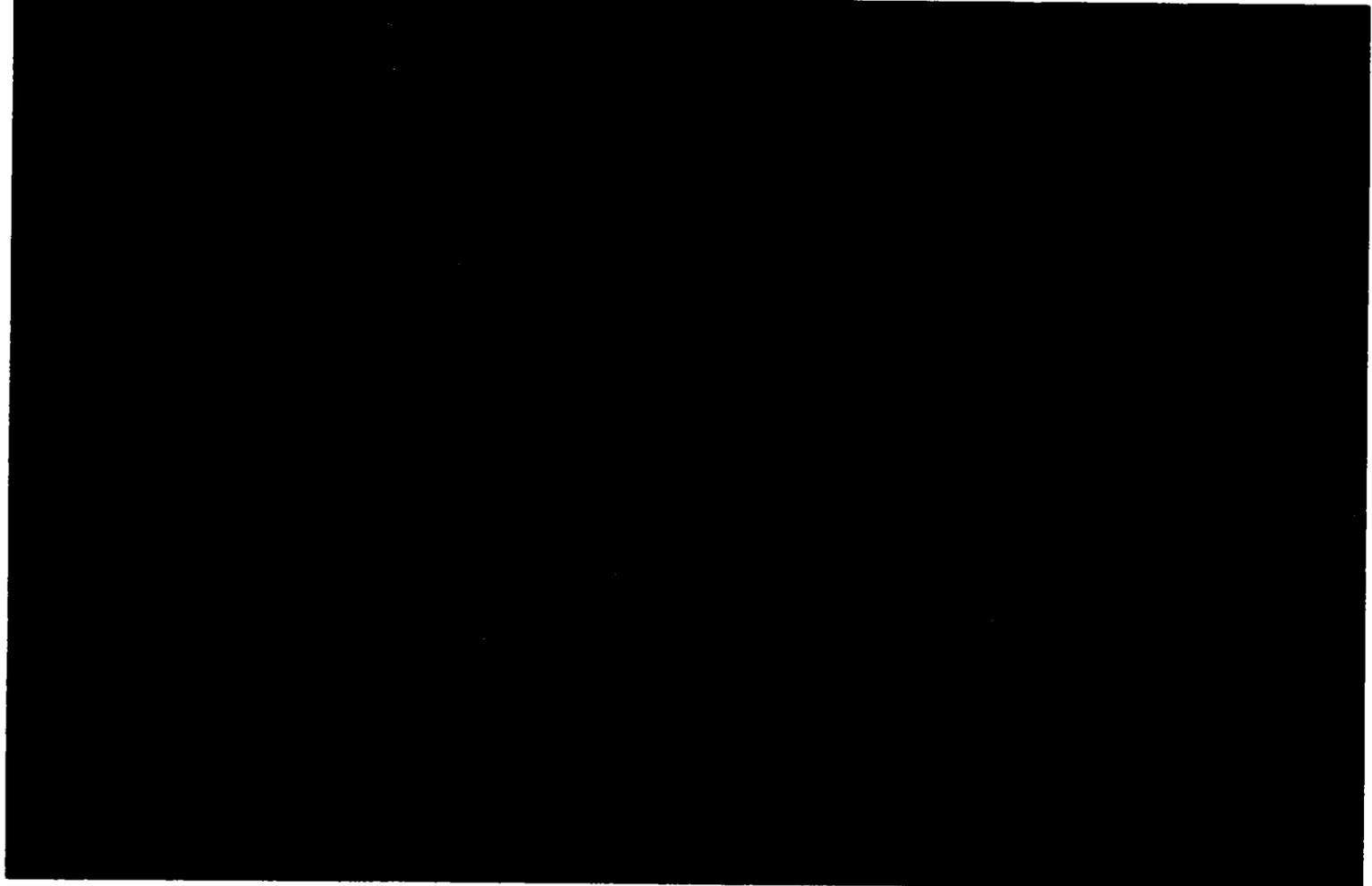
Remarks: _____

Posted by *[Signature]* Date of return: *7/14/94*
Signature

Number of Signs: *2*



MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 14, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Case No. 94-271-XA
Fatemeh Falahi, et al

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrative Assistant

encl.

cc: Fatemeh Falahi and Mohammad Haerian
J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping
Center Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Mr. Richard Jarvis Hoffman
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence S. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



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on Recycled Paper

COUNTY RECEIVED
94 DEC 30 PM 2:31

CERTIFICATE OF POSTING
ZONING DEPARTMENT F BALTIMORE COUNTY 94-271-XA
Towson, Maryland

District 8th Date of Posting 12/27/94

Posted for: Appeal

Petitioner: Fatimah & Mohammad Haerian

Location of property: 42 E Timonium Rd, NWS

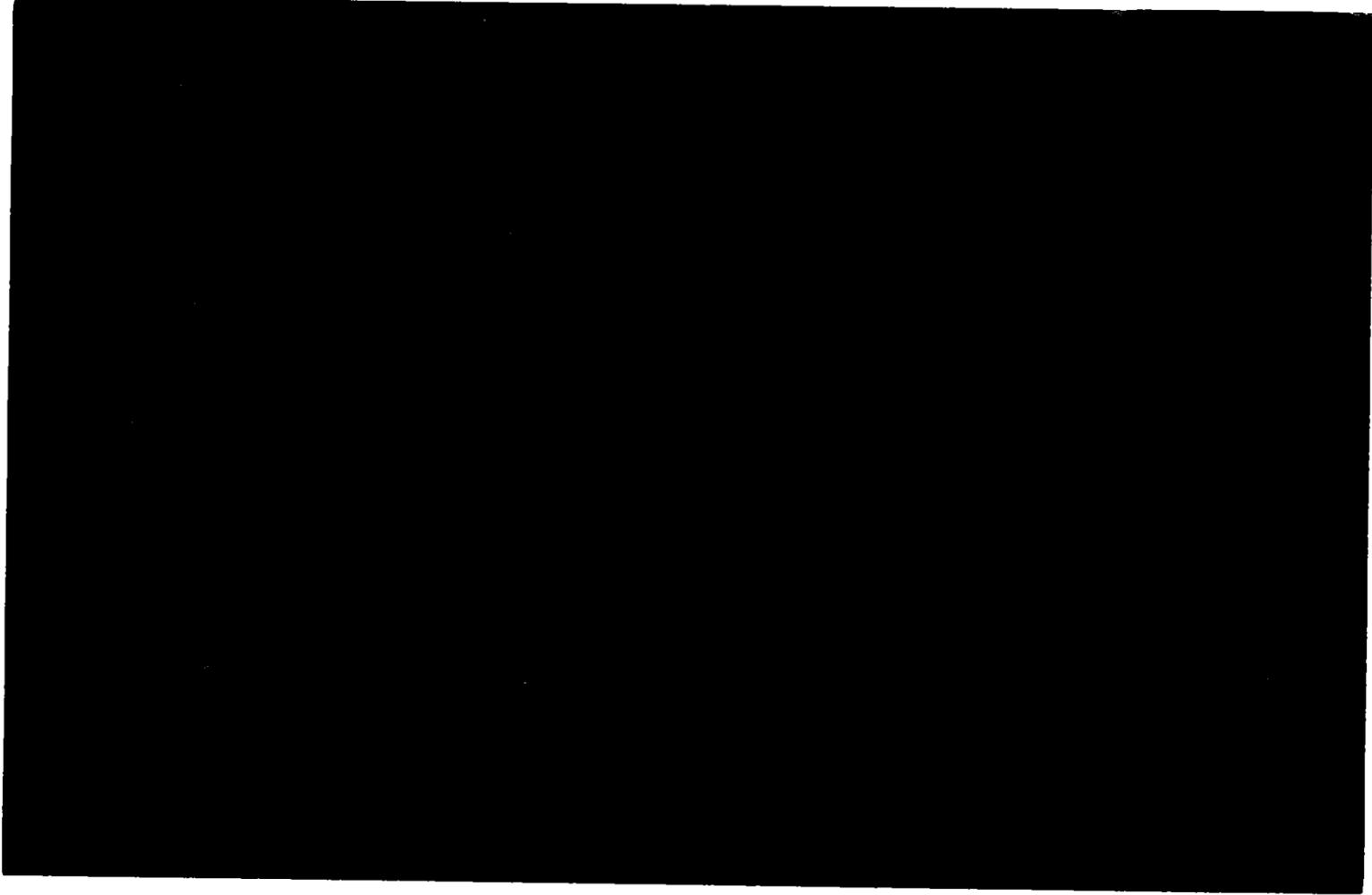
Location of Signs: Facing road way, on property being appealed for zoning

Remarks: _____



Posted by M. J. [Signature] Date of return: 12/30/94
Signature

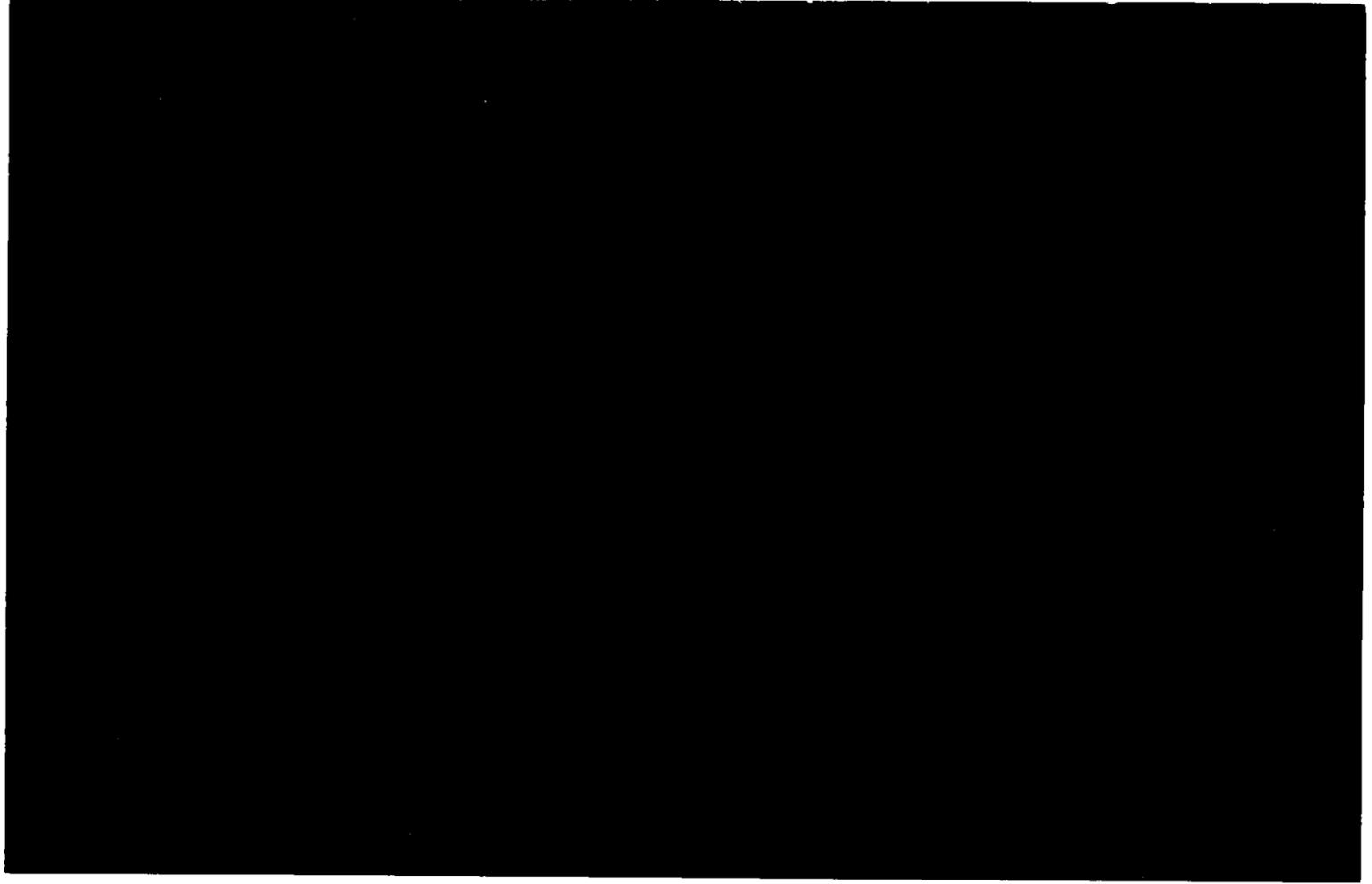
Number of Signs: 1



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY *94-271-XH*
Towson, Maryland

District: *9th* Date of Posting: *11/2/94*
Posted for: *Appeal*
Petitioner: *Fatema Falani*
Location of property: *42 E. Timonium Rd.*
Location of Signs: *Facing roadway on property being appealed*
for zoning.
Remarks: _____
Posted by: *[Signature]* Date of return: *11/18/94*
Signature
Number of Signs: *1*





NOTICE OF HEARING

The Zoning Commission of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 204-0000000000
(Item Z71)
42 E. Timonium
NW/8 Timonium
SW of rd E
2nd Election District
4th Councilmanic
Ward(s)
Fattah
Mohammad
Hearing: Tuesday
February 23, 1994
9:00 a.m. in Room
County Office Bldg.

Special Exception
Class B Group C
ter for up to, but not to exceed,
40 children Variance to provide
side yard setbacks of 13.5 feet
and 14.05 feet, with a 20
foot perimeter vegetative buf-
fer, in lieu of the required 50
feet from the property line on
each side with a 20 foot perime-
ter vegetative buffer; to provide
a lot of 9,283 square feet in lieu
of the required 1 acre; to
provide a rear setback of the re-
quired 50 feet from the property
line without the required 20 foot
perimeter vegetative buffer,
and to provide a maximum impervious
surface area of 36% of
the gross area in lieu of the
maximum 20% impervious
area.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Mandi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
1/187 January 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/20, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20, 1994.

THE JEFFERSONIAN,
A. Henrich
LEGAL AD. - TOWSON

RECEIVED



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

94-271-XA

Account: R 001-6150

Number

Taken in by MJK

Item Number: 271

Date 1/6/94

Falahi, Fatemeh - 42 East
 Timonium Road

020 - Zoning Variance - \$1250.00

050 - Special Exception - \$1300.00

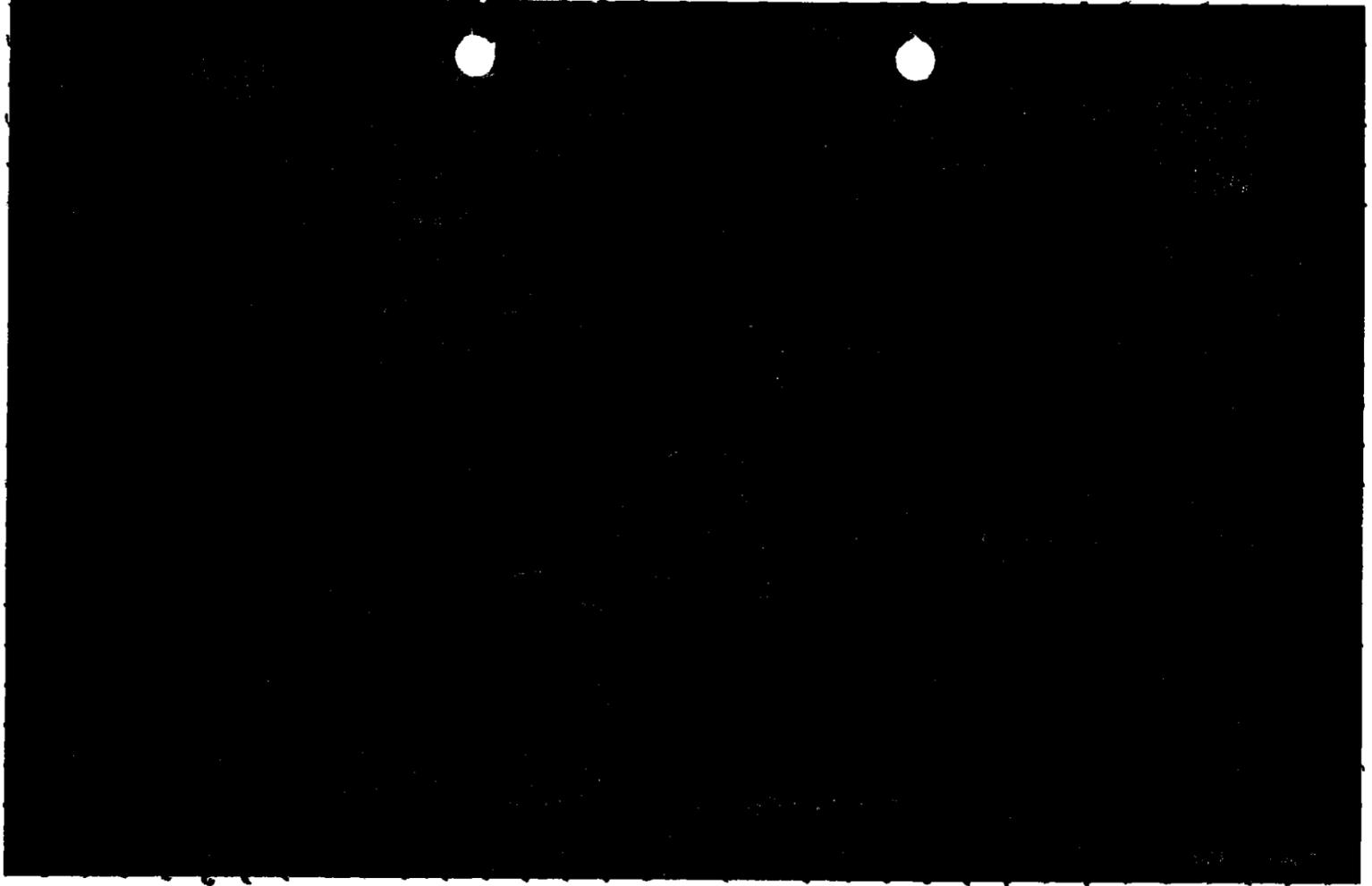
080 - 2 signs (\$35.00 each) - \$170.00

\$1620.00

RECEIVED

Please Make Checks Payable To: Baltimore County

Cashier Validation





Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-011-6150

Number 271 (WCR)
 Case #94-271-XA

Date 7/19/94

DROP-OFF REVISIONS -- NO REVIEW

Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road
 8th Election District
 4th Councilmanic District
 Michael P. Tanczon, Esquire

#110 - REVISIONS ----- \$100.00
 (Check from Attorney)

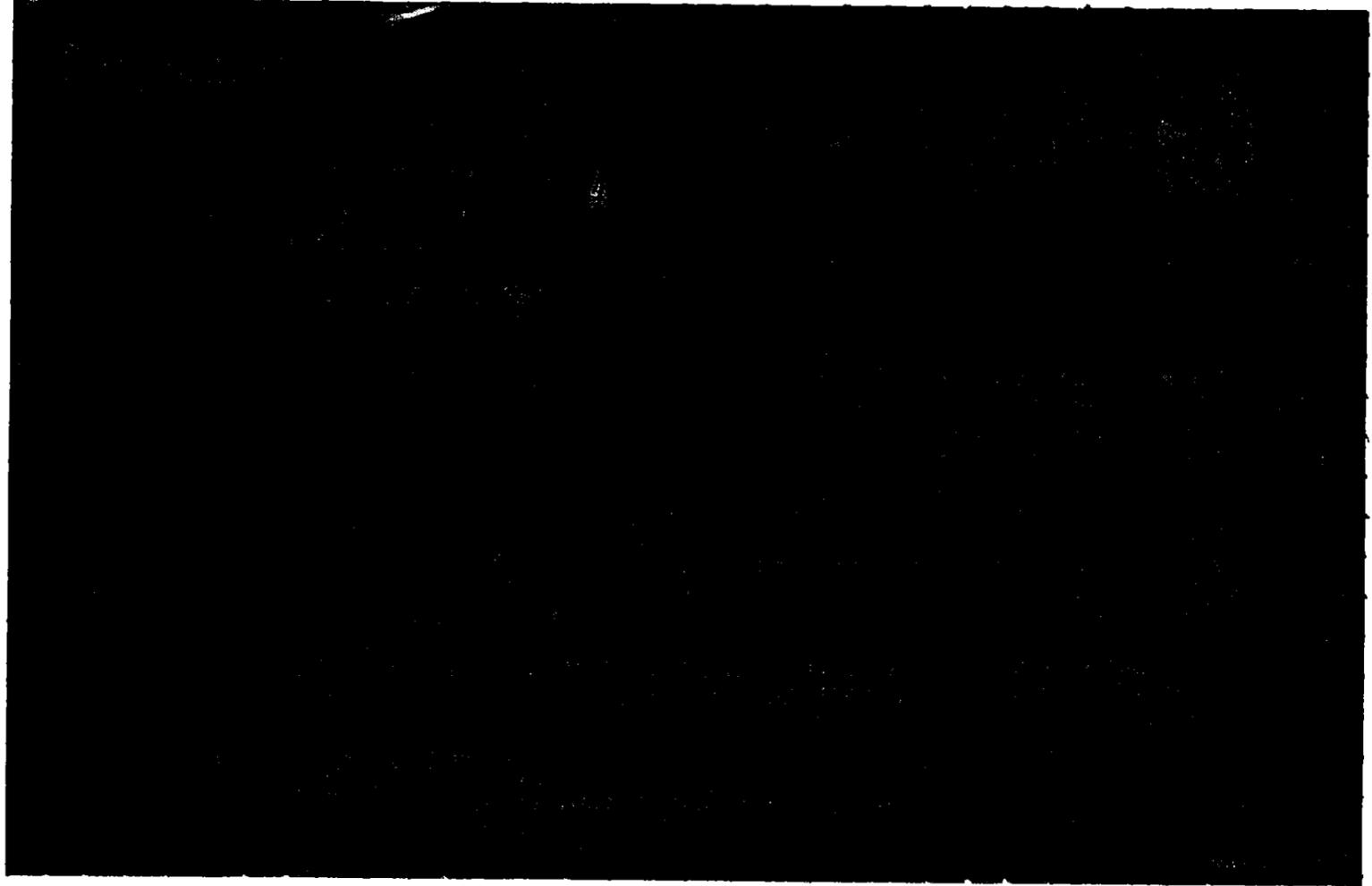
REVISIONS (PLATS) AND CHECK WERE RECEIVED ON 7/19/94. (CHECK WAS DATED
 7/5/94; ACCOMPANYING LETTER WAS DATED 6/13/94)

MICROFILMED

940340151WCR \$100.00
 PA COLL #30407-19-94

Please Make Checks Payable To: Baltimore County

Cashier Validation





Baltimore County
**Zoning Administration &
 Development Management**
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number 271 (MCR)
 Case #94-271-YA

Date 2/14/95

drop-off ——— no review

#110 - REVISIONS ————— \$100.00
 (Revised Petition for Variance & Plats)

Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.
 42 East Timonium Road

Scheduled for Board of Appeals Hearing on 2/28/95

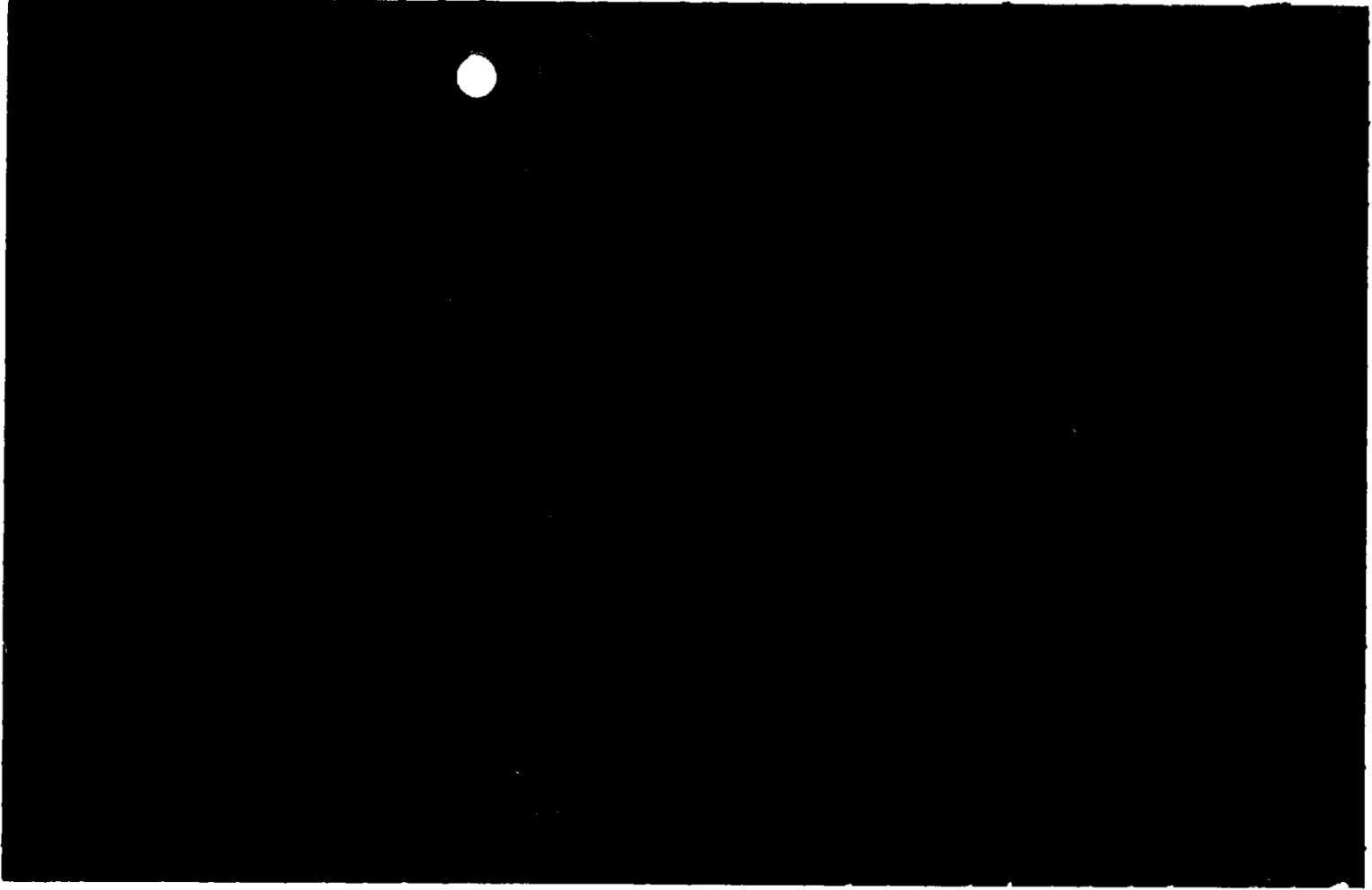
Attorney: Michael P. Tanczyn

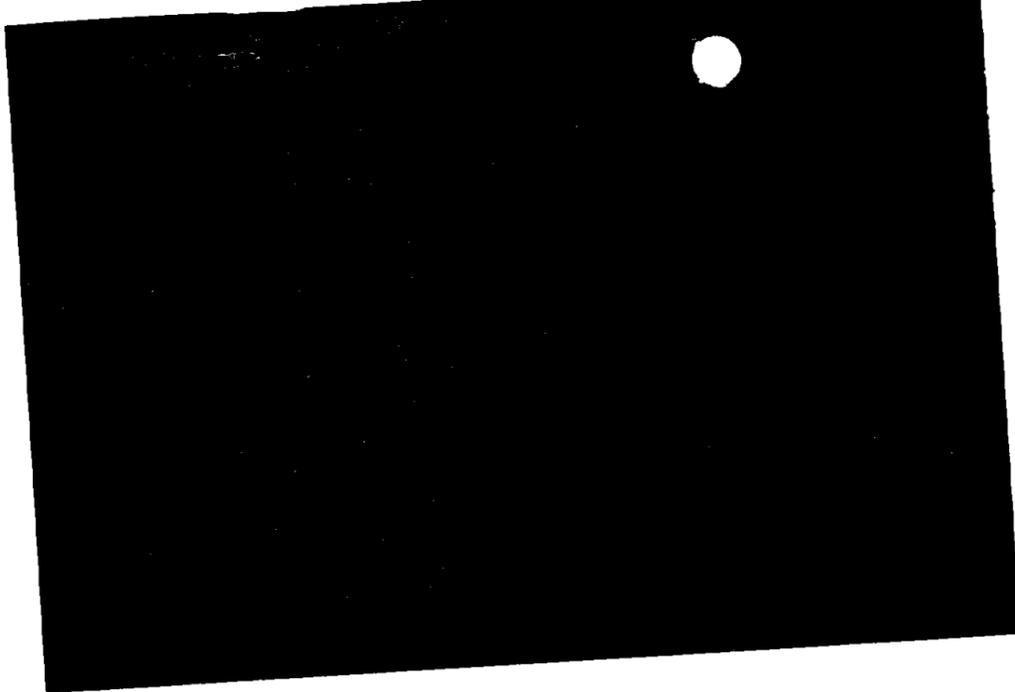
Check from Michael P. Tanczyn, P.A.

03A03#0000MICHRC \$100.00
 BA 009#00AM02-15-95

Please Make Checks Payable To: Baltimore County

Cashier Validation





BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 8818 ✓

DATE 6/22/94 ACCOUNT R-001-6150

AMOUNT \$ 35.00

RECEIVED FROM: Michael P. Janczyk

FOR: Sign

DIA01#0103MICHRC \$35.00
BA 0011-42AM04-22-94

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



10750 Little Patuxent Parkway
Columbia, MD 21044
Advertising/Towson Office (410) 337-2400
Columbia Office (410) 730-3990 (Ext. 381)
Billing (410) 730-3990 (Ext. 285)

MICHAEL P. TANCZYN, ESQ.
606 BALTIMORE AVENUE, #106
TOWSON, MD 21204

410-296-8823 C8501

LEGAL ADVERTISING

INVOICE NO. 8201416173

- Columbia Flier
- Howard County Times
- Laurel Leader
- Soundoff!
- Free Press
- Arbutus Times
- Catonsville Times
- Owings Mills Times
- Towson Times
- Northeast Thomas Booster
- Northeast Times Reporter
- Baltimore Messenger
- Jeffersonian

HEARING 94-271-XA

| DATE | | | DESCRIPTION | LINES | TIMES | TOTAL LINES | RATE | AMOUNT |
|--------------------------------------|----------|--|--|-------|-------|------------------|------|--------|
| START | STOP | | | | | | | |
| 01/19/94 | 01/20/94 | | 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, 111 W | 97 | 1 | 97 | LG | 77.42 |
| SKIP INSERTIONS | | | | | | | | |
| PUBLICATIONS ▶ 8 | | | | | | ADJUSTMENTS | | |
| P.O. NO. JEFF 1 187 | | | | | | PROOF CHARGES | | 0.00 |
| | | | | | | PREPAID AMOUNT | | 0.00 |
| PAYMENT DUE UPON RECEIPT ORIGINAL | | | | | | TOTAL AMOUNT DUE | | 77.42 |

MOHAMMAD HAERIAN, M.D.
FATEMEH FALAHY
10630 POT SPRING ROAD
COCKEYSVILLE, MD 21030-3017

6168

2/15 94 7-16 1091
520

Pay to the order of Patuxent Publishing \$ 77.42
seventy seven dollars and 42/100 DOLLARS

LUTHERVILLE OFFICE 427
MARYLAND NATIONAL BANK
LUTHERVILLE, MARYLAND 21093

Fatemeh Falahy MP

⑆052000168⑆ 6168 0001334432⑆



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 271

Petitioner: Fatemeh Falahi + Mohammad Haerian, M.D.

Location: 42 East Timonium Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael P. Tanczyn, Esquire

ADDRESS: 606 Baltimore Avenue, Suite 106
Towson, MD. 21204

PHONE NUMBER: 296-8823

AJ:ggs



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(Revised 04/09/93)

| | | |
|---------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE |
| Fatemeh Falahi and M. Haerin | * | COUNTY BOARD OF APPEALS |
| Petitioners, NW/s Timonium Road | * | BALTIMORE COUNTY |
| 42 East Timonium Road | * | CASE NO. 94-271-XA |

* * * * *

MEMORANDUM IN LIEU OF FINAL ARGUMENT

The Protestants, Greater Timonium Community Council, Yorkshire-Haverford Community Association, Louis Miller, and Irene Graziano, Eric Rockell, Kathleen Beadell, and other individuals testifying before the Board, hereby submit this Memorandum in Lieu of Final Argument as requested by the County Board of Appeals (hereinafter CBA), by J. Carroll Holzer and Holzer and Lee.

STATEMENT OF THE CASE

The Petitioner has filed a Petition for Special Exception to permit a Class B child care center not to exceed twenty children pursuant to Baltimore County Zoning Regulation (hereinafter B.C.Z.R.) 1.B.01.b.6.(b) and B.C.Z.R. 424.5.A; a Petition for Variances to provide rear yard setbacks, a lot of 9,263 square feet in lieu of the required one acre, etc., all for the property known as 42 East Timonium Road located in northeastern Baltimore County in the Timonium area. The case was heard before the Deputy Zoning Commissioner, and on September 30, 1994, the Petition for Special Exception was denied and the Petitions for Variances were denied by an Order on that date. The Petitioners took an appeal to the CBA and the case was originally scheduled for Tuesday, February 28, 1995. A full day's testimony was taken, at which time the case was then continued due to a panel member leaving the Board. The case was rescheduled in its entirety for a hearing before a new Board. The case was heard before this Board on Wednesday, July 5, Wednesday, July 12, and Wednesday, October 4, 1995.

99 0 100 55

LAW OFFICE
HOLZER AND LEE
 305 WASHINGTON AVENUE
 SUITE 502
 TOWSON, MARYLAND
 21204
 (410) 825-6961
 FAX: (410) 825-4923



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

October 4, 1995

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on October 4, 1995, the Board has scheduled the following date and time for deliberation in the matter of:

FATEMEH FALAHI, ET AL
CASE NO. 94-271-XA

DATE AND TIME : Thursday, October 26, 1995 at 9:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

PLEASE NOTE: CLOSING MEMOS ARE DUE IN THIS MATTER (ORIGINAL AND THREE (3) COPIES) ON OCTOBER 18, 1995.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM

Copies to: K.M.B.

*Returned 10/18 -
not deliverable
as addressed*

Kathleen C. Weidenhammer
Administrative Assistant



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TO: PUTUXENT PUBLISHING COMPANY
JANUARY 20, 1994 Issue - Jeffersonian

Please forward billing to:

Michael P. Tanczyn, Esq.
606 Baltimore Avenue, #106
Towson, Maryland 21204
296-8823

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-YA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 14, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office. Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children. Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Fatemeh Falahi and Mohammad Haerian
Michael P. Tanczyn, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA (Item 271)
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Tanczyn:

The above-referenced case has been rescheduled for July 22, 1994 at 9:00 a.m. in Rm. 106 of the County Office Building, allowing two hours for your client's to present their case.

The property will be re-posted by July 1, 1994. Since the property must be re-posted, there is a \$35.00 fee due. Please advise your client of same.

If we can be of any further assistance to you, please do not hesitate to contact our office at 887-3391.

Sincerely,

Charlotte Minton

Charlotte Minton
Office Assistant

RECORDED



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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

NOTICE OF REASSIGNMENT

Rescheduled from March 10, 1994
CASE NUMBER: 94-271-XA
42 Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to,
but not to exceed, 40 children.

Variance to provide side yard setbacks of 13.66 feet and 14.05 feet,
without a 20-foot perimeter vegetative buffer, in lieu of the required
50 feet from the property line on each side with a 20-foot perimeter
vegetative buffer; to provide a rear setback of the required 50 feet
from the required 1 acre; to provide a rear setback of the required 50
feet from the property line without the required 20-foot perimeter
vegetative buffer; and to provide a maximum impervious surface area of
38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: FRI. JULY 22, 1994 at 9:00 a.m. in Rm. 106, County Office Bldg.

ARNOLD JABLON
DIRECTOR

cc: Kathleen F. Beadell
Diana Itter
Carolyn London
Louis W. Miller
Martin Pechter
Eric Rockel



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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JULY 25, 1994

NOTICE OF REASSIGNMENT

Continued from 3/10/94; Rescheduled from 7/22/94
CASE NUMBER: 94-271-XA (Item 271)
42 Timonium Road
NW/S Timonium Road, 90' SW of c/l Edgemoor Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20-foot perimeter vegetative buffer; to provide a rear setback of the required 50 feet from the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20-foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: TUESDAY, AUGUST 23, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Michael P. Tanczyn, Esq.
Fatemeh Falahi
Diane Itter, OPZ, MS 3402
Carolyn London
Louis Miller
Eric Rockel
Kathlee Beadell
M. Dechter



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Av nue

November 29, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th Election District
4th Councilmanic District

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks of
13.66' & 14.05' w/o 20' perimeter vegetative
buffer, in lieu of req'd 50' ea side w/buffer;
rear yd setback of 50' as req'd, but w/o req'd
20' vegetative buffer; lot area of 9,263 sq.
ft. in lieu of req'd 1 acre; imprv surface 38%
of gross area in lieu of max permitted 25%.

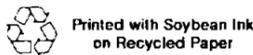
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR: TUESDAY, FEBRUARY 28, 1995 at 10:00 a.m.

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
FatemeH Falahi and Mohammad Haerian Appellants /Petitioners
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller W. Carl Richards, Jr. /ZADM
Lawrence E. Schmidt Docket Clerk /ZADM
Timothy H. Kotroco Arnold Jablon, Director /ZADM
Ms. Diane Itter

Copy to: Mr. Richard Jarvis Hoffman (1/23/95)

Kathleen C. Weidenhammer
Administrative Assistant



Day #1

BALTIMORE COUNTY, MARYLAND
Internal Office Memorandum

BALTIMORE COUNTY BOARD OF APPEALS

95 FEB 23 PM 2:37

DATE: February 14, 1995

TO: Kathi Weidenhammer
Board of Appeals

FROM: Sophia C. Jennings
ZADM

SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 28, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

*PP'd copy
CBA 3/23/95;
meet to prepare
Day #3
2nd hearing day
3/31/95*

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

ASSIGNED FOR: FRIDAY, MARCH 24, 1995 at 9:00 a.m. /Day #2 and
FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #3 /if needed)

(Above dates as verified and confirmed with Counsel on 2/28/95.)

| | |
|--|-------------------------------------|
| cc: Michael P. Tanczyn, Esquire | Counsel for Appellants /Petitioners |
| Fatemeh Falahi and Mohammad Haerian | Appellants /Petitioners |
| J. Carroll Holzer, Esquire | Counsel for Protestants |
| Ms. Carolyn London | |
| Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership | |
| Mr. Eric Rockel /Greater Timonium Community Council | |
| Ms. Kathleen Beadell /Yorkshire Comm. Assn. | |
| Mr. Howard White | |
| Mr. Louis Miller | |
| People's Counsel for Baltimore County | |
| Pat Keller | Richard Jarvis Hoffman |
| Lawrence E. Schmidt | W. Carl Richards, Jr. /ZADM |
| Timothy M. Kotroco | Docket Clerk /ZADM |
| Ms. Diane Itter | Arnold Jablon, Director /ZADM |

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washingt n Av nue

March 23, 1995

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Day #2 /cont'd from 2/28/95

*App'd 3/30/95
@ req. of Counsel
for Petitioners
Court
to effect*

SE -To permit Class B Group Child Care Center for 40 children; VAR -Side yd setbacks; rear yd setback; lot area of 9,263 sq. ft. in lieu of req'd 1 acre; imprv surface 38% of gross area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for Special Exception and Petition for Variances were DENIED.

which was scheduled for hearing on 3/24/95 (Day #2) has been POSTPONED by the Board; Day #2 to be heard on 3/31/95 (previously being held for possible Day #3); and has been

REASSIGNED FOR: FRIDAY, MARCH 31, 1995 at 9:00 a.m. /Day #2

(Above date as verified and confirmed with Counsel on 2/28/95.)

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
People's Counsel for Baltimore County
Pat Keller Richard Jarvis Hoffman
Lawrence E. Schmidt W. Carl Richards, Jr. /ZADM
Timothy M. Kotroco Docket Clerk /ZADM
Ms. Diane Itter Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

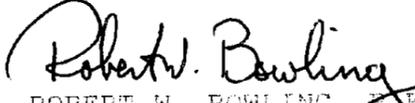
BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 24, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 24, 1994
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual.


ROBERT W. BOWLING, Chief
Developers Engineering Section

RWB:s

The zoning for the subject site is DR-5.5, it is known as 42 East Timonium Road. It is within a "community conservation area" designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a forty-foot (40') planted fenced buffer area zoned DR as well as within the community known as Haverford, consisting of single family residences of the same size and lot description. The net lot area of the subject site is 7,463 square feet, while the gross area is 9,263 square feet. The site has been adequately photographed and identified in Protestants' Exhibit Numbers 2, 3, and 25-29 A & B.

STATEMENT OF FACTS

The facts presented during the course of the two and a half days of testimony will be incorporated into those relevant portions of the legal argument.

LEGAL ARGUMENT

I. As a matter of law, the CBA should deny the Special Exception in view of the required variances requested by the Petitioners.

The Protestants hereby adopt the previously submitted Memorandum on behalf of the People's Counsel of Baltimore County dated June 30, 1990, in which this issue was ably raised by Peter M. Zimmerman. This case involves a combination of Special Exceptions and Variances for principal use, class B group, child care centers in a DR- zone involving residential transition areas (RTA's). B.C.Z.R. 424.5A. It is the Protestants' position that upon your review of the following statutes and case law, the use can not be properly allowed as requested by this Petitioner. Bill #200-90 passed by the County Council on October 15, 1990, amends the child care center law and creates, pursuant to B.C.Z.R., Section 1B01.1.b1g(10a) that "class B group child care centers may be permitted provided that the Zoning Commissioner determines, during the Special Exception



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 30, 1995

SECOND NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
the centerline of Edgemoor Road
(42 East Timonium Road)
8th E; 4th C

Cont'd from 2/28/95

SE -To permit Class B Group Child Care Center
for 40 children; VAR -Side yd setbacks; rear
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of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

which was scheduled for hearing on 3/31/95 (Day #2) has been POSTPONED at the request of Counsel for Appellants /Petitioners due to conflict with Court scheduled hearing; Counsel notified by telephone 3/30/95 of this postponement. To be reassigned at the earliest possible date, upon confirmation of said date with Counsel.

| | |
|--|-------------------------------------|
| cc: Michael P. Tanczyn, Esquire | Counsel for Appellants /Petitioners |
| Fatemeh Falahi and Mohammad Haerian | Appellants /Petitioners |
| J. Carroll Holzer, Esquire | Counsel for Protestants |
| Ms. Carolyn London | |
| Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership | |
| Mr. Eric Rockel /Greater Timonium Community Council | |
| Ms. Kathleen Beadell /Yorkshire Comm. Assn. | |
| Mr. Howard White | |
| Mr. Louis Miller | |
| People's Counsel for Baltimore County | |
| Pat Keller | Richard Jarvis Hoffman |
| Lawrence E. Schmidt | W. Carl Richards, Jr. /ZADM |
| Timothy M. Kotroco | Docket Clerk /ZADM |
| Ms. Diane Itter | Arnold Jablon, Director /ZADM |

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 15, 1995

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
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of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR

WEDNESDAY, JULY 5, 1995 at 10:00 a.m. /Day #1
WEDNESDAY, JULY 12, 1995 at 10:00 a.m. /Day #2

cc: Michael P. Tanczyn, Esquire Counsel for Appellants /Petitioners
Fateme Falahi and Mohammad Haerian Appellants /Petitioners

J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Howard White
Mr. Louis Miller
Richard Jarvis Hoffman

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

*To 10/04/95
Deaf #3*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 12, 1995

NOTICE OF ASSIGNMENT /Day #3
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-271-XA

FATEMEH FALAHI AND MOHAMMAD HAERIAN -
Petitioners NW/s Timonium Road, 90' SW of
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of req'd 1 acre; imprv surface 38% of gross
area in lieu of max permitted 25%.
9/30/94 -D.Z.C.'s Order in which Petition for
Special Exception and Petition for Variances
were DENIED.

ASSIGNED FOR
(Above date confirmed by Counsel at conclusion of Day 2.)
WEDNESDAY, OCTOBER 4, 1995, at 10:00 a.m. /Day #3

cc: Michael P. Tanczyn, Esquire
Fateme Falahe and Mohammad Haerian

Counsel for Appellants /Petitioners
Appellants /Petitioners

J. Carroll Holzer, Esquire
Ms. Carolyn London
Mr. Martin Pechter /Timonium Shopping Cntr Assoc. Ltd. Partnership
Mr. Eric Rockel /Greater Timonium Community Council
Ms. Kathleen Beadell /Yorkshire Comm. Assn.
Mr. Louis Miller
Richard Jarvis Hoffman

Counsel for Protestants

People's Counsel for Baltimore County
Pat Keller
Diane Itter
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

OPPOSITION
LETTERS

16 Edgemoor Road
Timonium, Maryland 21093
February 6, 1994

2/15/94
JO file
764-94

Baltimore County Zoning Commissioner
Room 106, Balto. Co. Office Bldg.
Towson, Maryland 21204

RE: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance

Just copy the 1st
page of these letters
of opposition - and
remove this post-it note
before photographing!

To Whom It May Concern:

Approximately 6-1/2 years ago, prior to purchasing our home in the Haverford community the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism. The York Road corridor as stated previously is highly over commercialized, and to extend such commercialism into a stable residential community does not serve the best interest of the taxing paying property owners and the community as a whole.

We therefore emphatically oppose encroachment of commercialism, of any kind beyond the existing zoning boundaries. There is absolutely no justification for any acceptions to the existing zoning classification and boundaries.

We hereby request our oppositon to the subject variance petition to be so recorded.

Very truly yours,

Thomas D. Berry
Kieran F. Devine

Thomas D. Berry,
Kieran F. Devine

RECEIVED
FEB 14 1994
ZADM

MICROFILMED

2/22/94

Mr. Timothy Kotroco,
Zoning Commission
Room 105 111 W. Chesapeake Ave.
Towson, MD, 21204

To Whom It may Concern,

My name is Kathleen Beadell. I am the President of the Yorkshire Community Association, the Vice President of the Greater Timonium Community Council, a respected Multi-million dollar Realtor with Prudential and the working mother of two small boys.

No matter how busy I am I continue to work to help our community. I was born and raised in Timonium and feel a social as well as a professional responsibility to stay on top of what is happening in the area. The property value of this community is very important to me as a Realtor, a property owner and as a community leader.

To allow a Class B Day Care License, permitting up to 40 children, and the necessary Residential zoning variances to permit this use, would adversely affect the property value of the residents on the surrounding streets. The noise of back yard play; the additional traffic congestion at morning and evening rush hours; and the lack of the legal and safe parking due to the inadequate pick up and drop off area available for a day care center; would simply make this area undesirable for resale purposes.

The Yorkshire and Haverford Communities do not have specific rules and covenants attached to their deeds that protect their rights as a residential neighborhood association. We must depend on Baltimore County's zoning and licensing rules and regulations to protect our residential community's rights to enjoy peaceful and safe living. Help us preserve our residential integrity and property value by not permitting this absurd zoning variance to accommodate this commercial type of business license.

Sincerely,


Kathleen Beadell

2/27/94
To file

1063-94
5 Edgemoor Rd
Timonium, MD
21093

Re: Case No 94-271-XA
Day Care Center on Timonium Rd.

I would like to voice my concern regarding the zoning for a Day Care center on Timonium Rd.

I live around the corner on Edgemoor Rd and am aware of the traffic on Timonium Rd at the intersection with Edgemoor. I have to wait considerable time to get onto Timonium Rd.

The entrance to the shopping center and the service station make the traffic even worse.

Parents stopping to let the children out before they go to work + again at rush hour in the afternoon

will compound the problem.

Is there enough play area for large numbers of children? Is it a safe play area? Is the house big enough to house large numbers of children?

I have no objections to Day Care Centers; however, I feel that the placement of this one is ill-advised.

RECEIVED
FEB 28 1994
ZADM

Melrose & Young
Edgemood Rd
Timonium, MD
21093

Also - How good is the air quality there. Trucks let their diesel engines idle and their refrigerators run for hours in the back of the shopping center. Neighbors have complained for years about the fumes and the noise.



17 W. Seminary Ave.
Lutherville, MD 21093
Mon., Feb. 14, 1994

Deputy Zoning Commissioner,
Mr. Timothy Kotoroco
Dear Mr. Kotoroco,

As owners of 41 and 43 E. Timonium Rd., we are writing to protest formally the petition for special exceptions on 42 E. Timonium Rd. by the non-resident owners for either Class A or Class B variances.

Our property is directly across the street facing the property in question. Any further intensification of use of 42 E. Timonium as a childcare facility will have direct, negative impact on our property and, we believe, devalue our property by weakening the residential character of our neighborhood which is a community conservation area.

Present zoning already allows up to 8 children to be left for day care. Due to inadequate drop-off and pick-up parking spaces, parents have been observed backing out into Timonium Rd during rush-hour traffic and making U-turns against traffic in front of my driveway. Seeded grass areas have become unsightly with muddy tire tracks. It seems that the present use already has created hazards for the community, which seem likely to be increased by intensification of usage as with either a Class A or Class B variance.

If petitioners are granted their requests, eventually they could have up to 40 children at a time which is expected to generate an average of 186 new weekday round-trip traffic volume. Such traffic can be expected to damage the residential character of the neighborhood as well as increase the likelihood of accidents at the nearby intersection. Parents opening car doors, dropping off and picking up children with oncoming traffic can be expected to increase safety hazards for themselves, the children and other drivers. Traffic noise as well as the noise of up to 40 children playing outdoors in warmer weather on a lot less than a quarter acre in size can be expected to detract from the enjoyment and use of nearby properties and damage the resale value of the surrounding properties. In addition, a great deal of trash, including numerous disposable diapers, may increase the demand for trash pickup and perhaps create a demand for dumpsters on site.

An excessive degree and number of variances have been requested. To accommodate up to 40 children, as in a Class B variance, 1 acre is required. This lot contains less than 1/4 of the required square footage. A Class A variance still would permit up to 12-15 children, and additional variances would be required along with a public hearing for protesters.

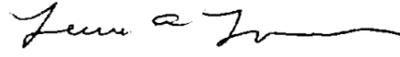
Instead of the required sideyard setbacks of 50 feet with 20

MICROFILMED

feet of vegetative buffer for Class B variance, 42 E. Timonium Rd. has setbacks of only about 13 and 14 feet, a small fraction of the required space for setbacks. The petitioners' proposal would provide a maximum impervious surface of 38% of gross area instead of the 25% maximum.

For all of the above-stated reasons, we respectfully request that you deny the zoning variance petition in Case No. 94-271-XA.

Sincerely,


Lewis A. London


Carolyn A. London

February 21, 1994

Baltimore County Zoning Commission
Baltimore County Office Building
Towson, MD 21204

Gentlemen:

As the resident of 45 E. Timonium Road, I would like to express my concern regarding the application for a Class B Zoning Permit by the residents of 42 E. Timonium Road.

It is my understanding that the issuance of this type zoning change would not only allow these individuals to operate a child carecenter with a range of from 13 to 40 children, but would also greatly affect the residential atmosphere of the area, possibly opening an entirely new concept of what the neighborhood is. I do not appreciate this possibility.

I am also troubled by the traffic problems created by such a move. The impeding of traffic in the morning and in the afternoon, which would be a natural result of leaving off and picking up children. The parking and backing into Timonium Road from the driveway would, I believe, cause further problems for an already dangerous situation caused by the access road into the shopping area fronting on York Road. This road alongside the filling station is purportedly for the use of trucks servicing the stores -- Ames, etc., and although it is rarely used for this purpose, its use by vehicles going to and from the store area causes a great deal of danger to users of Timonium Road. This problem if compounded by a Class B Zoning Permit for 42 E. Timonium Road would cause very real problems.

Sincerely,

Henry C. Wiedefeld

58 E. Timonium Rd.
Timonium, Md. 21093

February 15, 1994

Arnold Jablon, Director
Zoning Administration
105 Balto. Co. Office Bldg.
Towson, Md. 21204

Re: Case No. 94-271-XA, 42 E. Timonium Rd. Timonium, Md. 21093
Special Exception to Dr 5.5 Zoning and Major Variances.

Dear Mr. Jablon:

My wife and I have lived at this address for over 37 years and participated with our neighbors and the Haverford Community in maintaining the family owned residential character of the area. Even with the increased traffic on Timonium Rd. and growth of the residential areas north and east of us, our neighborhood has remained quiet, clean, and safe place to live. Most homes are resident owned and occupied by older, retired, senior citizens.

We are opposed to the Petition for Special Exception with major variances to the current DR. 5.5 zoning of 42 E. Timonium Road. To grant exceptions to this property would open the door for further encroachment of commercial business activities surrounding our community.

The current operation of a family day care residence should not be expanded nor is it safe for those using that facility as there is no parking or turn-around area. Parents must hold up traffic, back into traffic, and/or park in restricted areas to drop off and pick up their children during the most busy hours of traffic on Timonium Rd.

The public safety, welfare, and economic impact will be adversely affected by granting any Special Exceptions for this property.

We trust you will deny the Petition.

Sincerely yours,



Richard Grubbs
252-0268

Grubbs94

RECEIVED
FEB 18 1994
ZAL

RECEIVED

process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained" (emphasis supplied) and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. B.C.Z.R. Section 424.7 provides the specific bulk standards for minimum lot size, setbacks, fencing, parking, height, and impervious surface area for group child care centers in all DR- zones. The present Special Exception presents a multitude of variances of B.C.Z.R. 424.7. The presence of the combination of Special Exceptions/variances is a bar to approval. See the case of Chester Haven Beach Partnership v. Board of Appeals for Queen Anne's County, 103 Md. App. 324 (1995). In that case, Judge Cathell, speaking for the Court of Special Appeals in the Chester Haven case stated as follows:

"All of its variance requests concern what it perceives to be necessary to meet the requirements of a change in its development plan from single family to group or cluster living necessitated by the current demand, not of zoning codes, but of environmental regulations (and economic conditions), especially the requirements of complying with the Chesapeake Bay Critical Area regulations. We are not unsympathetic to the plight of a property caught between local zoning codes and environmental regulations. We later herein suggest the correct method of addressing this issue. But, an offer to build below density, if a conditional use acceptable to environmental regulators changing the character of the use of the property is granted does not satisfy the requirement of variance law that the land itself be inherently unique and different from the remainder of the land in the area." Page 7.

"The Board noted that, in addition to the conditional use [special exception] - or really, in order to qualify to apply for the conditional use - the applicants had to get a variance from the six unit per cluster conditions and from the provisions of the density percentages, and additional variances from the conditions for which the ordinance required satisfaction in order to be entitled to a conditional use. In other words, the Board perceived, correctly, that the subject project could not meet the requirements the ordinance established for the granting of the conditional use. Therefore, the applicants were attempting to eliminate the conditions by obtaining variances therefrom.

H. V. Harman
52 E. Timonium Road
Timonium, Md., 21093

Mr. Arnold Jablon, Director
Zoning Administration
105 Baltimore County Office Bldg.,
Towson, Md., 21204

Ref.-Case No. 94-271-XA

Dear Sir;

My wife and I have been residents of Timonium for thirty seven years. We have watched Timonium Road develop from a rural type route, to one which currently resembles a city, high traffic area. The posted speed of 30 miles per hour is rarely observed, and I have personally requested the police to monitor the high speed activities, especially in the morning and afternoon.

Our objection therefore to the granting of a "B" variance for a child care center, to be located at 42 E. Timonium Road, is concerned with the safety of the children, located at this address. The traffic congestion, speed, and dangerous situation connected with discharging and picking up children at this location, dictates, a tragedy about to happen.

The location of this center is also adjacent to the entrance to, and egress from a shopping center, and is further jeopardized by a popular filling station and car repair business, within one hundred feet of this property.

The "B" classification, sought for this residential dwelling, permitting up to 40 children to be housed therein, is an objectionable condition, both from a safety position, as well as a commercial endeavor, in a well established residential community.

We sincerely hope that our concerns be seriously considered and the request for this variance be denied.

Yours truly,

H. Harman

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FEB 18 1994

ZADM

Feb. 18, 1994

Baltimore Co. Zoning Commissioner
Rm. 106 Balt. Co. Office Bldg.
Case No. 94-271-XA.
Towson, Md. 21204

RECEIVED
FEB 18 1994

Dear Sir

ZADM

I wish to state my objection to a proposed petition for special exception for property located at 42 E. Timonium Rd., Timonium, Md.

I have lived at 46 E. Timonium Rd. for 34 years, in a nice neighborhood, and a change in zoning could lead to undesirable commercialism. No one in this area wants this change.

Yours truly,

Donald Hirth
46 E. Timonium Rd.,
Timonium, Md. 21093

RECEIVED

SEP 21 1971

MOAS

HOWARD J. WHITE, III
19 Edgemoor Road
Lutherville, Maryland 21093
(410) 561-0606

857-94

2/17/94
g

February 15, 1994

Baltimore County Zoning Commissioner
Room 106 Baltimore County Office Building
Towson, Maryland 21204

RE: Case No. 94-271-XA

To Whom It May Concern:

This letter is in response to the above referenced case. I am a resident of the Yorkshire community. I totally object to the proposed re-zoning of 42 East Timonium Road in order to be licensed as a day care center.

While I am a fairly recent homeowner in this neighborhood, I am aware that there have been no changes to this area since its development. I would like it to stay that way.

I will be attending the hearing on February 22, 1994 and plan to protest this re-zoning.

Sincerely,



Howard J. White

HJW/lde

PHOTOFILMED

RECEIVED
FEB 17 1994
ZADM

2/18/94

9

2/15/94

JO file

Baltimore County Zoning Commission
Room 106 Balt Co Office Bldg.
Towson, Md. 21204

Re: 42 East Timonium Rd Zoning Variance Petition
Case No. 94-271-XA

Dear Sir:

Please be informed that as a property owner at 15 Edgemont Rd since 1956, I wish to state my objection to the Zoning Variance as outlined in the above petition.

I live around the corner from 42 East Timonium Rd and this development has been residential since its inception.

Therefore, I see no reason that this special exception should be granted.

Sincerely yours,
Stephen J. Molnar, Jr.

RECEIVED

FEB 18 1994

ZADM

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RECEIVED

1955

FEBRUARY 11, 1994

44 E. TIMONIUM ROAD
TIMONIUM, MD. 21093
410-252-3444

MR. ARNOLD JABLON, DIRECTOR ZONING ADMINISTRATION
105 BALTIMORE COUNTY OFFICE BUILDING
TOWSON, MD. 21204

RE: 42 EAST TIMONIUM ROAD
PETITION FOR SPECIAL EXCEPTION WITH VARIANCES - CASE NO. ⁹⁴⁻²⁷¹~~92-217~~-XA

DEAR MR. JABLON:

WE ARE WRITING THIS LETTER TO ENTER OUR OPPOSITION TO THE ABOVE REFERENCED CASE SCHEDULED FOR PUBLIC HEARING FEB. 22, 1994. THE DETAILS OF THE SPECIAL EXCEPTION FOR A CLASS B GROUP CHILD CARE CENTER WITH FOUR MAJOR VARIANCES TO THE LAND USE CURRENTLY ZONED DR 5.5 ARE IN THE CASE FILE. WE WILL NOT ITEMIZE THEM HERE.

WE ALSO REQUEST TO TESTIFY AT THE HEARING TO DETAIL OUR OBJECTIONS TO THE GRANTING OF THIS PETITION.

WE ARE ORIGINAL OWNERS OF 44 E. TIMONIUM RD. HAVING LIVED HERE IN PEACE AND HARMONY WITH ALL OUR NEIGHBORS FOR 38 YEARS. THE COMMUNITY, IN ITS INFANCY, PARTICIPATED IN MANY REVIEWS, OBJECTIONS, AND NEGOTIATIONS WITH THOSE WHO TRIED TO DILUTE THE MEANING OF DR 5.5 INCLUDING SPECIAL EXCEPTIONS AND VARIANCES. OUR EFFORTS WERE SUCCESSFUL TO RETAIN THE SAFETY, WELFARE, AND RESIDENTIAL CHARACTER OF THE COMMUNITY.

WE RESENT NON-RESIDENT OWNERS ATTEMPTING TO UTILIZE 42 E. TIMONIUM RD. FOR ANY PURPOSE OTHER THAN AS A RESIDENCE UNDER DR 5.5 ZONING AND/OR ANY FUNCTIONS NOT AUTHORIZED THEREUNDER. WE OPPOSE GRANTING ANY SPECIAL EXCEPTION OR VARIANCES TO THE DR 5.5 ZONING FOR THIS PROPERTY.

OUR PROPERTY ADJOINS THE PETITIONER'S ON THE NORTH LINE. FROM HOUSE TO HOUSE THEIR IS ONLY 23 FEET, 13 ON THEIR SIDE AND 10 ON MY SIDE. MY YARD IS ON THE SIDE, THEIRS ON THE BACK ABUTTING MINE. NO BUFFER VEGETATION OR NOISE ABATEMENT EXISTS. THE STOCKADE FENCE IS OFF THE GROUND AND CERTAINLY DOES NOT DETER NOISE FROM THEIR ACTIVITIES.

GRANTING THIS PETITION WOULD ECONOMICALLY ADVERSELY AFFECT THE SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE. THIS COMMUNITY IS PREDOMINATELY FAMILY OWNED OCCUPIED HOMES OF OLDER, RETIRED, SENIOR CITIZENS. INTRUSION OF THIS ACTIVITY PETITIONED AS A SPECIAL EXCEPTION WITH MAJOR VARIANCES WILL DISRUPT THE PEACEFUL, QUIET, SERENITY OF THE COMMUNITY. WE WILL ADDRESS THIS ISSUE AND MANY OTHERS AT THE HEARING.

AS A CONCERNED TAXPAYER, VOTER, AND AFFECTED CITIZEN, WE TRUST YOU WILL REVIEW THE EVIDENCE AND FACTS PRESENTED IN LETTERS FROM OTHER RESIDENTS PRIMARILY AFFECTED AND DENY THE SPECIAL EXCEPTION AND VARIANCES PETITIONED.

SINCERELY YOURS,

 Marylea H. Miller
LOUIS W. MILLER & MARYLEA H. MILLER-OWNERS

858-94
2/17/94
Y
to file

RECEIVED

FEB 17 1994

ZADM

10 Edgemoor Road
Timonium, MD 21093
February 9, 1994

2/15/94
To file
✓

Lawrence Schmidt
Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case # 94-271-XA

Dear Mr. Schmidt:

It has come to the attention of my husband and myself that the owners of 42 East Timonium Road have petitioned for a zoning variance in order to operate a day care center that would accommodate up to 40 children. We live on Edgemoor Road which intersects Timonium Road just one house from the property in question. We are opposed to the granting of any zoning variance for the following reasons:

1. 42 E. Timonium Road has less than 1/4 acre of property. Baltimore County requires one acre for a day care center to accommodate 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage. The main focus here should be on the welfare of the young children who need outdoor space for running and playing, not on the success of a business enterprise.
2. The setback at 42 E. Timonium Road falls far short of the Baltimore County requirement for a day care center accommodating 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage.
3. We live in a house with essentially the same floor plan as that of 42 E. Timonium Road. We also have an addition in the back almost as large as theirs. Our fenced in back yard is about twice the size as theirs. I have been a licensed day care mother for 2 1/2 years. Based on these facts, we know that to properly take care of children, 42 E. Timonium Road is really not even large enough for the eight children for which it is currently licensed. To allow more would be detrimental to the welfare of the children.
4. The lack of parking at 42 E. Timonium Road is already causing a hazardous situation with the discharge and pick-up of children. I have witnessed cars parked heading west on Timonium Road in front of the house making U-turns from the house to head east on Timonium Road. After dropping off or picking up their child(ren) drivers most often seem to want to return in the direction from which they came and that often presents a dangerous challenge. In addition, the extremely short driveway is adjacent to a very heavily traveled back entrance to a shopping center and that entrance is adjacent to a very busy gas station. All of these facts indicate that it would be imprudent to allow a business enterprise which would cause a heavy increase in traffic

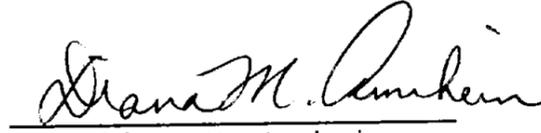
MICROFILMED

5. 42 E. Timonium Road is a residence that is adjacent to a commercial area. We would object to the encroachment of commercial enterprises into our residential neighborhood. Such encroachment would make living in the neighborhood less desirable and ultimately lower residential property values. We have already observed that because of the increased activity of dropping off and picking up children the peaceful nature of the neighborhood has been affected. We have observed an undesirable increase in traffic on our road since this day care operation has started.

We urge you to take these reasons into serious consideration and reject the petition for variance for 42 E. Timonium Road.

Sincerely,


Thomas S. Amrhein


Diana M. Amrhein

RECEIVED

FEB 14 1994

ZADM

February 9, 1994

Mr. Arnold Jablon, Director
ZONING ADMINISTRATION
105 Baltimore County Office Building
Towson, Maryland 21204

2/15/94
761-94
TO LES
file

RECEIVED
FEB 14 1994
ZADM

RE: 42 EAST TIMONIUM ROAD ZONING VARIANCE PETITION
CASE NUMBER 94-271-XA

Dear Mr. Jablon:

I am writing this letter to express my concerns and opinions about the above-referenced request for exceptions to the variances of our neighborhood zoning. Your files should have all of the details of this request, so I will not repeat them here.

As a home owner in this neighborhood, I am adamantly opposed to the variance request for the following reasons:

1. My main concern is the general welfare of my neighborhood and the children entering it. The traffic on Timonium Road is very heavy under normal circumstances, and at this location to request even more children be allowed there is grossly absurd given the current extent of the strain they have put on local traffic at peak rush hours. I drive past this location every evening when returning to my home from work. I have personally observed a large overflow of parked cars, people making illegal U-turns, and people cutting off the normal flow of traffic in an attempt to pick up their children and leave quickly, all of which is endangering everyone on this road. Allowing more children to attend this facility will only exacerbate this already dangerous situation.
2. As a recent new home owner in the community, I chose this location because of the stability of the neighborhood and the strength of the community in resisting zoning changes to keep this a family-oriented safe place to live. I am afraid any changes or exceptions given to the people at 42 Timonium Road would, in the long-term, devalue my home and lower the standard of living in this community.
3. I have to state that I resent that the owners are non-residents who have decided to burden our neighborhood with these children and added traffic. Perhaps these non-residents have discovered that their neighborhood will not tolerate their zoning requests. We should not be forced to tolerate them, either.

Page 2
February 9, 1994
Mr. Arnold Jablon

I hope that you will take my objections into consideration when hearing the above case. If you need to reach me for any reason, my home and work numbers are listed below. Thank you for your consideration.

Sincerely,



George Joseph Treuting
14 Edgemoor Road
Timonium, Maryland 21093
Home: 561-9529
Work: 296-1072

2/11/94
S
to Feb

11 Edgemoor Road
Timonium, MD 21093
February 9, 1994

Lawrence Schmidt, Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case No. 94-271-XA
42 E. Timonium Rd., Timonium, MD 21093

Dear Mr. Schmidt:

I will be unable to attend the zoning meeting Feb. 22nd over the above case. Hopefully this letter will represent my very strong feelings of opposition of the granting approval for zoning that will allow this address to be a business of daycare accepting 13-40 children daily.

To have purchased this residential home for the sole purpose of carrying on a business, to have no pride of ownership, to not live in the home, to have assumed that the community would have no objection to commercialism... has been the height of incorrect thinking on the part of the purchasers.

There is not enough space for the children either outside the building or inside the building. The house is not set back enough from the street. It already has caused congestion and is extremely dangerous with cars parking and pulling out in such an extremely small area on a very busy road. For children to play anywhere near the front or side of the home is asking for trouble, trouble that cannot be repaired! There is a lack of parking for the number of people that have been seen coming and going from this address. This number includes teachers, parents, children, replacement teachers, etc.

I have lived at this location for 33 years and do not want to see a small residential street become commercialized. Granting 42 E. Timonium Rd. the approval for this business would establish precedence for turning the corner to my street. This is unfair to us. (Recently, Smyth's began building upward without the courtesy of notifying the neighbors and we feel we live behind an industrial park at this point. I strongly object to that expansion but have been told by zoning that they don't have to let anyone know if they expand current building and do not add a new building.)

The traffic is being bottlenecked at this address. I tried to read the two signs about zoning and could not because of cars parked in front of the house. Also, traffic will be using Edgemoor Road when they realize it is a shortcut to northern York Road leading to Hunt Valley.

These people were notified before putting in their driveway that they could not use the buffer zone up to the fence that Panitz Builders had put in when Mobile Service Station went in. They paved the area any way and call it "their" property. Our neighborhood was upset when they began "improvements" on the house. The siding looks put up by a 10-year old, the overhang is not level. I don't know if professionals "improved" the home or who they had work on it. Every morning there are six to eight faces at the front picture window waiting for new arrivals. **PLEASE DO NOT GRANT COMMERCIAL ZONING FOR 42 E. TIMONIUM ROAD.** This would be a hardship on many of our residences.

252-3073 (work from 9-3)
252-2509 (home after 3:30)

Sincerely,
Gladys Scesney
Gladys Scesney

RECEIVED

FEB 14 1994

ZADM

“The attempt to follow this procedure creates fundamental and conceptional problems with the generally accepted proposition that if the express conditions necessary to obtain a conditional use are met, it is permitted use because the legislative body had made that policy decision. Does the legislative intent that the use be permitted remain if the conditions are not met but are eliminated by an administrative body granting a variance? Upon such an occurrence, the application for a conditional use becomes dependent upon the granting of the variances. Under those circumstances, the presumption that a conditional use is permitted may well fall by the wayside. The policy that established certain uses as permitted is predicated upon the satisfaction, not avoidance, of conditions. Conditions the legislative body attaches to the granting of a conditional use normally must be met in accordance with the statute - not avoided. In any event, even if such a procedure would pass muster, if the variance process fails, the entire application fails.” Pages 11-12.

II. Subject property does not meet the “uniqueness” standard of B.C.Z.R. 307.1.

Even if this Court does not find that the Chester Haven case supports the proposition that the combination Special Exception/Variance is a bar to approval, there is a second basis upon which it is clear that these variances can not be granted. That is, even if there were no Special Exception requested, it does not appear that the requested variances meet the “uniqueness” standard of B.C.Z.R. 307.1. and Cromwell v. Ward, 102 Md. App. 691 (1995). Here the subject property does not meet the “uniqueness” standard. In the Cromwell v. Ward case, the Court of Special Appeals there stated, again by Judge Cathell, the following:

Quoting 2 Rathkopf, The Law of Zoning Planning:

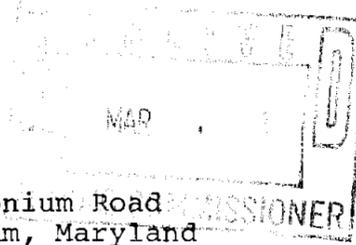
“Where property, due to unique circumstances applicable to it, cannot reasonably be adopted to use in conformity with the restrictions...hardship arises...The restrictions of the ordinance taken in conjunction with the unique circumstances *affecting the property* must be the proximate cause of hardship...[T]he hardship, arising as a result of the act of the owner...will be regarded as having been self-created, barring relief.” Pages 431-32.

Quoting Bowman v. City of York:

“[A] variance [may be granted]...only if strict application of the regulation, because of the unusual physical characteristics of the property existing at the time of

18 Hathaway Road
Timonium, Maryland
21093
February 8, 1994

Mr. Lawrence Schmidt, Zoning Comm.
105 Baltimore County Office Bldg.
Towson, Maryland 21204



RE: 42 Timonium Road
Timonium, Maryland

Dear Mr. Schmidt,

I am writing this letter with great concern in mind,
regarding property at 42 Timonium Road in Timonium.

There are many cars taking and picking up their children at this day care center which has been in existence since September, 1993. These parents have no regard to the very heavy volume of traffic this road carries throughout the average working day. They pull their cars up facing the wrong way and letting the child or children on the passenger side of the car, rather than curb side. All traffic must come to a halt so as not to hit the person or take a door off. As many as eight cars come and go, early in the day and for pick up in the evening rush hour.

There is really no way these people can pull on #42's property because there is only room for about two to three cars and the employees use it for daily parking.

We as residents, look for a terrible accident on or near this property in the very near future. If possible something must be done, or fewer children must be taken in on this property so as not to have something happen that all will regret in the future.

Thank you for your time on this matter.

Yours very truly,

Virginia A. White

Virginia A. White

MICROFILMED

2/10/94
CF
TB
48 East Timonium Rd.
Timonium, MD 21093

747-94

February 7, 1994

Baltimore County Zoning Commissioner
Baltimore County Office Building, Room 106
Towson, MD 21204

RE: #42 East Timonium Road, Zoning Variance Petition
Case No. 94-271-XA

Dear Commissioner:

I am writing you this letter in protest of the above Zoning Variance Petition at #42 East Timonium Road. Since my family and I have resided at #48 East Timonium Road for 26 years, we feel that to allow this action would be very out of place in neighborhood.

Please see my reasons listed below:

1. More accidents would certainly occur at the entrance way to Timonium Shopping Center which is between #42 East Timonium Road and the Mobil Gas Station.
2. Very dangerous traffic situation for children to be dropped-off and picked-up.
3. This home does not sit on a large piece of property, therefore, children do not have a safe place to play outdoors.
4. We don't want businesses to start coming into our nice community that we all have worked hard to preserve even though there are a lot of other business situations going on around us. We have managed so far to keep it at a minimum, even though there is much we cannot control.

I thank you for your time, and hope this matter can be solved in the best interest for everyone involved.

Sincerely,
Patricia Critzer
Patricia Critzer

RECEIVED
FEB 10 1994

ZADM MICROFILMED

2-7-94 753-94
Balto. Co. Zoning Commissioner
Room 106 Balto. Co. Office Bldg.
Towson, Md. 21204

Case No. 94-271-XA

2/10/94
S

Mr. M. Kellman,

We oppose the variance
petition for 42 E. Timonium Rd.
because,

- ① This is a residential area
- ② Traffic is extremely busy
- ③ The property is too small
- ④ There has been no changes
to the residential area since
its development.

Thank You,
Guy A. Kern

Mr Guy A Kern
17 Timonium Rd
Timonium MD
21093

RECEIVED
FEB 9 1994
ZADM

722-94

1/9/94 7 Edgemore Rd
Pomonok, Md 21093
PO Box February 7, 1994

Baltimore County Zoning Commission
Room 106 Baltimore Co. Office Bldg.
Towson, Md. 21284
Case No. 24-471 XA

To whom it may concern:

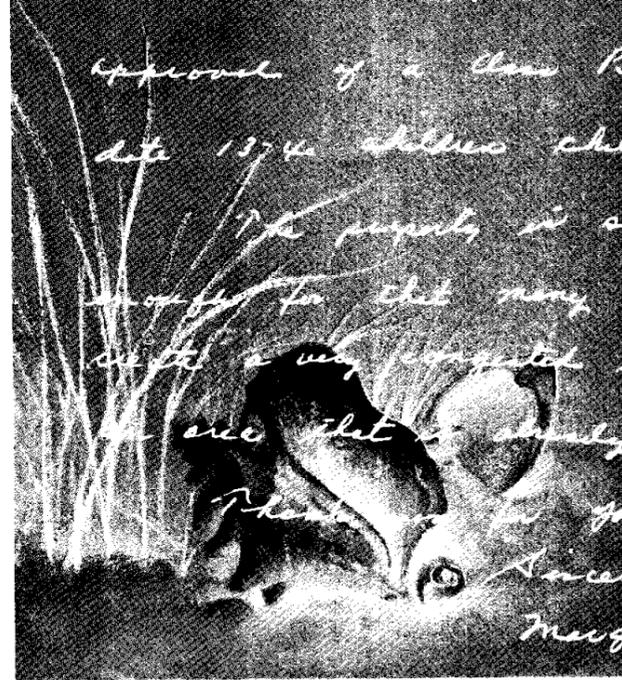
As a concerned home owner in the area, I am strongly opposed to the approval of a Class B zoning to accommodate 1374 children child care home.

The property is simply not large enough for that many children and would create a very congested traffic situation in the area that is already heavily traveled.

Thank you for your consideration.

Sincerely-

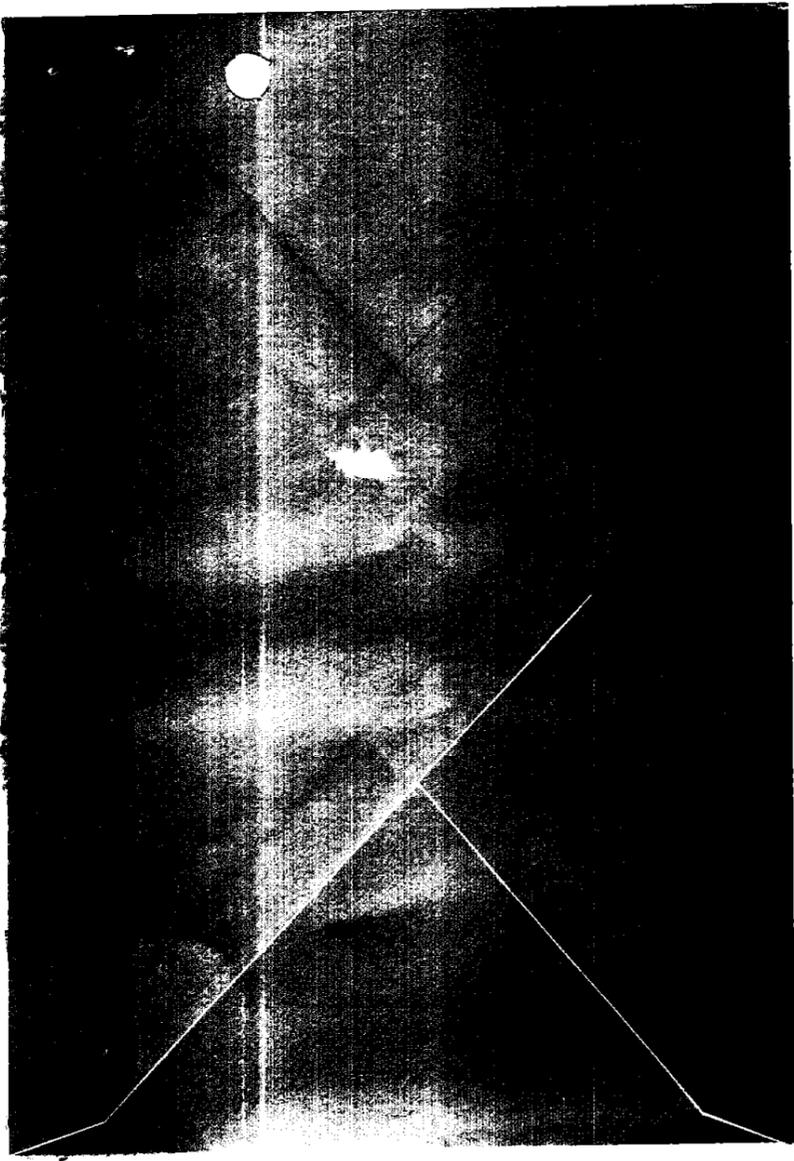
Margaret Rose Skittle



RECEIVED

FEB 9 1994

ZADM



Page Three Abertz
7 Egozine Pl.
P.O. Box 2193



Baltimore Co. County Commission
Room 106
Baltimore Co. Office Bldg
P.O. Box 2193

Case # 94-271XA

2/9/94 2/7/94 720-94
John P. Mannion
37 E Timonium Rd
Timonium Md 21093
252-0468

Baltimore Co. Zoning Commission
Room 106 Baltco Office Bldg
Towson Md. 21284 RE: CAS No 94-271-XA

Dear Sir:
As long time residents, we are seeking your help concerning 42 E. Timonium Rd. Timonium Md. Should these conditions be allowed to be maintained or increased, we are unaware of what may happen. Already cars, vans, and trucks are parking on the wrong side of Timonium Rd. to drop off and pick up children at the most heavy congested time of day namely the AM. PM break hours and pulling back into traffic by crossing over to the proper lane.

With these children at day care rooms, will cars pick up at peak times, etc.? Should these conditions be allowed, we fear the loss of our quiet community.

What is happening is a nuisance to everyone, please confer graciously, we look to you.

MICROFILMED

Sincerely,
John P. Mannion
James E. Mannion

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FEB 9 1994

ZADM

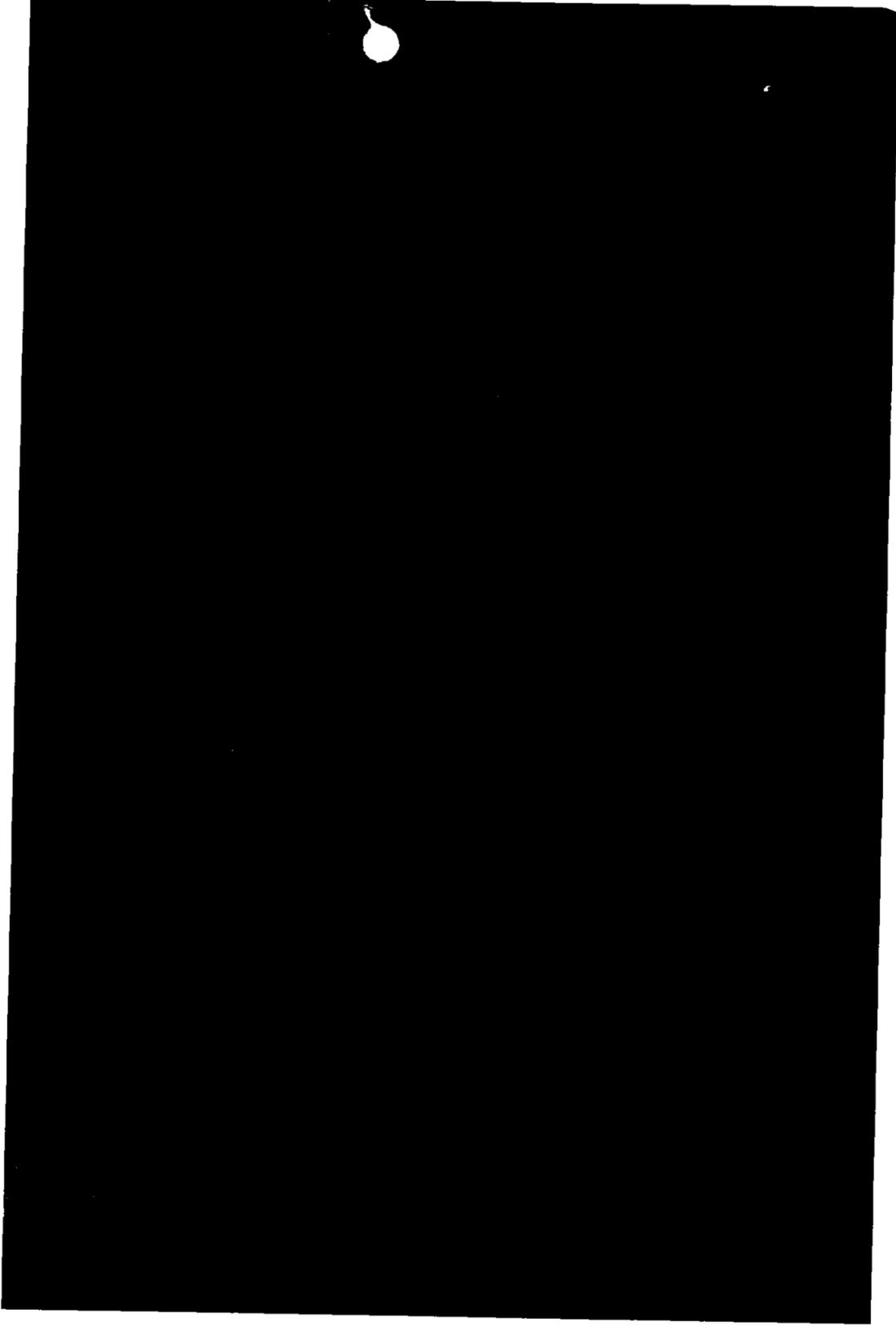
Feb. 7, 1995

Board of Appeals
Old Court House
408 Washington Ave.
Baltimore, Md. 21204

95FEB-9 PM 2:27

I am writing to oppose the attempt to have a class B Day Care Center at 42 E. Timonium Rd., Case No. 94-271-XA. The property is too small for this type of business, and I have observed from my house at 46 E. Timonium Rd. a problem with parking, traffic backup and U-turns on Timonium Rd. during afternoon rush hour.

Yours truly,
Donald I. Heath



16 Edgemoor Road
Timonium, Maryland 21093
February 10, 1995

Balto. Co. Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance Petition

To Whom It May Concern:

Approximately 7-1/2 years ago, prior to purchasing our home in the Haverford community, the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism which eventually destroys the very fabric of the community. We the tax paying property owners and residents have the right to say "no" to those who would destroy our community and life style in order to satisfy their financial greed.

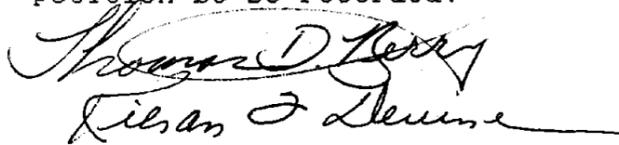
If it were not for the fact that a variance of such magnitude was actually being petitioned, it would be ludicrous that a piece of property 9,263 sq. ft. would be considered acceptable for a Class B Group Child Care Center for 40 children. The law requirement is 1 acre, or better stated, 43,560 sq. ft.

The Petitioners are requesting variance of 34,297 sq. ft. which is a 78.7 percent variance and the waving of the required 50 foot setback and 20 foot vegetation buffer.

If these variances were to be approved it would mean that zoning laws are not worth the paper on which they are written and the hardworking tax payers, the backbone of a stable community, and particularly those residences adjacent to and in the immediate vicinity of the subject property got screwed again by unresponsive and irresponsible bureaucrats.

We emphatically oppose encroachment of commercialism of any kind beyond the existing zoning boundaries. There is absolutely no justification for any acceptions to the existing zoning classification and boundaries.

We hereby request that our opposition to the subject variance petition be so recorded.



Thomas D. Berry
Kieran F. Devine

95 FEB 23 PM 12:47
COUNTY CLERK'S OFFICE

Baltimore County
Board of Appeals
Old Courthouse, Rm.49
400 Washington Avenue
Towson MD 21204

43 Greenmeadow Drive
Timonium MD 21093
February 12, 1995

RE: case 94-271-XA

95 FEB 21 11:26

To Board Members:

As you will see from the case #, this letter concerns my opposition to the former petition for use of 42 East Timonium Road as a Class B Group Child Care Center for 40 children. This had been DENIED in September 1994 and is being appealed at this time.

This short stretch of Timonium Road is so terribly congested RIGHT NOW, it is frightening (and disgusting) to think of trying to safely manipulate cars through the added congestion of people trying to drop-off their children in the morning and pick-up in the afternoon... forty children!!! This house is a good block from York Road, and cars must go past the very busy Farm Store on the left, and the entrance to a small shopping center on the right, as you come up to the traffic light at York Road. We already are backed up past the Farm Store just waiting for the light! I cannot imagine 40 more cars thrown in here at the busiest times!!! Even this gasoline station is difficult to get into and back out onto Timonium Road, which really is a main thoroughfare in this community.

I hope you understand, my opposition is due to 1) the traffic congestion getting to a dangerous level for motorists in this community, and 2) the safety also of the children being dropped off. It would be good if you came to this short stretch of Timonium Road during the early morning and late afternoon hours to see for yourself. Incidentally, we park on both sides of these streets. This is tolerable at present; but I do not want my entire community turned upside down, and endangered by being even more congested, because someone from out of the area wants to use a private home instead of a commercial building. It seems to me that more than half a dozen children is definitely commercial; in my opinion, as a mother, grandmother, and Registered Nurse, 40 children is no longer a family-day-care-setting and should not be inserted into a residential area. THIS HOME IS ZONED RESIDENTIAL.

These kinds of commercial endeavors should be directed toward the many vacant buildings and store-fronts that occur in our surrounding extended area. Perhaps someone in Zoning

Jan 31. 1995

Yorksua. Harford, Newsletter
at Mrs. Redden Beakell

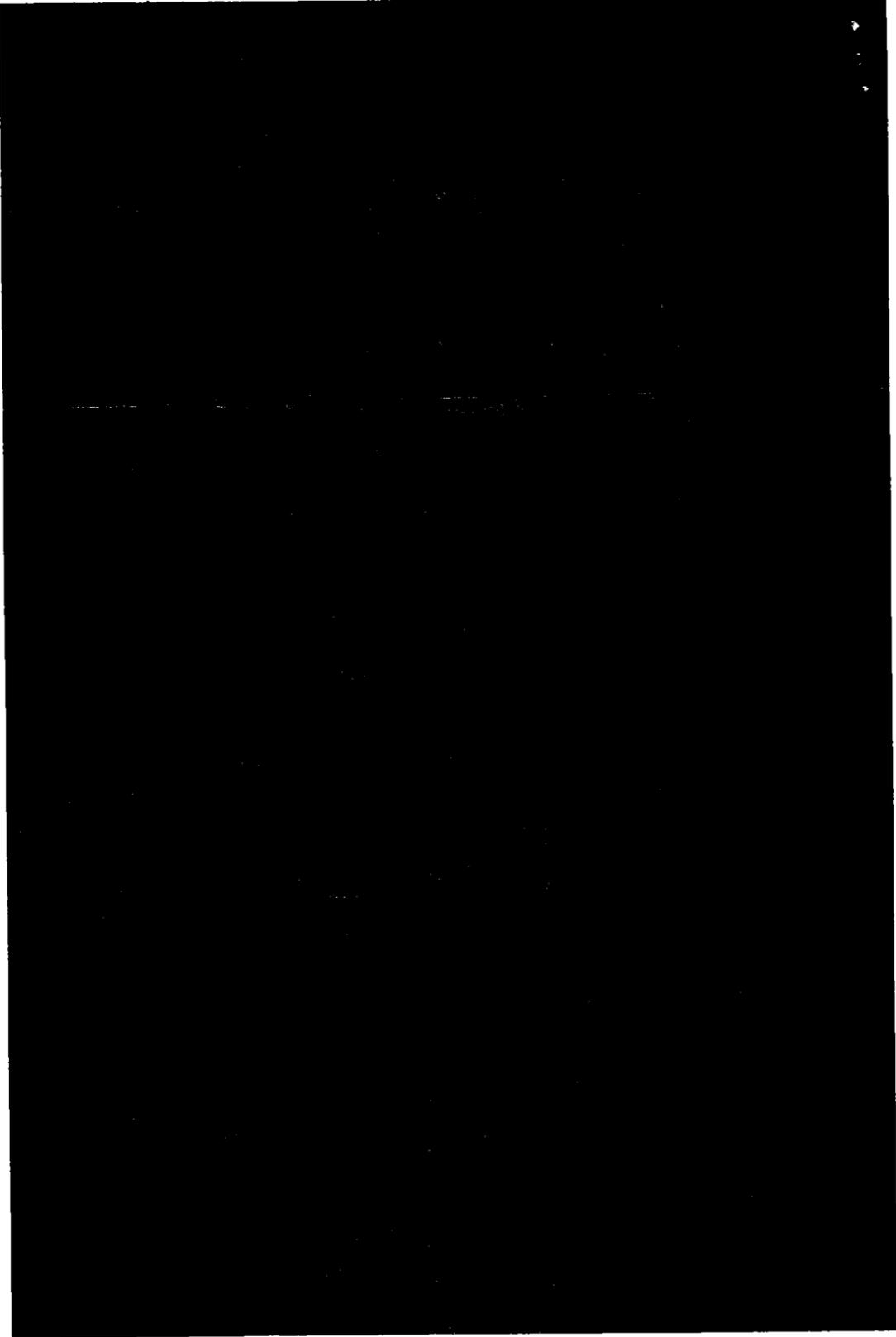
Dear Ms. Beakell.

I'm enclosing check for \$10.00 for
a donation for the trust in Feb. Sorry
I can't afford any more as I'm a
widow on a fixed income.

Sincerely,
Lillian E. Rockett
18 Northwood Drive
Timonium, Md.
21093-4216

95 FEB -9 PM 2:27

COUNTY CLERK



the enactment [of the zoning ordinance], 'would result in peculiar and exceptional practical difficulties.'" Pages 434-35.

Quoting Shafer v. Board of Appeals:

"There was no evidence...regarding 'soil conditions, shape or topography of [the property] but not affecting generally the zoning district in which it is located....' The...argument that the insufficient width...constitutes a special circumstance of 'shape' is unpersuasive, particularly as the deficiency is one which they themselves produced through subdivision of the land they originally owned at a time when the 125 foot width requirement pertained." Page 435.

Quoting St. Clair v. Skagit County:

"The Court added that 'the 75-foot width and aggregation requirements do not put a burden on [appellant's] property which does not apply to other properties in the vicinity...'

Continuing in Cromwell: "In the case sub judice, the Baltimore County fifteen foot height limitation for accessory buildings does not affect Ward's property alone; it applies to all of the properties in the neighborhood." Page 435.

Quoting Xanthos v. Board of Adjustment:

"...in order to justify a variance...the applicant [must] show...that there are special conditions with regard to the property...:

'What must be shown...is that the property itself contains some special circumstance that relates to the hardship complained of....

'...The property is neither unusual topographically or by shape, nor is there anything extraordinary about the piece of property itself. Simply having an old building on land upon which a new building had been constructed does not constitute special circumstances.'" Page 436.

Quoting Prince William County Board of Zoning Appeals v. Bond:

"...the hardship allegedly created by the ordinance must 'not [be] shared generally by other properties in the same zoning district and the same vicinity....' [It then held] 'The limitation imposed by the zoning ordinance is one shared by all property owners in the A-1 district.' Page 437.

Jan - 28, 1995

Re: Case #94-271XA

Dear Sir or Madam:

I am writing to support
the upholding of the denial
of the petitioners in this case.

Our family worked for
years - and sacrificed - to
buy a home in Simonium.

Like so many homeowners
here, we do not wish to have
businesses of any kind in
our neighborhood.

Thank you,

Karie Firoozmand

Number One Mom



© William Cogan

From the desk of:

FRAN WILLARD

RE: Case # 94-271XA

As a life long resident of Balto. County
I most strongly oppose the
petition for a 40 Child Care Center at
42E Timonium Road. With that
small house and lot they would
have to stack the kids on top of
each other. Don't forget the traffic
on Timonium Road.

Timonium has always been a
nice place to live - we all want
to keep it that way. We don't want
Commercial in the middle of our
Community. Strangers may think
this is a small thing - but we who
have spent 40 years and more here
love our homes and the Community

Sincerely

Mrs. Frances Willard
51 Belfast Road

100-1-1-100

RECEIVED

95 JAN 26 PM 12:37

January 21, 1995

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Case #94-271-XA

Board of Appeals:

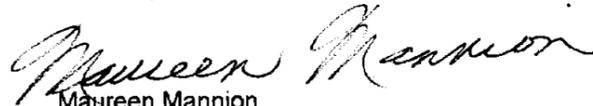
The petition wants to allow 40 children to occupy a rancher with no basement and no where near the specified requirements.

Timonium Road traffic is presently overwhelming at the times these little ones would be delivered and retrieved.

My home is across the street from 42 E. Timonium Rd and having resided here over 35 years, I tell you the neighborhood cannot accept this burden.

I ask you if you can satisfactorily explain why this encroachment should be granted. Where is the fairness? The children enrolled are not from this area, and there are more than enough facilities available elsewhere. So, who are endangered?----- the children and the residents. Please deny the petitioners, Fatemeh Falami and Mohammad Haerina.

Sincerely,



Maureen Mannion
37 E. Timonium Rd.
Timonium, Maryland 21093

95 JAN 27 PM 12:03

January 24, 1995

Zoning Commissioner
BALTIMORE COUNTY BOARD OF APPEALS - CASE 94-271XA
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

95 JAN 26 PM 12:37

RE: 42 EAST TIMONIUM ROAD ZONING VARIANCE PETITION
CASE NUMBER 94-271XA

Dear Commissioner:

I am writing this letter to express my concerns and opinions about the above-referenced request for exceptions to the variances of our neighborhood zoning. Your files should have all of the details of this request, so I will not repeat them here.

As a home owner in this neighborhood, I am adamantly opposed to the variance request for the following reasons:

1. My main concern is the general welfare of my neighborhood and the children entering it. The traffic on Timonium Road is very heavy under normal circumstances, and at this location to request even more children be allowed there is grossly absurd given the current extent of the strain they have put on local traffic at peak rush hours. I drive past this location every evening when returning to my home from work. I have personally observed a large overflow of parked cars, people making illegal U-turns, and people cutting off the normal flow of traffic in an attempt to pick up their children and leave quickly, all of which is endangering everyone on this road. Allowing more children to attend this facility will only exacerbate this already dangerous situation.
2. As a recent new home owner in the community, I chose this location because of the stability of the neighborhood and the strength of the community in resisting zoning changes to keep this a family-oriented safe place to live. I am afraid any changes or exceptions given to the people at 42 Timonium Road would, in the long-term, devalue my home and lower the standard of living in this community.
3. I have to state that I resent that the owners are non-residents who have decided to burden our neighborhood with these children and added traffic. Perhaps these non-residents have

10 Edgemoor Road
Timonium, MD 21093
February 6, 1995

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case # 94-271-XA

Gentlemen:

It has come to the attention of my husband and myself that the owners of 42 East Timonium Road have appealed the ruling against their petition for a zoning variance in order to operate a day care center that would accommodate up to 40 children. We live on Edgemoor Road which intersects Timonium Road just one house away from the property in question. We are opposed to the granting of any zoning variance for the following reasons:

1. 42 E. Timonium Road has less than 1/4 acre of property. Baltimore County requires one acre for a day care center to accommodate 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage. The main focus here should be on the welfare of the young children who need outdoor space for running and playing, not on the success of a business enterprise.
2. The setback at 42 E. Timonium Road falls far short of the Baltimore County requirement for a day care center accommodating 13 to 40 children. The reasons for this requirement are also valid. The county should not relax this standard to accommodate a business enterprise.
3. We live in a house with essentially the same floor plan as that of 42 E. Timonium Road. We also have an addition in the back almost as large as theirs. Our fenced-in back yard is about twice the size as theirs. I have been a licensed day care mother for 3 1/2 years. Based on these facts, we know that 42 E. Timonium Road is really too small to properly care for the eight children for which it currently licensed. To allow more would be detrimental to the welfare of the children.
4. The lack of parking at 42 E. Timonium Road is already causing a hazardous situation with the discharge and pick-up of children.

I have witnessed cars parked heading west on Timonium Road in front of the house making U-turns from the house to head east on Timonium Road. After dropping off or picking up their child(ren) drivers most often seem to want to return in the direction from which they came and that often presents a dangerous challenge.

My husband and I have witnessed cars and vans parked very close to the back entrance for the shopping center while dropping off or picking up children. This makes it very difficult to see oncoming traffic on Timonium Road when exiting the shopping center.

The driveway for the property is short and narrow. Vehicles using it generally back out onto Timonium Road. This can be dangerous at any

COMMUNICATIONS SECTION
95 FEB -8 PM 2:30

18 Hathaway Road
Timonium, Maryland
Timonium, Maryland
21093
January 23, 1995

Board of Appeals, Baltimore County
Old Courthouse, RM 49
400 Washington Avenue
Towson, Maryland 21204

R: 94-271XA

To Whom it May Concern:

My reason to this appeal is quite simple. This being for the safety of the children being released from vehicles at 42 E. Timonium Road.

These children are being let out of vehicles and also boarded from the opposite side of E. Timonium Road. Parents pull up to the property in any and all directions.

My other concern, is that when people get permits for their properties they seem to lie when doing so. In which case this has been true to form with Fatemeh Falahi and Mohammad Haerian.

What they are now requesting is more footage which this property does not have. I am appalled that anyone would ask for what they do not have in footage. It also bothers me that no one from Baltimore County checked out this property from time to time to see just what was taking place.

Yours very truly,
Virginia White
Virginia White

95 JAN 25 PM 1:11

. Doug Riley

Jan. 19, 1995

Gentlemen:

We are opposed to a day care facility at 42 Timonium Rd, not only because this is a residential community, but this house is not adequate for 40 children. The yard is too small as a play area for 40 children. Children also have been able to get out of fenced-in yards. Should this occur in this high traffic area, children could be killed. We feel this is an unsafe environment for 40 children.

Yours truly,

Mr. & Mrs. Robert Patterson
19 Hathaway Rd.
Timonium, Md. 21093

RECEIVED
COUNTY CLERK OF ARLAND

95 JAN 24 PM 1:36

95 JAN 24 PM 1:36

January 22, 1995

County Board of Appeals
Old Courthouse Room 49
400 Washington Ave.
Towson, Maryland 21204

Re: Case No. 94-271-XA
Petitions for Special Exception
and Variances
42 E. Timonium Rd.

County Board of Appeals:

I am writing in opposition to permit a Class B Group Child Care Center for 40 children in our residential community. The appeal should be denied since 42 E. Timonium Rd, does not consist of 1 acre but only 9268 sq. ft. and the impervious surface is 38% of gross area in lieu of maximum 25%.

Also, the traffic generated with 40 cars arriving, parking, and departing to drop off and pick up children at peak traffic times in AM and PM will be detrimental to health, safety and general welfare of the children, drivers and passengers of the commuters.

The law frequently refers to what a prudent man actions should be. To remodel and erect an addition without obtaining the necessary authorization for a child care center with 40 children is not prudent.

Based on the aforementioned facts, I respectfully request the Appeal Board to deny the petitions for special exception and Variance for a Class B Group Child Care Center at 42 E. Timonium Rd.

Yours truly,


John P. Mannion
37 E. Timonium Rd.
Timonium, Md. 21093



Mrs. Grace Wheeler
61 Gerard
Timonium, 21093

GERARD H. WHEELER

Jan 19, 1955

94-271-XA

To Whom it may concern.

I am writing in regard to the day care center on Timonium Rd. We are against it. Tim. Rd is zoned for family dwelling not for business ventures. Tim Rd is as busy as York Rd, the traffic is very bad now. With 40 children in this dwelling it means 40 cars dropping them off & picking them up. This will only add to the already dangerous situation.

Mrs. Grace Wheeler

95 JAN 23 PM 12: 21



1/20/95

Balto. Co. Board of Appeals - case 94-271X A
Dear Sirs:

I am certainly in opposition to the appeal of Fatimah Farahi and Mohammad Haerian for zoning and special exception for permit Class B child care center.

The home owners in this area have a large investment in their properties and allowing a Day Care Center in this area will certainly depreciate their investment.

I feel our zoning laws should be a protection to each of us

and no exceptions which will be
detrimental to our neighborhood
should be allowed.

Sincerely yours,
Lucie A. Plate

95 JAN 23 PM 12:21

Quoting McQuillin, Municipal Corporations:

"It is fundamental that the difficulties or hardships must be unique to justify a variance; they must be peculiar to the application of zoning restrictions to particular property and not general in character...[I]t is not uniqueness of the plight of the owner, but uniqueness of the land causing the plight, which is the criterion...."
Page 438 (Excerpt of quotation).

Judge Cathell concludes:

"We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it always has been - a property's peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance's more severe impact on the specific property because of the property's uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists." Page 439.

Quoting Ad+ Soil, Inc., v. County Commissioners:

"The essence of Ad+ Soil's argument...is that the setback requirements ...would cause...unwarranted hardship because it had obtained its first state permit and constructed its transfer station before it learned of these local requirements...The Board declined to grant the variances, concluding that the Ad+ Soil's 'hardship' was self-inflicted...and therefore not the kind of hardship cognizable under the Zoning Ordinance." Page 439.

Quoting Pollard v. Board of Zoning Appeals:

"Self-inflicted or self-created hardship...is never considered proper grounds for a variance...[W]here the applicant creates a nonconformity, the Board lacks power to grant a variance." Page 439.

Judge Cathell concludes:

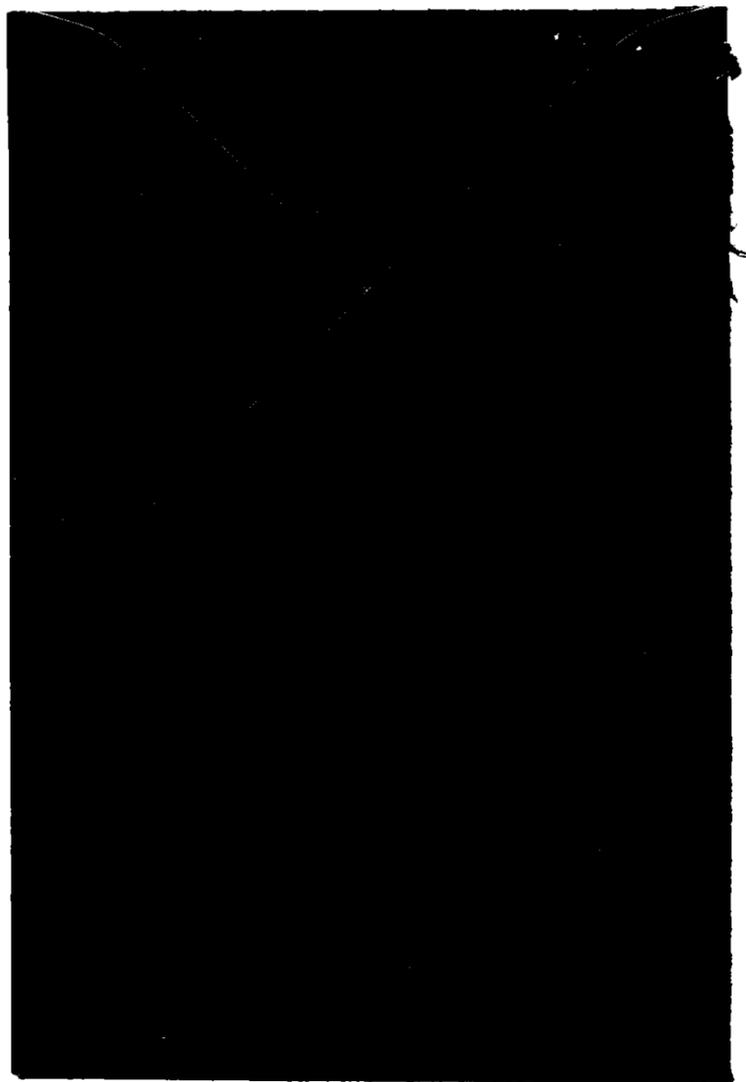
"Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted."
Pages 439-40.



Mrs. Robert B. Plate, Sr.
64 Belfast Road
Timonium, MD 21093

Balto. Co. Board of Appeals
Add. Court House, Room 49
400 Washington Ave.
Towson, Md 21204





7 Edgemoor Rd
Pencroft, Md. 21093

January 18, 1995

Baltimore County Board of Appeals (Case 94-97144)

To zoning Commission:

As a homeowner at 7 Edgemoor Rd., I strongly oppose the attempt to have a Class B Day Care Center at 42 E. Pencroft Rd. This is primarily a residential neighborhood and the addition of the aforementioned Day Care Center will not only commercialize our property, but generate a heavy traffic situation in the area which is heavily traveled as it stands.

I therefore petition that the proposal is permanently denied!

Sincerely,

Margaret Todd Skittle
(Mrs Robert Todd)

COUNTY BOARD OF APPEALS

95 JAN 19 AM 11:51

RICHARD JARVIS HUFFMAN
35 Cinder Road, Timonium Maryland 21093

.....

January 18, 1995

Baltimore County Board of Appeals Case 94-271XA
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

887-3180

I oppose granting of the variations requested for 42 E. Timonium Road because the commercialization of parts of the residential community will result in undesirable changes to the residential environment such as increased traffic (at an intersection already congested by the access to a major shopping center parking lot), possible increased exposure to crime in our neighborhood by unnecessary attraction of business traffic to otherwise residential streets, increased tendency of speculators to see our residential area as decaying and hence be encouraged to further attack our core residential properties, etc.

All of these probable developments would constitute erosion of my and my neighboring residents' property values, increase crime and traffic dangers in the community and pose a danger even to the children who are proposed to be cared for at the child care center.

I would appreciate being placed on the list for communications regarding the matter.

Sincerely,

Richard Jarvis Huffman

*noted
file
1/29/95.
Sent copy of
1/29/95 noted*

95 JAN 23 PM 12:21
COMMUNICATIONS SECTION

Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

February 21, 1995

To whom it may concern,

Regarding **Appeals Case 94-271XA**: As a home owner and a resident of the Yorkshire-Haverford community I would like to express strong opposition to the requested zoning change/variances requested in case 94-271XA.

My primary concern is that of commercial encroachment into our residential community. To replace a residential property with a non-residential property would set a precedent to our area. More neighborhood homes would be bought solely as commercial properties, likely by business persons from outside our community, and not as homes for families. A re-zoning would also instantly reduce our property values, affecting most those families between established commercial properties and the property at issue, as well as those properties directly adjacent to this property.

Another major concern is that of traffic safety. The Timonium Road corridor between York and Edgemoor roads is an extremely busy section of road. Through traffic, local business traffic, as well as many neighborhood residents commuting in the immediate vicinity provide a huge amount of traffic along this part of Timonium Road. Having curbside pickup and discharge of up to 40 children per day, twice per day, is unconscionable. It would create traffic problems with 40 parents/guardians pulling in and out of on street parking into both east and west bound traffic at peak traffic periods. This traffic, combined with the on street parking also presents unreasonable physical risk as well as passing motorists.

Finally, with the many zoning variances that are required of this re-zoning request, including highly reduced required setbacks and required physical lot size reductions, it is clear that this property is residential, and not suited to any commercial use.

Thank you for your consideration of these concerns.

Sincerely,



John A. Johnston
24 Greenmeadow Drive
Timonium, MD 21093

95 FEB 23 PM 12:41

COUNTY BOARD OF APPEALS

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE REGULAR MEETING OF THE GREATER TIMONIUM
COMMUNITY COUNCIL HELD ON AUGUST 21, 1994, IT WAS
DECIDED BY THE COUNCIL THAT THE RESPONSIBILITY FOR
REVIEW AND ACTION ON ALL ZONING MATTERS, FROM AUGUST 21, 1994
UNTIL CHANGED, BE PLACED IN THE BOARD OF DIRECTORS
CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

95 OCT 19 PM 1:13

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

Josephine J Owen
SECRETARY

Eric Rockel
PRESIDENT

GTCCRSLN
R1

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

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| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

SECRET
AUG 21 1994

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

Josephine J. Owen
SECRETARY

Eric Rockel
PRESIDENT

GTCCRSLN
R1

GTCCRES2

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT THE POSITION OF THE GREATER TIMONIUM COMMUNITY COUNCIL AS ADOPTED BY THE BOARD OF DIRECTORS ON THE ZONING MATTER KNOWN AS:
BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

95 OCT 19 11:16 AM
COMMUNITY DEVELOPMENT

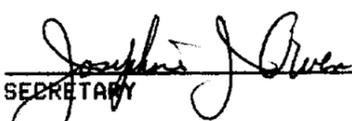
IS THAT:

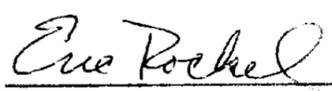
1. OPPOSED TO PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:

GREATER TIMONIUM COMMUNITY COUNCIL


SECRETARY


PRESIDENT

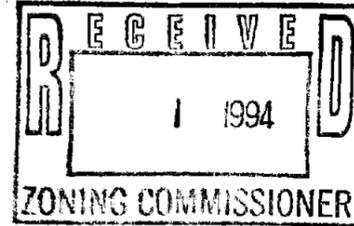
GTCCRES2

File

LOUIS W. MILLER, PROTESTANT'S COORDINATOR
44 E. TIMONIUM RD.
TIMONIUM, MD. 21093 (252-3444)

JUNE 29, 1994

TIMOTHY KOTROCO, DEPUTY ZONING COMMISSIONER
OFFICE OF THE ZONING COMMISSIONER
400 WASHINGTON AVENUE
TOWSON, MD. 21204



RE: CASE NO. 94-271-XA, FATEMA FALAHY & MOHAMMAD HAERIAN, PETITIONERS
PETITION FOR SPECIAL EXCEPTION AND VARIANCE

PROTESTANTS' REQUEST FOR RESCHEDULE OF REASSIGNMENT SCHEDULE HEARING
DATE OF FRIDAY, JULY 22, 1994, 9:00AM CONTAINED IN "NOTICE OF REASSIGNMENT"
LETTER DATED JUNE 17, 1994, OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT
MANAGEMENT.

DEAR MR. KOTROCO:

PURSUANT TO MY TELEPHONE CONVERSATION WITH YOU ON JUNE 20, 1994 RELATING
TO THE ABOVE MATTER, THE COMMUNITY PROTESTANTS REQUEST A RESCHEDULE OF THE
JULY 22, 1994 HEARING DATE FOR THE FOLLOWING REASONS:

1. REPEATED CALLS TO THE ZONING OFFICE FOR RECEIPT OF REVISED PLOT PLANS
OR OTHER INFORMATION TO THE FILE THROUGH JUN 27, 1994 WERE ANSWERED
IN THE NEGATIVE SINCE THE MAR. 10, 1994 HEARING. PROMISES WERE
MADE TO NOTIFY US IF REVISIONS WERE FILED. NO NOTIFICATIONS WAS RECEIVED.
2. ON JUNE 28, 1994 INCLUSIONS IN THE FILE WERE ACKNOWLEDGED TO US.
A VISIT TO THE ZONING OFFICE ON JUNE 28, 1994 CONFIRMED EARLIER
ACTIONS ON MAY 11, JUNE 8, AND JUNE 13, 1994
3. SUFFICIENT TIME IS NOT NOW ALLOWED TO RESEARCH AND PREPARE OUR
OBJECTIONS AND COMMENTS TO THE REVISED PLANS.
4. AS OF JUNE 28, 1994 NONE OF THE REVISIONS HAVE BEEN DISTRIBUTED TO
COUNTY DEPARTMENTS FOR COMMENTS AS REQUIRED FOR REVISIONS AND
AMMENDMENTS TO PLANS.
5. MR. TANCZYN'S ASSUMPTION IN HIS LETTER DATED MAY 11, 1994 IN THE FILE
THAT THE PROTESTANTS' CASE WAS HEARD IN ENTIRETY THE LAST TIME IS
INCORRECT. ADDITIONAL TESTIMONY WILL BE GIVEN ON THE ORIGINAL PETITION
AND WHEN WE HAVE HAD SUFFICIENT TIME TO REVIEW THE AMMENDED PLANS AND
HEARD PETITIONER'S TESTIMONY, WE REQUEST EQUAL TIME FOR REBUTTAL.
6. AS PRINCIPAL COORDINATOR FOR THE PROTESTANTS, I AM UNAVAILABLE FOR
PERSONAL REASONS ON THE JULY 22, 1994 DATE.
7. KATHY BEADEL, PRESIDENT OF YORKSHIRE COMMUNITY ASSOCIATION, PROTESTANTS
IS UNAVAILABLE DUE TO VACATION PLANS ON THE DATE SCHEDULED.
8. DIANA ETTER, BALTIMORE OFFICE OF PLANNING AND ZONING, IS UNAVAILABLE
DUE TO WORK SCHEDULES IN JULY BUT CAN BE AVAILABLE IN LATE AUGUST.
9. A SURVEY OF OTHER COMMUNITY PROTESTANTS WHO TESTIFIED INDICATES MOST
ARE NOT AVAILABLE FOR THE JULY 22, 1994 DATE.

LTR mailed 2/2/94

8 Edgewood Road
Simonium, Md 21093
February 5, 1994

ARNOLD JABLON, DIRECTOR
ZONING ADMINISTRAT'N
105 BA CO OFF BLDG
TOWSON, MD 21204

Patrick Keller, Director of Planning
and

RECEIVED

FEB 18 1994

To Whom IT MAY CONCERN:

ZADM

It has come to our attention that residents of 42 E. Simonium Road are in violation of the original Code set forth for this Community. As we understand that over 30 participants will be involved, traffic with unloading and loading of children will cause much congestion on our street as well as Simonium Road. We are experiencing much more traffic in the morning and in the evening than we ever had before. Additional traffic problems are just too much for our neighborhood to take.

As residential property owners we see the additional burden to our peace and tranquility of our street will serve to be an annoyance to our neighborhood.

Earle L. Whitaker Jr.
Virginia E. Whitaker

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +271 (MTK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for *DAVID N. RAYSEY, ACTING CHIEF*

~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Xanthos v. Board of Adjustment:

“...although the dwelling itself prior to the construction of the duplexes was a nonconforming use and was therefore entitled to be maintained as it was absent new construction, city ordinances and policy did not allow the structure to be made illegal or more nonconforming b additional construction.”

In the Matter of Umerley Circuit Court for Baltimore County (Byrnes, J.):

“Uniqueness cannot be created by the owner.” Page 6.

“There is nothing unusual about the shapes of lots 2 and 5. They are rectangles.” Page 9.

In addition, this Board of Appeals sitting In the Matter of Gordon L. Harrison Case number 95-280-XA, analyzed this issue in a similar request for a group child care center in the Essex area of Baltimore County. In that Opinion, rendered on September 28, 1995, the Board found, in rejecting the Petition for Special Exception and for a Variance the following: “Class B group child care centers are permitted [in a DR- zone] by Special Exception, provided that the Zoning Commissioner determines during the Special Exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained...” The fact that compliance with the bulk standards will not be maintained precludes the Board from granting the Special Exception.

The Board also found in that case that the variances may be granted under Cromwell only if strict application of the regulation due to unique circumstances would result. In that case they found the subject property was a parcel similar in shape, size, and appearance to many other parcels in the area.

Such is the case here. A review of the testimony of Louis Miller will result in the conclusion that 42 East Timonium Road is no different than many other lots in Haverford subdivision. It is also

Case # 94-271 XA
Fatemeh Falahi

Case # 94-271 XA

Fatemeh Falahi

Petitioner - Applicant's Exhibits

✓ Legal Ex. #1 - File from DZC.

✓ Legal Ex. #4A-D - Series of attached photos of subject property

✓ Applicant's Exhibits 1-10 are those in the file from the DZC hearing.

✓ Legal Ex. #11 - Amended Plat

✓ Legal Ex. #12 - Plat of Havenford.

✓ Legal Ex. #13 - Two Photos (with R. Ryd.) 2/25/95

✓ " #14 - Panoramic View from Station + Exit to Stg.

✓ " #15 - " " Driveway to Sub Site!

✓ " #16 - Four Photos (Fence + Bottle)

✓ " #17 - Three Photos (Exit to Stg. Ct.)

✓ " #18 - Panoramic View (Stg. Ct. + Back)

✓ " #19 - Panoramic View (Sub. Site, etc., Blue fence

✓ " #20 - Panoramic View (from Stg. Ct. near to Jim's

✓ " #21 - Photo of 7/3/95 of fence in rear of property + buffer.

✓ " #22 - Photo of station, stakes on prop. line.

✓ " #23 - Amended Application from M. Janeygo

✓ 24A - Photos - from driveway of subject property

✓ 24B - Photos - to show driveway and that parking is permitted

✓ Verified 7/12/95

Verified 10/04/95

Ech 27 B

7D

27B

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBIT ATTACHED

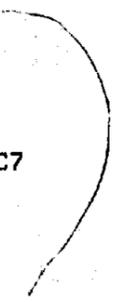
EXHIBIT _____

PHOTO TAKEN ON JULY 11, 1995 APPX 5:30PM, BY M. MILLER.

1. PHOTO SHOWS PARENT PARKED ON EAST SIDE OF TIMONIUM RD. AND WALKING FROM WEST TO EAST AND STOPPED BY TRAFFIC WITH SMALL CHILD FROM FAMILY DAY CARE HOME AT 42 E. TIMONIUM RD.



FILE: 94271PC7



Child Care Center Inspection Report
SUMMARY OF FINDINGS

| | | |
|---|---|-----------------------|
| Center: <i>Fatemeh Falaki-Haerian</i> | | Date: <i>12-16-92</i> |
| 1. | Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit |
| 2. | Record additional comments following enumeration of regulations. | |
| <p><i>A preliminary site inspection was completed today. Ms. Fatemeh Falaki-Haerian requested the inspection. She is currently a family child care provider, residing at 10630 Pot Spring Rd, 21030, 410-3540. The prospective center is located at 42 Timonium Rd, 21093. The building is a ranch house, with no basement. It is part brick and part wood frame. It is approximately 30-40 years old. The rear patio is going to be rebuilt into a large room. The room will be wood construction and there are plans to have a bathroom with toilet, sink, shower and diapering area. The building has public water and sewage. The heat is gas heat.</i></p> | | |

Louis A. Plena Jr.
Signature of Agency Representative

Fatemeh Falaki-Haerian
Signature of Person Interviewed

Child Care Center Inspection Report
SUMMARY OF FINDINGS

| Center: <i>Fatemeh Falaki-Hariri</i> | | Date: <i>12-16-92</i> |
|--------------------------------------|--|-----------------------|
| 1. | Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit |
| 2. | Record additional comments following enumeration of regulations. | |
| | <i>Mrs. Falaki-Hariri would like to open a center for 15 to 20 children, ages 3 to 6 years.</i> | |
| | <i>The center would operate Monday through Friday, from 7 AM to 6 PM. The center will supply milk and snacks. Children will bring their lunches.</i> | |
| | <i>The home has a living room, kitchen, 3 bedrooms, laundry & furnace room, and bathroom.</i> | |
| | <i>An addition is planned for the rear of the home.</i> | |
| | <i>Plans are to use the living room area and the addition for child care. The living room measures for 9 children.</i> | |
| | <i>GROSS MEASUREMENTS:</i> | |
| | <i>25.5 x 11.83 = 301.67 ÷ 35 = 8.62 = (9)</i> | |
| | <i>This is before any deductions are taken.</i> | |
| | <i>The room has a door at the front and rear of the home (the rear door will lead into the addition). The rear wall</i> | |

Louis P. Cheloni Jr.
Signature Of Agency Representative

Fatemeh Falaki-Hariri
Signature of Person Interviewed



Child Care Center Inspection Report
SUMMARY OF FINDINGS

| Center: <i>Fatmeh Falahi Home</i> | | Date: <i>12-16-92</i> |
|--|------------|-----------------------|
| 1. Record violations and discussions by regulation section, including agreed upon compliance dates, if applicable. | Time Limit | |
| 2. Record additional comments following enumeration of regulations. | | |
| <i>The addition will measure approximately</i> | | |
| <i>15.83 X 35.08 feet. Approximately 100 sq. ft.</i> | | |
| <i>will be deducted for the bathroom:</i> | | |
| <i>15.83 X 35.08 = 555.32</i> | | |
| <i>100.00 - bath</i> | | |
| <i>455.32 ÷ 35 = 13.009 = (13)</i> | | |
| <i>The addition will accommodate approximately</i> | | |
| <i>13 children, prior to further deductions.</i> | | |
| <i>The kitchen is currently being</i> | | |
| <i>remodeled. The floor was put in today.</i> | | |
| <i>There is a gas stove. A new sink and</i> | | |
| <i>refrigerator will be added.</i> | | |
| <i>The outdoor play area will be</i> | | |
| <i>in the rear of the home. The side yard</i> | | |
| <i>may be used for riding toys if a side</i> | | |
| <i>entrance to the home is not approved.</i> | | |

Juni Grubert Jr.
Signature of Agency Representative

Fatmeh Falahi Home
Signature of Person Interviewed

● Daily schedule ●

7:30 to 9:00 Free play - music

9:00 morning snack

9:30 to 10:30 work time

10:30 to 11:30 outside play

11:30 to 12:00 lunch

12:00 to 12:30 story

12:30 to 1:00 movie

1:00 to 3:00 nap

3:00 to 3:30 snack

3:30 to 4:00 music - story - movie

4:00 to 5:30 Free play outside or inside

WILSON
LIBRARY
SERIALS NO. 3

WILSON

clear from review of Petitioner's Exhibit Numbers 12 and Protestant's Exhibit Numbers 4 (DZC) and 19 (CBA), as well as Protestant's Exhibit Numbers 22 and 23 (the plat for Haverford) that there is nothing unusual or unique about this lot as it pertains to the uniqueness necessary to grant a variance under the Cromwell case.

III. Assuming arguendo that Section 502.1 B.C.Z.R. must be examined, the Petitioner has failed to meet her burden factually in that there will be a detriment to the health, safety, and welfare of the community and neighborhood if the Special Exception is granted.

A. Lack of Buffering

Mr. Louis Miller, the next-door neighbor to the Petitioner, testified as to his opposition in regard to the variances being granted to the side yard setback and various buffering requirements. He indicated that there is inadequate space to comply with the County regulations requiring fencing and buffering and that the Petitioner's yard abuts his yard and that he will be able to see and hear and be aware of the additional children, up to twenty in number, which are the subject of this Special Exception request. Not only the nature of the small yard in relation to his, but also the lack of suitable buffering and the size of the lot will cause adverse impact upon the use and enjoyment of his back yard.

Kathleen Beadell, testifying on behalf of the Yorkshire Community Association, likewise objected to the noise of back yard play and the inadequate size of the proposed day care operation in this neighborhood.

Diane Amrhein, a licensed family day care mother, testified as to the safety of children in such a small environment even for the eight allowed as family day care home notwithstanding expansion



7B

To whom it may concern:

re: **FATI HAERIAN FALAHI**
DAYCARE CENTER

Recently, it has come to my attention that re-zoning is necessary to allow Fati to continue running "the best" preschool daycare center in this area.

What makes this center excel is Fati herself. She spends all of her time at the house/center with the children as well as the girls she supervises. Fati works with the kids developing them into intelligent, well-behaved, friendly children. That is a remarkable job that takes a certain type of person that is hard to find in this day and age.

My 3 year old son, Michael, has been with Fati since she first started her own daycare service. My confidence in her demonstrated abilities and caring attitude with my son and the other children makes my decision very easy when it comes to deciding where my "expected child" will go when born.

In the 3 years I have known Fati, I have also met her family and it is easy to see why she treats adults and children in such a positive way and respectful way.

So I urge you to consider favorably when considering the re-zoning issue involving an excellent person and her rare ability to shape our children into all that they can be. Please call me if I can be of any further assistance in this matter at 1-410-560-0386.

Sincerely yours,

Michael C. Howachyn

7C

February 21, 1994

Mrs. Sheri Rakvin
5 Oaklyn Circle
Shrewsbury, PA 17361

RE: FATIMA FALAHI

Dear Sir/Madam:

I have know Mrs. Fatima Falahi since 1991 when I began using her service for three years. My two children, a toddler and an infant, are currently under her excellent care. As a Mother who works full-time I am very happy and grateful to have found such a wonderful person to care for my children. Leaving them with her it is like leaving them with my own Mother. Mrs. Falahi spends an enormous amount of time teaching the children the values of sharing and being kind to each other. Watching her with the children has shown me how responsible and caring she is. It is my sincere hope that Mrs. Falahi will be allowed to expand her excellent services to other mothers seeking good child care.

Sincerely,


Sheri L. Rakvin

70

CHRISTINA HARNETT-HASSON, Ph.D.

Psychologist
4307 Long Green Road
Long Green, Maryland 21092
(301) 592-3825

2/14/94

To Whom It May Concern:

Re: Fati Falahi Haerian

I am pleased to have this opportunity to write in support of Mrs. Haerian's appeal to the court. I have known Mrs. Haerian for approximately fourteen years. At the present time, I am an Assistant Professor of Psychology at the College of Notre Dame of Maryland and, I maintain a practice in Clinical Psychology in the Towson area.

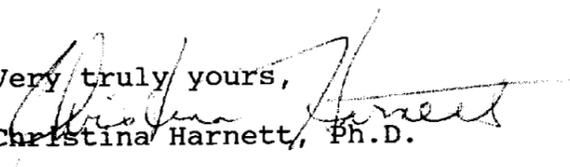
As most modern families, my husband and I find it necessary to both work in order to meet the financial responsibilities to our family. In interviewing for "day care mothers", we sought someone who loved children, was cognizant of developmental issues, and who cared for the children as if they were her own. We could not have made a better choice than Mrs. Haerian.

My children, three-year old twin boys, have been in Mrs. Haerian's care since they were eighteen months old. In short, they adore her. In addition to the day to day necessities, Mrs. Haerian provides an educational environment in which my children have prospered. At two, they knew the alphabet; shortly thereafter knew colors, shapes and the rudiments necessary for reading. Today, they are verbally expressive and developmentally advanced. I am pleased to say that I receive numerous compliments on how "advanced" the twins are and I attribute the majority of their gains to Mrs. Haerian.

In an age in which all parents are concerned about abuse or neglect, I consider myself very fortunate to have the caliber of daycare Mrs. Haerian provides. Mrs. Haerian is adamant in her philosophy of providing an atmosphere that is loving, enriching, supportive, and physically and emotionally healthy for her charges. In her commitment to the welfare of children, she is quite simply beyond reproach.

I heartily encourage you to support Mrs. Haerian in her commitment to serve the children of our community. Baltimore county families will be the recipients of excellent childcare.

Very truly yours,


Christina Harnett, Ph.D.

MICROFILMED

7A
1 Overshot Court
Phoenix, MD 21131
February 16, 1993

Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

I am writing on behalf of the Daycare Center run by Mrs. Fatemeh Falahi Haerian at 42 Timonium Road. The association my family has had with the daycare has been nothing short of extraordinary.

Mrs. Haerian has been caring for my children since July 24, 1991. My eldest son was five weeks old when she began to care for him so that I could return to work at the Space Telescope Science Institute. In all of that time, I have never had to worry about the care that he was receiving while away from me.

My second child also attends the Daycare Center. He started on a part time basis while my office allowed me to work from home part time.

Now that he is eight months old, it is necessary for him to attend full time. It is wonderful for a working parent to know that your children can be together and with someone who cares for them. The older one likes to think he helps take care of the baby while they are at "Miss Fati's".

Not only are the children cared for, they are learning as they would in a preschool environment. So the two-and-half year old, who is now old enough to attend some preschools, does not have to leave his baby brother in order to do so. He is learning at the Daycare. His language skill and knowledge is excellent for a child of his age, thanks to Mrs. Haerian. Without having to leave the care of someone who has been with him since he was an infant, he will be able to start school at the same level (or even ahead) of other children who have attended pre-schools. He has also acquired wonderful skills in learning to play with others, share, and follow instruction. These skills in socialization are invaluable. I have also received many parenting tips and wonderful guidance based on her own parenting experience. We first time parents need the resource of information which she provides.

I interviewed several licensed providers just after the birth of my first child. Most of them would have given my child a bottle and changed his diaper, but that would have been about the extent of their care.

Children need much more than that; I am very, very lucky to have found Mrs. Haerian. My office frequently ponders starting a daycare for employees. It would be convenient, but, I would not use it. The care Mrs. Haerian provides and the bond my children have for her and her staff is too important.

MICROFILMED

She continuously works to improve the Daycare Center so that the children are stimulated. As parents, we appreciate the safe setting which she has provided. She selects and hires wonderful helpers who have an interest and a background in caring for children. The entire staff is attentive to our children's needs. There is a six foot privacy fence around the premises. This allows the children to run and play safely, away from the road and out of the sight of anyone who would harm a child. Inside are charts and bulletin boards similar to a school. There is a schedule to the day; the children are not just running wildly. They read together, paint together, have lunch together (it is incredible to see a table of three year olds sitting and eating lunch nicely with manners and table conversation!), nap together and play together. I couldn't possibly imagine a more wonderful environment in which my children spend their time away from me.

I believe that all of the parents of the children which attend the daycare would agree that we have become an extended family, with Mrs. Haerian as the head. She and her staff are always invited to birthday parties, as you would any other relative. Our children don't feel as though they are away from their family when they go to the daycare. They receive love as they would from a biological family.

In this day and age, when there is so much abuse and neglect of children, Mrs. Haerian has provided a safe harbor and shining beacon to those of who must work outside of the home. In speaking with other working parents, I have learned that it is very unusual for my children to have had the same daycare provider, which we have been more than just happy with, for all of this time. Quality care like this is gold. I hope that when my children are of school age, their teachers will show at least half as much interest in their well being. Our future generations would be much better off if we could mass produce Mrs. Haerian's Daycare Center.

Sincerely,



Elizabeth A. Mitchell

RESOLUTION

Prot. Ex. 30
For Identification

GREATER TIMONIUM COMMUNITY COUNCIL

RESOLVED: THAT AT THE POSITION OF THE GREATER TIMONIUM COMMUNITY
COUNCIL AS ADOPTED BY THE BOARD OF DIRECTORS ON THE
ZONING MATTER KNOWN AS:
BALTIMORE COUNTY ZONING CASE 94271XA, CLASS B CHILD CARE
CENTER AT 42 E. TIMONIUM RD., TIMONIUM, MD. 21093

IS THAT:

1. OPPOSED TO PETITION FOR SPECIAL EXCEPTIONS AND;
2. OPPOSED TO PETITION FOR VARIANCES.

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AGUUST, 1994.

ATTEST:

GREATER TIMONIUM COMMUNITY COUNCIL


SECRETARY


PRESIDENT

GTCCRES2

RESOLUTION

GREATER TIMONIUM COMMUNITY COUNCIL

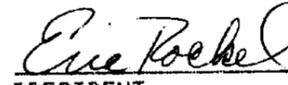
RESOLVED: THAT AT THE REGULAR MEETING OF THE GREATER TIMONIUM COMMUNITY COUNCIL HELD ON AUGUST 21, 1994, IT WAS DECIDED BY THE COUNCIL THAT THE RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD AUGUST 1994 TO AUGUST 1995 BE PLACED IN THE BOARD OF DIRECTORS CONSISTING OF THE FOLLOWING MEMBERS:

| | |
|---------------------|------------------|
| PRESIDENT | ERIC ROCKEL |
| VICE PRESIDENT | KATHLEEN BEADELL |
| TREASURER | AUSTIN KENLY |
| RECORDING SECRETARY | JOSEPHINE OWEN |
| CORRESPONDING SECR. | JEANNE WELCH |
| BOARD MEMBER | TOM KELLY |
| PAST PRESIDENT | MATT WALKER |

AS WITNESS OUR HANDS AND SEAL THIS 21ST DAY OF AUGUST, 1994.

ATTEST:


SECRETARY


PRESIDENT

GTCCSLH

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
GREATER TIMONIUM COMMUNITY COUNCIL.

ATTEST:

Joseph J. Ave
SECRETARY

Eric Roedel
PRESIDENT

GTCCAFDV

AFFIDAVIT

STATE OF MARYLAND:
BALTIMORE COUNTY, SS:

TO WIT:

I HEREBY SWEAR UPON PENALTY OF PERJURY THAT I AM CURRENTLY A
DULY ELECTED MEMBER OF THE BOARD OF DIRECTORS OF THE
YORKSHIRE COMMUNITY ASSOCIATION.

ATTEST:

Mary Lee Sas

Kathleen F. Beadell

Mary Lee Sas
SECRETARY

Kathleen F. Beadell
PRESIDENT

YRKAFDV

CHILD CARE ADMINISTRATION

REGION III

CONFERENCE AGREEMENT

The following represents a voluntary agreement between Fatemeh Haerian, registered family child care provider, and the Child Care Administration (CCA), represented by Betty Botsko, Regional Manager, Region III, Baltimore County.

The following facts are not in dispute:

- 1) Ms. Haerian was issued her first Family Child Care Registration for her residence at 10630 Pot Spring Road, Cockeysville, MD, on July 29, 1991. Initially, she was given a capacity of six (6). She requested an increase to eight (8) in April, 1992. This was approved on April 24, 1992.
- 2) On June 25, 1993, Ms. Haerian submitted a written request to care for four (4) infants. It was denied until she submitted a missing medical on the required second adult.
- 3) On September 9, 1993, Ms. Haerian reported the completed purchase of a house located at 42 East Timonium Road, Timonium, MD. The house was to be occupied by her niece and two (2) children. A certificate of registration was issued by this Office to Ms. Haerian on September 30, 1993. The capacity was set at seven (7).
- 4) On January 28, 1994, the Office received a complaint that Ms. Haerian was over capacity. An unannounced complaint inspection was made by Lou Valenti, Licensing Specialist, on January 31, 1994. At that time there were five (5) violations of COMAR 07.04.01. They were as follows:
 - .23 Capacity was exceeded by one (1) on this date. Ms. Haerian admitted to the same violations once or twice during 1993.
 - .19 Protective barriers and electrical outlet covers were not in place.

to twenty or more. She was also concerned with the traffic and safety to herself and neighbors due to the parking and traffic movement surrounding the location. She was also opposed to expansion due to the general welfare of the close neighbors due to noise from the small area.

B. Traffic

Traffic was a universal complaint of all of the witnesses who testified and whose testimony was proffered; that is, Mr. Lubin, Mr. Manion, and Mr. Kern. The testimony basically centered on the difficulty of parents dropping their children off while being required to utilize Timonium Road and inadequate parking area and turn-around area for the existing family day care home for eight children. There was plentiful testimony in regard to the parents of the day care children backing onto Timonium Road, causing traffic hazards, as well as illegal parking causing congestion in front of the family day care home. There was also ample testimony concerning various individuals' episodic experiences of traffic near-misses as a result of all of the turning movements into the day care as well as the parents dropping off and picking up children. Many of the Protestants testified to illegal parking in front of the subject site as well. (See Protestant's Exhibit Number 3 [DZC] videotape.)

Protestants called Dr. Everett Carter, who was qualified as an expert and who testified that Timonium Road was a busy county arterial with average daily trips of over 25,000 vehicles per day; that the proposed site has a very narrow driveway with no capacity to turn around offstreet; that because of the high level of trips both morning and evening on Timonium Road that there are an increased conflicts which would be at the driveway of 42 East Timonium Road if this were approved. Also, Carter's testimony centered upon the basic acceptable gap for a left turn from a stop sign controlled driveway is about six seconds and in the evening at this location, an acceptable gap is only available 4.6% of the time, and in the morning peak hour, an acceptable gap may be presented only

.29/.39 Immunization records were missing on two (2) children. Separate emergency cards were not maintained for siblings of two (2) families.

.41 One (1) parent agreement was missing.

On March 9, 1995, the Office received a complaint that Ms. Haerian had too many children in her care, at least ten, maybe twelve. An unannounced complaint visit was made by Patricia Perry, Licensing Specialist, the same day. There were five (5) violations of COMAR 07.04.01 They were as follows:

.23 Capacity was exceeded by five children. There were five (5) infants, three (3) over the limit allowed by your registration certificate.

.41/.29 There were no attendance forms and one (1) child did not have an immunization record.

.39 Escape plan was not displayed and children were not being trained for fire drills.

.19 The provider was using two (2) bedrooms which had not been approved for day care.

5) The Office was not notified until December 28, 1994, that Ms. Haerian's niece had moved out of the home in August, 1994. On this date the Office was notified that Ms. Haerian's mother was living in the home. As of March 9, 1995, your mother's required medical, CBC and release of information forms had not been received by this Office.

In consideration of the above, Fatema Haerian agrees to the following terms and conditions:

- 1) Provider shall remain within assigned capacity. The capacity shall be eight (8) with no more than two (2) children under the age of two (2).
- 2) Provider shall have her mother's necessary paperwork completed by March 17, 1995. Will need the same forms completed by brother if he continues to stay at residence beyond March 31, 1995.

- 3) Protective barriers and electrical outlet covers must be in place during day care hours.
- 4) All forms must be completed before a child is accepted into care.
- 5) Attendance records must be maintained daily.
- 6) Provider shall use only rooms that have been approved for child care.
- 7) The escape plan shall be displayed at all times and the children shall be trained for fire drills four times a year.

The Child Care Administration (CCA) will conduct periodic unannounced visits to monitor compliance with the COMAR 07.04.01 regulations and terms of this agreement.

Failure to adhere to the terms of this agreement will result in, but will not be limited to, the denial of the application, and/or revocation of the license, the imposition of intermediate sanctions or emergency suspension of the license, civil penalties and any other legal remedy applicable by law or regulation. The only issues upon appeal will be if the terms and conditions addressed in this agreement were in compliance.

I attest that I can enter into the agreement for the above-named party and the Child Care Administration, Region III Office.

Fatemeh Forjahi Heedican 3/15/95
Registered Family Child Provider Date

Betty Bato 3/15/95
Regional Manager Date

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS TAKEN BY L. MILLER FEB 95, MAR 21, 1995 AND MARCH 23, 1995.

1. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:15PM, 3/23/95.
2. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:30PM, 3/23/95.
3. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
4. LOOKING AT DRIVEWAY BACK-UP AT 42 E. TIMONIUM RD APPX. 5:00PM, 2/?/95.
5. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995.
6. LOOKING AT [REDACTED] PARKED CAR MARCH 21, 1995. (FIRE PLUG)

FILE: 94271PC8

BALTO. CO. ZONING CASE 92-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

ALL PHOTOS 1 THRU 17 TAKEN BY L. MILLER IN FEB. 1995

1. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX. 5:15 PM.
2. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/14/95, APPX 5:20 PM.
3. NOTE TRAFFIC 2/14/95, 5:00PM, TIM. RD. AT 44-42 TIM. RD.
4. SOUTH WEST ON TIM. RD. IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. 2/15/95, APPX 5:30 PM. LOADING CHILD IN CAR. NOTE TRAFFIC.
5. SOUTH WEST ON TIM. RD IN FRONT OF 42 E. TIM. RD. CAR [REDACTED] PARKED IN SIGNED AREA. NOTE ALSO THREE CARS PARKED IN FRONT 2/14/95 APPX 5:30 PM
6. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY, OTHER CARS IN DRIVEWAY, 2/15/95, APPX. 5:20PM
7. CAR [REDACTED] PARKED IN FRONT OF DRIVEWAY. NOTE TRAFFIC AND OTHER CARS PARKED IN DRIVEWAY AND ROAD. 2/15/95, APPX 5:30PM
8. SOUTH WEST ON TIMONIUM RD LOOKING AT TRAFFIC ENTERING SERVICE STATION NOTE BACKED UP ON TIM. RD. 2/10/95, APPX 5:10 PM.
9. SOUTH WEST ON TIM. RD. LOOKING AT TRAFFIC EXITING SHOPPING CENTER RD. NOTE CARS PARKED IN FRONT OF 42 E. TIM. RD 2/10/95 APPX 5:20PM
10. TRAFFIC IN SERVICE STATION, 2/10/95 APPX 5:10PM [REDACTED]
11. TRAFFIC ENTERING SERVICE STATION FROM LEFT TURN OFF TIM. RD. ALSO CARS WAITING TO EXIT SHOPPING CENTER RD ONTO TIM. RD 2/10/95 APPX 5:15PM
12. CARS AWAITING EXIT ON SHOPPING CENTER RD TO TIM. RD. 2/10/95 APPX 5:15PM
13. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95 APPX 5:00 PM
14. CAR [REDACTED] PARKED IN POSTED AREA, 2/6/95, APPX 4:30PM. (OWNERS CAR)
15. CAR [REDACTED] PARKED IN POSTED AREA, 2/9/95, APPX 5:20PM
16. CAR [REDACTED] PARKED IN POSTED AREA, 2/7/95, APPX 5:20PM.
17. RED CAR PARKED FOR OVER 30 MINUTES IN FRONT OF FIRE PLUG 2/21/95 APPX 5:30PM
18. POSTED SNOW EMERGENCY & NO PARKING SIGNS AT 42 E. TIM. RD AND BUFFER AREA. SHOPPING CTR ENTRANCE AND EXIT (SEE CAR), SERVICE STATION ENTRANCE AND EXIT ALSO WEST OF AREA. 2/20/95, APPX 4:00PM.

FILE: LOTUS-94271PC2

Exh 26 B

70

BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

PHOTOS NO. 1,2,3,4 TAKEN JULY 3, 1995 BY L. MILLER.

PHOTOS NO. 5, 6, 7, 8 TAKEN MAY 12, 1995.

1. LOOKING WEST FROM TIM. RD. INTO 42 E. TIM. RD DRIVEWAY TO SHOW [REDACTED] SIZE, NEW BUFFER ZONE PROTECTIONS AND SCREENINGS.
2. LOOKING SOUTH WEST FROM SIDEWALK AT 42 E. TIMONIUM RD. TO SHOW [REDACTED] DRIVE AND NEW SCREENING ON BUFFER ZONE.
3. LOOKING WEST FROM CORNER OF ENTRANCE ROAD TO SHOPPING CENTER SHOWING SCREENING NEW AND OLD STILL INTACT ON BUFFER ZONE.
4. LOOKING NORTH WEST FROM ENTRANCE ROAD TO OLD SCREENING ON BUFFER ZONE BETWEEN 42 E. TIM. RD AND BACK ACCESS ROAD TO SHOPPING CENTER. NOTICE "NO PARKING" SIGNS.
5. LOOKING SOUTH WEST ON TIMONIUM RD. NOTE CAR [REDACTED] PARKED IN POSTED AREA. NOTE ALSO BACK END OF CAR IN DRIVEWAY. OWNERS CAR IS PARKED ON TIM. RD.
6. LOOKING WEST FROM SIDEWALK INTO DRIVEWAY OF 42 E. TIMONIUM RD. NOTE NEW FENCE AND BALLARDS FOR PROTECTION OF BUFFER ZONE. NOTE ALSO LOWER LIMBS CUT OFF HEMLOCK PINES PRIOR TO NEW FENCE. THOSE PINES WERE PLANTED IN THE BUFFER ZONE IN 1961.
7. LOOKING NORTH EAST ACROSS BUFFER AREA FROM ENTRANCE ROAD. AGAIN NOTE LOWER LIMBS OFF TREES, STOCKAGE FENCE, TRASH AND GRABAGE CANS.
8. LOOKING NORTH WEST FROM ACCESS ROAD TO PICK UP AND DROP OFF AREA OF DRIVEWAY. NOTE AGAIN TRASH AND CANS AND SMALL SIZE OF DRIVEWAY. NOTE ALSO MOST OF THIS TRASH WAS INSIDE THE STOCKADE FENCE PREVIOUS TO CHILD CARE ADM. INSPECTION OF MARCH 1995.

FILE: 94271PC5

Exh 25 B

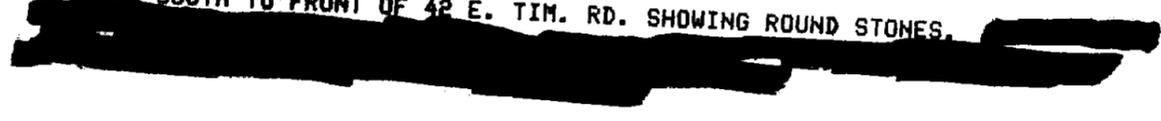
BALTO. CO. ZONING CASE 94271XA 42 E. TIMONIUM RD.

INDEX TO PHOTOS EXHIBITS ATTACHED

EXHIBIT _____

ALL PHOTOS 1 THRU 4 TAKEN FROM MY HOUSE ROOF (L. MILLER) BY HOWARD WHITE
FEB. 17, 1995 AT APPX 4:30PM.

1. LOOKING SOUTH WEST FROM 44 E. TIM. RD ROOF TO SHOW SIZE OF BACK YARD
AND CLOSENESS TO 44 E. TIM. RD SIDE YARD AND NO VEGETATIVE BUFFERING.
2. SAME VIEW AS 1 ABOVE ONLY CLOSER.
3. LOOKING WEST FROM 44 E. TIM. RD ROOF TO PARTIAL BACK OF 42 E. TIM. RD.
TO 19 EDGEMOOR RD SIDE AND BACK YARD, HOWARD WHITE PROPERTY.
4. LOOKING SOUTH TO FRONT OF 42 E. TIM. RD. SHOWING ROUND STONES.



Exh. 24 B.

BALTO. CO. ZONING CASE 94-271-XA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED.

EXHIBIT _____

**OLD
NEW**

PHOTO NUMBERS 1 THRU 16 DEPICT THE AREA PRIOR TO NOVEMBER 1994.

PHOTO NUMBERS 17 THRU 25 DEPICT THE AREA ON THE SOUTH SIDE OF 42 E. TIM. RD. AFTER NOVEMBER 1994.

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD & EAST SIDE OF 19 EDGEMOOR RD. H. WHITE PROPERTY (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD. - NOTE HEIGHT OF ROOF LINE. (PHOTO TAKEN BY L. MILLER, FEB. 4, 1994)
4. VIEW OF SOUTH SIDE OF 44 E. TIMONIUM RD. NOTE PICTURE WINDOW, DOOR, KITCHEN AND BEDROOM WINDOW, AND BASEMENT STAIRS. (PHOTO TAKEN BY L. MILLER, MAY, 1992)
5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND [REDACTED] ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS. VEHICLE IS OWNERS. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAINLINK SLATTED FENCE. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
7. SOUTH SIDE LOOKING NORTH WEST INTO SHOPPING CENTER BUILDING OF 6' CHAINLINK SLATTED FENCE. NOTE AUTO TRACKS AND TEAR-UP OF BUFFER ZONE. (PHOTO TAKEN BY L. MILLER, FEB 4, 1994)
8. FROM SHOPPING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY. (PHOTO TAKEN BY L. MILLER, FEB. 5, 1994)
9. CONGESTION IN EVENING PICK-UP OF CHILDREN, CARS PARKED ON MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/7/94 (PHOTO TAKEN BY L. MILLER, FEB. 7, 1994)
10. CONGESTION IN DRIVE WAY, AGAIN VAN PARKED [REDACTED] ON TIM. RD. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
11. SECOND VIEW OF CONGESTION IN DRIVE WAY, VAN PARKED [REDACTED] ON TIMONIUM RD. NOTE ADDED TRAFFIC. 2/15/94 (PHOTO TAKEN BY L. MILLER, FEB. 15, 1994)
13. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD. (PHOTO TAKEN BY L. MILLER, MAY 1992)
14. SOUTH WEST VIEW FROM 19 EDGEMOOR RD. (H. WHITE PROPERTY) SHOWING THE FENCE CONSTRUCTION AND ENCROACHMENT INTO BUFFER ZONE BY 15 FT. PROPERTY LINE IS 42" SLATTED GREEN FENCE.

(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)

15. EAST VIEW FROM H. WHITE PROPERTY 19 EDGEMOOR RD OF FENCE IN REAR OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
16. SOUTH VIEW FROM 44 E. TIM. RD SIDE YARD OF FENCE CONSTRUCTION OF NORTH REAR YARD OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, FEB 17, 1994)
17. WEST VIEW FROM SOUTH PROPERTY LINE OF 44 E. TIM. RD. OF FENCE CONSTRUCTION OF NORTH SIDE YARD OF 42. E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, JAN 2, 1995)
18. NORTH VIEW FROM SHOPPING CTR BUFFER AREA OF SOUTH SIDE OF BACK YARD OF 42 E. TIM. RD. NOTE [REDACTED] SPLICING, ETC.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
19. VIEW FROM EDGEMOOR RD LOOKING SOUTH WEST OVER SHOPPING CENTER BUFFER AREA NEWLY PROTECTED AND READY FOR COMPACT EVERGREEN SCREENING PLANTING NOTE DRIVEWAY OVER SIDEWALK AND TIRE TRACKS IN NEW SEEDED AREA.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
20. ANOTHER VIEW OF SOUTH FENCE CONSTRUCTION OF BACK YARD OF 42 E. TIM. RD. WEST FENCE EXTENDED OVER LINE, NOTE PANEL SPLICE.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
21. ANOTHER VIEW LOOKING NORTHEAST OVER BUFFER AREA TO SOUTH SIDE FENCE OF 42 E. TIM. RD.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
22. NORTH WEST VIEW OF SHOPPING CENTER BUFFER AREA [REDACTED] SHOWING FENCE GATE TO BACK YARD AND ENTRANCE OFF DRIVEWAY TO DAY CARE HOME.
(PHOTO TAKEN BY L. MILLER, 1/2/95)
23. WEST VIEW OF DRIVEWAY OF 42. E. TIM. RD FROM SIDEWALK. NOTE SMALL SIZE. FROM HOUSE TO PROPERTY LINE IS ONLY 10 FEET.....
(PHOTO TAKEN BY L. MILLER, 1/2/95)
24. WEST VIEW OF DRIVEWAY OF 42 E. TIM. RD FROM ROADWAY. SEE CONTINUED ENCROACHMENT OF DRIVEWAY ON BUFFER AREA BETWEEN CURB AND PROPERTY LINE.
(PHOTO TAKEN BY L. MILLER, 1/25/95)
25. SNOW EMERG. AND NO PARKING SIGN AT CORNER OF DRIVEWAY TO 42 E. TIM RD. SIGN ARROW TO EAST TIMONIUM SHOPPING CTR. PRIVATE ROAD.
(PHOTO TAKEN BY L. MILLER 1/2/95)

FILE: LOTUS-94271PIC

* BEFORE THE ZONING COMMISSIONER

IN RE * FOR BALTIMORE COUNTY

42 East Timonium Road * Case No. 94-271-XA
 Item 271

* * * * *

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

| | |
|---|--|
| Number of Employees: | 3 |
| Number of Children to be Enrolled (Maximum): | 20 |
| Hours of Operation: | Arrival 7:30 a.m. Depart by 5:30 p.m. |
| Known Amount of Traffic Generated: 20 Children X 1 Drop-Off and 1 Pick-up = 40 Trips Per Day 3 Employees = 3 Trips Per Day | 43 Trips Per Day |
| 1E | Site Plan Previously Submitted |
| 1F | Pictures Submitted At Hearing |

Michael P. Tanczyn

 MICHAEL P. TANCZYN, ESQ.
 Attorney for the Petitioner
 606 Baltimore Avenue
 Suite 106
 Towson, Maryland 21204
 Telephone: (410) 296-8823

CB - S/L #23

PETITIONER'S

CURRICULUM VITAE

EXHIBIT

10

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Facsimile
(410)666-1561

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

8% of the time. In addition, Carter testified that there was a safety issue of 58 traffic citations being issued in 1994 for speeding and that conflicts exist on this road. His conclusion was that this application should be denied because it cannot provide adequate gaps for entering and leaving the site; there is inadequate site driveway width; there is no offstreet turnaround; and there is real concern for safety of small pre-school children by the parents dropping off and picking up children from curbside.

In addition, Steve Weber from the Baltimore County Traffic Engineering Department testified that his agency has always advocated that day care centers should have an offstreet pickup and dropoff area for children to ensure that this activity is not taking place next to moving traffic. He also found that an on-site turnaround area should be provided to minimize backing up into the street. It is clear that both of these criteria are not met by the subject site. Mr. Weber also testified as to the traffic volumes during morning and evening rush hours determined by Baltimore County traffic counts. He also furnished traffic volumes generated as a standard for child care centers. This standard is 4.65 trips per child registered and thus produces, for twenty children, 93 trips per day at the location. (Protestant's Exhibit Number 5 [DZC].)

C. Planning

The Planning Department's comments submitted as Petitioner's Exhibit Numbers 20-22 and as testified to by Diane Itter concluded that twenty children would overcrowd the site; that the subject site is too small and that the variances are too many; that the drop off provisions and pick up provisions are inadequate and having paving in the front yard to provide parking is not a good solution; and finally that they recommend denial. In addition, the Planning Office accurately pointed out that this was a "community conservation area" and that the language in the B.C.Z.R. previously

1977 to 1980 The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977 The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

PROFESSIONAL SOCIETIES

1/69 to Present American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

6/69 to Present American Institute of Certified Planners

1975 to 1988 The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90 Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90 The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL

1985 to 1988 The University of MD at Baltimore
Advise on planning program

1992 to Present The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.

5/20/94

March 14, 1994

TO WHOM IT MAY CONCERN:

As you know, I have filed a petition to seek zoning approval to increase the number of children served in my child care center to a maximum of 20. I appreciate all of the written support I have received from my clients.

The purpose of this letter is to ask for your help in another way. In the course of the hearing one of the neighbors has submitted a videotape showing cars backing out of the driveway and making U-turns on Timonium Road, vehicles parking blocking the driveway and the sidewalk, as well as vehicles parking facing the wrong way on Timonium Road in front of my property.

The filming of these situations was done to show that there may be a safety hazard to the community during the drop-off or pick-up of the children by the parents. It was also testified that several of the parents are parking off the shoulder of the shopping center entrance and walking around to pick up their children.

I have no doubt that this is a situation which we can and should address by scheduling or coming up with a method whereby the children can be met at the driveway or brought to the driveway in order to help my petition receive favorable consideration. I would therefore greatly appreciate it, if you have been one of the drivers videotaped doing one of these things, if you would avoid doing that in the future.

If you have any questions about how to accomplish the safe drop-off and pick-up of the children I would be happy to hear them. I am in the process of attempting to find off-site parking for my employees which will free up more spaces in the driveway if I am successful in that effort.

Again, I thank you for your support in my efforts to continue to provide quality daycare for your children. You may call me if you have any questions at 252-0636.

Sincerely,

Fatemeh Falahi

**PETITIONER'S
EXHIBIT 8**

SEARCHED

LEASE AGREEMENT

THIS AGREEMENT OF LEASE, made this 3 day of March, 1994, by and between **FRED YOO**, hereinafter referred to as "Landlord", and **FATEMEH FALABI**, hereinafter referred to as "Tenant".

WHEREAS, Landlord is the owner of improved real property on which he operates a gasoline station and service garage on East Timonium Road, adjacent to the Timonium Shopping Center; and

WHEREAS, Landlord has parking spaces in addition to those needed for his business; and

WHEREAS, Tenant is interested in renting three (3) parking spaces for her employees of the child care center she operates at 42 East Timonium Road; and

WHEREAS, Landlord is willing to rent those three (3) parking spaces for the times and time periods hereinafter mentioned.

NOW, THEREFORE, it is agreed by and between the parties that Landlord shall lease three (3) parking spaces, to be designated by Landlord, for parking three full size vehicles for the exclusive use of Tenant and the Tenant's employees in return for the mutual and beneficial considerations flowing to each, the sufficiency of which is hereby acknowledged by each.

1. **Number of Parking Spaces.** There shall be three (3) parking spaces designated by Landlord within his property for which Tenant shall be allowed to park.

2. **Time Period.** This Lease Agreement shall cover the time period Monday through Friday and for the hours 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 5:30 p.m.

3. **Consideration.** Tenant agrees that she shall buy all gasoline products she needs for her own use from the Landlord and shall utilize his service garage for necessary repairs for her vehicles. In addition, Tenant shall pay the sum of Five Dollars (\$5.00) per week for the rental of the parking spaces, which will be payable weekly whether or not the parking spaces are used.

4. **Term.** This Lease Agreement shall begin on the date signed and shall continue with the sole contingency that a special exception and variances requested by Tenant be granted and the property shall be used as a group child care home for no more than twenty (20) children. The term shall be subject to annual review to the mutual satisfaction of Landlord and Tenant.

**PETITIONER'S
EXHIBIT 9**

5. **Termination.** This Lease Agreement shall lapse and be of no further effect and shall terminate if the special exception and variances are not approved for the Tenant for operation aforescribed at 42 East Timonium Road.

6. **Rent Review.** The amount of rent shall be reviewed on an annual basis on the anniversary date of this Lease Agreement and mutually agreeable terms shall be approved between Landlord and Tenant for future years.

7. **Availability.** Landlord agrees he will continue to make the parking spaces available to the Tenant for the time periods indicated so long as she is entitled to operate a group child care home for more than twenty (20) children.

8. **Venue.** This Lease Agreement has been entered into in the State of Maryland and shall be governed by the Laws of the State of Maryland.

9. **Entire Agreement.** This Lease Agreement contains the entire understanding between the parties and there are no other terms, conditions or agreements between the Landlord and Tenant other than those set forth herein.

10. **Miscellaneous.** The parties enter into this agreement by their signatures below freely and voluntarily.

WITNESS the hands and seals of the parties the day and year first above written.

WITNESS

Dalene Du

WITNESS

Fred Yoo

FRED YOO, Landlord

Fatemeh Falahi

FATEMEH FALAHI, Tenant

FEBRUARY 19, 1994

7E

To The Zoning Commissioner:

My daughter attended Epworth Daycare Center in June of 1990. Mrs. Fatemeh Falahi was my daughter's teacher at that time. While under her care, my daughter received the highest quality day care available.

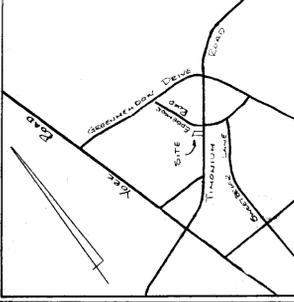
Mrs. Falahi then left Epworth Daycare Center to open her own Daycare. I removed my daughter from the Epworth Daycare Center and enrolled her at Mrs. Falahi's Daycare Center. Consequently, my daughter has been under her supervision for a total of four years.

Mrs. Falahi is very caring, dependable, organized, supportive and experienced. The environment at Mrs. Falahi's Daycare is a very loving and nurturing one. It is the kind that is very beneficial to all young children.

To this end, I feel that it would be in the best interest of this community if Mrs. Falahi's Daycare Center was granted the opportunity for further growth. Anything your office can do will be greatly appreciated.

Sincerely,
Katherine Hall

MICROFILMED

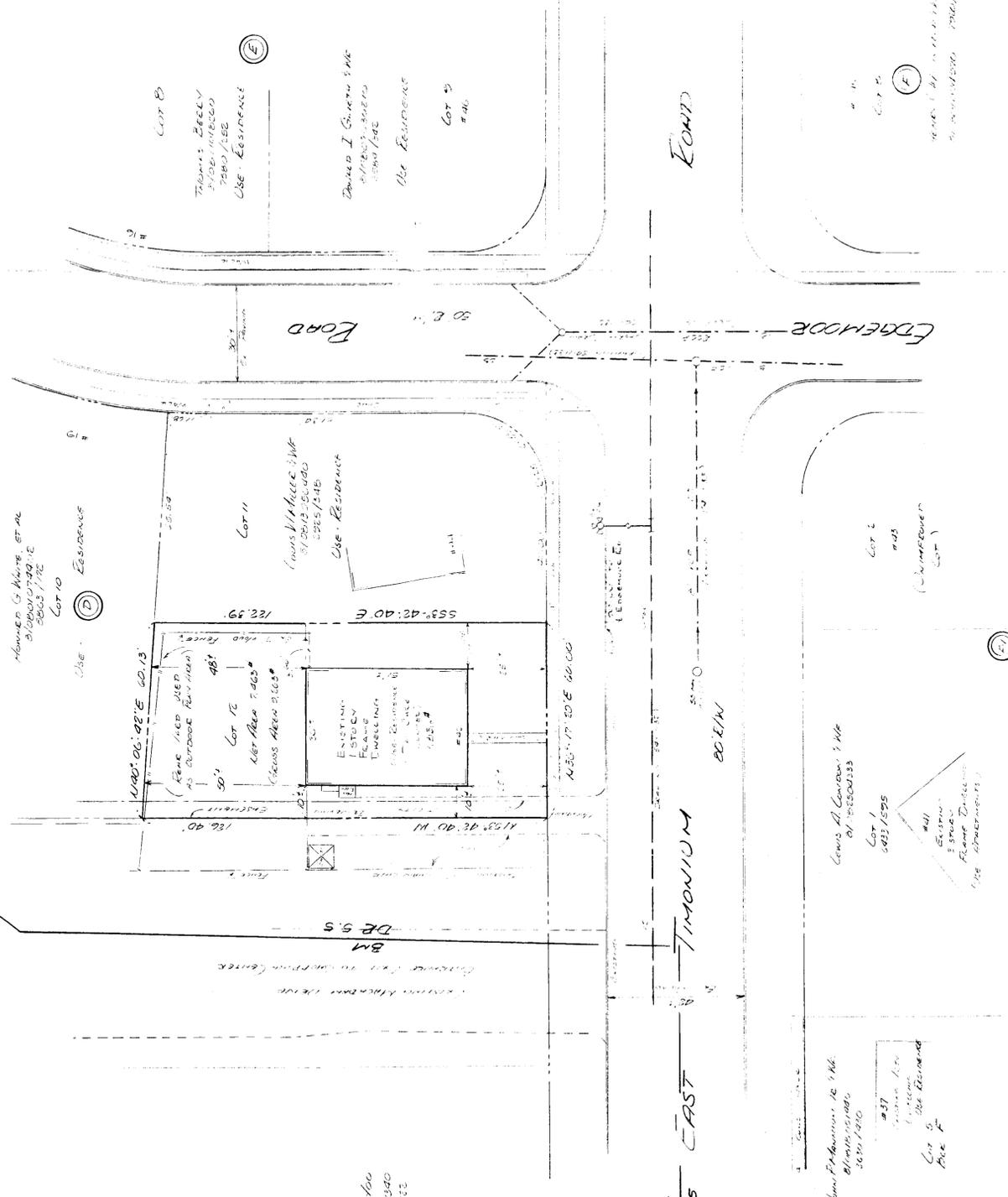


VICINITY MAP
SCALE: 1/4" = 100'

- GENERAL NOTES:**
1. EXISTING BUILDINGS: D.E.S. 2070, C. 1-140, N.W. 104
 2. EXISTING USE: RESIDENCE & FARM CENTER
 3. FUTURE USE: RESIDENCE & CLASS B FARM CHURCH
 4. IMPROVED AREA: 3,533 sq ft of site

Timonium Shopping Center Association, L.P.
8/10/000, 1335 ETC.

Existing Machine Building
Use: Retail



FEED C. 100
8/10/000, 1335 ETC.

BM
D.P. 5.5
EAST

BM
D.P. 5.5
TIMONIUM

BOEIN

Ann Plummer, L.P.
8/10/000, 1335 ETC.

Lot 1
8/10/000, 1335 ETC.

Lot 2
8/10/000, 1335 ETC.

Lot 1
8/10/000, 1335 ETC.

Lot 2
8/10/000, 1335 ETC.

Lot 10
8/10/000, 1335 ETC.

Lot 11
8/10/000, 1335 ETC.

Lot 12
8/10/000, 1335 ETC.

Lot 13
8/10/000, 1335 ETC.

Lot 14
8/10/000, 1335 ETC.

Lot 15
8/10/000, 1335 ETC.

Lot 16
8/10/000, 1335 ETC.

Lot 8
8/10/000, 1335 ETC.

Lot 9
8/10/000, 1335 ETC.

94-271-XA

8TH ELECTION DISTRICT, BALTIMORE COUNTY
9TH CONGRESSIONAL DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1642 EAST TIMONIUM ROAD
AND ADJACENT
LOT 16/12 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-F1-G-4-11
HAYVEEFOED
REF: PB 16.91 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHURCH, CHURCH CENTER FOR UP TO 40 CHILDREN WITHIN 4 R.T. R.

OWNER: Mrs. FAYEEN FAYEEN
1108000, 1335 ETC.
TIMONIUM, MD. 21093
Phone: 282-3636 666-3636
Tax Map: 8/10/000, 1335 ETC.
Deed Ref: 2495/134

PLAT NO. 1 #271

SCALE: 1/4" = 100' DATE: 6/10/93

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10180
TOWSON, MARYLAND 21285-0180
866-7448

J# 9309.1001 F# 08.1E1



Tax Reports

Run Date: 02/05/95

| Zip | Address | Land \$ | Improv \$ | Total \$ | Own-Occ |
|----------|---|-------------------------------|-----------|---------------------------|---------|
| 21093 3 | Edgemoor Rd OW: Weaver John A | \$46,750 LD: Impslt 2 Pt 3 | \$49,580 | \$96,330 AS: \$36,860 | H |
| 21093 4 | Edgemoor Rd OW: Strachan Thora B | \$46,680 LD: Imps | \$56,170 | \$102,850 AS: \$38,830 | H |
| 21093 5 | Edgemoor Rd OW: Young Robert L | \$46,120 LD: Impspt Lt 3 | \$81,700 | \$127,820 AS: \$49,010 | H |
| 21093 6 | Edgemoor Rd OW: Darley Stuart L | \$47,700 LD: Imps | \$69,350 | \$117,050 AS: \$45,150 | H |
| 21093 7 | Edgemoor Rd OW: Todd Robert A | \$46,500 LD: Imps | \$61,750 | \$108,250 AS: \$41,870 | H |
| 21093 8 | Edgemoor Rd OW: Whitaker Earle L, Jr | \$48,370 LD: Imps | \$58,940 | \$107,310 AS: \$42,680 | H |
| 21093 9 | Edgemoor Rd OW: Kaifer Thelma A | \$46,500 LD: Imps | \$62,100 | \$108,600 AS: \$42,000 | H |
| 21093 10 | Edgemoor Rd OW: Amrhein Thomas Stewart | \$48,240 LD: Imps | \$71,680 | \$119,920 AS: \$47,390 | H |
| 21093 11 | Edgemoor Rd OW: Scesney Gladys H | \$46,500 LD: Imps | \$65,650 | \$112,150 AS: \$43,240 | H |
| 21093 12 | Edgemoor Rd OW: Stewart James C | \$47,670 LD: Imps | \$66,550 | \$114,220 AS: \$45,000 | H |
| 21093 14 | Edgemoor Rd OW: Treuting George J | \$47,030 LD: Imps | \$0 | \$47,030 AS: \$44,920 | H |
| 21093 16 | Edgemoor Rd OW: Berry Thomas | \$45,940 LD: Imps | \$62,900 | \$108,840 AS: \$42,060 | H |
| 21093 17 | Edgemoor Rd OW: Veiga Joseph V, Jr | \$47,320 LD: Imps | \$54,130 | \$101,450 AS: \$38,630 | H |
| 21093 19 | Edgemoor Rd OW: White Howard J, 3Rd | \$47,380 LD: Imps | \$55,050 | \$102,430 AS: \$38,040 | H |
| 21093 24 | Edgemoor Rd OW: Dzbinski Katherine M | \$47,130 LD: Imps | \$81,210 | \$128,340 AS: \$49,560 | H |
| 21093 27 | Edgemoor Rd OW: Vanleeuwen Wm H | \$47,790 LD: Imps | \$79,590 | \$127,380 AS: \$48,850 | H |
| 21093 28 | Edgemoor Rd OW: Nickel Richard E | \$47,890 LD: Imps | \$77,260 | \$125,150 AS: \$49,130 | H |

| | | | | | |
|-----------------------------|---------------|---------------------|-----------|--------------|---|
| 21093 46 | Timonium Rd | \$42,670 | \$57,820 | \$100,490 | H |
| OW: Giarth Eleanor G | | LD: Imps | | AS: \$38,680 | |
| 21093 47 | E Timonium Rd | \$42,200 | \$62,750 | \$104,950 | H |
| OW: Oberholtzer Frederick L | | LD: Imps | | AS: \$41,980 | |
| 21093 48 | Timonium Rd | \$46,180 | \$77,590 | \$123,770 | H |
| OW: Critzer Gary E | | LD: Imps | | AS: \$49,500 | |
| 21093 49 | Timonium Rd | \$47,090 | \$75,590 | \$122,680 | H |
| OW: Schroeder William R | | LD: Imps | | AS: \$49,070 | |
| 21093 51 | Timonium Rd | \$47,560 | \$60,630 | \$108,190 | H |
| OW: Leishear James E | | LD: Imps | | AS: \$41,580 | |
| 21093 53 | Timonium Rd | \$47,580 | \$63,460 | \$111,040 | H |
| OW: Moulden William A | | LD: Imps | | AS: \$44,410 | |
| 21093 54 | Timonium Rd | \$47,880 | \$64,370 | \$112,250 | H |
| OW: Persinger Gary M | | LD: Imps | | AS: \$44,900 | |
| 21093 56 | W Timonium Rd | \$176,390 | \$174,470 | \$350,860 | N |
| OW: Wight Edward I | | LD: Imps.9502 Ac Ns | | AS: \$0 | |
| 21093 56 | E Timonium Rd | \$47,620 | \$81,670 | \$129,290 | H |
| OW: St John Mary Lee | | LD: Imps | | AS: \$51,710 | |
| 21093 58 | Timonium Rd | \$42,590 | \$56,800 | \$99,390 | H |
| OW: Grubbs Richard H | | LD: Imps | | AS: \$39,750 | |
| 21093 60 | Timonium Rd | \$45,560 | \$78,790 | \$124,350 | H |
| OW: Saffell Mary Lou | | LD: Imps | | AS: \$49,740 | |
| 21093 65 | W Timonium Rd | \$57,680 | \$97,430 | \$155,110 | H |
| OW: Elliott Mary E | | LD: Imps | | AS: \$62,040 | |

Prot. Ex. 22

MLS# (BC)57759
42 Timonium Road
Timonium

--- S e t t l e d ---
Zip: 21093 Map: BC19A12
Gr. Cap: \$0

-1- Residential
L i s t : \$99,500
Ground Rent: \$120

Desc. :Rancher Detached 3 Bedrooms 1/0 BATHS Age: Unknown
:Brick Home Compo Roof

Rooms :LR: 09x16/ DR: 09x10/ KT: 07x11/
:MB: 10x14/1 B2: 12x09/1 B3: 10x11/1
:Sunporch-Scr ened

Floor :Formal LRoom Lr/Dr Combo
Ament. :WW Carpet
Lwr Lvl :Slab
Heat :Fuel-Gas Heat-Fha Window A/C

Site :Parking Pad Corner Lot
Lot :60/60 13 X 122 39/126 40
Utils. :Public Water Public Sewer Public Gas Cable Tv

Deed :Lib: 5165 Fol: 365
Ann.Fees:TX: \$999 G&E: \$1,779
Finance :Curr Loan Pd

Excluded:Ceiling Fan Refrigerator Dryer Exter Shed

Show :Call Office Poss: 60-90 Poss: Negot

*Contract:10/20/92 D.O.M.: 125 Sold Price: \$85,000
Settled :11/09/92 Loan: A19 Rate: 8.00 Term: 09 GR: \$120
:Mtg: BP: 0.00 SE: 0.00 Mortg. Amt: \$60,000
:CB: 8330 W. H. C. Wilson & Company PH: (410)433-7800

Dir. :East Of York Rd - 2 Blocks On Left 24 Hour Notice To Show
Remarks :Property Presently Rented-Call Agent To Show. Nice Home With
:Wonderful Screen Porch. 24 Hour Notice To Show
:Porch 15 X 17 - Screened

SV) Seller Incentive:
DU: N BB: Y BB1: SU: SU1:
LA: Joe Wade, Iii PH: ()494-0204 CO: 3 CPOUFS TL: ER
B#: 8330 W. H. C. Wilson & Company PH: (410)433-7800 MLS# (BC)57759

All information is deemed reliable but not guaranteed by the Broker or MARIT
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=====
Run Date: 02/05/95
=====

referred to as Section 1B01.1 required that this Special Exception not be varied in order to be obtained. The Planning Office's comments supported the strict interpretation of the Chester Haven case. Diane Itter also testified that she heard Norman Gerber's expert testimony on behalf of the Petitioner and she testified to the contrary of his conclusion.

Eric Rockell, testifying on behalf of the Greater Lutherville-Timonium Community Council along with a number of the other Protestants, objected to the precedential nature of granting what they perceived as a commercial operation into a purely residential neighborhood and were concerned about the dominant effect of that decision. The Council's Rule 8 statements were submitted subsequent to the hearing as permitted by the ruling of the CBA.

D. Prognosis of Compliance

Based upon Mr. Louis Miller's testimony and the following exhibits in this record, Protestants believe that the Petitioner will not comply with all applicable restrictions for the operation of this center if granted:

- (1) Protestant's Exhibit Number 31, child care ADM, conference agreement exceeds allowed capacity and mix.
- (2) Safety violations.
- (3) Resident occupancy violations.
- (4) Non-compliance with required record-keeping.
- (5) Using non-licensed space.
- (6) Encroachment on non-owned buffer property, Protestant's Exhibits (DZC) 8, 9, 10.
- (7) Misrepresentation on building application permits, Protestant's Exhibits (DZC) 11, 13.

Printed 10/21

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,

424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
3. Zoning Regulations, as amended, be and it is hereby repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. SECTION 2. AND BE IT FURTHER ENACTED, that Sections
2. 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B., 424.5.A. and B., and
3. 424.7 be and they are hereby added to the Baltimore County Zoning
4. Regulations, as amended, to read as follows:

5. 1B01.1. - General Use Regulations in D.R. Zones.

6. A. Uses Permitted as of Right.

7. 10.B. CLASS A GROUP CHILD CARE CENTERS AND CLASS B
8. GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40 CHILDREN, IF NOT
9. LOCATED IN A RESIDENTIAL TRANSITION AREA, SUBJECT TO THE REQUIREMENTS
10. OF SECTION 424, AND FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS
11. AND NURSERY SCHOOLS.

12. 1B01.1.

13. B.1. Residential Transition Areas and Uses Permitted
14. Therein.

15. c. Exceptions to residential transition.

16. 10.A. CLASS A AND CLASS B GROUP CHILD CARE CENTERS,
17. PROVIDED THAT THE ZONING COMMISSIONER DETERMINES, DURING THE SPECIAL
18. EXCEPTION PROCESS THAT THE PROPOSED IMPROVEMENTS ARE PLANNED IN SUCH A
19. WAY THAT COMPLIANCE WITH THE BULK STANDARDS OF SECTION 424.7 WILL BE
20. MAINTAINED AND THAT THE SPECIAL EXCEPTION CAN OTHERWISE BE EXPECTED TO
21. BE COMPATIBLE WITH THE CHARACTER AND GENERAL WELFARE OF THE SURROUNDING
22. RESIDENTIAL PREMISES.

23. 1B01.1.

24. C. USES PERMITTED BY SPECIAL EXCEPTION.

25. 6B. CLASS B GROUP CHILD CARE CENTERS FOR MORE THAN 40
26. CHILDREN SUBJECT TO THE STANDARDS SET FORTH IN SECTION 424, AND FAMILY
27. CHILD CARE HOMES, GROUP CHILD CARE CENTERS AND NURSERY SCHOOLS, AND

1. CLASS A AND CLASS B GROUP CHILD CARE CENTERS PROVIDING FOR UP TO 40
 2. CHILDREN, IF LOCATED IN A RESIDENTIAL TRANSITION AREA.

3. Section 424 - Family Child Care Homes, Group Child Care Centers,
 4. and Nursery Schools

5. 424.5.A. ALL OTHER PRINCIPAL USE GROUP CHILD CARE CENTERS AND
 6. NURSERY SCHOOLS IN RESIDENTIAL ZONES ARE PERMITTED IN ACCORDANCE WITH
 7. THE FOLLOWING SCHEDULE:

8. GROUP CHILD CARE CENTERS

| 9. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|---------------------------|---------|---------|-----------------|
| 10. | RC 2 | SE | SE | SE |
| 11. | RC 3 | SE | SE | SE |
| 12. | RC 4 | N | N | N |
| 13. | RC 5 | SE | SE | SE |
| 14. | D.R.(ALL ZONES): | | | |
| 15. | | N/A | | |
| 17. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 17. | 40 OR FEWER CHILDREN | C | C | C |
| 18. | 40 OR FEWER CHILDREN AND | SE | SE | SE |
| 19. | RTA IS APPLICABLE | | | |
| 20. | R.A.E. 1, 2 | C | C | C |
| 21. | PERMITTED ONLY WITHIN | | | |
| 22. | APARTMENT BUILDINGS OF | | | |
| 23. | 50 OR MORE UNITS AND | | | |
| 24. | SUBJECT TO SUPPLEMENTAL | | | |
| 25. | REGULATIONS OF PARAGRAPHS | | | |
| 26. | 200.2.B. and 201.2.B. | | | |

27. B. GROUP CHILD CARE CENTERS IN BUSINESS AND MANUFACTURING
 28. ZONES ARE PERMITTED AS A NONCOMMERCIAL ACCESSORY OR PRINCIPAL USE IN
 29. ACCORDANCE WITH THE FOLLOWING SCHEDULE:

| 30. | | CLASS A | CLASS B | NURSERY SCHOOLS |
|-----|----------------------------|---------|---------|-----------------|
| 31. | R-0: | | | |
| 32. | | N/A | | |
| 33. | MORE THAN 40 CHILDREN | SE | SE | SE |
| 34. | 40 OR FEWER CHILDREN | C | C | C |
| 35. | O-1, O-2 | R | R | R |
| 36. | O.T. | C | C | C |
| 37. | ONLY PERMITTED WITHIN | | | |
| 38. | BUILDINGS OF PRINCIPAL | | | |
| 39. | USES PERMITTED IN 207.3.A. | | | |
| 40. | BUSINESS ZONES | R | R | R |
| 41. | M.R., M.H., M.L. & | | | |
| 42. | M.L.R. ZONES | R | R | R |

43. R = PERMITTED AS OF RIGHT
 44. SE = PERMITTED BY SPECIAL EXCEPTION
 45. N = NOT PERMITTED
 46. C = PERMITTED SUBJECT TO ADDITIONAL CONDITIONS

1. 424.7. - Bulk Standards for Group Centers in D.R. Zones.

2. The following standards apply to group child care centers

3. located in D.R. Zones:

4. A. MINIMUM LOT SIZE: 1 ACRE FOR THE FIRST 40 CHILDREN
5. PLUS 500 SQUARE FEET PER CHILD FOR
6. EVERY CHILD BEYOND 40 CHILDREN

7. B. MINIMUM SETBACK
8. REQUIREMENTS:

9. FRONT: 25 FEET FROM STREET LINE OR THE
10. AVERAGE SETBACK OF THE ADJACENT
11. RESIDENTIAL DWELLINGS, WHICHEVER
12. IS LESS

13. SIDE: 50 FEET FROM PROPERTY LINE, WITH
14. 20' PERIMETER VEGETATIVE BUFFER

15. REAR: 50 FEET FROM PROPERTY LINE, WITH
16. 20' PERIMETER VEGETATIVE BUFFER

17. C. PARKING, DROP OFF AND DELIVERY AREAS SHALL BE LOCATED
18. IN THE SIDE OR REAR YARDS UNLESS THE ZONING COMMISSIONER, UPON THE
19. RECOMMENDATION OF THE DIRECTOR OF PLANNING, DETERMINES THAT SAFETY
20. OR-NEIGHBORHOOD-COMPATIBILITY-WILL-BE-IMPROVED THERE WILL BE NO
21. ADVERSE IMPACT BY USING THE FRONT YARD FOR PARKING, DROP OFF OR
22. DELIVERY PURPOSES. IN ALL CASES THESE AREAS SHALL BE LOCATED OUTSIDE
23. OF THE REQUIRED BUFFER AREA.

24. D. MAXIMUM HEIGHT: 35 FEET

25. E. MAXIMUM IMPERVIOUS
26. SURFACE AREA: 25% OF GROSS AREA

27. SECTION 3. AND BE IT FURTHER ENACTED, that Section 424.1.B. of
28. the Baltimore County Zoning Regulations, as amended, be and it is
29. hereby repealed and re-enacted, with amendments, to read as follows:

30. 424.1 - General. Family child care homes, group child care
31. centers, and nursery schools shall meet the following requirements:

32. B. In addition, with respect to group child care centers
33. and nursery schools, outdoor play space abutting residential property
34. shall be fenced [, if required by the Zoning Commissioner]. FENCES
35. SHALL BE SOLID WOOD STOCKADE OR PANEL, A MINIMUM HEIGHT OF 5 FEET, AND
36. NO CLOSER TO THE PROPERTY LINE THAN TWENTY (20) FEET.

37. SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
38. effect forty-five days after its enactment.

Proposed Amendments to
the Baltimore County
Zoning Regulations

*Prot. Exh ID
20*

REGARDING



CHILD CARE

A Final Report of
The Baltimore County
Planning Board

November 16, 1989

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS
REGARDING DENSITY BONUSES FOR CHILD CARE CENTERS

A Final Report of the Baltimore County Planning Board
November 16, 1989

PROJECT DESCRIPTION

County Council Resolution #48-88 (See Attachment #1) requests the Baltimore County Planning Board to consider proposing amendments to the Zoning Regulations "in order to facilitate the placement of day care centers in Baltimore County by providing a density allocation to developers."

BACKGROUND

Density bonus incentives have been considered for elderly housing and historic preservation. For the elderly, increased density is considered necessary to meet the unique needs of the expanding elderly population and appropriate because elderly households have less impact on County facilities than the general population. The Planning Board recommended that a density bonus be permitted for elderly housing facilities at hospital, institutional and historic sites through a special exception process if certain conditions are met. The Planning Board also recommended that density be calculated by "density unit" rather than "dwelling unit" for elderly housing facilities which provides a density increment for projects containing efficiency and one bedroom units. The County Council implemented the Planning Board recommendations through Bill No. 36-88.

The Planning Board also considered density bonuses to encourage historic preservation in response to Resolution #38-87. Except for elderly housing facilities, the application of density bonuses to historic properties as an incentive for historic preservation was determined to be infeasible. The Resource Conservation zones, lacking public water and sewer, cannot support high densities. In the other zones, maximum office and business zone floor area ratios and residential densities are rarely developed.

The Planning Board recommended that new definitions and regulations be adopted for child care centers in 1984. The recommendations were adopted by the County Council. The text amendments eliminated most of the zoning problems associated with small child care operations in homes and made it easier for larger child care facilities to open in schools, churches and hospitals.

The child care issue was last addressed by the Planning Board in November, 1987, in response to County Council Resolution #35-87. The Planning Board recommended that child care centers be exempt from RTA restrictions, subject to Zoning Commissioner approval. The Planning Board also recommended the exemption of space used for child care centers in office buildings from the calculation of the adjusted

gross floor area of the building where the office building has a minimum gross floor area of 100,000 square feet and the child care center a maximum area of 4,000 square feet. The County Council held a hearing on these amendments, but has not introduced legislation.

DISCUSSION

It is still difficult to establish freestanding commercial child care centers in Baltimore County although developers and potential operators find that there is a demand for such facilities. Plans for child care centers are not routinely included in large residential subdivisions or at adjacent commercial developments. This is not the case in neighboring jurisdictions, such as Harford, Carroll and Howard Counties where a number of new child care centers have been built.

Zoning regulations are related to the gap in child care facilities in several ways:

1. As stated in the 1987 Final Report of the Planning Board, the residential transition area (RTA) buffer applies to child care centers, although it does not apply to schools or community facilities. This buffer often makes it infeasible to develop sites which would otherwise be suitable for child care. While the full RTA buffer may not be available, an adequate buffer to protect neighboring homes can be provided in many cases.
2. The County does not have a neighborhood-type commercial zone which permits only a limited range of uses. Land costs in commercial zones are high and child care must compete with uses which are more profitable.
3. Child care centers require special exception approval to operate in residential zones. Uncertainty of approval and an inability to carry additional costs over an extended period of time because of limited profits discourages providers from scheduling a special exception hearing.

The high cost of land throughout the County in general also discourages the development of child care centers. A density bonus, if child care centers are provided, could offset the cost of land. However, as discussed in the Final Report regarding historic preservation, a density bonus is not feasible in most parts of the County. The issue of density bonuses has been raised in the proposed 1989 Master Plan. The Master Plan also stresses the need to make major revisions in the Density-Residential (D.R.) Zones, business zones and planned unit development (PUD) provisions.

RELATION TO COUNTY EXECUTIVE INITIATIVES

Expanding the supply of accessible, affordable, quality, child care is an initiative of this Administration. As stated in Closest to the People (Children and Youth Executive Initiatives), "Priority attention will be given to child care needs".

The lack of child care is a factor which encourages homebuyers to move to neighboring jurisdictions where such facilities are being developed. This movement can lead to changes in the location of the County's labor force with negative ramifications for the economic development and tax base of the County.

The County Executive has established an inter-agency steering committee to deal with problems involving the establishment of child care facilities. The Chamber of Commerce has also established a Committee to facilitate child care. The Office for Children in the Department of Community Development has the primary responsibility for implementing Child Care initiatives.

ANALYSIS

To achieve quality child care in Baltimore County the Zoning Regulations must permit child care facilities to be located in quality environments. Clearly, a residential zone provides a more ideal environment for children than a business or manufacturing zone, with the additional benefit of being near the family residence. Proximity to the residence provides convenience for the parents. However, because this activity center is not a residential use, additional standards are necessary to ensure that it does not adversely affect the surrounding residential properties.

Zoning requirements in local Maryland jurisdictions typically require day care centers to have a minimum lot area of 20,000 square feet plus 500 square feet per child, a minimum lot width of 100-200 feet and setbacks of 25 feet. Minimum interior and exterior area requirements have been established by the State in COMAR 10.05.01 and the Annotated Code of Maryland in SS14-101-14-114, governing group day care centers. The required minimum of useable interior floor space is 35 square feet per child. Procedural Guidance for the Inspection of COMAR 10.05.01 Regulation .16, Playgrounds, establishes an exterior play area of 75 square feet per child for 50% of the licensed capacity or 75 square feet per child for the total number of children to use the play area at one time, but not less than 50% of the licensed capacity.

The Planning Board's recommended amendments are based on State requirements, traffic circulation and the protection of adjacent residential property owners from excessive sounds or visual intrusions. Specific statements of justification are presented below.

MAXIMUM NUMBER OF CHILDREN

The base standard of 40 children to be permitted in group day care centers in D.R., (Density Residential), Zones was chosen because it is the highest number of children permitted in an intermediate size center under the State's licensing requirements. A center for forty children provides the most financially feasible operating size for day care providers serving less than 100 children.

Moreover, a capacity restriction reduces the transportation impacts resulting from the center. When the number of child pick-up and drop-off, employee and delivery trips are counted, a center for forty (40) children could generate approximately one hundred (100) vehicle trips per day. This level of traffic approximates the amount of traffic which would be generated by ten (10) single family dwellings, or one cul-de-sac. The use should be compatible with surrounding residential uses, from a transportation perspective, provided that access points afford good sight distance and safe ingress and egress according to the County Bureau of Traffic Engineering.

AREA STANDARDS

The State's combined minimum area requirements for interior and exterior space per child totals 110 square feet. This standard is based on "useable area". Each requirement was increased to adjust for gross area. 35 square feet of interior useable area was assumed to be 50 square feet of gross area, while the 75 square feet exterior requirement was adjusted to 100 square feet. The combined minimum gross area per child, for the determination of the minimum lot size standard, was 150 square feet. The maximum capacity of the center was used for determining the minimum lot area. There is potential for reduction of the exterior play area to accommodate shift play periods but this is a matter for the State Office of Child Care Licensing and the Zoning Commissioner to consider upon a request for a modification or variance.

PARKING, DELIVERY AND TRAFFIC CIRCULATION

Parking, delivery and traffic circulation area requirements were based on Section 409.3 and Section 409.4C of the Zoning Regulations pertaining to parking space and aisle dimensions and Section 409.6.4, governing the required number of parking spaces to be provided at group child care centers.

The Zoning Regulations require that there be at least one (1) parking space per employee on the largest shift but in no case less than two (2) spaces. Based on the State's maximum staff to child ratio of 1 staff member per 6 children (where all children are two (2) years old), a center for forty (40) children would require seven (7) parking spaces to accommodate employee parking. One space for delivery vehicles should also be provided at a strict minimum.

These requirements assume that a sufficient number of staff parking spaces will be available for use by clients. All children should be met at the car and escorted into the center to minimize the parking period per client, in order for this shared parking to be effective. If only the minimum amount of parking is provided, a loop driveway should be seriously considered.

Parking areas should be located in the side or rear yards to be consistent with the residential character and design of the neighborhood. However, the front yard may be used for parking or circulation when the Zoning Commissioner, upon the recommendation of the Director of Planning, or any reviewing agency, determines that safety or neighborhood compatibility will be improved.

BUFFER AND SETBACK REQUIREMENTS

The buffer and setback requirements were based on the RTA (Residential Transition Area) requirements specified in Article 1B regulating the DR (Density Residential) Zones; particularly, Section 1B01.1.B.3(b), which establishes buffer areas of 50 or 75 feet, depending on the orientation of the building and its relationship to adjoining properties. Also, Table 504 under Section V.B.2 of the CMDP (Comprehensive Manual of Development Policies), Setback Standards for Principal Buildings Permitted in any D.R. zone for Nonresidential Uses, was considered along with the requirements of other jurisdictions.

No minimum lot width is proposed. Instead, minimum buffer and maximum impervious surface area standards are recommended. A front yard setback has been suggested to be a minimum of twenty-five (25) feet. Also, a vegetative buffer twenty (20) feet wide along the perimeter of the side and rear yards, would be required. A solid fence five feet in height would be required along the perimeter of the play area. This security fence would also provide a sound barrier and visual screen to adjoining property owners. To enhance the noise reduction capabilities of the fence it may not be closer than twenty feet (20') from the property line. The required vegetative buffer will minimize the intrusive effects of the fence on surrounding properties. In addition, a maximum impervious surface area (including buildings and parking areas) of twenty-five percent (25%) is proposed. These requirements are intended to provide design flexibility while ensuring that the center will be in harmony with the surrounding residential uses when the RTA (Residential Transition Area) requirements cannot be met, or when a center providing for more than forty (40) children is proposed. Within an RTA, the bulk standards are to be applied as part of the special exceptions

provided in Section 502 of the Baltimore County Zoning Regulations. In DR (Density Residential) Zones not within an RTA, centers for up to forty (40) children will be permitted by right, subject to compliance with the bulk standards in Section 424.7.

RECOMMENDATIONS

The provision of facilities for the supervision, care and education of the children is a matter of great concern to the County and to the general public. The Staff recommends amendments to Section 424, "Family Child Care Homes, Group Child Care Centers and Nursery Schools" only. Under the general provision of Section 424, where any conflicts arise between this section and any other Section of the Zoning Regulations, this section shall govern. Additional amendments providing for density bonuses and implementing other Master Plan recommendations should be considered following the adoption of the Master Plan by the County Council.

These amendments will promote the expansion of the supply of Child Care Centers in the County.

The Baltimore County Planning Board recommends that the Baltimore County Zoning Regulations, 1955, as amended, be further amended as set forth below. Wherever utilized, dashes indicate text to be deleted, and underlining indicates text to be added.

1. Add new paragraphs to 1B01.1.A (uses permitted as of right in D.R. zones) as follows:

10B. Class A group child care centers and Class B group child care centers providing for up to 40 children, subject to the requirements of Section 424, Family Child Care Homes, Group Child Care Centers and Nursery Schools.

2. Add a new Subparagraph 10 A to Section 1B01.B.1.C (exceptions to residential transition areas) as follows:

* 10.A Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

3. Add a new Subparagraph 6B to Section 1B01.1.C (uses permitted by Special Exception in DR Zones) as follows:
 - 6B. Class B group child care centers for more than 40 children subject to the standards set forth in Section 424, Family Child Care Homes, Group Child Care Centers and Nursery Schools.
4. Amend Section 424.5.A (Schedule of permitted uses for group child care centers) as shown on Chart 1.
5. Add a new Section 424.7 entitled (Bulk Standards for group centers in DR Zones
 - a. Minimum Lot Size: 1 acre for the first 40 children plus 500 square feet per child for every child beyond 40 children
 - b. Minimum setback requirements:

| | |
|---------------|--|
| <u>front:</u> | <u>25 feet from street line or the average setback of the adjacent residential dwellings, whichever is less.</u> |
| <u>side:</u> | <u>50 feet from property line, with 20' perimeter vegetative buffer</u> |
| <u>rear:</u> | <u>50 feet from property line, with 20' perimeter vegetative buffer</u> |
 - c. Parking, drop off and delivery areas shall be located in the side or rear yards unless the Zoning Commissioner, upon the recommendation of the Director of Planning, determines that safety or neighborhood compatibility will be improved by using the front yard for parking, drop off or delivery purposes. In all cases these areas shall be located outside of the required buffer area.
 - d. Maximum height: 35 feet
 - e. Maximum impervious surface area: 25% of gross area
6. Amend Section 424.1.B (general child care center requirements) as follows:

In addition, with respect to group child care centers and nursery schools, outdoor play space, abutting residential property, shall be fenced ~~if required by the Zoning Commissioner~~. Fences shall be solid wood stockade or panel, a minimum height of 5 feet, and no closer to the property line than twenty (20') feet.

424.5 A. All other principal use group child care centers and nursery schools in residential zones are permitted in accordance with the following schedule:

GROUP CHILD CARE CENTERS

| | <u>CLASS A</u> | <u>CLASS B</u> | <u>NURSERY SCHOOLS</u> |
|--|----------------|----------------|--|
| RC 2 | SE | SE | SE |
| 3 | SE | SE | SE |
| 4 | N | N | N |
| 5 | SE | SE | SE |
| D.R. (ALL) | SE | SE | SE |
| <u>More than 40 children or RTA exemption</u> | | | |
| D.R. (ALL) | <u>C</u> | <u>C</u> | <u>C</u> |
| <u>40 or fewer children subject to RTA if applicable, otherwise, Section 424.7</u> | | | |
| R.A.E.1,2 <u>Permitted only within apartment buildings of 50 or more units and subject to supplemental regulations of paragraphs 200.2.B and 201.2.B. {Bill No. 47, 1985.</u> | C | C | C Permitted only within apartment buildings of 50 or more units and supplemental regulations of paragraphs 200.2.B and 201.2.B. {Bill No. 47, 1985.} |

B. Group child care centers in business and manufacturing zones are permitted as a noncommercial accessory or principal use in accordance with the following schedule:

| | <u>CLASS A</u> | <u>CLASS B</u> | <u>NURSERY SCHOOLS</u> | |
|--|----------------|----------------|------------------------|---|
| R-O | SE | SE | SE | |
| <u>More than 40 children</u> | | | | |
| R-O | <u>C</u> | <u>C</u> | <u>C</u> | |
| <u>40 or fewer children, subject to Section 424.7</u> | | | | |
| O-1, O-2 | R | R | R | |
| O.T. <u>Only permitted within buildings of principal uses permitted in 207.3A</u> | C | C | C | <u>Only-per- mitted- within buildings of-prin- cipal-uses permitted in-207-3A</u> |
| Business Zones | R | R | R | |
| M.R., M.H. M.L. & M.L.R. Zones | R | R | R | |

R = Permitted as of Right

SE= Permitted by Special Exception

N = Not Permitted

C = Permitted subject to additional conditions
{Bill No. 47, 1985.}

~~FD~~
Prot. Exh #18

REVIEW/ANALYSIS

of the

Traffic Impact

of the Proposed

Child Care Center

at

42 East Timonium Road
Baltimore County
Case No. 94271

by

Everett C. Carter
10509 Unity Lane
Potomac, MD 20742

February 1995

Reissued July, 1995

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - NW/2 Timonium Road, * DEPUTY ZONING COMMISSIONER
90' SW of c/1 of Edgemoor Road * OF BALTIMORE COUNTY
(42 East Timonium Road)
4th Election District * Case No. 94-271-NA
4th Councilmanic District *
Fatmeh Falahi and
Mohammad Haerian -
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 42 East Timonium Road, in northeastern Baltimore County. The Petitions were filed by the owners of the property, Fatmeh Falahi and Mohammad Haerian. The Petitioners seek a special exception to permit a Class B Group Child Care Center for no more than 40 children on the subject property, pursuant to Sections 1801.1.b.6.b and 424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special exception relief sought, variances are being requested from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot parameter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot parameter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-foot parameter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 384 of the gross area in lieu of the maximum permitted 25% of the gross area. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 7.

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Appearing at the hearing on behalf of the Petitioners were Fatmeh Falahi, property owner, J. Finley Ransone, Registered Land Surveyor, and Harriet Douthirt, Director of the Day Care Center for Towson State University. The Petitioners were represented by Michael P. Tanczyn, Esquire. Many residents of the surrounding community appeared in opposition to the Petitioners request. On their behalf, Louis Miller, Howard White, and Eric Rockel sat at the Protestant's trial table and participated in these proceedings, which took place over the course of three hearing days.

Testimony and evidence presented revealed that the subject property consists of a gross area of 9,263 sq.ft., zoned D.R. 5.5 and is improved with a one-story frame dwelling which is currently used as a residence and a day care center for up to eight (8) children. The Petitioners are desirous of expanding the day care center use to provide day care services for up to 20 children. While the special exception requested is for a maximum of 40 children, the Petitioners have agreed to limit the number of children to 20 as a result of recent findings by the State Licensing Department.

Appearing and testifying on behalf of the Petitioners was Harriet Douthirt. Ms. Douthirt holds a Masters Degree in Elementary Education from Goucher College and is the Director of the Day Care Center at Towson State University. Ms. Douthirt testified that she met Ms. Falahi approximately 14 years ago while a student at Towson State. She testified that she has referred families from her facility at Towson State to Ms. Falahi's day care center. Ms. Douthirt stated that it is very rare for her to refer children to other facilities, but because she has such good faith in Ms. Falahi's abilities to operate a day care center, she often refers families to Ms. Falahi. Furthermore, Ms. Douthirt testified that she is aware that Ms. Falahi is very cautious about who she will accept into her

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day care center. In her opinion, Ms. Falahi operates an excellent child day care facility and she supports her request to increase the number of children attending the center from 8 to 20.

Also appearing and testifying on behalf of the Petitioners was J. Finley Ransone, Registered Land Surveyor. Mr. Ransone prepared the site plan for the property which was marked into evidence as Petitioner's Exhibit 7. Mr. Ransone testified that during the course of the site plan preparation, he learned that approximately 5 feet of the paved portion of the 10-foot wide driveway which serves the present day care center is located on the adjacent property owned by the Timonium Shopping Center Associates Limited Partnership. Mr. Ransone testified that it is not possible for a vehicle to utilize this driveway without trespassing onto the shopping center property. Therefore, the pick up and delivery of children to the site is severely compromised by this title flaw.

Ms. Falahi testified that she purchased the subject property in November, 1992 and that she has operated a licensed day care facility at this site since September 15, 1993. She stated that the property is used as both a residence and a child day care center, which caters to children from the infant stage to up to 7 years of age. Ms. Falahi testified that she did not order a Title Search at the time of her purchase and that the property was in deplorable condition. She testified that she has made extensive improvements since her purchase of the property. Mrs. Falahi testified that she is present on a daily basis at the day care center and that she currently provides services for 8 children. Ms. Falahi testified that she had a survey performed by the State Licensing Department and that they advised her that the size of her facility could accommodate up to 20 children. Thus, she has requested the special exception to expand her

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current operation to provide services for a maximum of 20 children. She testified that the parents of the children currently enrolled at the day care center use Timonium Road to drop off and pick up their children. Ms. Falahi stated that she would like to use the shopping center driveway for this purpose but has been denied such use by its owners. Furthermore, the shopping center owners have advised Ms. Falahi that she is no longer permitted to trespass onto their property and have requested that she remove any improvements located thereon. This would include the 5-foot section of the paved driveway, an existing shed, and fencing.

Mr. Martin Pechter, a representative of the Timonium Shopping Center Associates Limited Partnership, appeared and testified in opposition to Ms. Falahi's request. Mr. Pechter testified that Ms. Falahi must terminate all encroachment onto the shopping center property. He testified that the owners of the shopping center property will pursue legal action in the event appropriate steps are not taken to remove all encroachments on their property. He further testified that Ms. Falahi has been placed on notice that the parents of those children attending her day care center must cease utilizing the driveway to the shopping center to drop off and pick up their children.

Also appearing and testifying in opposition to the Petitioners' request was Carolyn London. Ms. London is opposed to the Petitioners' request to increase the number of children at this facility. She testified that in her opinion, such an increase would be harmful to the residential character of this neighborhood. She cited tremendous traffic problems when parents drop off and pick up their children. She also cited noise problems relative to the use of the property as a day care center and projected an increase in such noise in the event the relief requested is

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granted. Furthermore, she opposes the variances requested for this site, arguing that the relief requested is excessive.

Ms. Kathleen F. Beadell appeared and testified in opposition to the relief requested on behalf of the Yorkshire Community Association. Ms. Beadell is President of that Association and has lived in the Timonium area all of her life. Ms. Beadell believes that any increase in the number of children permitted at this site, particularly to 20 or 40 children, would adversely affect the value of surrounding homes in this community. She also cited the lack of an appropriate delivery and pick up site for the children, inadequate parking, and stated that the noise generated by the operation of this day care facility is detrimental to the surrounding community.

Ms. Diane Itter, a representative of the Office of Planning and Zoning and a Community Planner for the Cockeysville area, appeared and testified in opposition to the Petitioners' request. She testified that in her opinion, the special exception requested is in direct conflict with the Master Plan and is inconsistent with the Community Conservation Area plan for this locale. She further testified that the privacy fence which has been constructed around this site is an inadequate buffer from the adjacent residential properties and believes that the subject property is too small in area and size to support an increase in the number of children up to 20. She also cited traffic safety concerns and indicated there have been numerous traffic violations committed by parents dropping off and picking up their children at the day care center.

Ms. Diana Amrhein appeared and testified in opposition to the Petitioners' request. Ms. Amrhein testified that she has been a licensed day care mother since 1976 and that she currently operates a day care

ORDER RECEIVED FOR FILING
Date 4/26/94
By [Signature]

center in her home. In her opinion, based on her experience, the Falahi property is too small to accommodate 20 children. Ms. Amrhein testified that an increase in the number of children at this facility would increase the amount of noise emanating from the site and would be unreasonable for the surrounding neighbors. She further testified that the pick up and delivery area for children is not efficient and causes traffic problems. She concluded that the subject site is not an appropriate candidate for the special exception and variance relief sought.

Mr. John Mannion appeared and testified in opposition to the Petitioners' request. Mr. Mannion testified concerning the issue of traffic along Timonium Road. He testified that his personal automobile has been struck by passing motorists on three occasions and that he was forced to construct a driveway on his property in order to avoid parking on Timonium Road. He further testified that he has witnessed motorists making U-turns in the middle of Timonium Road and crossing over the yellow line to pick up or drop off children. Mr. Mannion noted Timonium Road is a snow emergency route, which in times of bad weather, does not permit the parking or stopping of vehicles. He also joined in opposing any increase in the number of children permitted to attend this day care center.

Mr. Howard White testified in opposition to the Petitioners' request. Mr. White resides directly behind the subject site on Edgemoor Road. Mr. White testified that he specifically chose to live in this neighborhood due to the lack of children in the area and the fact that most homeowners are older residents without children. He testified that he is particularly sensitive to the noise generated by young children and feels that any increase in the number of children at this site would exacerbate an already uncomfortable situation. He is concerned over the im-

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Date 4/26/94
By [Signature]

pact this day care center will have on the value of his property and is strongly opposed to the special exception relief requested.

Mr. Guy Kern appeared and testified in opposition to the Petitioners' request. He testified as to the existing traffic problems on Timonium Road. He believes that an increase in the number of children at this site will cause additional traffic problems.

Mr. George Lubin also appeared and testified in opposition to the Petitioners' request. Mr. Lubin believes that the requested special exception constitutes another commercial encroachment into this residential community and asked that the relief requested be denied.

Mr. Louis Miller, adjoining property owner, appeared and testified. Mr. Miller's testimony was best characterized by a video tape presentation he made at the hearing. Mr. Miller had video-taped the day care center operation from the window of his residence for approximately 8 hours. He edited the tape down to 17 minutes and played the tape at the hearing. The video presentation made by Mr. Miller clearly depicted the numerous traffic problems and safety hazards associated with the present day care operation which currently provides services for only 8 children. Mr. Miller testified that an increase in the number of children permitted at this site would only exacerbate those problems depicted in the video.

After the presentation of Mr. Miller's testimony and evidence, the Petitioners recalled Mr. Ransone for further testimony. Mr. Ransone testified that the site plan has been revised to show additional screening which is being proposed in order to mitigate the effects of this day care center on surrounding residents.

Ms. Falahi also offered additional testimony. Ms. Falahi testified that she has received permission from Mr. Fred C. Yoo, who operates

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Date 4/26/94
By [Signature]

the adjacent gasoline service station on Timonium Road, to park three automobiles on his lot. Furthermore, Ms. Falahi testified that she has made some changes in their operating schedule which allows parents to drop off and pick up their children in a more efficient manner. On cross examination, Ms. Falahi admitted that she received a letter from Mr. Yoo revoking the parking arrangement previously agreed upon for three parking spaces. She also stated that she had received notification from the owners of the shopping center property requesting that any encroachments on their property be removed.

The Petitioner introduced a new witness, Mr. Norman Gerber, an expert planner and land use consultant. Mr. Gerber testified that he is very familiar with the subject site and the traffic on Timonium Road and that he has driven by this area on a number of occasions. Mr. Gerber testified that in his opinion, the use of this property as a day care center is an appropriate use. He believes that this property is a prime candidate for rezoning in that it sits on the border of commercial and residential properties. Mr. Gerber further argued that it is not the ideal residential property, given its close proximity to the commercial zone adjacent to it and the amount of traffic in this area of Timonium Road.

On cross examination, Mr. Gerber admitted that vehicles utilizing the driveway to this site cannot do so without trespassing onto that portion of the driveway located on the shopping center property. However, he pointed out that the trespassing issue is not a proper issue before me and is one that should be pursued in the Circuit Court for Baltimore County.

Mr. Gerber also offered testimony concerning the vegetative buffer requirements from which the Petitioners are seeking relief. Mr. Gerber testified that a vegetative buffer is not necessary at this location in

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Date 4/26/94
By [Signature]

that the Petitioners have provided a privacy fence around the perimeter of this site, which, in his opinion, is an adequate buffer for the surrounding residences. He testified that any buffer on the inside of this fence would provide little, if any, benefit to the surrounding neighbors. However, on cross examination, it was pointed out that a vegetative buffer required by the regulations must be constructed on the exterior of this privacy fence and not the interior. Obviously, inasmuch as this privacy fence is located on the property line, this 20-foot vegetative buffer cannot be located on the exterior of this fence. Furthermore, it is clear that this site, given its small size, cannot accommodate any vegetative buffer around its perimeter.

After the conclusion of Mr. Gerber's testimony, the Protestants offered two additional witnesses. Mr. Howard White, who had testified on a previous day, again reiterated his opposition to the Petitioners' request and noted that the Petitioners have only provided a setback of 48 feet on the east side of the existing dwelling to the rear property line and that an additional variance should have been requested. A review of the site plan revealed that the west side satisfies the requirements for a 50-foot distance from the rear property line; however, the east side clearly shows a distance of only 48 feet from the rear property line. It does appear that an additional variance should have been requested.

Lastly, Mr. Eric Rockel, a representative of the Greater Timonium Council, testified in opposition to the Petitioners' request. Mr. Rockel is opposed to the special exception and variance relief requested in that it conflicts with the Master Plan and does not conform to the Community Conservation Area plan for this locale. Furthermore, Mr. Rockel testified that the variances from landscaping and buffer requirements do not promote

the residential character of the community. He is very much concerned over the adverse effects on traffic the operation of this child care center currently has which he believes will only be exacerbated by any expansion. He testified that this site is just too small an area to accommodate this special exception relief requested.

As noted previously, the testimony and evidence offered by both the Petitioners and the Protestants in this case spanned several days. Each side entered into evidence many exhibits, all of which are contained within the file. After carefully considering all the testimony of the witnesses who testified and after fully reviewing the exhibits entered into evidence, I find that the Petitioners' request for special exception and variances should be denied. It is clear that the subject property is not an appropriate candidate to permit the expansion of the existing day care center beyond the 8 children currently attending. Several issues prevent me from allowing the expansion of this day care facility. Those issues involve the lack of an adequate and proper drop off and pick up plan. The driveway that is currently used forces parents to either pull in from and back out onto Timonium Road, or stop along Timonium Road and impede the flow of traffic. The traffic flow along this stretch of Timonium Road is very heavy. Furthermore, the driveway that is currently utilized by the Petitioner is only partially owned by them. Half of this driveway is located on property owned by the Timonium Shopping Center, who, by letter, has notified the Petitioners to cease and desist using that portion of their driveway.

Another issue which prevents me from granting the Petitioners' request is the size of the property itself. Due to the small size of this lot, the Petitioners are forced to request several variances. Of particu-

lar concern is the variance from the 20-foot vegetative buffer requirements which should be located outside the 50-foot setback required from the existing dwelling to the property line. There simply is not enough room to provide this buffer, which would greatly assist in reducing the amount of noise generated at this site and buffer its use from neighboring residences.

One particular piece of evidence which clearly demonstrated the problems which currently exist at this site was the video tape provided by Mr. Miller. Mr. Miller was able to capture the traffic congestion caused by parents dropping off and picking up their children at this site. To allow an increase in the number of children permitted at this day care center would only exacerbate the traffic problems which currently exist.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of September, 1994 that the Petition for Special Exception to permit a Class B Group Child Care Center for no more than 40 children (or 20 children as modified herein), pursuant to Sections 1801.1.b.6.b and 424.5.A of the B.C.Z.R., in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from certain area regulations of the B.C.Z.R. as follows: From Section 424.7.B to permit side yard setbacks of 13.66 feet and 14.05 feet without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet on each side with a 20-foot perimeter vegetative buffer and to permit a rear yard setback of 50 feet as required, but without the required 20-

foot perimeter vegetative buffer; from Section 424.7.A to permit a lot area of 9,263 sq.ft. in lieu of the minimum required 1.0 acre; and from Section 424.7.E to permit an impervious surface area of 38% of the gross area in lieu of the maximum permitted 25% of the gross area, in accordance with Petitioner's Exhibit 7, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to continue to operate the existing day care facility in accordance with the dictates of the B.C.Z.R. and all other applicable laws and ordinances.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 9/30/94
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
40th Washington Avenue
Towson, MD 21204

September 30, 1994

(410) 887-4386

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian - Petitioners
Case No. 94-271-XA

Dear Mr. Tanczyn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- cc: Mr. Louis W. Miller, 44 E. Timonium Road, Timonium, Md. 21093
- Ms. Carolyn London, 41-43 E. Timonium Road, Timonium, Md. 21093
- Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part. 40 York Road, Suite 220, Towson, Md. 21204
- Mr. Eric Rockel, c/o Greater Timonium Community Council P.O. Box 276, Timonium, Md. 21093
- Ms. Kathleen Beadell, President, Yorkshire Community Assoc. 30 Northwood Drive, Timonium, Md. 21093

People's Counsel; File



#271
Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 42 East Timonium Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for a Class B Group Child Care Center pursuant to BCZR 1.8.01.6.6.b and BCZR 424.5.A for up to but not to exceed 40 children

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.

Contact Purchaser/Lessee:

Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

Legal Owner(s):
FATEMEH FALAH
Type or Print Name: _____
Signature: *Fatemeh Falahi*
MOHAMMAD HAERIAN, M.D.
Type or Print Name: _____
Signature: *M. Haerian*

Attorney for Petitioner:

NICHOLAS P. TANCZYN, ESQ.
Type or Print Name: _____
Signature: *Michael P. Tanczyn*
606 Baltimore Avenue, Suite 106
Towson, MD 21204 (410) 296-8823
City: _____ State: _____ Zipcode: _____

10630 Pot Spring Road 252-0636
Address: _____ Phone No: _____
Cockeysville, MD 21030-017
City: _____ State: _____ Zipcode: _____
Name, Address and phone number of representative to be contacted:

Michael P. Tanczyn, Esq.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
City: _____ State: _____ Zipcode: _____

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: 1 hr. +
The following date: _____ Next Two Months
ALL OTHER _____
REVIEWED BY: *TMK* DATE: 1/6/94

ORDER RECEIVED FOR FILING
Date 9/30/94
By [Signature]



#271
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 42 East Timonium Road
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BCZR 424.7.B without a 20 ft. perimeter vegetative buffer to provide sideyard setbacks of 13.66 feet and 14.05 feet in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer. BCZR 424.7.A to provide a lot of 9,263 sq.ft. in lieu of required 1 acre. (Continued) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

Contact Purchaser/Lessee:

Type or Print Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____

Legal Owner(s):
FATEMEH FALAH
Type or Print Name: _____
Signature: *Fatemeh Falahi*
MOHAMMAD HAERIAN, M.D.
Type or Print Name: _____
Signature: *M. Haerian*

Attorney for Petitioner:

MICHAEL P. TANCZYN, ESQ.
Type or Print Name: _____
Signature: *Michael P. Tanczyn*
606 Baltimore Avenue
Suite 106
Towson, MD 21204 296-8823
City: _____ State: _____ Zipcode: _____

10630 Pot Spring Road 252-0636
Address: _____ Phone No: _____
Cockeysville, MD 21030-017
City: _____ State: _____ Zipcode: _____
Name, Address and phone number of representative to be contacted:

MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
City: _____ State: _____ Zipcode: _____

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: 1 hr. +
The following date: _____ Next Two Months
ALL OTHER _____
REVIEWED BY: *TMK* DATE: 1/6/94

ORDER RECEIVED FOR FILING
Date 9/30/94
By [Signature]

94-271-XA

BCZR 424.7.B to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer. BCZR 424.7.E to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 42 East Timonium Road
which is presently zoned UR 2.5

The Petitioner shall file with the Office of Zoning Administration & Development Management...
BCR 424.7.5 - to provide side and setbacks of 13.66' and 14.05' without a 20' perimeter vegetative buffer in lieu of required 50' from the property line on each side with a 20' perimeter vegetative buffer;
BCR 424.7.6 - to provide a lot of 9,263 sq. ft. in lieu of required 1 acre;
BCR 424.7.7 - to provide a minimum rear setback of 48' in lieu of 50' without a 20' perimeter vegetative buffer; and
BCR 424.7.8 - to provide a minimum rear setback of 48' in lieu of 50' without a 20' perimeter vegetative buffer; and
lot width is only 60' at the narrowest dimension and 60.13' at its widest dimension in the rear and for reasons to be presented at the hearing of this matter.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

***vegetative buffer
BCR 474.7.E Impervious area 25% of gross area

Contract Purchaser Name: FATEMEH FALAH
Type or Print Name: Fatemeh Falahi
Signature: Fatemeh Falahi
Address: 10630 Pot Spring Road 252-0636
Cockeysville, MD 21030-3017
City State Zip: Cockeysville, MD 21030-3017
Name, Address and phone number or representative to be contacted:
MICHAEL P. TANCZYN, ESQ.
606 Baltimore Avenue, Suite 106
Towson, MD 21204 296-8823
City State Zip: Towson, MD 21204 296-8823

DROP-OFF
No REVIEW
2/14/95
WCR



ZONING DESCRIPTION

for the property located at
No. 42 East Timonium Road
BEGINNING for the same at a point on the northwesterly right of way line of Timonium Road, 80 feet wide distant South 36 degrees 17 minutes 20 seconds West from the center of Edgemoor Road, 50 feet wide; thence running and binding on the outlines of the property of the petitioners herein, and binding on the northwest side of Timonium Road, South 36 degrees 17 minutes 20 seconds West 60.00 feet; thence leaving said road, North 53 degrees 42 minutes 40 seconds West 126.40 feet, thence North 40 degrees 06 minutes 02 seconds East 60.13 feet, thence South 53 degrees 42 minutes 40 seconds East 122.39 feet to the place of beginning.

BEING Lot No. 12, Block D, as shown on a plat entitled "Section Three, Part of Blocks D - E - F - F1 - G - H & I, HAVERFORD" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 21 folio 23.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 271
Date of Posting: 6/24/94
Posted for: Special Exception & Variance
Petitioner: Fatemeh Falahi & Mohammad Haerian
Location of property: 42 East Timonium Rd, Towson, Md
Location of Sign: 42 East Timonium Rd, Towson, Md
Remarks: None
Posted by: [Signature]
Date of return: 7/1/94
Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 271
Date of Posting: 7/1/94
Posted for: Special Exception & Variance
Petitioner: Fatemeh Falahi & Mohammad Haerian
Location of property: 42 East Timonium Rd, Towson, Md
Location of Sign: 42 East Timonium Rd, Towson, Md
Remarks: None
Posted by: [Signature]
Date of return: 7/1/94
Number of Signs: 2

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 proposed Special Exception and Variance for the property located at 42 East Timonium Road, Towson, Maryland, on the following date and time: Tuesday, July 26, 1994 at 8:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21286.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/20, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20, 1994

THE JEFFERSONIAN
A. HENNINGSON
LEGAL AD. - TOWSON

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children. Variance to provide 10' side setbacks of 13.66' and 14.05' feet, without a 20' perimeter vegetative buffer; and, in lieu of the required 50' lot perimeter vegetative buffer, to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50' feet from the property line without the required 20' perimeter vegetative buffer; and to provide a maximum impervious surface area of 25% of the gross area in lieu of the maximum 20% of the gross area.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (Hearings are Handicapped Accessible, for special accommodations please call 887-3353)
Offer information concerning the fee and hearing, please call 887-3351.
1/17, January 20

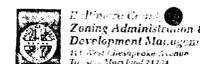


1/6/94
Falahi, Fatemeh - 42 East Timonium Road

receipt
Account: R-001-6150
Number: 94-271-XA
Taken In By: 271
Item Number: 271

020 - Zoning Variance - \$1250.00
050 - Special Exception - \$1300.00
080 - 2 Signs @ \$350.00 each - \$700.00
ST 620.00

Please Make Checks Payable To: Baltimore County



receipt

Account: R-001-6150
Number: 271 (WCR)
Case: 94-271-XA

Date: 7/19/94
DROP-OFF REVISIONS - NO REVIEW

Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road
2nd Election District
4th Councilmanic District
Michael P. Tanczyn, Esquire

#110 - REVISIONS - \$100.00
(Check From Attorney)

REVISIONS (PLATS) AND CHECK WERE RECEIVED ON 7/19/94. (CHECK WAS DATED 7/19/94; ACKNOWLEDGING LETTER WAS DATED 6/15/94)

684030003031CHRC \$100.00
84 0091050402-15-94
Please Make Checks Payable To: Baltimore County

Cashier Validation

receipt

Account: R-001-6150
Number: 271 (W.R.)
Case: 94-271-XA

Date: 2/14/95
drop-off - no review

#110 - REVISIONS - \$100.00
(Revised Petition for Variance & Plats)

Legal Owner: Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road
Scheduled for Board of Appeals Hearing on 2/22/95
Attorney: Michael P. Tanczyn

Check from Michael P. Tanczyn, P.A. 034030003031CHRC \$100.00
84 0091050402-15-95
Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 8818

DATE: 6/22/94 ACCOUNT: R-001-6150
AMOUNT: \$ 35.00

RECEIVED FROM: Michael P. Tanczyn
FOR: Sign

01401901031CHRC \$35.00
84 0091050402-15-94
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 159287

DATE: November 2, 1995 ACCOUNT: R-001-6150
AMOUNT: \$450.00

RECEIVED FROM: Michael P. Tanczyn, Esq.
FROM: 42 E. Timonium Road - 94-271-XA

FOR: Appeal-Special Exception and Variance
FOR: Cost of Sign

01401901031CHRC \$450.00
84 0091050402-15-95
VALIDATION OR SIGNATURE OF CASHIER

LEGAL ADVERTISING

10750 Little Patuxent Parkway
Columbia, MD 21044
Advertising/Towson Office (410) 337-2400
Columbia Office (410) 730-3990 (Ext. 381)
Billing (410) 730-3990 (Ext. 285)

MICHAEL P. TANCZYN, ESQ.
606 BALTIMORE AVENUE, #106
TOWSON, MD 21284

HEARING 94-271-XA
INVOICE DATE: 01/20/94

| START DATE | STOP DATE | DESCRIPTION | LINES | TIMES | TOTAL LINES | RATE | AMOUNT |
|------------|-----------|---|-------|-------|-------------|------|--------|
| 01/13/94 | 01/20/94 | 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, 111 W | 97 | 1 | 97 | LG | 77.42 |

PUBLICATIONS: B
P.O. NO. JEFF 1 187

PAYMENT DUE UPON RECEIPT ORIGINAL
TOTAL AMOUNT DUE: 77.42

ADJUSTMENTS
PROOF CHARGES: 0.00
PREPAID AMOUNT: 0.00

MOHAMMAD HAERIAN, M.D.
FATEMEH FALAH
10630 POT SPRING ROAD
COCKEYSVILLE, MD 21030-3017

Patuxent Publishing
2115 94 6168
\$77.42
Signature: Fatemeh Falahi

MARYLAND NATIONAL BANK
AT-TOWSON
405 2000 1681 6168 0001334432

Baltimore County Government

Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, MD 21284
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jarlon, Director

For newspaper advertising:
Item No.: 271
Petitioner: Fatemeh Falahi & Mohammad Haerian, M.D.
Location: 42 East Timonium Rd.

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Michael P. Tanczyn, Esquire
ADDRESS: 606 Baltimore Avenue, Suite 106
Towson, MD. 21204
PHONE NUMBER: 296-8823

All-ops (Revised 04/09/93)

Please forward billing to:
Michael P. Tanczyn, Esq.
606 Baltimore Avenue, Suite 106
Towson, Maryland 21284
781-8822

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/4 Timonium Road, 90' SW of c/1 Edgewood Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

111 West Chesapeake Avenue
Towson, MD 21284
JANUARY 14, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-271-XA (Item 271)
42 E. Timonium Road
NW/4 Timonium Road, 90' SW of c/1 Edgewood Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian
HEARING: TUES. FEB. 22, 1994 at 9:00 a.m., Rm. 106, County Office Bldg.

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20 foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20 foot perimeter vegetative buffer; to provide a lot of 9,263 square feet in lieu of the required 1 acre; to provide a rear setback of the required 50 feet from the property line without the required 20 foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

Arnold Jablon
Arnold Jablon
Director

cc: Fatemeh Falahi and Mohammad Haerian
Michael P. Tanczyn, Esq.

NOTES: (1) HEARING TIME & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Printed with Soybean Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

June 17, 1994

NOTICE OF REASSIGNMENT

Rescheduled from March 10, 1994
CASE NUMBER: 94-271-XA
42 Timonium Road
NW/4 Timonium Road, 90' SW of c/1 Edgewood Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20-foot perimeter vegetative buffer; to provide a rear setback of the required 50 feet from the property line without the required 20-foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: FRI. JULY 22, 1994 at 9:00 a.m. in Rm. 106, County Office Bldg.

ARNOLD JABLON
DIRECTOR

cc: Kathleen F. Beadell
Diana Iiter
Carolyn London
Louis W. Miller
Martin Pechter
Eric Rockel

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on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

JULY 25, 1994

NOTICE OF REASSIGNMENT

Continued from 3/10/94; Rescheduled from 7/22/94
CASE NUMBER: 94-271-XA (Item 271)
42 Timonium Road
NW/4 Timonium Road, 90' SW of c/1 Edgewood Road
8th Election District - 4th Councilmanic
Petitioner(s): Fatemeh Falahi and Mohammad Haerian

Special Exception for a Class B Group Child Care Center for up to, but not to exceed, 40 children.
Variance to provide side yard setbacks of 13.66 feet and 14.05 feet, without a 20-foot perimeter vegetative buffer, in lieu of the required 50 feet from the property line on each side with a 20-foot perimeter vegetative buffer; to provide a rear setback of the required 50 feet from the property line without the required 20-foot perimeter vegetative buffer; and to provide a maximum impervious surface area of 38% of the gross area in lieu of the maximum 25% of the gross area.

HEARING: TUESDAY, AUGUST 23, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: Michael P. Tanczyn, Esq.
Fatemeh Falahi
Diane Iiter, OPE, MS 3402
Carolyn London
Louis Miller
Eric Rockel
Kathleen Beadell
M. Dechter

Printed with Soybean Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21284

(410) 887-3353

February 15, 1994

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21284

RE: Case No. 94-271-XA, Item No. 271
Petitioner: Fatemeh Falahi and Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Tanczyn:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 16, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: August 17, 1994

SUBJECT: 42 E. Timonium Road REVISED COMMENT

INFORMATION:

Item Number: 271

Petitioner: Fatemeh Falahi

Zoning: DR 5.5

A revised plan (1st amendment) dated 5/16/94, but received on 7/19/94 has been submitted for the proposed Class B Group Child Care Center.

As previously indicated, due to a number of factors and site constraints, the Special Exception for a Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan still does not note the proposed number of employees. Provisions for drop-off and pick-up have been noted (note 7) on the site plan. However, the drop-off/pick-up provision is still inadequate since it involves the necessity for cars to back out onto Timonium Road, a busy major arterial road.

Note 6 on the site plan indicates three spaces for employee parking to be provided off-site at the Fred C. Yoo service station. A letter from Mr. Yoo is needed indicating that he has given permission for the parking as well as a site plan showing that he has surplus parking which can be shared/leased.

The site plan still indicates half of the driveway off-site on the property owned by Timonium Shopping Center Associates Limited Partnership. This is within an area set aside as a buffer between the shopping center and the residential community according to the plan for Special Exception for Service Station approval in 1961.

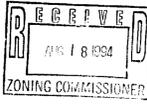
Previous comments are still applicable with regard to the area Variance and the impervious area Variance.

Prepared by: *Pat Keller*

Division Chief: *Carolyn London*

PK/JL:pat

ZAC27.R/PZONE/ZAC1



94-271-XA

TO: Arnold Jablon, Director DATE: August 9, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 8, 1994
Item No. 271, Case No. 94-271-XA

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual. A final landscape plan must be approved as a condition of releasing permits.

The existing driveway appears to be offsite and there is no onsite drop-off pick-up area. Adequate onsite maneuvering must be provided.

RWB:ew

Mrs. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21284

Re: Baltimore County
Item No: 271
CASE NO: 94-271-XA

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
John Costabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

44-271-XA
1-23-94

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: January 27, 1994

SUBJECT: 42 E. TIMONIUM ROAD

INFORMATION:
Item Number: 271
Petitioner: Fatemeh Falahi
Zoning: DR S.5

The proposal for Special Exception for Class B Group Child Care Center and numerous Variances is requested for 42 East Timonium Road. This site is within a Community Conservation Area designated by the Baltimore County Master Plan 1989-2000. It is adjacent to a secondary means of access to the Timonium Shopping Center as well as several single-family residences.

Due to a number of factors and site constraints, the proposal for a Special Exception for Class B Group Child Care Center for 40 children appears to be excessive and would overcrowd the site. The site plan does not indicate the number of employees, hours of operation and does not make provisions for either off-street parking or for the drop-off and pick-up of children. Timonium Road is a busy major arterial road with no parking permitted and is posted accordingly. The existing macadam driveway, which is partly off-site, could accommodate a maximum of three (3) cars subject to blockage. However, paving the front yard to provide parking is not a good solution since it would detract from the residential character of the area. This issue of adequate parking and site drop-off/pick-up of children must be addressed for any child care operation, Class A or Class B.

The existing wood fence would provide somewhat of a barrier between the outdoor play area and the adjacent dwellings but it does not completely enclose the rear yard. Some planting should be provided between the adjacent dwellings and the wood fence. A dilapidated chain link fence with slats (shown as being off-site) is in disrepair. The area within the fence to the side and rear apparently cannot be incorporated within the proposed outdoor play area since it is under restrictive covenant and under different ownership.

ZAC. 271/PZONE/ZAC1 Pg. 1

The area Variance request from Section 424.7A is also of some concern; the net lot area is only 7,463 sq. ft. while the gross area is 9,263 sq. ft. The BCR requirement of one (1) acre minimum lot area does not indicate whether the requirement is for net or gross area, if it is for net area the Variance required is greater than indicated on the Petition form.

The impervious area Variance request from Section 424.7E is also of some concern due to the fact that on such a small site the actual useable area for outdoor play area is further limited when 38% of the site area is either building or paving.

Should the applicant's request be granted, the size of the child care center should be limited to 12 children.

Prepared by: *Jeffrey W. Long*
Carol L. Kern

Division Chief: *Carol L. Kern*

PK/JL:pat

ZAC. 271/PZONE/ZAC1 Pg. 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 24, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 24, 1994
Item No. 271

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to the Landscape Manual.

Robert W. Bowling
ROBERT W. BOWLING, Chief
Developers Engineering Section

BWB:q

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

Re: Baltimore County
Item No: 4371 (MTR)

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAYNES, AGING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 01/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: FATEMEH FALAHY & MOHAMMAD HAERIAN, M.D.

LOCATION: NW/2 TIMONIUM RD., 90' SW OF CENTERLINE EDGEWOOD RD.
(42 EAST TIMONIUM RD.)
Item No.: 271 (43K) Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1971 edition prior to occupancy.

RECEIVED
JAN 20 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 17, 1994

Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

Re: Case No. 94-271-XA (Item 271)
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Tanczyn:

The above-referenced case has been rescheduled for July 22, 1994 at 9:00 a.m. in Rm. 106 of the County Office Building, allowing two hours for your client's to present their case.

The property will be re-posted by July 1, 1994. Since the property must be re-posted, there is a \$35.00 fee due. Please advise your client of same.

If we can be of any further assistance to you, please do not hesitate to contact our office at 887-3391.

Sincerely,
Charlotte Minton
Charlotte Minton
Office Assistant

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Ketrocco
Deputy Zoning Commissioner DATE: March 17, 1994

FROM: Pat Keller
Deputy Director
Office of Planning & Zoning

SUBJECT: CASE NO. 94-271XA - 42 E. TIMONIUM ROAD

I would like to clarify any possible misconceptions concerning a continued zoning hearing, Case No. 94-271XA. The Office of Planning and Zoning is not negotiating a revised plan with the applicant. Comments dated January 27, 1994 are still applicable to this site. If a revised plan is submitted, I would suggest that the applicant, her attorney or representative meet and discuss this with the representatives from the Haverford Community Association, Yorkshire Community Association and Greater Timonium Community Council prior to any continued hearing.

DI:lw
DI94-271/PZONE/TEXTILE

c: Michael TANCZYN, Esq.
Norman Gerber
Louis Miller
Martin Fechter

RECEIVED
MAR 18 1994
ZONING COMMISSIONER

BEFORE THE ZONING COMMISSIONER
IN RE
FOR BALTIMORE COUNTY
42 East Timonium Road
Case No. 94-271-XA
Item 271

The following information is submitted pursuant to Baltimore County Zoning Regulations 424.4-A:

| | |
|--|---|
| Number of Employees: | 3 |
| Number of Children to be Enrolled (Maximum): | 20 |
| Hours of Operation: | Arrival 7:30 a.m. Depart by 5:30 p.m. |
| Known Amount of Traffic Generated: | 20 Children X 1 Drop-Off and 1 Pick-up = 40 Trips Per Day 3 Employees = 3 Trips Per Day |
| 1E | Site Plan Previously Submitted |
| 1F | Pictures Submitted At Hearing |

Michael P. Tanczyn
MICHAEL P. TANCZYN, ESQ.
Attorney for the Petitioner
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204
Telephone: (410) 296-8823

271

To the Hearing Officer:

On the request for variance, the specific language is worded awkwardly. The attorney's language should match the site plan, but it might be a good idea to have him clarify his requests at the hearing.

Mitch
1/6/94

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 3, 1994

Mr. Louis Miller
44 E. Timonium Road
Timonium, MD 21093

RE: Petition for Special Exception and Variance
90' S/W of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District
4th Councilmanic District
Fatemeh Falahi and
Mohammad Haerian-Petitioners
Case No. 94-271-XA

Dear Mr. Miller:

Please be advised that an appeal of the above-referenced case was filed in this office on October 28, 1994 by Michael P. Tanczyn, Esquire. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Eileen O. Hennegan at 887-3353.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:eoh

c: Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Baltimore 21204
Ms. Carolyn London, 41-43 E. Timonium Rd., Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council, P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Community Assoc., 30 Northwood Drive, Timonium, MD 21093
Ms. Diana Itter, Office of Planning and Zoning People's Counsel

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APPEAL

Petitions for Special Exception and Variance
NW/S Timonium Road, 90' SW of c/l of Edgemoor Road
(42 East Timonium Road)
8th Election District - 4th Councilmanic District
Fatemeh Falahi and Mohammad Haerian-PETITIONERS
Case No. 94-271-XA

Petitions for Special Exception and Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-In Sheets

- Petitioner's Exhibits:
- 1 - Plat to Accompany Special Exception and Variance
 - 2(a) - 1 Photograph
 - 2(b) - 1 Photograph
 - 2(c) - 4 Photographs
 - 2(d) - 4 Photographs
 - 2(e) - 5 Photographs
 - 3 - Daily Schedule
 - 4(a) - 4 Photographs
 - 4(b) - 4 Photographs
 - 4(c) - 2 Photographs
 - 4(d) - 6 Photographs
 - 5 - Department of Human Resources, Child Care Administration-Summary of Findings
 - 6 - Plat of property
 - 7 - Plat to Accompany Special Exception and Variance
 - 7(a) - Letter of Support
 - 7(b) - Letter of Support
 - 7(c) - Letter of Support
 - 7(d) - Letter of Support
 - 7(e) - Letter of Support
 - 8 - Letter from Fatemeh Falahi
 - 9 - Lease Agreement
 - 10 - Curriculum Vitae-Norman E. Gerber

- Protestant's Exhibits:
- 1 - Sketch of exits & entrances onto Timonium Road
 - 2 - Descriptions and 14 Photographs
 - 3 - Video Tape and 2 Photographs
 - 4 - Plat of property
 - 5 - Traffic Survey
 - 6 - Workbook-Office of Child Care Licensing and Regulation
 - 7 - Letter to Fatemeh Falahi from Fred Yoo
 - 8 - Letter to Petitioners, c/o Michael Tanczyn, from Kathleen Gallogly Cox (2/22/94)
 - 9 - Letter to Michael Tanczyn from Kathleen Gallogly Cox (3/9/94)
 - 10 - Letter to Fatemeh Falahi from Martin Pechter (7/1/94)
 - 11 - Application for Permit

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 14, 1995
TO: Kathi Weidenhammer
Board of Appeals
FROM: Sophia C. Jennings
ZADM
SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

Today, revised variance petition forms and revised plans were dropped off for the above referenced case by the attorney, Michael P. Tanczyn. The revisions were accompanied by a letter from Mr. Tanczyn indicating that this case is scheduled for a hearing before the Board of Appeals on February 28, 1995.

As the petition and plans were dropped off, they were not reviewed by anyone in this office prior to their acceptance. In accordance with our policy, the revisions will be placed on the Zoning Advisory Committee (ZAC) agenda for the February 27th meeting, at which time they will be reviewed by the appropriate agencies.

As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 28, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Revision Review
Case #94-271-XA
42 East Timonium Road
8th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The 50-foot rear yard setback is required pursuant to Section 424.7, subsection B, not A.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Morley
Joseph C. Morley
Planner I

JCM:scj

Enclosure (receipt)

c: Board of Appeals

Printed with Soybean Ink on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
42 Timonium Road, NW/S Timonium Rd., *
90' SW of c/l Edgemoor Road, 8th *
Election Dist., 4th Councilmanic * FOR BALTIMORE COUNTY
Fatemeh Falahi and M. Haerian, M.D. * CASE NO.: 94-271-XA
* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Denilio
CHARLES S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

- Miscellaneous Correspondence
- 11 - Application for Permit
 - 12 - Partial Plat
 - 13 - Application for Permit
 - 14 - Letter to Timothy Kotrocco from Eric Rockel (8/22/94)
1. Roster of Protestants to speak at hearing
2. 20 Letters in Opposition to Petitions
3. Inter-Office Memo from Pat Keller to Timothy Kotrocco, dated March 17, 1994
4. Information supplied by Michael Tanczyn to the Zoning Commissioner pursuant to Section 424.4-A., PCZ.

Deputy Zoning Commissioner's Order dated September 30, 1994

Notice of Appeal received on October 28, 1994 from Michael P. Tanczyn, Esquire

c: Fatemeh Falahi and Mohammad Haerian, 10630 Pot Spring Road, Cockeysville, MD 21030
Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, MD 21204
Ms. Carolyn London, 41-41 Timonium Road, Timonium, MD 21093
Mr. Martin Pechter, Timonium Shopping Center Assoc. Ltd. Part., 40 York Road, Suite 220, Towson, MD 21204
Mr. Eric Rockel, c/o Greater Timonium Community Council, P.O. Box 276, Timonium, MD 21093
Ms. Kathleen Beadell, President, Yorkshire Comm. Assoc., 30 Northwood Drive, Timonium, MD 21093
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotrocco, Deputy Zoning Commissioner
Ms. Diana Itter, Office of Planning and Zoning
W. Carl Richards, Jr., Zoning Supervisor
Docket Clerk
Arnold Jablon, Director of ZADM

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 14, 1995
TO: Kathi Weidenhammer
Board of Appeals
FROM: Sophia C. Jennings
ZADM
SUBJECT: Zoning Case #94-271-XA
Fatemeh Falahi & Mohammad Haerian, M.D.
42 East Timonium Road

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As this case is scheduled before the Board of Appeals, I am forwarding to you copies of the petition, description, plat, etc. that would normally be put in our file and sent to the zoning commissioner before a hearing. I am also attaching a copy of the ZAC agenda for February 27, 1995.

If you have any questions regarding the above, please let me know.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 28, 1995

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: Preliminary Revision Review
Case #94-271-XA
42 East Timonium Road
8th Election District

Dear Mr. Tanczyn:

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The 50-foot rear yard setback is required pursuant to Section 424.7, subsection B, not A.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Morley
Joseph C. Morley
Planner I

JCM:scj

Enclosure (receipt)

c: Board of Appeals

Printed with Soybean Ink on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
42 Timonium Road, NW/S Timonium Rd., *
90' SW of c/l Edgemoor Road, 8th *
Election Dist., 4th Councilmanic * FOR BALTIMORE COUNTY
Fatemeh Falahi and M. Haerian, M.D. * CASE NO.: 94-271-XA
* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Denilio
CHARLES S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
JUL 29 1994
ZADM
Baltimore County Office of Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353

ASSIGNMENT
led from 7/22/94
1) 1 Edgemoor Road
2) Islamic
3) Mohammad Haerian
Group Child Care Center for up to, but
backs of 13.66 feet and 14.05 feet,
ative buffer, in lieu of the required
each side with a 20-foot perimeter
rear setback of the required 50 feet
side a rear setback of the required 50
but the required 20-foot perimeter
a maximum impervious surface area of
the maximum 25% of the gross area.
at 9:00 a.m. in Rm. 118, Old

Eric Rockel
Kathleen Beadell
M. Dechter

ROSTER TO TESTIFY AT ZONING MEETING: 7:30 PM, 9:00 PM, 106 BALTO. CO. OFFICE BLDG. RE: SPECIAL PETITION & VARIANCES, 42 E. TIMONIUM RD., TIMONIUM, MD 21093.

| SEQUENCE | APPX. TIME | NAME & ADDRESS | TRAFFIC & SAFETY ZONING |
|----------|------------|--|--|
| 2 | | JOHN MANNION 37 E. TIMONIUM RD. | |
| 3 | | HARRY HARMAN 57 E. TIMONIUM RD. | ZONING, ILLEGAL TRAFFIC ACTIVITY |
| | | MARTIN RECHTER OWNER TIMONIUM SHOPPING CENTER | ENCROACHMENT ON BUFFER ZONED AREA |
| | | <u>MARSH W. EDEFFELD</u> 45 E. TIMONIUM RD. | ZONING, NOISE ETC. |
| | | JOHN D. WHITE 111 E. TIMONIUM RD. | ZONING, NOISE, BUFFERS ADJOINING PROPERTY |
| | | JOHN D. WHITE 111 E. TIMONIUM RD. | ZONING, VARIANCES TRAFFIC, SAFETY |
| | | DEAN D. SMITH 111 E. TIMONIUM RD. | RESIDENT FAMILY DAY CARE, MOTHER SAFETY QUALITY OF CARE |
| | | JOHN A. & LINDA LONDON 42 E. TIMONIUM RD. | RES. AL. PROPERTY VALUE NOISE, TRAFFIC, SAFETY |
| | | JOHN D. WHITE 111 E. TIMONIUM RD. | REALTY VALUES |
| | | JOHN D. WHITE 111 E. TIMONIUM RD. | GENERAL ZONING, RESIDENTIAL CHARACTERISTICS, CROSS EXAM. TRAFFIC |
| | | JOHN D. WHITE 111 E. TIMONIUM RD. | HISTORY, ZONING, COMMENTS, NOISE, TRAFFIC, SAFETY, DAY CARE STATS TRAFFIC COUNTS RELIABILITY OF INTENT |

OTHERS WHO WISH TO SPEAK

Comm. copy

2/13/94
2/15/94
TO FILE

Baltimore County Zoning Commission
Room 106 Balto. Co. Office Bldg.
Towson, Md. 21204

Re: 42 East Timonium Rd Zoning Variance Petition
Case No. 94-271-XA

Dear Sir:

I can be informed that as a property owner at 15 Edgemoor Rd. since 1956, I wish to state my objection to the zoning variance as outlined in the above petition.

I live around the corner from 42 East Timonium Rd. and the development has been sound and since its inception.

Therefore I see no reason that this special exception should be granted.

Sincerely yours,
Stephen J. Nelson, Jr.

RECEIVED
FEB 18 1994
ZADM

2/19/94
7 Edgemoor Rd
Timonium, Md 21093
February 7, 1994

Baltimore County Zoning Commission
Room 106 Baltimore Co. Office Bldg.
Towson, Md. 21204

Case No. 24-271-XA

To whom it may concern:

As a concerned home owner in this area, I am strongly opposed to the approval of a class B zoning to accommodate 15-4 children child care home.

The property is simply not large enough for that many children and will create a very congested traffic situation in this already heavily traveled area.

I am sure you understand.

Sincerely,
Margaret Todd Ahtelle

2-7-94 753-94
Balto. Co. Zoning Commissioner
Room 106 Balto. Co. Office Bldg.
Towson, Md. 21204

Case No. 94-271-XA 2/10/94

Mr. M. Kellman,

We oppose the variance petition for 42 E. Timonium Rd. because:

- 1 This is a residential area
- 2 Traffic is extremely busy
- 3 The property is too small
- 4 There has been no changes to the residential area since its development.

Thank You,
Amy A. Kern

My Guy A Kern
17 Timonium Rd
Timonium MD
21093

Baltimore Co. Zoning Commission
Room 106 Balto. Co. Office Bldg.
Towson, Md. 21204

RE: Case No. 94-271-XA
42 East Timonium Rd. Zoning Variance Petition

Dear Sir:

As long as the road is maintained, we are seeking your help concerning 42 E. Timonium Rd. Timonium, Md. I should like conditions be allowed to maintain or increase, we are unaware of what may happen. Already, cars, vans, cuttrucks are parking on the wrong side of Timonium Rd. to drop off and pick up children at the most busy time of the day. I am sure you understand.

With these children at day care, what happens at peak of time, etc? Should these conditions be allowed, we fear the loss of a quiet community.

What is happening is unfair to everyone, please confirm quickly, we look to you.

Sincerely,
John P. Mannion
Patricia Critzer

16 Edgemoor Road
Timonium, Maryland 21093
February 6, 1994

Baltimore County Zoning Commissioner
Room 106, Balto. Co. Office Bldg.
Towson, Maryland 21204

RE: Case No. 94-271-XA
42 East Timonium Rd., Zoning Variance Petition

To Whom It May Concern:

Approximately 6-1/2 years ago, prior to purchasing our home in the Haverford community the current zoning classification was number 1 priority in our consideration to buy. The York Road corridor in Timonium was and is over commercialized and we were concerned as to the extent of its boundaries in the community.

Zoning laws and boundaries were created to protect communities from creeping commercialism. The York Road corridor as stated previously is highly over commercialized, and to extend such the best interest of the taxing paying property owners and the community as a whole.

We therefore emphatically oppose encroachment of commercialism of any kind beyond the existing zoning boundaries. There is absolutely no justification for any exceptions to the existing zoning classification and boundaries.

We hereby request our opposition to the subject variance petition to be so recorded.

Very truly yours,
Thomas D. Berry
Kieran F. Devine

RECEIVED
FEB 14 1994
ZADM

February 7, 1994

Baltimore County Zoning Commissioner
Baltimore County Office Building, Room 106
Towson, MD 21204

RE: #42 East Timonium Road, Zoning Variance Petition
Case No. 94-271-XA

Dear Commissioner:

I am writing you this letter in protest of the above Zoning Variance Petition at #42 East Timonium Road. Since my family and I have resided at #48 East Timonium Road for 26 years, we feel that to allow this action would be very out of place in neighborhood.

Please see my reasons listed below:

1. More accidents would certainly occur at the entrance way to Timonium Shopping Center which is between #42 East Timonium Road and the Mobil Gas Station.
2. Very dangerous traffic situation for children to be dropped-off and picked-up.
3. This home does not sit on a large piece of property, therefore, children do not have a safe place to play outdoors.
4. We don't want businesses to start coming into our nice community that we all have worked hard to preserve even though there are a lot of other business situations going on around us. We have managed so far to keep it at a minimum, even though there is much we cannot control.

I thank you for your time, and hope this matter can be solved in the best interest for everyone involved.

Sincerely,
Patricia Critzer
Patricia Critzer

RECEIVED
FEB 10 1994
ZADM

18 Hathaway Road
Timonium, Maryland
21093
February 8, 1994

Mr. Lawrence Schmidt, Zoning Comm.
105 Baltimore County Office Bldg.
Towson, Maryland 21204

RE: 42 Timonium Rd. Zoning Commission
Timonium, Maryland

Dear Mr. Schmidt,

I am writing this letter with great concern in mind, regarding property at 42 Timonium Road in Timonium.

There are many cars taking and picking up their children at this day care center which has been in existence since September, 1993. These parents have no regard to the very heavy volume of traffic this road carries throughout the average working day. They pull their cars up facing the wrong way and letting the child or children on the passenger side of the car, rather than curb side. All traffic must come to a halt so as not to hit the person or take a door off. As many as eight cars come and go, early in the day and for pick up in the evening rush hour.

There is really no way these people can pull on #42's property because there is only room for about two to three cars and the employees use it for daily parking.

We as residents, look for a terrible accident on or near this property in the very near future. If possible something must be done, or fewer children must be taken in on this property so as not to have something happen that all will regret in the future.

Thank you for your time on this matter.

Yours very truly,
Virginia A. White
Virginia A. White

RECEIVED
MAR 1 1994
ZADM

11 Edgemoor Road
Timonium, MD 21093
February 9, 1994

Lawrence Schmidt, Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case No. 94-271-XA
42 E. Timonium Rd., Timonium, MD 21093

Dear Mr. Schmidt:

I will be unable to attend the zoning meeting Feb. 22nd over the above case. Hopefully this letter will represent my very strong feelings of opposition of the granting approval for zoning that will allow this address to be a business of daycare accepting 15-40 children daily.

To have purchased this residential home for the sole purpose of carrying on a business, to have no pride of ownership, to not live in the home, to have assumed that the community would have no objection to commercialism... has been the height of incorrect thinking on the part of the purchasers.

There is not enough space for the children either outside the building or inside the building. The house is not set back enough from the street. It pulling out in such an extremely small area on a very busy road. For children trouble that cannot be repaired! There is a lack of parking for the number of people that have been seen coming and going from this address. This number includes teachers, parents, children, replacement teachers, etc.

I have lived at this location for 33 years and do not want to see a small residential street become commercialized. Granting 42 E. Timonium Rd. the approval for this business would establish precedence for turning the corner to my street. This is unfair to us. (Recently, Sayth's began building upward without the courtesy of notifying the neighbors and we feel we live behind an industrial park at this point. I strongly object to that expansion but have been told by zoning that they don't have to let anyone know if they expand current building and do not add a new building.)

The traffic is being bottlenecked at this address. I tried to read the two signs about zoning and could not because of cars parked in front of the house. Also, traffic will be using Edgemoor Road when they realize it is a shortcut to northern York Road leading to Hunt Valley.

These people were notified before putting in their driveway that they could not use the buffer zone up to the fence that Panitz Builders had put in when property. Our neighborhood was upset when they began "improvements" on the house. The siding looks put up by a 10-year old, the overhang is not level. I don't know if professionals "improved" the home or who they had work on it. Every morning there are six to eight faces at the front picture window waiting for new arrivals. PLEASE DO NOT GRANT COMMERCIAL ZONING FOR 42 E. TIMONIUM ROAD. This would be a hardship on many of our residences.

Sincerely,
Stacy Keeney
Stacy Keeney

252-3073 (work from 9-3)
252-2509 (home after 3:30)

February 9, 1994

Mr. Arnold Jablon, Director
ZONING ADMINISTRATION
105 Baltimore County Office Building
Towson, Maryland 21204

RE: 42 EAST TIMONIUM ROAD ZONING VARIANCE PETITION
CASE NUMBER 94-271-XA

Dear Mr. Jablon:

I am writing this letter to express my concerns and opinions about the above-referenced request for exceptions to the variances of our neighborhood zoning. Your files should have all of the details of this request, so I will not repeat them here.

As a home owner in this neighborhood, I am adamantly opposed to the variance request for the following reasons:

1. My main concern is the general welfare of my neighborhood and the children entering it. The traffic on Timonium Road is very heavy under normal circumstances, and at this location to request even more children be allowed there is grossly absurd given the current extent of the strain they have put on local traffic at peak rush hours. I drive past this location every evening when returning to my home from work. I have personally observed a huge overflow of parked cars, people making illegal U-turns, and people cutting off the normal flow of traffic in an attempt to pick up their children and leave quickly, all of which is endangering everyone on this road. Allowing more children to attend this facility will only exacerbate this already dangerous situation.
2. As a recent new home owner in the community, I chose this location because of the stability of the neighborhood and the strength of the community in resisting zoning changes to keep this a family-oriented safe place to live. I am afraid any changes or exceptions given to the people at 42 Timonium Road would, in the long-term, devalue my home and lower the standard of living in this community.
3. I have to state that I resent that the owners are non-residents who have decided to burden our neighborhood with these children and added traffic. Perhaps these non-residents have discovered that their neighborhood will not tolerate their zoning requests. We should not be forced to tolerate them, either.

RECEIVED
FEB 14 1994
ZADM

10 Edgemoor Road
Timonium, MD 21093
February 9, 1994

Lawrence Schmidt
Baltimore County Zoning Commissioner
Room 105
Baltimore County Office Building
Towson, Maryland 21204

Re: Case # 94-271-XA

Dear Mr. Schmidt:

It has come to the attention of my husband and myself that the owners of 42 East Timonium Road have petitioned for a zoning variance in order to operate a day care center that would accommodate up to 40 children. We live on Edgemoor Road which intersects Timonium Road just one house from the property in question. We are opposed to the granting of any zoning variance for the following reasons:

- 42 E. Timonium Road has less than 1/4 acre of property. Baltimore County requires one acre for a day care center to accommodate 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage. The main focus here should be on the welfare of the young children who need outdoor space for running and playing, not on the success of a business enterprise.
- The setback at 42 E. Timonium Road falls far short of the Baltimore County requirement for a day care center accommodating 13 to 40 children. The county has this requirement for a good reason and we feel it should not be compromised, especially by such a large percentage.
- We live in a house with essentially the same floor plan as that of 42 E. Timonium Road. We also have an addition in the back almost as large as theirs. Our fenced in back yard is about twice the size as theirs. I have been a licensed day care mother for 2 1/2 years. Based on these facts, we know that to properly take care of children, 42 E. Timonium Road is really not even large enough for the eight children for which it is currently licensed. To allow more would be detrimental to the welfare of the children.
- The lack of parking at 42 E. Timonium Road is already causing a hazardous situation with the discharge and pick-up of children. I have witnessed cars parked heading west on Timonium Road in front of the house making U-turns from the house to head east on Timonium Road. After dropping off or picking up their child(ren) drivers most often seem to want to return in the direction from which they came and that often presents a dangerous challenge. In addition, the extremely short driveway is adjacent to a very heavily traveled back entrance to a shopping center and that entrance is adjacent to a very busy gas station. All of these facts indicate that it would be imprudent to allow a business enterprise which would cause a heavy increase in traffic.

FEBRUARY 11, 1994

44 E. TIMONIUM ROAD
TIMONIUM, MD. 21093
410-252-3444

MR. ARNOLD JABLON, DIRECTOR ZONING ADMINISTRATION
105 BALTIMORE COUNTY OFFICE BUILDING
TOWSON, MD. 21204

RE: 42 EAST TIMONIUM ROAD
PETITION FOR SPECIAL EXCEPTION WITH VARIANCES - CASE NO. 94-271-XA

DEAR MR. JABLON:

WE ARE WRITING THIS LETTER TO ENTER OUR OPPOSITION TO THE ABOVE REFERENCED CASE SCHEDULED FOR PUBLIC HEARING FEB. 22, 1994. THE DETAILS OF THE SPECIAL EXCEPTION FOR A CLASS B GROUP CHILD CARE CENTER WITH FOUR MAJOR VARIANCES TO THE LAND USE CURRENTLY ZONED DR 5.5 ARE IN THE CASE FILE. WE WILL NOT LITIGATE THEM HERE.

WE ALSO REQUEST TO TESTIFY AT THE HEARING TO DETAIL OUR OBJECTIONS TO THE GRANTING OF THIS PETITION.

WE ARE ORIGINAL OWNERS OF 44 E. TIMONIUM RD. HAVING LIVED HERE IN PEACE AND HARMONY WITH ALL OUR NEIGHBORS FOR 38 YEARS. THE COMMUNITY, IN ITS INFANCY, PARTICIPATED IN MANY REVIEWS, OBJECTIONS, AND NEGOTIATIONS WITH THOSE WHO TRIED TO DILUTE THE HEARING OF DR 5.5 INCLUDING SPECIAL EXCEPTIONS AND VARIANCES. OUR EFFORTS WERE SUCCESSFUL TO RETAIN THE SAFETY, WELFARE, AND RESIDENTIAL CHARACTER OF THE COMMUNITY.

WE RESENT NON-RESIDENT OWNERS ATTEMPTING TO UTILIZE 42 E. TIMONIUM RD. FOR ANY PURPOSE OTHER THAN AS A RESIDENCE UNDER DR 5.5 ZONING AND/OR ANY FUNCTIONS NOT AUTHORIZED THEREUNDER. WE OPPOSE GRANTING ANY SPECIAL EXCEPTION OR VARIANCES TO THE DR 5.5 ZONING FOR THIS PROPERTY.

OUR PROPERTY ADJOINS THE PETITIONER'S ON THE NORTH LINE. FROM HOUSE TO HOUSE THEIR IS ONLY 23 FEET, 13 ON THEIR SIDE AND 10 ON MY SIDE. MY YARD IS ON THE SIDE, THEIRS ON THE BACK ABUTTING MINE. NO BUFFER VEGETATION OR NOISE ABATEMENT EXISTS. THE STOCKADE FENCE IS OFF THE GROUND AND CERTAINLY DOES NOT DETER NOISE FROM THEIR ACTIVITIES.

GRANTING THIS PETITION WOULD ECONOMICALLY ADVERSELY AFFECT THE SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE. THIS COMMUNITY IS PREDOMINATELY FAMILY OWNED OCCUPIED HOMES OF OLDER, RETIRED, SENIOR CITIZENS. INTRODUCTION OF THIS ACTIVITY PETITIONED AS A SPECIAL EXCEPTION WITH MAJOR VARIANCES WILL DISRUPT THE PEACEFUL, QUIET, SERENITY OF THE COMMUNITY. WE WILL ADDRESS THIS ISSUE AND MANY OTHERS AT THE HEARING.

AS A CONCERNED TAXPAYER, VOTER, AND AFFECTED CITIZEN, WE TRUST YOU WILL REVIEW THE EVIDENCE AND FACTS PRESENTED IN LETTERS FROM OTHER RESIDENTS PRIMARILY AFFECTED AND DENY THE SPECIAL EXCEPTION AND VARIANCES PETITIONED.

SINCERELY YOURS,

Louise W. Miller & Marylea H. Miller
LOUISE W. MILLER & MARYLEA H. MILLER-OWNERS

RECEIVED
FEB 17 1994
ZADM

H. V. Harman
52 E. Timonium Road
Timonium, Md., 21093

Ref.-Case No. 94-271-XA

Mr. Arnold Jablon, Director
Zoning Administration
105 Baltimore County Office Bldg.,
Towson, Md., 21204

Dear Sir:

My wife and I have been residents of Timonium for thirty seven years. We have watched Timonium Road develop from a rural type route, to one which currently resembles a city, high traffic area. The posted speed of 30 miles per hour is rarely observed, and I have personally requested the police to monitor the high speed activities, especially in the morning and afternoon.

Our objection therefore to the granting of a "B" variance for a child care center, to be located at 42 E. Timonium Road, is concerned with the safety of the children, located at this address. The traffic congestion, speed, and dangerous situation connected with discharging and picking up children at this location, dictates, a tragedy about to happen.

The location of this center is also adjacent to the entrance to, and egress from a shopping center, and is further jeopardized by a popular filling station and car repair business, within one hundred feet of this property.

The "B" classification, sought for this residential dwelling, permitting up to 40 children to be housed therein, is an objectionable condition, both from a safety position, as well as a commercial endeavor, in a well established residential community.

We sincerely hope that our concerns be seriously considered and the request for this variance be denied.

Yours truly,

H. V. Harman

RECEIVED
FEB 18 1994
ZADM

59 E. Timonium Rd.
Timonium, Md. 21093

February 15, 1994

Arnold Jablon, Director
Zoning Administration
105 Balto. Co. Office Bldg.
Towson, Md. 21204

Re: Case No. 94-271-XA, 42 E. Timonium Rd. Timonium, Md. 21093
Special Exception to Dr 5.5 Zoning and Major Variances.

Dear Mr. Jablon:

My wife and I have lived at this address for over 37 years and participated with our neighbors and the Haverford Community in maintaining the family owned residential character of the area. Even with the increased traffic on Timonium Rd. and growth of the residential areas north and east of us, our neighborhood has remained quiet, clean, and safe place to live. Most homes are resident owned and occupied by older, retired, senior citizens.

We are opposed to the Petition for Special Exception with major variances to the current DR. 5.5 zoning of 42 E. Timonium Road. To grant exceptions to this property would open the door for further encroachment of commercial business activities surrounding our community.

The current operation of a family day care residence should not be expanded nor is it safe for those using that facility as there is no parking or turn-around area. Parents must hold up traffic, back into traffic, and/or park in restricted areas to drop off and pick up their children during the most busy hours of traffic on Timonium Rd.

The public safety, welfare, and economic impact will be adversely affected by granting any Special Exceptions for this property.

We trust you will deny the Petition.

Sincerely yours,

Richard H. Grubbs
Richard Grubbs
252-0268

Grubbs94

RECEIVED
FEB 18 1994
ZADM

Case No. 94-271-XA

17 W. Seminary Ave.
Lutherville, MD 21093
Mon., Feb. 14, 1994

Deputy Zoning Commissioner,
Mr. Timothy Kotoroco,
Dear Mr. Kotoroco,

As owners of 41 and 43 E. Timonium Rd., we are writing to protest formally the petition for special exceptions on 42 E. Timonium Rd. by the non-resident owners for either Class A or Class B variances.

Our property is directly across the street facing the property in question. Any further intensification of use of 42 E. Timonium as a childcare facility will have direct, negative impact on our property and, we believe, devalue our property by weakening the residential character of our neighborhood which is a community conservation area.

Present zoning already allows up to 8 children to be left for day care. Due to inadequate drop-off and pick-up parking spaces, parents have been observed backing out into Timonium Rd during rush-hour traffic and making U-turns against traffic in front of my driveway. Seeded grass areas have become unsightly with muddy tire tracks. It seems that the present use already has created hazards for the community, which seem likely to be increased by intensification of usage as with either a Class A or Class B variance.

If petitioners are granted their requests, eventually they could have up to 40 children at a time which is expected to generate an average of 186 new weekday round-trip traffic volume. Such traffic can be expected to damage the residential character of the neighborhood as well as increase the likelihood of accidents at the nearby intersection. Parents opening car doors, dropping off and picking up children with oncoming traffic can be expected to increase safety hazards for themselves, the children and other drivers. Traffic noise as well as the noise of up to 40 children playing outdoors in warmer weather on a lot less than a quarter acre in size can be expected to detract from the enjoyment and use of nearby properties and damage the resale value of the surrounding properties. In addition, a great deal of trash, including numerous disposable diapers, may increase the demand for trash pickup and perhaps create a demand for dumpsters on site.

An excessive degree and number of variances have been requested. To accommodate up to 40 children, as in a Class B variance, 1 acre is required. This lot contains less than 1/4 of the required square footage. A Class A variance still would permit up to 12-15 children, and additional variances would be required along with a public hearing for protesters.

Instead of the required sideyard setbacks of 50 feet with 20

HOWARD J. WHITE, III
19 Edgemoor Road
Lutherville, Maryland 21093
(410) 561-0606

February 15, 1994

Baltimore County Zoning Commissioner
Room 106 Baltimore County Office Building
Towson, Maryland 21204

RE: Case No. 94-271-XA

To Whom It May Concern:

This letter is in response to the above referenced case. I am a resident of the Yorkshire community. I totally object to the proposed re-zoning of 42 East Timonium Road in order to be licensed as a day care center.

While I am a fairly recent homeowner in this neighborhood, I am aware that there have been no changes to this area since its development. I would like it to stay that way.

I will be attending the hearing on February 22, 1994 and plan to protest this re-zoning.

Sincerely,

Howard J. White

Howard J. White

HJW/ldc

RECEIVED
FEB 17 1994
ZADM

Feb. 18, 1994

Baltimore Co. Zoning Commissioner
Rm. 106 Balt. Co. Office Bldg.
Case No. 94-271-XA.
Towson, Md. 21204

Dear Sir:

I wish to state my objection to a proposed petition for special exception for property located at 42 E. Timonium Rd., Timonium, Md.

I have lived at 46 E. Timonium Rd. for 34 years, in a nice neighborhood, and a change in zoning could lead to undesirable commercialism. No one in this area wants this change.

Yours truly,

Donald Smith
Donald Smith
46 E. Timonium Rd.,
Timonium, Md. 21093

RECEIVED
FEB 18 1994
ZADM

February 21, 1994

Baltimore County Zoning Commission
Baltimore County Office Building
Towson, MD 21204

Gentlemen:

As the resident of 45 E. Timonium Road, I would like to express my concern regarding the application for a Class B Zoning Permit by the residents of 42 E. Timonium Road.

It is my understanding that the issuance of this type zoning change would not only allow these individuals to operate a child care center with a range of from 13 to 40 children, but would also greatly affect the residential atmosphere of the area, possibly opening an entirely new concept of what the neighborhood is. I do not appreciate this possibility.

I am also troubled by the traffic problems created by such a move. The impeding of traffic in the morning and in the afternoon, which would be a natural result of leaving off and picking up children. The parking and backing into Timonium Road from the driveway would, I believe, cause further problems for an already dangerous situation caused by the access road into the shopping area fronting on York Road. This road alongside the filling station is purportedly for the use of trucks servicing the stores -- Ames, etc., and although it is rarely used for this purpose, its use by vehicles going to and from the store area causes a great deal of danger to users of Timonium Road. This problem if compounded by a Class B Zoning Permit for 42 E. Timonium Road would cause very real problems.

Sincerely,

Henry C. Wiedefeld

Mr. Timothy Kotroco,
Zoning Commission
Room 105 111 W. Chesapeake Ave.
Towson MD. 21284

2/22/94

To Whom It may Concern,

My name is Kathleen Beadell. I am the President of the Yorkshire Community Association, the Vice President of the Greater Timonium Community Council, a respected Multi-million dollar Realtor with Prudential and the working mother of two small boys.

No matter how busy I am I continue to work to help our community. I was born and raised in Timonium and feel a social as well as a professional responsibility to stay on top of what is happening in the area. The property value of this community is very important to me as a Realtor, a property owner and as a community leader.

To allow a Class B Day Care License, permitting up to 40 children, and the necessary Residential zoning variances to permit this use, would adversely affect the property value of the residents on the surrounding streets. The noise of back yard play, the additional traffic congestion at morning and evening rush hours, and the lack of the legal and safe parking due to the inadequate pick up and drop off area available for a day care center, would simply make this area undesirable for resale purposes.

The Yorkshire and Haverford Communities do not have specific rules and covenants attached to their deeds that protect their rights as a residential neighborhood association. We must depend on Baltimore County's zoning and licensing rules and regulations to protect our residential community's rights to enjoy peaceful and safe living. Help us preserve our residential integrity and property value by not permitting this absurd zoning variance to accommodate this commercial type of business license.

Sincerely,

Kathleen F. Beadell
Kathleen Beadell

5 Edgemoor Rd
Timonium, MD
21093

Re: Case No 94-271-XA
Day Care Center on Timonium Rd.

I would like to voice my concern regarding the zoning for Day Care center on Timonium Rd.

I live around the corner on Edgemoor Rd and am aware of the traffic on Timonium Rd at the intersection with Edgemoor. I have to wait considerable time to get onto Timonium Rd. The entrance to the shopping center and the private station makes the traffic even worse. Parents stopping to let the children out before they go to work & again at school hours in the afternoon.

ARNOLD JABLON, DIRECTOR
ZONING ADMINISTRATION
TOWSON, MD 21204

8 Edgemoor Road
Timonium, Md. 21093
February 5, 1994

Patrick Keller, Director of Planning
and
To Whom IT MAY CONCERN:

RECEIVED
FEB 18 1994
ZADM

It has come to our attention that residents of 42 E. Timonium Road are in violation of the original Code set forth for this community. As we understand that over 30 participants will be involved, traffic with unloading and loading of children will cause much congestion on our streets as well as Timonium Road. We are experiencing much more traffic in the morning and in the evening than we ever had before. Additional traffic problems are just too much for our neighborhood to take. As residential property owners we see the additional burden to our peace and tranquility of our streets will seem to be an annoyance to our neighborhood.

Ernie L. Whitaker Jr.
Virginia E. Whitaker

file

LOUIS W. MILLER, PROTESTANT'S COORDINATOR
44 E. TIMONIUM RD.
TIMONIUM, MD. 21093 (252-3444)

JUNE 29, 1994

TIMOTHY KOTROCO, DEPUTY ZONING COMMISSIONER
OFFICE OF THE ZONING COMMISSIONER
400 WASHINGTON AVENUE
TOWSON, MD. 21204

RE: CASE NO. 94-271-XA, FATEMA FALAHI & MOHAMMAD HAERIAN, PETITIONERS
PETITION FOR SPECIAL EXCEPTION AND VARIANCE

PROTESTANTS' REQUEST FOR RESCHEDULE OF REASSIGNMENT SCHEDULE HEARING
DATE OF FRIDAY, JULY 22, 1994, 9:00AM CONTAINED IN "NOTICE OF REASSIGNMENT"
LETTER DATED JUNE 17, 1994, OFFICE OF ZONING ADMINISTRATION AND DEVELOPMENT
MANAGEMENT.

DEAR MR. KOTROCO:

PURSUANT TO MY TELEPHONE CONVERSATION WITH YOU ON JUNE 29, 1994 RELATING
TO THE ABOVE MATTER, THE COMMUNITY PROTESTANTS REQUEST A RESCHEDULE OF THE
JULY 22, 1994 HEARING DATE FOR THE FOLLOWING REASONS:

1. REPEATED CALLS TO THE ZONING OFFICE FOR RECEIPT OF REVISED PLOT PLANS OR OTHER INFORMATION TO THE FILE THROUGH JUN 27, 1994 WERE ANSWERED IN THE NEGATIVE SINCE THE MAY 19, 1994 HEARING. PROMISES WERE MADE TO NOTIFY US IF REVISIONS WERE FILED. NO NOTIFICATIONS WAS RECEIVED.
2. ON JUNE 28, 1994 INCLUSIONS IN THE FILE WERE ACKNOWLEDGED TO US. A VISIT TO THE ZONING OFFICE ON JUNE 28, 1994 CONFIRMED EARLIER ACTIONS ON MAY 11, JUNE 8, AND JUNE 13, 1994.
3. SUFFICIENT TIME IS NOT NOW ALLOWED TO RESEARCH AND PREPARE OUR OBJECTIONS AND COMMENTS TO THE REVISED PLANS.
4. AS OF JUNE 28, 1994 NONE OF THE REVISIONS HAVE BEEN DISTRIBUTED TO COUNTY DEPARTMENTS FOR COMMENTS AS REQUIRED FOR REVISIONS AND AMENDMENTS TO PLANS.
5. MR. TANCZYN'S ASSUMPTION IN HIS LETTER DATED MAY 11, 1994 IN THE FILE THAT THE PROTESTANTS' CASE WAS HEARD IN ENTIRETY THE LAST TIME IS INCORRECT. ADDITIONAL TESTIMONY WILL BE GIVEN ON THE ORIGINAL PETITION AND WHEN WE HAVE HAD SUFFICIENT TIME TO REVIEW THE AMENDED PLANS AND HEAR PETITIONER'S TESTIMONY, WE REQUEST EQUAL TIME FOR REBUTTAL.
6. AS PRINCIPAL COORDINATOR FOR THE PROTESTANTS, I AM UNAVAILABLE FOR PERSONAL REASONS ON THE JULY 22, 1994 DATE.
7. KATHY BEADEL, PRESIDENT OF YORKSHIRE COMMUNITY ASSOCIATION, PROTESTANTS IS UNAVAILABLE DUE TO VARIATION PLANS ON THE DATE SCHEDULED.
8. DIANA ETTER, BALTIMORE OFFICE OF PLANNING AND ZONING, IS UNAVAILABLE DUE TO WORK SCHEDULES IN JULY BUT CAN BE AVAILABLE IN LATE AUGUST.
9. A SURVEY OF OTHER COMMUNITY PROTESTANTS WHO TESTIFIED INDICATES MOST ARE NOT AVAILABLE FOR THE JULY 22, 1994 DATE.

CURRICULUM VITAE
NORMAN E. GERBER, AICP
35 Pickburn Court Cockeysville, MD 21030

Business (410)667-4543 Facsimile (410)666-1561

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs

Conducted demographic, transportation, economic and market studies

Implementation of Plans and Programs

Reviewed and approved new development

Enforced zoning, agricultural and historic preservation regulations

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues

Prepared RFPs, grant applications, selected consultants and administered contracts

WORK EXPERIENCE

2/88 to present NORMAN E. GERBER, AICP, Cockeysville, MD
Principal
Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues

2/82 to 10/90 The City of Laurel, Laurel, MD
The Office of Planning and Zoning
Director
Administered the planning program and enforced the zoning code

9/80 to 1/88 Baltimore County, Baltimore County Maryland
The Office of Planning and Zoning
Director
Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council Baltimore County Baltimore County Maryland The Office of Planning and Zoning

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

RECEIVED
MAR 9 1994
ZONING COMMISSIONER

March 9, 1994

Timothy K. Kotroco, Deputy Zoning Commissioner
ZADM
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number 94-271-XA, Item 271
42 East Timonium Road
Petition of Fatemeh Falahi & Mohammad Haerian
Petitions for Special Exception and Variance

Dear Mr. Kotroco:

I represent the Petitioner, Mrs. Falahi, for the matter for which a continued hearing date was set for March 10, 1994.

Based on comments received shortly before the first hearing date from the Office of Planning and issues raised by the Timonium Shopping Center Limited Partnership, we have worked to attempt to address the concerns raised. We have hired expert witnesses who are in discussions with the Office of Planning, and we would like to request a continuance on behalf of the Petitioner of the continued hearing on March 10, 1994 to allow attempts to occur to resolve the concerns expressed. These attempts are likely to result in a plat revision regarding employee parking and drop-off area and may require comment by the County.

We would therefore respectfully request that the matter be continued when called on March 10, 1994. If you believe this an appropriate way to proceed, please let me know and I will appear and request a continuance on March 10, 1994 for the record.

You will recall that, when we adjourned, we were still involved in the direct examination of the Petitioner and we have an expert witness whose opinion should be expressed on the plat when revised, rather than commenting on a plat which we believe will be revised.

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

2/80 94
5/11/94

May 11, 1994

Ms. Gwen Stevens
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Gwen:

Please reschedule this case for hearing. The revision to the plan is coming from the engineer and will be submitted to the County with the revision fee as soon as we receive it.

As the Protestants' case was heard last time, we anticipate no more than 1/2 day to conclude.

We would like this scheduled so that a decision might be rendered prior to the Fall 1994 school term.

Very truly yours,
Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
cc: Ms. Fatema Falahi

Dictated but not read.

RECEIVED
MAY 12 1994
ZADM

file

Law Offices
MICHAEL P. TANCZYN, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

RECEIVED
10 1994
ZONING COMMISSIONER

June 8, 1994

Timothy Kotroco, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
Fatema Falahi & Mohammad Haerian, Petitioners
Petition for Special Exception and Variance

Dear Mr. Kotroco:

Pursuant to my conversation with your secretary, enclosed is a copy of my May 11, 1994 letter to Gwen Stevens of the Zoning Office requesting that the above matter be reset for hearing.

Very truly yours,
Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

MICHAEL P. TANCZYN, P.A.
 Suite 106, 606 Baltimore Avenue
 Towson, Maryland 21204
 (410) 296-8823 - (410) 296-8824
 Fax (410) 296-8827

June 13, 1994

Ms Gwen Stevens
 Baltimore County Zoning Office
 111 West Chesapeake Avenue
 Towson, MD 21204

Re Case No. 94-271-XA, Item No. 271
 Fatema Falahi & Mohammad Haerian, Petitioners
 Petition for Special Exception and Variance

Dear Gwen

Enclosed please find the revised plans in the above matter together with our check for the filing fees for the revisions

Very truly yours,

Michael P. Tanczyn

MPT/ed
 Enclosures

cc Ms Fatema Falahi

**REVISED PLATS
 DROP-OFF
 NO REVIEW
 7-19-94 WCR**

Law Offices
MICHAEL P. TANCZYN, P.A.
 Suite 106, 606 Baltimore Avenue
 Towson, Maryland 21204
 (410) 296-8823 - (410) 296-8824
 Fax: (410) 296-8827
 Computer Fax: (410) 296-2848

October 28, 1994

Ms Eileen Hennegan
 Office of the Zoning Commissioner
 111 West Chesapeake Avenue
 Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
 Fatema Falahi & Mohammad Haerian, Petitioners
 Petition for Special Exception and Variances

Dear Ms. Hennegan:

Please note an appeal from the Decision of September 30, 1994 in the above matters to the County Board of Appeals for Baltimore County on behalf of the Petitioners.

Enclosed you will find my check made payable to Baltimore County in the amount \$460.00.

Very truly yours,

Michael P. Tanczyn

MPT/ed
 Enclosure

cc: Norman E. Gerber, AICP
 Ms. Fatema Falahi

**RECEIVED
 OCT 28 1994
 ZADM**

Law Offices
MICHAEL P. TANCZYN, P.A.
 Suite 106, 606 Baltimore Avenue
 Towson, Maryland 21204
 (410) 296-8823 - (410) 296-8824
 Fax: (410) 296-8827

February 14, 1995

Ms. Gwen Stevens
 Baltimore County Zoning Office
 111 West Chesapeake Avenue
 Towson, MD 21204

Re: Case No. 94-271-XA, Item No. 271
 Fatema Falahi & Mohammad Haerian, Petitioners
 Petition for Special Exception and Variance

Dear Gwen:

Enclosed please find Amended Petition for Variance as well as 10 copies of the amended plats to reflect changes which have occurred adjacent to the lot and within the plan of the Petitioner.

This matter is scheduled for hearing before the County Board of Appeals for Baltimore County on February 28, 1995.

Very truly yours,

Michael P. Tanczyn

MPT/ed
 Enclosures

cc: Ms. Fatema Falahi
 Mr. J. Finley Ransone

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

94-271-XA

Handwritten Note: Call 6. Plan 3 office 40 W. and 500 E. 100' x 100' lot Timonium zoning code 21093

| NAME | ADDRESS |
|---|-------------------------|
| * Diana Miller | 41-43 E. Timonium Rd |
| * ALBERT SCHECTER | 41-43 E. Timonium Rd |
| * LARVYN LONDON | 41-43 E. Timonium Rd |
| * LOUIS W. MILLER | 41-43 E. Timonium Rd |
| Thomas S. Amrhein | 10 Edgemore Road |
| Diana M. Amrhein | 10 Edgemore Road |
| Mayhew J. Maden | 44 E. Timonium Rd |
| Harley C. Wiedefeld | 48 E. Timonium Rd |
| John P. Mannion | 37 E. Timonium Rd |
| HELEN E. MANNION | 37 E. Timonium Rd |
| Wendy H. Moller | 53 E. Timonium Rd |
| HARRY V. HARMAN | 53 E. Timonium Rd |
| Walt Daniels | 53 E. Timonium Rd |
| Eric Rookel for Greater Timonium Community Council, P.O. Box 276, 3611 Belvidere Rd | |
| Kathleen S. Beadell for Village Community, 30 Northwood Dr | |
| Harold W. Thibodeau for Yorkville Community, 108 Oakway Road 21093 | |
| Jackie White | 17 Edgemore Rd |
| Guy Kern | 17 Edgemore Rd 21093 |
| Dorothy KERN | 17 E. Timonium Rd 21093 |
| George Lubin | 5 Hathaway Rd 21093 |
| Howard White | 5 Hathaway Rd 21093 |
| Charles A. Zapp | 35 E. Edgemore Rd 21093 |
| John P. Mannion | 37 E. Edgemore Rd 21093 |

Aug 25, 1994
 PLEASE PRINT CLEARLY
 PETITIONER(S) SIGN-IN SHEET
 94-271-XA

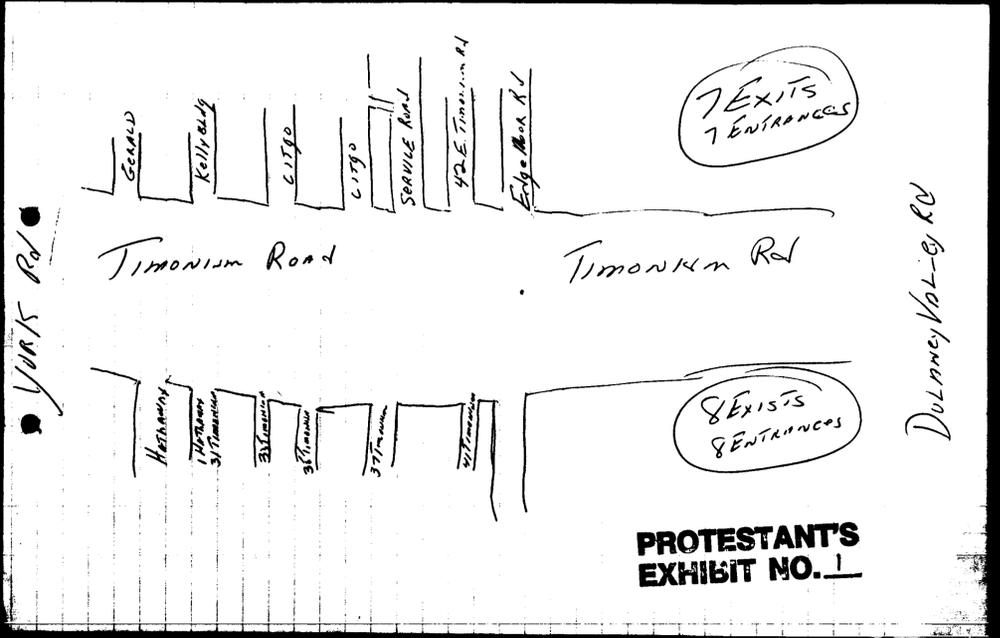
| NAME | ADDRESS |
|-----------------|-------------------------------------|
| Michael Tanczyn | 106 Baltimore Ave Towson MD 21204 |
| Fatema Falahi | 42 E. Timonium Rd Timonium MD 21093 |

PLEASE PRINT CLEARLY
 DNO, CITIZEN
 PARTICIPANT(S) SIGN-IN SHEET

| NAME | ADDRESS |
|-----------------|-------------------------|
| Douglas N. Gier | 14850 W. 11th St |
| Debra D. Miller | 9 Hanover Ave |
| EUGENE GUTCH | 33 EDENKOR RD |
| DIANA GUTSCH | " " |
| DIANA AMRHEIN | 10 " " |
| George Lubin | 5 Hathaway Rd |
| George Lubin | 5 Hathaway Rd |
| Wendy H. Moller | 17 E. Edgemore Rd 21093 |
| Wendy H. Moller | " " |
| Wendy H. Moller | " " |
| Maureen Mannion | 37 E. Edgemore Rd 21093 |
| John Mannion | 37 E. Edgemore Rd 21093 |
| LOUIS W. MILLER | 41 E. Edgemore Rd 21093 |

PLEASE PRINT CLEARLY
 PROTESTANT(S) SIGN-IN SHEET

| NAME | ADDRESS |
|---------------------|--------------------------|
| Eric Rookel | 160 Ridgeland Dr. 21193 |
| HOWARD WHITE | 17 EDGEMORE RD 21093 |
| LOUIS W. MILLER | 41 E. TIMONIUM RD 21093 |
| JOSEPH V. VEIGA JR | 17 EDGEMORE RD 21093 |
| GLENN T. KENDRICK | 18 E. TIMONIUM RD 21093 |
| John P. Mannion | 37 E. Timonium Rd 21093 |
| MAUREN E. MANNION | 37 E. Timonium Rd 21093 |
| VERONICA S. ZAPP | 35 E. TIMONIUM RD. 21093 |
| CHARLES A. ZAPP | 35 E. TIMONIUM RD. 21093 |
| Kathleen Beadell | 30 Northwood Dr 21093 |
| Harold W. Thibodeau | 108 Oakway Rd 21093 |
| Wendy H. Moller | 54 E. Timonium Rd 21093 |
| Dorothy Kern | 17 E. Timonium Rd 21093 |
| Guy Kern | " " |



BALTO. CO. ZONING CASE 94-271-KA 42 E. TIMONIUM RD.

INDEX TO PHOTO EXHIBITS ATTACHED:

EXHIBIT

1. NORTH SIDE PROPERTY LINE 42 E. TIMONIUM RD. SHOWING REAR SOUTHWEST CORNER OF 44 E. TIMONIUM RD. & EAST SIDE OF 19 EDGEMORE RD. WHITE PROPERTY.

2. SOUTH VIEW FROM CORNER OF EDGEMORE RD. & TIMONIUM RD. SHOWING EAST VIEW OF 42 E. TIMONIUM RD.

3. SOUTH VIEW FROM EDGEMORE ROAD OVER LOOKING 44 E. TIMONIUM RD YARD TO ADDITION & FENCE OF 42 E. TIMONIUM RD. NOTE HEIGHT OF ROOF LINE.

4. ENCROACHMENT OF FENCE INTO BUFFER ZONE TO 6' CHAIN LINK SLATTED FENCE.

5. SOUTH SIDE OF 42 E. TIMONIUM RD. SHOWING PARKING AND ENCROACHMENT OF DRIVEWAY AND MEDIUM STRIP AUTO TRACKS.

6. SECOND VIEW DIFFERENT DATE SHOWING DRIVEWAY, SHED, FENCE, GRAVEL ENCROACHMENT NEXT TO 6' CHAIN LINK SLATTED FENCE.

7. SOUTH SIDE LOOKING NORTH WEST INTO SHOWING CENTER BUILDING OF 6' CHAIN LINK SLATTED FENCE. NOTE AUTO TEAR UP OF BUFFER ZONE.

8. FROM SHOWING CENTER ROAD LOOKING NORTHEAST OVER BUFFER MEDIUM AREA DRIVEN OVER BY CLIENTS OF 42 E. TIMONIUM RD. NOTE DRIVEWAY OVER WALK WAY.

9. CONGESTION IN DRIVEWAY WITH 40+ CHILDREN, CARS PARKED IN MEDIUM, IN BUFFER ZONE, VAN PARKED WRONG WAY ON TIMONIUM RD. 2/15/94

10. CONGESTION IN DRIVEWAY, VAN PARKED WRONG WAY ON TIMONIUM RD 2/15/94

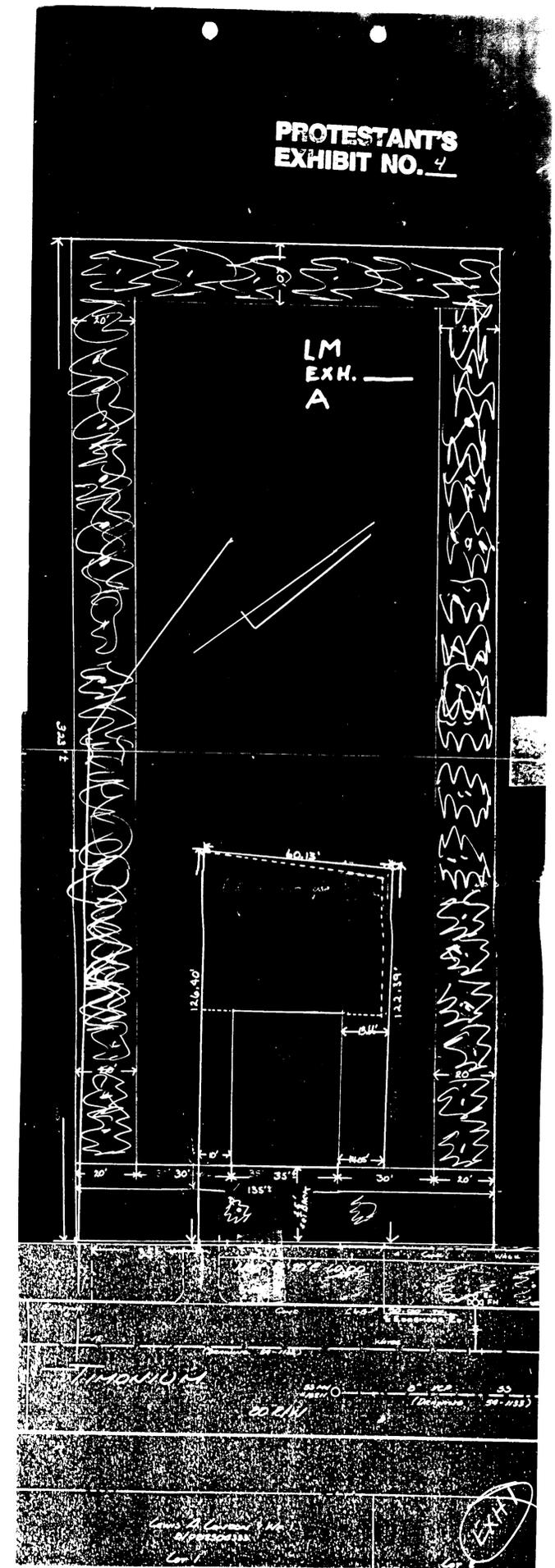
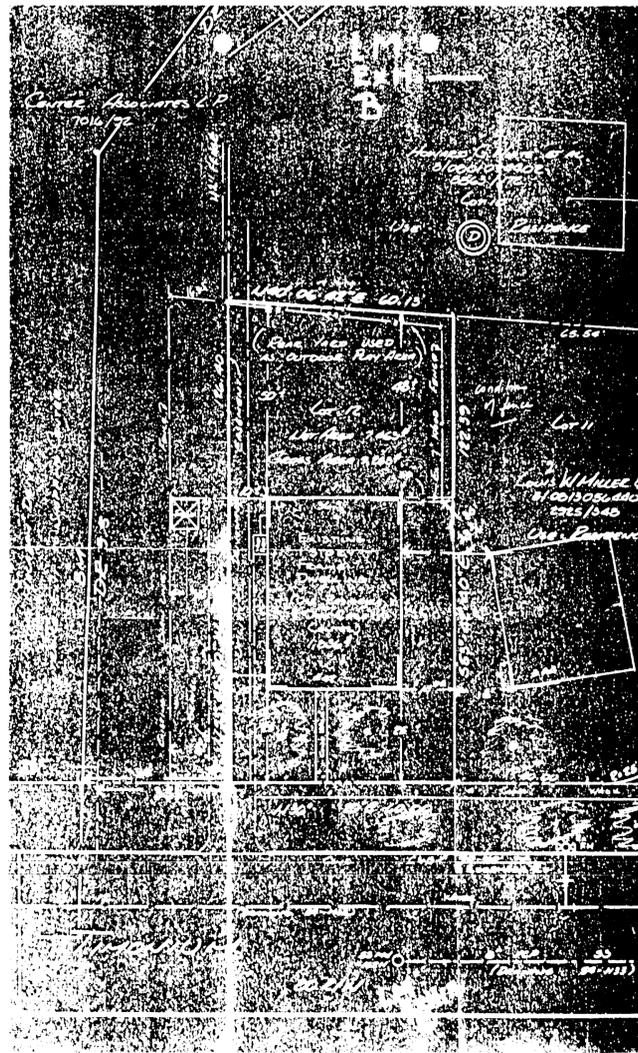
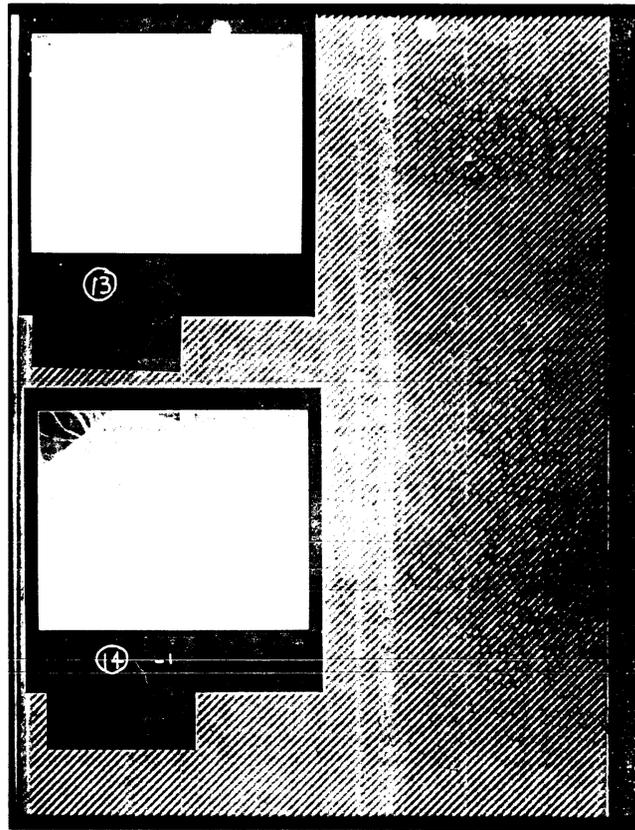
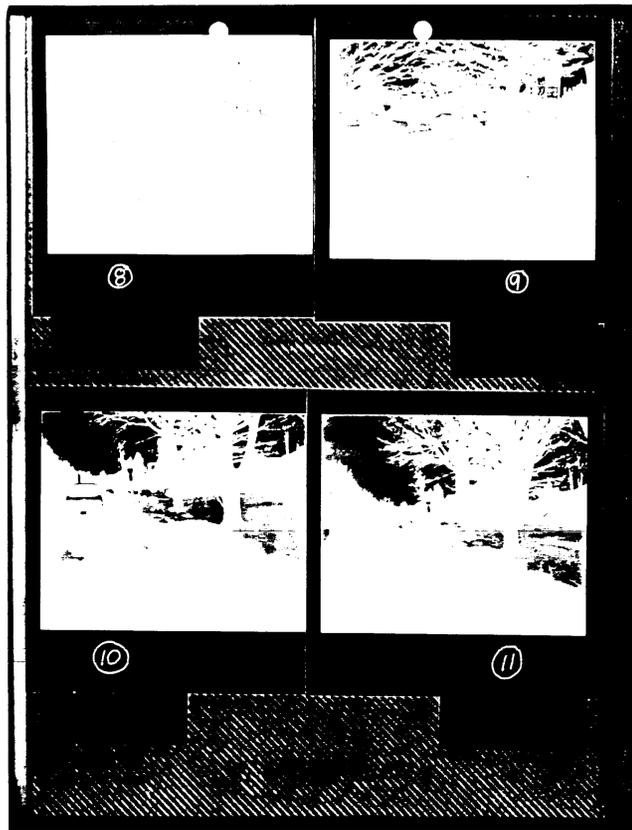
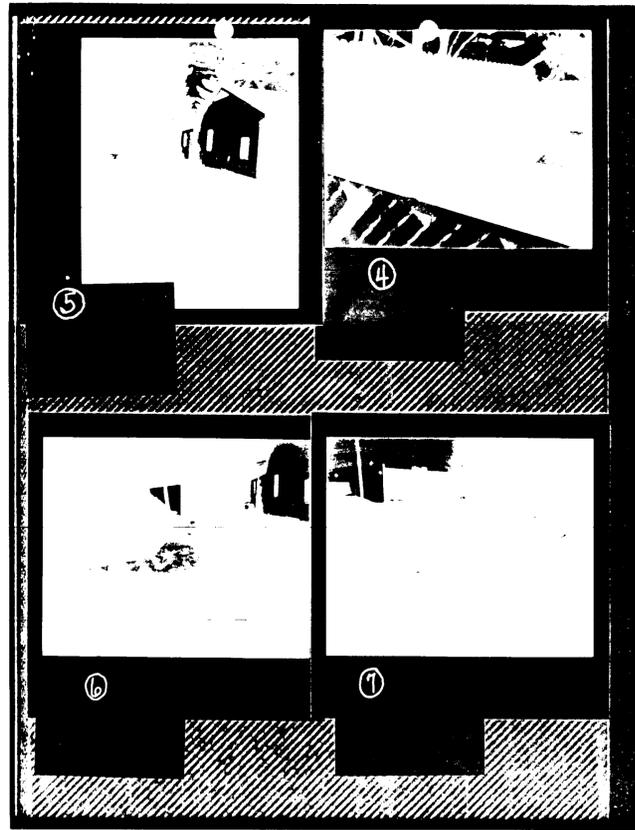
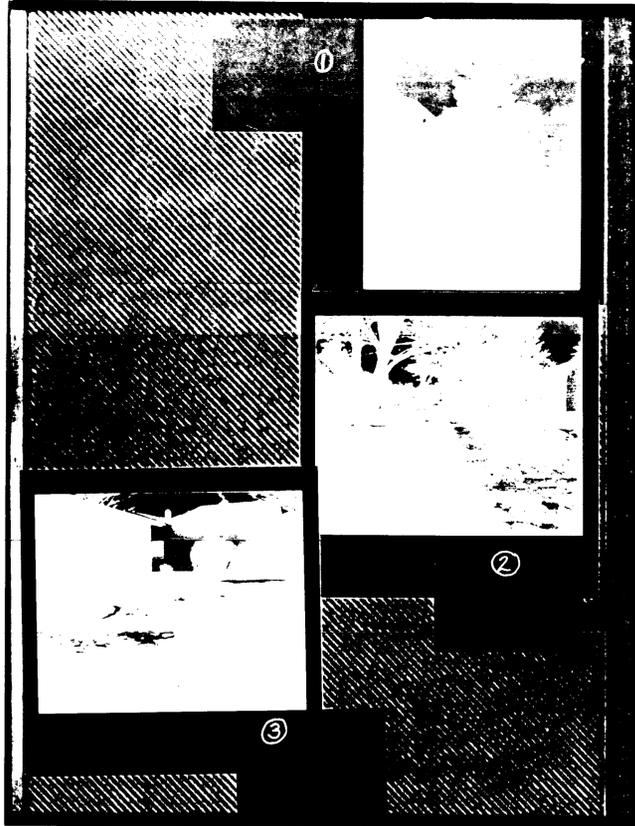
11. SECOND VIEW OF CONGESTION IN DRIVEWAY, VAN PARKED WRONG WAY ON TIMONIUM RD. NOTE ADDED TRAFFIC 2/15/94

12. FRONT VIEW OF 44 E. TIMONIUM RD FACING SOUTH WEST FROM EDGEMORE RD.

13. REAR VIEW OF 44 E. TIMONIUM RD FACING NORTH WEST FROM TIMONIUM RD. NOTE REAR PORCH WINDOWS, KITCHEN WINDOWS, BASEMENT STEPS. COMPARE THIS VIEW WITH #1 PICTURE FOR CLOSENESS OF HOUSES, FENCE, AND YARDS.

342-151C

PROTESTANT'S
EXHIBIT NO. 2 - I - VII



BALTO. CO. ZONING CASE 94-271-14 42 E. TIMONIUM RD.

SUMMARY DATA ABSTRACTED AND CALCULATED FROM TRAFFIC SURVEYS ATTACHED FOR TIMONIUM A YORK ROAD, WEDNESDAY, 7/26/92 FOR EAST & WEST BOUND ON TIMONIUM ROAD AND EASTSIDE RD & TIMONIUM ROAD, JUNE 17, 1993 FOR EAST AND WEST BOUND TRAFFIC. COMPLETE SOURCE DATA IS ATTACHED WITH COVER LETTER FROM CHIEF, TRAFFIC ENGINEERING, BALTIMORE COUNTY.

Table with columns for TIMES, CARS PER HOUR, CARS PER MINUTE, CARS PER 3 SECONDS, and sub-columns for EAST and WEST directions. Includes a summary table at the bottom for AVERAGE DAILY TRIPS.

**ALL 7/26/92 FIGURES WOULD BE INCREASED BY 24 PER YEAR TO UPDATE OR 4X PER TRAFFIC ENG. LM

PROTESTANT'S EXHIBIT NO. 5

Forward

A major purpose of the Office of Child Care Licensing and Regulation (OCCLR) is the establishment and enforcement of minimum standards of health and safety for out-of-home child care. We have updated the family day care regulations and you are expected to use the updated version to maintain your registration or to obtain a new registration.

In addition to providing training on the regulations, we are also giving you this workbook entitled Understanding the Family Day Care Regulations. A Workbook for Providers to provide you with in-depth information about the Family Day Care Regulations. We believe that the Workbook will become a good friend over time.

We are very interested in making this Workbook the best that it can be. We ask you to use it during and after training and let us know what you think about it. Address your comments directly to me by December 1, 1990. It will be very helpful if you follow the guidelines for comments provided on the next page.

Our plan is to establish a working group to refine the Workbook. We will update the Workbook and will distribute the final version to newly registered providers and to existing providers when they renew their certificates.

Thank you in advance for your assistance.

Sincerely,

Signature of Barbara Smith-Hamer, Director, Office of Child Care Licensing and Regulation

PROTESTANT'S EXHIBIT NO. 6

Timonium Citgo
40 E. Timonium Road
Timonium, Maryland 21093
July 10, 1994

Patemeh Falahi
42 E. Timonium Road
Timonium, Maryland 21093

Dear Ms. Falahi:

In result of my growing business, I cannot provide parking space in my parking lot anymore. My parking lot is very congested and in a month or two I am planning to add a state inspection station and coin-operated vacuum machines so it makes it very difficult to share any parking space with you. I would like to withdraw from the contract we made last March. Until you find parking space at a different location you can still use my parking space temporarily. I hope you understand my situation.

Sincerely,

Signature of Fred C. Yoo

Fred C. Yoo

PROTESTANT'S EXHIBIT NO. 7

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21286-5517

February 22, 1994

HAND DELIVERED

Patemeh Falahi
Mohammad Haerian, M.D.
10630 Pot Spring Road
Cockeysville, Maryland 21030-3017

c/o Michael P. Tanczyn, Esquire

Dear Mr. Tanczyn:

This firm has been retained by Timonium Shopping Center Associates Limited Partnership, which owns property located adjacent to the property you own at 42 East Timonium Road. As clearly evidenced by the attached survey, there are certain encroachments on the property owned by our client. These include macadam and gravel drives, fencing and a shed as also shown on your site plan.

Without expressing any opinion as to the zoning relief you currently request, please be advised that we intend to take appropriate legal action to secure our client's interest in the adjacent property. Accordingly, please take the necessary steps to remove all encroachments on the Timonium Shopping Center property.

If you wish to discuss this matter, please feel free to contact me.

Sincerely,

Kathleen Gallogly Cox

KGC/cjc
Enclosures

TANCZYN/KGC

PROTESTANT'S EXHIBIT NO. 8

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21286-5517

March 9, 1994

Michael P. Tanczyn, Esquire
Michael P. Tanczyn, P.A.
606 Baltimore Avenue, Suite 606
Towson, Maryland 21204

Re: Timonium Shopping Center Associates Limited Partnership
Our File No.: 16899 110166

Dear Mike:

I am writing to confirm our conversation of March 9, 1994. Unfortunately, my clients are not in a position to accommodate your proposal for continued use of portions of our property. Accordingly, we must insist that all encroachments in our property be removed.

As we discussed, please let me know your client's proposal on the timing for these actions to be taken. Additionally, I understand that you have authorized us to remove the shed from the property, but will make arrangements to have your client remove any property first which remains in the shed. Please let me know when that action is taken.

Sincerely,

Signature of Kathleen Gallogly Cox

KGC/cjc
cc: Mr. Martin H. Pechter
2TANCZYN/KGC

PROTESTANT'S EXHIBIT NO. 9



July 1, 1994

Patemeh Falahi
10630 Pot Spring Road
Cockeysville, MD 21030-3017

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dear Ms. Falahi:

As you are aware from our numerous conversations and correspondence from my attorney Ms. Cox, you encroaching on the property of Timonium Shopping Center. As the management company responsible for the center, I have informed you verbally and in writing that the situation must be corrected immediately.

Tristar Management plans to begin work on a fence which will be located approximately 11.5 feet off of the property line as shown on the attached plan. This fence will eliminate a substantial part of your driveway and a portion of your back yard. As you have a child care business which is currently utilizing the back yard area I would suggest that you immediately make arrangements to cease using the Timonium Shopping Center property so that when the contractors begin work there is no danger to the children. It is also important that you immediately arrange to create an enclosure on your property in the rear for the children to play, so that when the existing fences are removed, once again there is no danger to the children.

If by some chance you decide not to pursue the expansion of the commercial use of your property thereby satisfying the neighboring residential community, I would be happy to reconsider the taking of your driveway.

Please accept this letter as your notice that on or about July 15, the above noted work will begin. Please make all of the appropriate arrangements to have all of your personal property removed, and all necessary safeguards for the children in place. Thank you in advance for your cooperation.

Very truly yours,

Signature of Martin Pechter

Martin Pechter
President

cc: Kathleen Cox, Esquire
40 York Road - Suite 200 / Towson, Maryland 21204 / (410) 321-8460 / (410) 321-5771 / Fax (410) 321-5772

PROTESTANT'S EXHIBIT NO. 10

EXH-10 COPY

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER. Includes sections for GENERAL INFORMATION, TYPE OF IMPROVEMENT, and TYPE OF USE.

PROTESTANT'S EXHIBIT NO. 11

EXH-11 COPY

APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND OFFICE OF THE BUILDING ENGINEER. Includes sections for GENERAL INFORMATION, TYPE OF IMPROVEMENT, and TYPE OF USE.

PROTESTANT'S EXHIBIT NO. 12

Greater Timonium Community Council

Box 276, 9 B West Ridge Road,
Lutherville-Timonium, Maryland 21093

Mr. Timothy Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Towson, Maryland 21284

August 22, 1994

Re: Case No. 94-271-XA
42 East Timonium Rd.

Dear Mr. Kotroco:

We are writing to voice our displeasure with the proposal that would request a special exception and a variety of variances for 42 East Timonium Road. In our estimation the property is too small to provide for such use, and due to its size, the variances are excessive in number. The adjoining residential properties will suffer a loss of privacy if this proposal is granted.

In addition, the adjoining neighbors have demonstrated to us that the traffic flowing from this site presents a hazardous situation at present, and it can only get worse if the enrollment increases.

We urge you to deny these zoning requests.

**PROTESTANTS
EXHIBIT NO. 14**

Sincerely,

Eric Rockel
Eric Rockel, President

cc: Mr. Owen

Daily schedule

- 7:30 to 9:00 Free play - music
- 9:00 morning snack
- 9:30 to 10:30 work time
- 10:30 to 11:30 outside play
- 11:30 to 12:00 lunch
- 12:00 to 12:30 story
- 12:30 to 1:00 movie
- 1:00 to 3:00 nap
- 3:00 to 3:30 snack
- 3:30 to 4:00 music - story - movie
- 4:00 to 5:30 Free play outside or inside

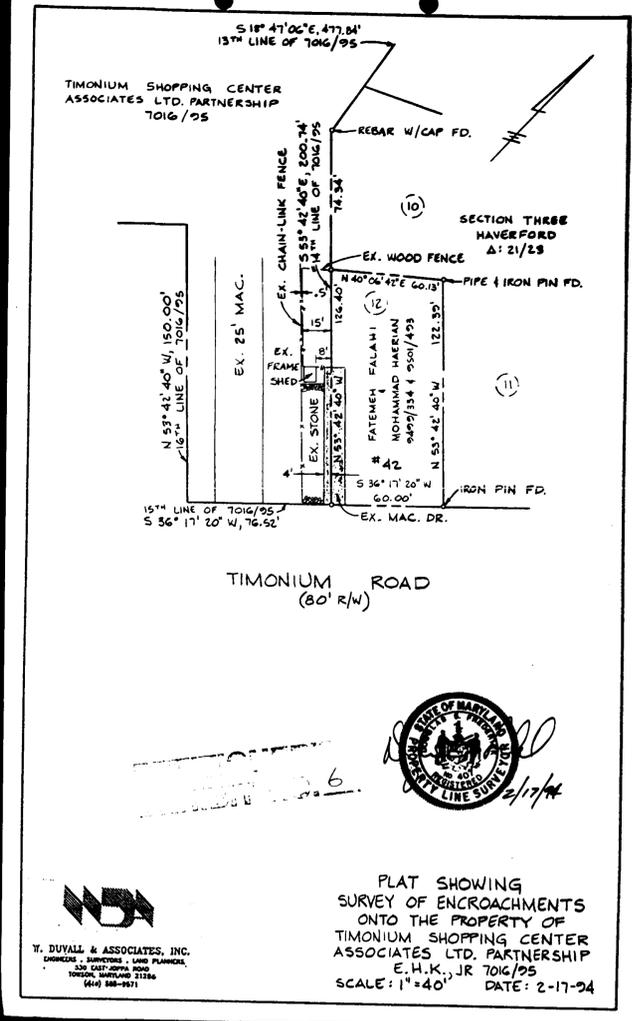
3

**MARYLAND DEPARTMENT OF HUMAN RESOURCES
Child Care Administration**

**Child Care Center Inspection Report
SUMMARY OF FINDINGS**

| Center: <i>Fatemeh Falahi Haerian</i> | Date: <i>12-16-92</i> |
|--|-----------------------|
| 1. Based on violation and discussion by regulation section, including agreed upon compliance date, if applicable. | Time Limit |
| 2. Based on additional comments following conversation of regulation. | |
| <i>A preliminary site inspection was completed today. Ms. Fatemeh Falahi Haerian requested the inspection. She is currently a family child care provider, residing at 10630 Rt Spring Rd, 51030, 466-3540.</i> | |
| <i>The prospective center is located at 42 Timonium Rd, 21093. The building is a ranch house, with no basement. It is part brick and part wood frame. It is approximately 30-40 years old. The rear parts is going to be rebuilt into a large room. The room will be wood construction and there are plans to have a bathroom with toilet, sink, shower and dressing area. The building has public water and sewage. The heat is gas heat.</i> | |
| <i>Shari L. Rakvin</i> | |
| <i>Fatemeh Falahi Haerian</i> | |

MDH&A 2716(501)



Y. DUVALL & ASSOCIATES, INC.
SURVEYING & ENGINEERING FIRM
530 EAST JONES ROAD
TOWSON, MARYLAND 21286
(410) 288-9871



1 Overshot Court
Pheenix, MD 21131
February 16, 1993

Baltimore County Zoning Commissioner
400 Washington Avenue
Towson, MD 21284

I am writing on behalf of the Daycare Center run by Mrs. Fatemeh Falahi Haerian at 42 Timonium Road. The association my family has had with the daycare has been nothing short of extraordinary.

Mrs. Haerian has been caring for my children since July 24, 1991. My eldest son was five weeks old when she began to care for him so that I could return to work at the Space Telescope Science Institute. In all of that time, I have never had to worry about the care that he was receiving while away from me.

My second child also attends the Daycare Center. He started on a part time basis while my office allowed me to work from home part time.

Now that he is eight months old, it is necessary for him to attend full time. It is wonderful for a working parent to know that your children can be together and with someone who cares for them. The older one likes to think he helps take care of the baby while they are at "Miss Fati's".

Not only are the children cared for, they are learning as they would in a preschool environment. So the two-and-half year old, who is now old enough to attend some preschools, does not have to leave his baby brother in order to do so. He is learning at the Daycare. His language skill and knowledge is excellent for a child of his age, thanks to Mrs. Haerian. Without having to leave the care of someone who has been with him since he was an infant, he will be able to start school at the same level (or even ahead) of other children who have attended pre-schools. He has also acquired wonderful skills in learning to play with others, share, and follow instruction. These skills in socialization are invaluable. I have also received many parenting tips and wonderful guidance based on her own parenting experience. We first time parents need the resource of information which she provides.

I interviewed several licensed providers just after the birth of my first child. Most of them would have given my child a bottle and changed his diaper, but that would have been about the extent of their care.

Children need much more than that. I am very, very lucky to have found Mrs. Haerian. My office frequently ponders starting a daycare for employees. It would be convenient, but I would not use it. The care Mrs. Haerian provides and the bond my children have for her and her staff is too important.



To whom it may concern:

re: **FATIMA HAERIAN FALAH**
DAYCARE CENTER

Recently, it has come to my attention that re-zoning is necessary to allow Fati to continue running "the best" preschool daycare center in this area. What makes this center excel is Fati herself. She spends all of her time at the house/center with the children as well as the girls she supervises. Fati works with the kids developing them into intelligent, well-behaved, friendly children. That is a remarkable job that takes a certain type of person that is hard to find in this day and age.

My 3 year old son, Michael, has been with Fati since she first started her own daycare service. My confidence in her demonstrated abilities and caring attitude with my son and the other children makes my decision very easy when it comes to deciding where my "expected child" will go when born. In the 3 years I have known Fati, I have also met her family and it is easy to see why she treats adults and children in such a positive way and respectful way.

So I urge you to consider favorably when considering the re-zoning issue involving an excellent person and her rare ability to shape our children into all that they can be. Please call me if I can be of any further assistance in this matter at 1-410-560-0386.

Sincerely yours,
Michael C. Howachyn
Michael C. Howachyn

February 21, 1994

Mrs. Sheri Rakvin
5 Oaklyn Circle
Shrewsbury, PA 17361

RE: **FATIMA FALAH**

Dear Sir/Madam:

I have known Mrs. Fatima Falahi since 1991 when I began using her service for three years. My two children, a toddler and an infant, are currently under her excellent care. As a Mother who works full-time I am very happy and grateful to have found such a wonderful person to care for my children. Leaving them with her it is like leaving them with my own Mother. Mrs. Falahi spends an enormous amount of time teaching the children the values of sharing and being kind to each other. Watching her with the children has shown me how responsible and caring she is. It is my sincere hope that Mrs. Falahi will be allowed to expand her excellent services to other mothers seeking good child care.

Sincerely,
Sheri Rakvin
Sheri L. Rakvin

CHRISTINA HARNETT-HASSON, Ph.D.

Psychologist
4307 Long Green Road
Long Green, Maryland 21092
(301) 592-9825

2/14/94

To Whom It May Concern:

Re: **Fati Falahi Haerian**

I am pleased to have this opportunity to write in support of Mrs. Haerian's appeal to the court. I have known Mrs. Haerian for approximately fourteen years. At the present time, I am an Assistant Professor of Psychology at the College of Notre Dame of Maryland and, I maintain a practice in Clinical Psychology in the Towson area.

As most modern families, my husband and I find it necessary to both work in order to meet the financial responsibilities to our family. In interviewing for "day care mothers", we sought someone who loved children, was cognizant of developmental issues, and who cared for the children as if they were her own. We could not have made a better choice than Mrs. Haerian.

My children, three-year old twin boys, have been in Mrs. Haerian's care since they were eighteen months old. In short, they adore her. In addition to the day to day necessities, Mrs. Haerian provides an educational environment in which my children have prospered. At two, they knew the alphabet; shortly thereafter knew are verbally expressive and developmentally advanced. I am pleased to say that I receive numerous compliments on how "advanced" the twins are and I attribute the majority of their gains to Mrs. Haerian.

In an age in which all parents are concerned about abuse or neglect, I consider myself very fortunate to have the caliber of daycare Mrs. Haerian provides. Mrs. Haerian is adamant in her philosophy of providing an atmosphere that is loving, enriching, supportive, and physically and emotionally healthy for her charges. In her commitment to the welfare of children, she is quite simply beyond reproach.

I heartily encourage you to support Mrs. Haerian in her commitment to serve the children of our community. Baltimore county families will be the recipients of excellent childcare.

Very truly yours,
Christina Harnett
Christina Harnett, Ph.D.

February 19, 1994

7C

To The Zoning Commissioner:

My daughter attended Epworth Daycare Center in June of 1990. Mrs. Fatemeh Falahi was my daughter's teacher at that time. While under her care, my daughter received the highest quality day care available.

Mrs. Falahi then left Epworth Daycare Center to open her own Daycare. I removed my daughter from the Epworth Daycare Center and enrolled her at Mrs. Falahi's Daycare Center. Consequently, my daughter has been under her supervision for a total of five years.

Mrs. Falahi is very caring, dependable, organized, supportive and experienced. The environment at Mrs. Falahi's Daycare is a very loving and nurturing one. It is the kind that is very beneficial to all young children.

To this end I feel that it would be in the best interest of this community if Mrs. Falahi's Daycare Center was granted the opportunity for further growth. Anything your office can do will be greatly appreciated.

Sincerely,
Katherine Hall

March 14, 1994

TO WHOM IT MAY CONCERN:

As you know, I have filed a petition to seek zoning approval to increase the number of children served in my child care center to a maximum of 20. I appreciate all of the written support I have received from my clients.

The purpose of this letter is to ask for your help in another way. In the course of the hearing one of the neighbors has submitted a videotape showing cars backing out of the driveway and making U-turns on Timonium Road, vehicles parking blocking the driveway and the sidewalk, as well as vehicles parking facing the wrong way on Timonium Road in front of my property.

The filming of these situations was done to show that there may be a safety hazard to the community during the drop-off or pick-up of the children by the parents. It was also testified that several of the parents are parking off the shoulder of the shopping center entrance and walking around to pick up their children.

I have no doubt that this is a situation which we can and should address by scheduling or coming up with a method whereby the children can be met at the driveway or brought to the driveway in order to help my petition receive favorable consideration. I would therefore greatly appreciate it, if you have been one of the drivers videotaped doing one of these things, if you would avoid doing that in the future.

If you have any questions about how to accomplish the safe drop-off and pick-up of the children I would be happy to hear them. I am in the process of attempting to find off-site parking for my employees which will free up more spaces in the driveway if I am successful in that effort.

Again, I thank you for your support in my efforts to continue to provide quality daycare for your children. You may call me if you have any questions at 252-0636.

Sincerely,

Fatemeh Falahi

**PETITIONER'S
EXHIBIT 8**

LEASE AGREEMENT

THIS AGREEMENT OF LEASE, made this 3rd day of March, 1994, by and between FRED YOO, hereinafter referred to as "Landlord", and FATEMEH FALABI, hereinafter referred to as "Tenant".

WHEREAS, Landlord is the owner of improved real property on which he operates a gasoline station and service garage on East Timonium Road, adjacent to the Timonium Shopping Center; and

WHEREAS, Landlord has parking spaces in addition to those needed for his business; and

WHEREAS, Tenant is interested in renting three (3) parking spaces for her employees of the child care center she operates at 42 East Timonium Road; and

WHEREAS, Landlord is willing to rent those three (3) parking spaces for the times and time periods hereinafter mentioned.

NOW, THEREFORE, it is agreed by and between the parties that Landlord shall lease three (3) parking spaces, to be designated by Landlord, for parking three (3) size vehicles for the exclusive use of Tenant and the Tenant's employees in return for the mutual and beneficial considerations flowing to each, the sufficiency of which is hereby acknowledged by each.

1. **Number of Parking Spaces.** There shall be three (3) parking spaces designated by Landlord within his property for which Tenant shall be allowed to park.

2. **Time Period.** This Lease Agreement shall cover the time period Monday through Friday and for the hours 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 5:30 p.m.

3. **Consideration.** Tenant agrees that she shall buy all gasoline products she needs for her own use from the Landlord and shall utilize his service garage for necessary repairs for her vehicles. In addition, Tenant shall pay the sum of Five Dollars (\$5.00) per week for the rental of the parking spaces, which will be payable weekly whether or not the parking spaces are used.

4. **Term.** This Lease Agreement shall begin on the date signed and shall continue with the sole contingency that a special exception and variances requested by Tenant be granted and the property shall be used as a group child care home for no more than twenty (20) children. The term shall be subject to annual review to the mutual satisfaction of Landlord and Tenant.

**PETITIONER'S
EXHIBIT 9**

**PETITIONER'S
EXHIBIT 10**

CURRICULUM VITAE
NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Residence
(410)666-1561

**PROFESSIONAL
EXPERIENCE**

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts.

**WORK
EXPERIENCE**

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal
Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony on zoning and development issues.

2/89 to 10/90

The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council, Baltimore County Baltimore County Maryland The Office of Planning and Zoning



S-NE R-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992

PH Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard
 Chairman, County Council



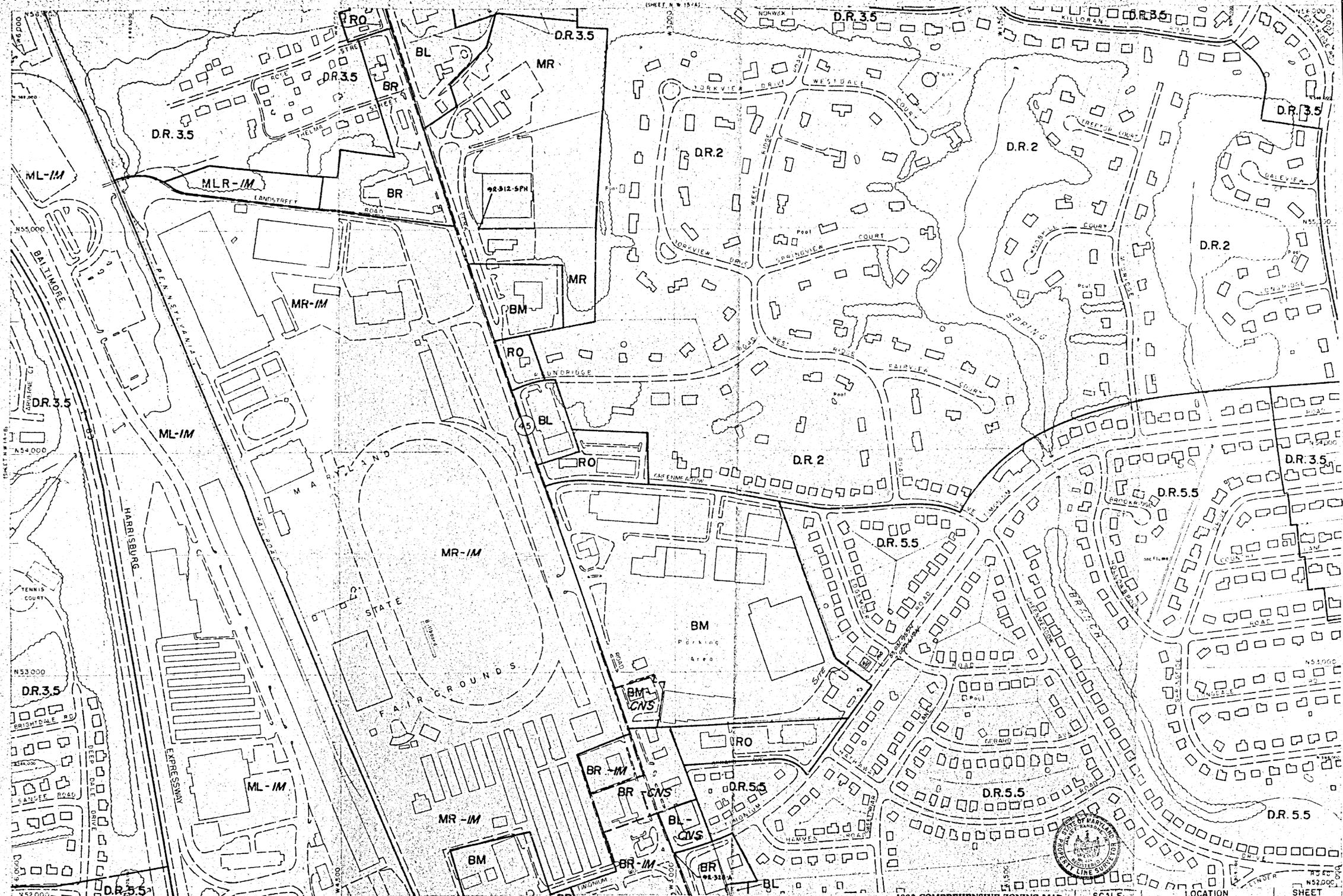
| | |
|---------------------|--------------|
| SCALE | 1" = 20' |
| DATE OF PHOTOGRAPHY | JANUARY 1990 |
| LOCATION | TIMONIUM |
| SHEET | 11 A |
| | 11 B |
| | 11 C |
| | 11 D |
| | 11 E |
| | 11 F |
| | 11 G |
| | 11 H |
| | 11 I |
| | 11 J |
| | 11 K |
| | 11 L |
| | 11 M |
| | 11 N |
| | 11 O |
| | 11 P |
| | 11 Q |
| | 11 R |
| | 11 S |
| | 11 T |
| | 11 U |
| | 11 V |
| | 11 W |
| | 11 X |
| | 11 Y |
| | 11 Z |

J. FINLEY RANSOME & ASSOCIATES
 Registered Land Surveyors
 P. O. Box 10160
 Towson, MD 21285-0160

#271

94-271-XA

MICROFILMED



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992

Dist. Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02

William D. Howard
 Chairman, County Council

SCALE
 1" = 200'

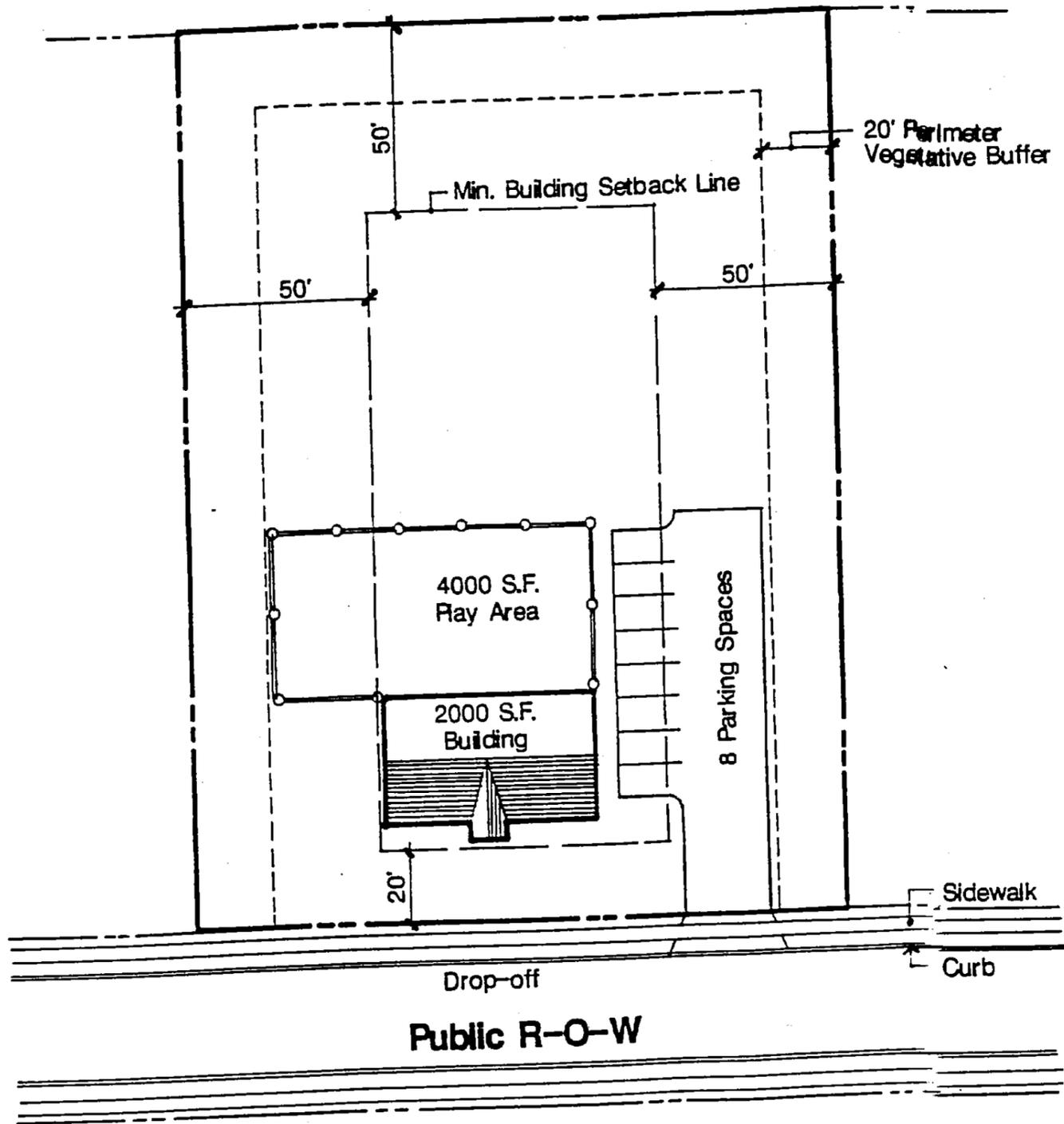
DATE
 OF
 PHOTOGRAPHY
 JANUARY
 1986

| | |
|----------|-------|
| LOCATION | SHEET |
| NW | 14-A |

TJMONIUM
 J. FINLEY RANSOME & ASSOCIATES
 Registered Land Surveyors
 P. O. Box 10160
 Towson, MD 21285-0160

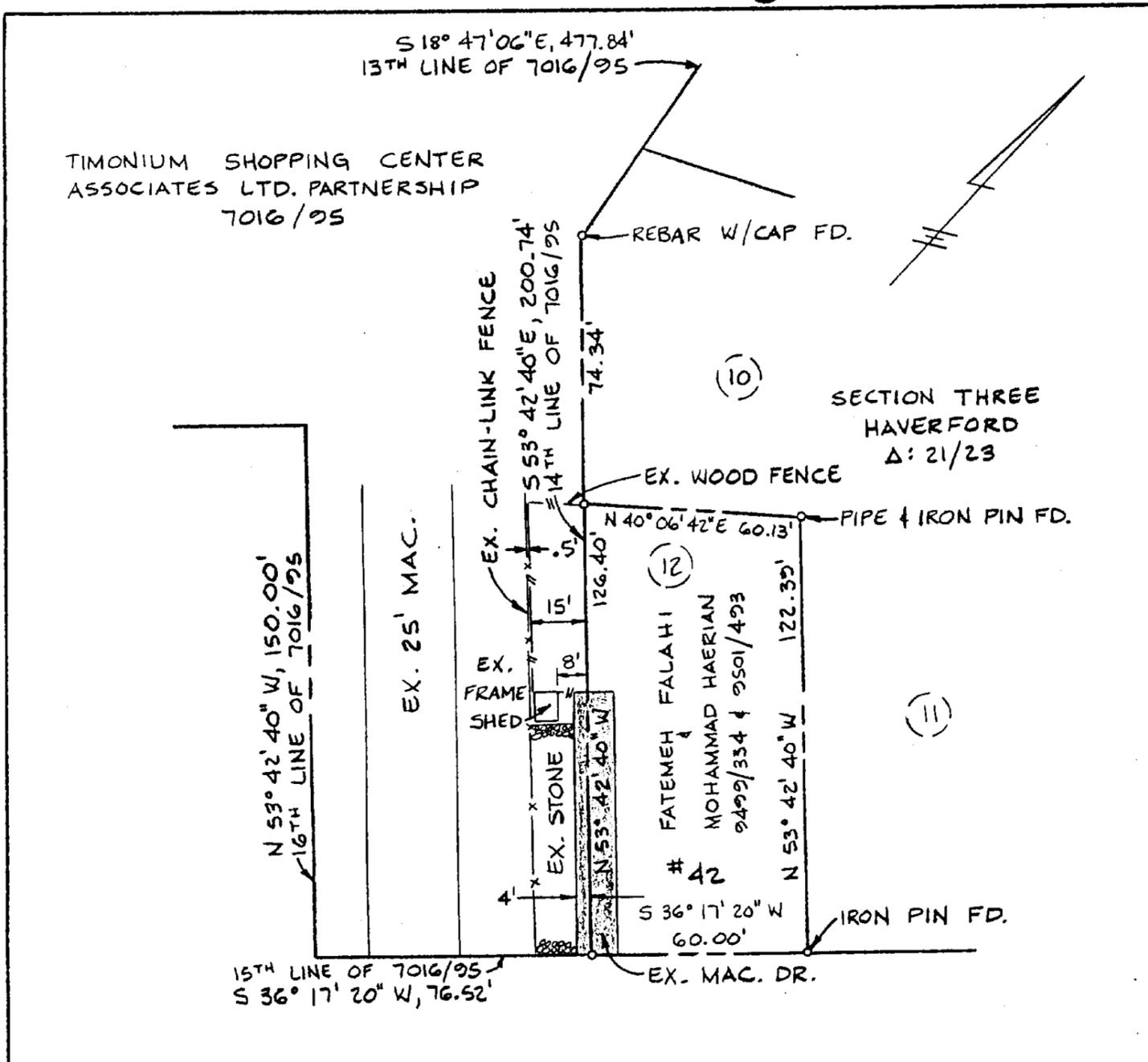
#271

94-271-XA



EXAMPLE SITE PLAN # 1

One Acre Lot (min.)/40 Children
 Scale: 1"=40'



TIMONIUM ROAD
(80' R/W)

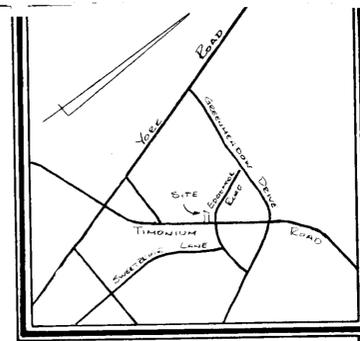
PETITIONER'S
EXHIBIT NO. 6



PLAT SHOWING
SURVEY OF ENCROACHMENTS
ONTO THE PROPERTY OF
TIMONIUM SHOPPING CENTER
ASSOCIATES LTD. PARTNERSHIP
E.H.K., JR 7016/95
SCALE: 1" = 40' DATE: 2-17-94



Y. DUVALL & ASSOCIATES, INC.
ENGINEERS . SURVEYORS . LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571



VICINITY MAP
Scale: 1" = 1,000'

GENERAL NOTES:

1. EXISTING ZONING: D.R.S.5 BALTO. CO MAP NW 19A
2. CURRENT USE: RESIDENCE & DAYCARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS:
GFA = 2,300[±] + 1,030[±] = 3,330[±]
% OF SITE = 21.7%
4. IMPERVIOUS FEET = 3,533[±]
% OF SITE = 23.4%
5. OWNER TO INSTALL DOUBLE EDW OF COMPACT EVERGREEN SCREENING AS SHOWN
6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED OFF-SITE ON THE PROPERTY OF FRED C. YOO.
7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE TRAFFIC RELATED AT
1692 EAST TIMONIUM ROAD
AND PHOTONICS
LOT 16/12 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-F-I-G-H & I
HAGERFORD
REF: PB No. 51 FOLIO 13

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MRS. FATEMAH FALANI
11670 BONS POND LANE
TIMONIUM, MD. 21093
PHONE: 550-0636 466-3590
TAX ID# 8100101050
TELE FAX: 3499/1334

PETITIONER'S EXHIBIT 7

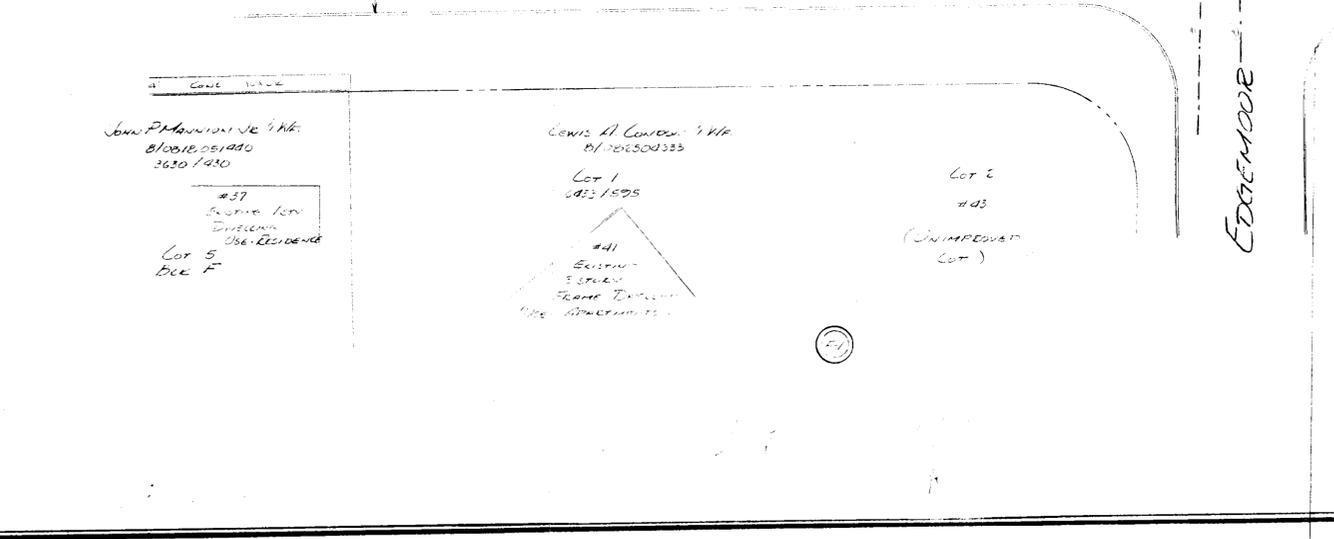
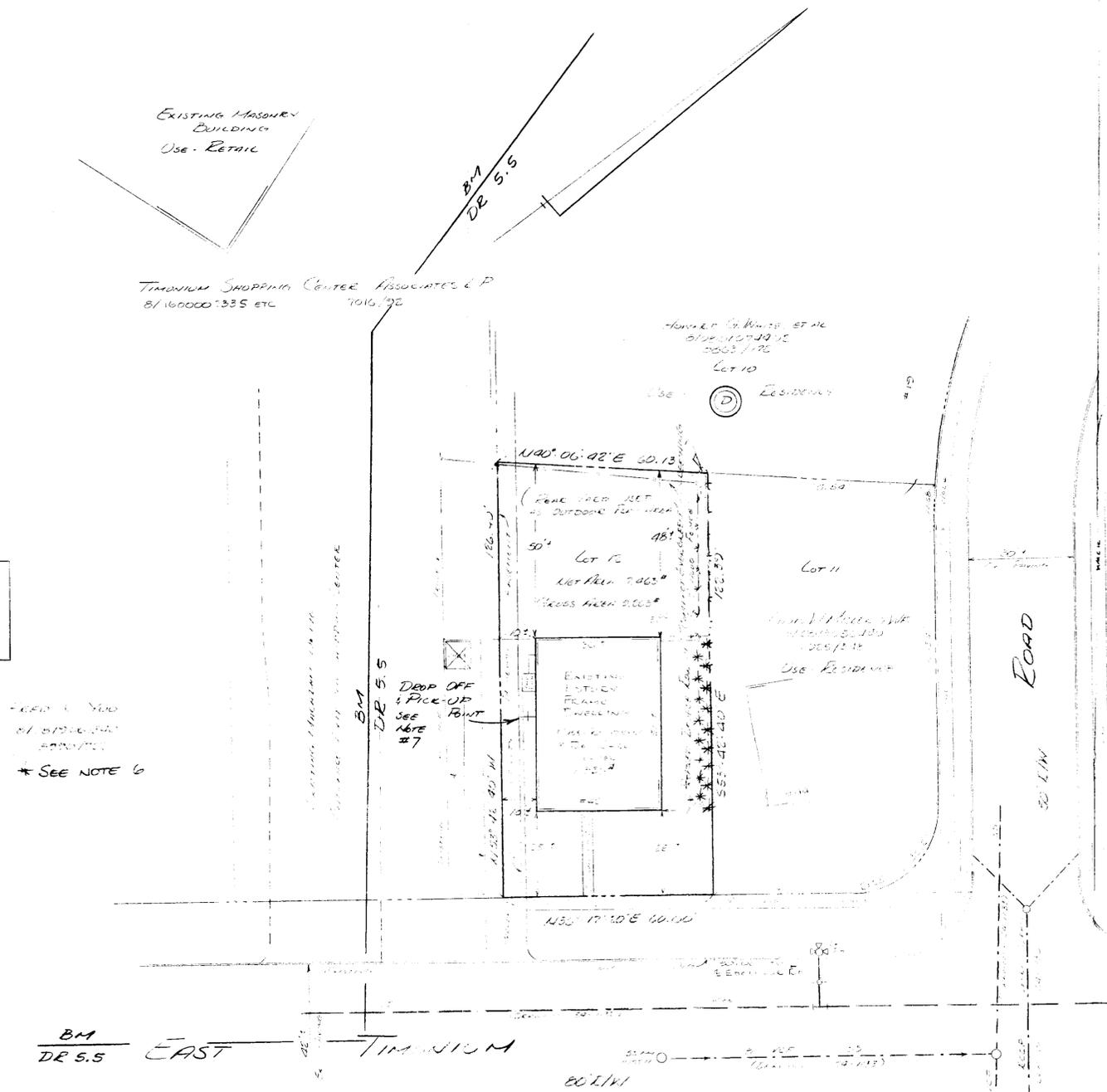


1ST AMENDMENT: 5/16/94 - ADD NOTES 5, 6, 7 & DETAILS

SCALE: 1" = 20' DATE: Nov. 21, 1993

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 0300-1001 F# 88-101



FRED C. YOO
21 81216 347
500/100
* SEE NOTE 6

John P. Harrison & W.P.
810010 051480
3630 1980
#37
5,000 SQ. FT.
EXISTING
USE: RESIDENCE
LOT 5
BLK F

Lewis A. Condon & W.P.
01700500333
Lot 1
0431895
#41
EXISTING
5,000 SQ. FT.
FRAME BUILDING
USE: STRUCTURE

Lot 2
#43
(UNIMPROVED LOT)

#45
Lot 3
#46
Honey C. W. Seefeldt & W.P.
81 801010 0550 1980/1980

TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
81 160000 1335 ETC 7016 192

Homer C. White & W.P.
012010 0749 12 0003 1976
Lot 10
#36
RESIDENCE

Thomas E. Berry & W.P.
0100 110000 1000 1980
USE: RESIDENCE
Lot 8
#48

David L. Smith & W.P.
0100 110000 1000 1980
USE: RESIDENCE
Lot 9
#49

John W. White & W.P.
0100 110000 1000 1980
USE: RESIDENCE
Lot 11
#47

EXISTING MASONRY BUILDING
Use - RETAIL

TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
8/1600007335 ETC 7016/72

HAROLD G. WAVE ET AL
8/0001074402
0563/172
Lot 10
Use - RESIDENCE

Lot 8
THOMAS BERRY
8/0011010260
7500/182
Use - RESIDENCE

DAVID I. GURIN & NE
8/0007030210
5584/182
Use - RESIDENCE

Lot 9
#46

LEWIS P. MANNING, JR. & NE
8/0012051440
3630/180

#37
EXISTING 1STY DWELLING
Use - RESIDENCE
Lot 5
Blk F

LEWIS A. CONYON & NE
8/002504333
Lot 1
6433/1575

#41
EXISTING 3 STORY FRAME DWELLING
Use - APARTMENTS

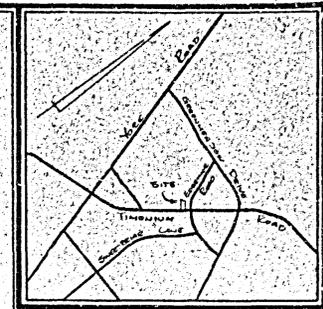
Lot 2
#43
(UNIMPROVED LOT)

Lot B
#45

HENRY C. WIEDERFELD & NE
8/0001074570 7920/110

GENERAL NOTES:

- EXISTING ZONING: DP-5.5 BALTO. Co. MAP NW-14A
- CURRENT USE: RESIDENCE & DAY CARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
- FLOOR AREA RATIO CALCULATIONS
GSA + GFA 3,265^{sq} = 1,836^{sq} + 5,085
- IMPERVIOUS AREA = 3,533^{sq}
% of SITE = 38% of G.S.A.



VICINITY MAP
SCALE 1" = 1000'

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1642 EAST TIMONIUM ROAD
AND KNOWN AS
Lot 1612 Block D
SECTION THREE
PART OF BLOCKS D-E-F-F-I-G-H & I
HAVERFORD
REF: PB 16.21 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MRS. FATEMA FALANI
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
Phone: 252-0636 666-3540
Tel. No: 810011067650
Deed Ref: 2499/134

94-271-XA
#271

| | |
|---|---------------------|
| SCALE: 1" = 20' | DATE: Nov. 21, 1993 |
| | |
| J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 866-7448 | |
| J# 2303-1001 | F# 08-121 |

EXISTING HANSEY BUILDING
Use - RETAIL

TIMONIUM SHOPPING CENTER ASSOCIATES L.P.
01/100007355 etc 7016/72

HONNED S. WHITE, ET AL
01/001074002 0263/112
Lot 10
Use - Residence

THOMAS BEEBY
01/001101800 7580/152
Use - Residence

DANIEL I. GUYTON & WIFE
01/0007030210 5584/142
Use - Residence

Lot 9
#46

BM DE 5.5 EAST TIMONIUM ROAD

Lot 5
#41
EXISTING 1-STORY DWELLING
Use - Residence
Lot 5
Blk F

Lewis A. Condon & WIFE
01/002304333
Lot 1
#43/1525

#41
EXISTING 3-STORY FRAME DWELLING
(Use - APARTMENTS)

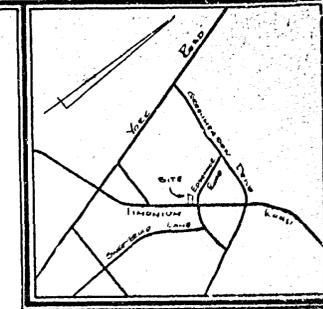
Lot 2
#45
(UNIMPROVED LOT)

Lot 8
#45

HENRY C. WIEDERFELD & WIFE
01/001074570 7020/212

GENERAL NOTES:

- EXISTING ZONING: D.R.S.5 BALTO. CO. MAP NW-19A
- CURRENT USE: RESIDENCE & Day Care Center
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
- FLOOR AREA RATIO CALCULATIONS
GSA ÷ GFA 2,765 ÷ 1,036 = 2.67
- IMPERVIOUS AREA = 3,533 sq ft
% of SITE = 35% of G.S.A.
- OWNER TO INSTALL DOUBLE EDG OF COMPACT EVERGREEN SCREENING AS SHOWN
- EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED OFF-SITE ON THE PROPERTY OF FRED C. YOO.
- DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.



VICINITY MAP
Scale 1" = 100'

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1692 EAST TIMONIUM ROAD
AND TIMONIUM AS
Lot #12 Block D
SECTION THREE
PART OF BLOCKS D-E-F-F-G-H & I
HAVERFORD
REF: PB No. 21 4010 23

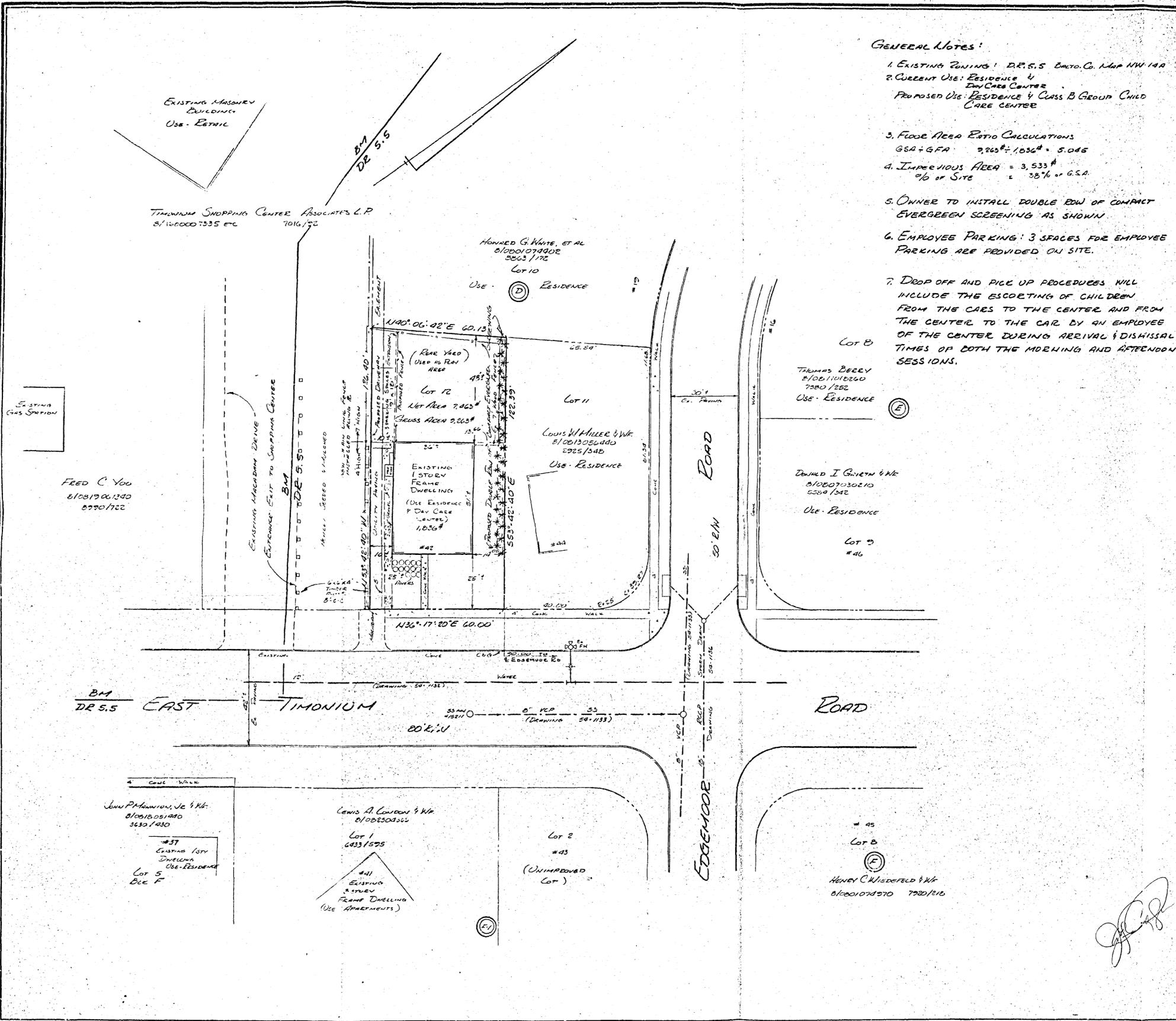
* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A P.T.A.

OWNER: MRS. FATEMAH FARANI
11518 BOWEN BOULEVARD
TIMONIUM, MD. 21093
Phone: 252-0636 666-3500
Tax Acc # 01/0011067650
Deed Ref: 2499/134

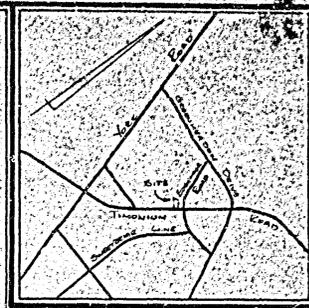
#271
94-271-XA
REVISED
9/19/94

1ST AMENDMENT: 5/16/94 - ADD NOTES 5,6,7 & DETAILS

| | |
|---|---------------------|
| SCALE: 1" = 20' | DATE: Nov. 21, 1993 |
| | |
| J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448 | |
| J# 2829-1001 | F# 05-121 |



- GENERAL NOTES:**
1. EXISTING ZONING: DR. 5.5 BALTO. C. MAP NW 140
 2. CURRENT USE: RESIDENCE & DAY CARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
 3. FLOOR AREA RATIO CALCULATIONS
GSA + GFA: 3,203 + 1,036 = 5,045
 4. IMPERVIOUS AREA = 3,533 #
% OF SITE = 38% OF G.S.A.
 5. OWNER TO INSTALL DOUBLE ROW OF COMPACT EVERGREEN SCREENING AS SHOWN
 6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED ON SITE.
 7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CAR BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.



VICINITY MAP
SCALE: 1" = 1,000'

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1692 EAST TIMONIUM ROAD
AND PHOENIX
LOT 1612 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-FI-G-H & I
HAVERFORD
REF: PB 16 21 FOLIO 23

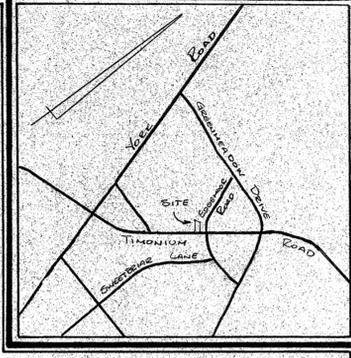
* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MRS. FATEMEH FALAH
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
Phone: 280-0636 666-3580
Tax Acc # 61001067650
Deed Ref: 2499/134

94-271-XA
REV 2/14/95

2ND AMENDMENT: 1/26/95 ADD NEW FENCE ALONG SOUTHWESTLY E. CORNER OF LOT 1612 - ADD GARAGE. LOCATE AND MARK THE CORNER.
1ST AMENDMENT: 5/16/94 - ADD NOTES 5, 6, 7 & DETAILS

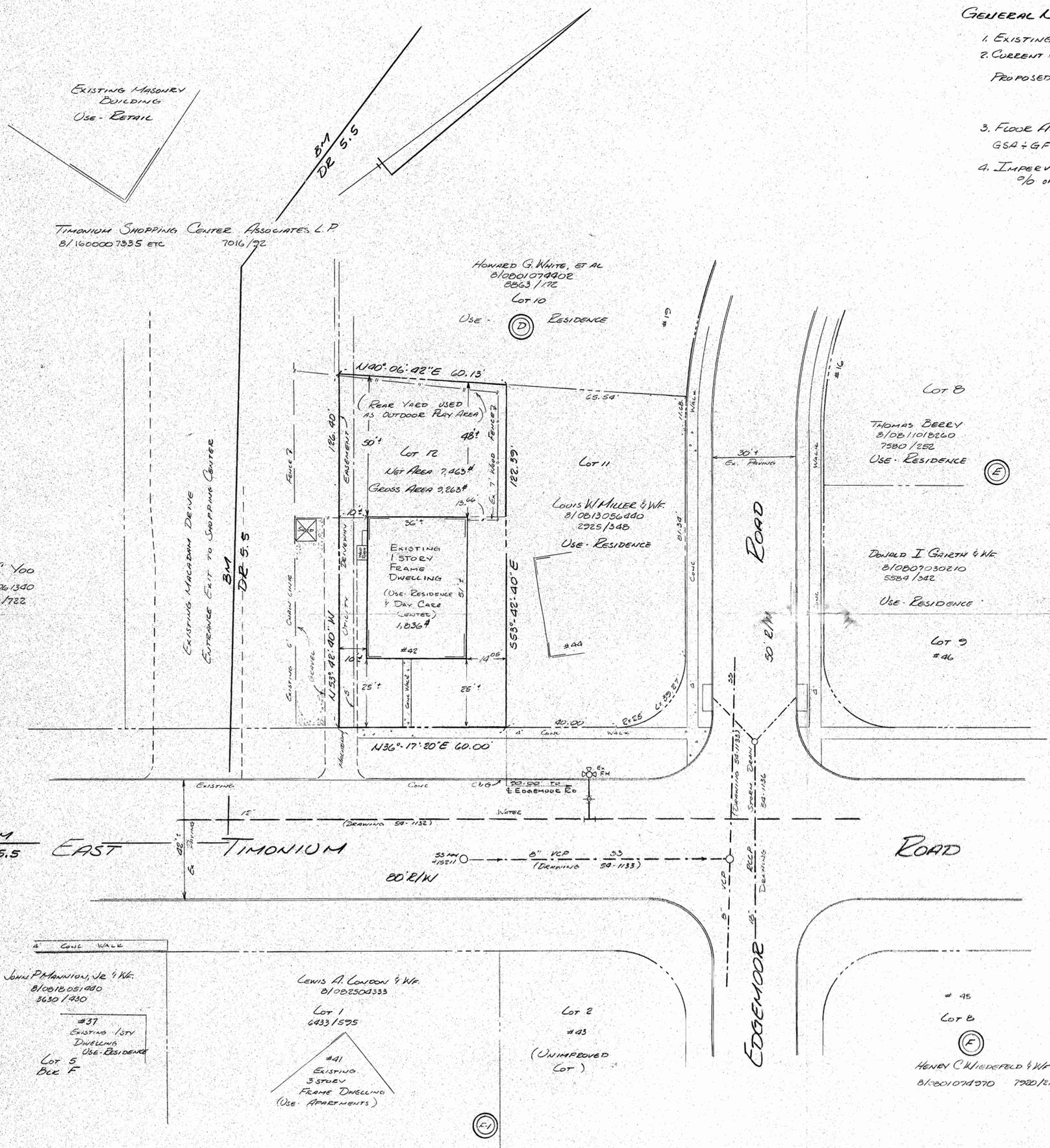
| | |
|-----------------|---------------------|
| SCALE: 1" = 20' | DATE: 10v. 21, 1995 |
| | |
| J# 2809-1001 | F# 08-121 |



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. EXISTING ZONING: D.R. 5.5 BALTO. CO. MAP NW 19A
2. CURRENT USE: RESIDENCE 4
DAY CARE CENTER
PROPOSED USE: RESIDENCE 4 CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS
GSA ÷ GFA 9,263# ÷ 1,836# = 5.045
4. IMPERVIOUS AREA = 3,533#
% OF SITE = 38% OF G.S.A.



8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1692 EAST TIMONIUM ROAD
AND PHOENIXAS
LOT 12 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-FI-G-H & I
HAWERFORD
REF: PB 16.21 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

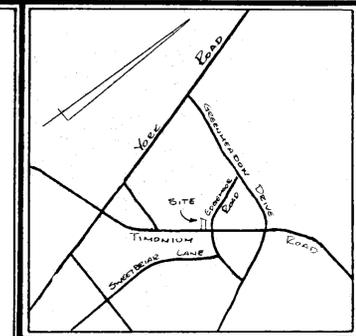
OWNER: MRS. FATEMAH FALAH
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 252-0636 666-3590
TAX AREA # 81061067650
DEED REF: 3499/1339

94-271-XA

PETITIONER'S EXHIBIT NO. 2

PETITIONER'S EXHIBIT NO. 2 #271

| | |
|--|---------------------|
| SCALE: 1" = 20' | DATE: NOV. 21, 1993 |
| | |
| J. FINLEY RANSOME & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448 | |
| J# 9309-1001 | F# 88-131 |



VICINITY MAP
SCALE: 1" = 1,000'

GENERAL NOTES:

1. EXISTING ZONING: D.R.S.5 BALTO. CO. MAP NW 144
2. CURRENT USE: RESIDENCE 4
DAY CARE CENTER
PROPOSED USE: RESIDENCE 4 CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS
GSA + GFA 2,203^{sq} / 1,036^{sq} = 5.045
4. IMPERVIOUS AREA = 3,533^{sq}
% OF SITE = 13.16% GSA

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH COUNCILMANIC DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION*
AND
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1642 EAST TIMONIUM ROAD
AND PINNACLES
LOT #12 BLOCK D
SECTION THREE
PART OF BLOCKS D, E, F, G, H & I
HAVEEFOED
REF: PB 16.21 FOLIO 23

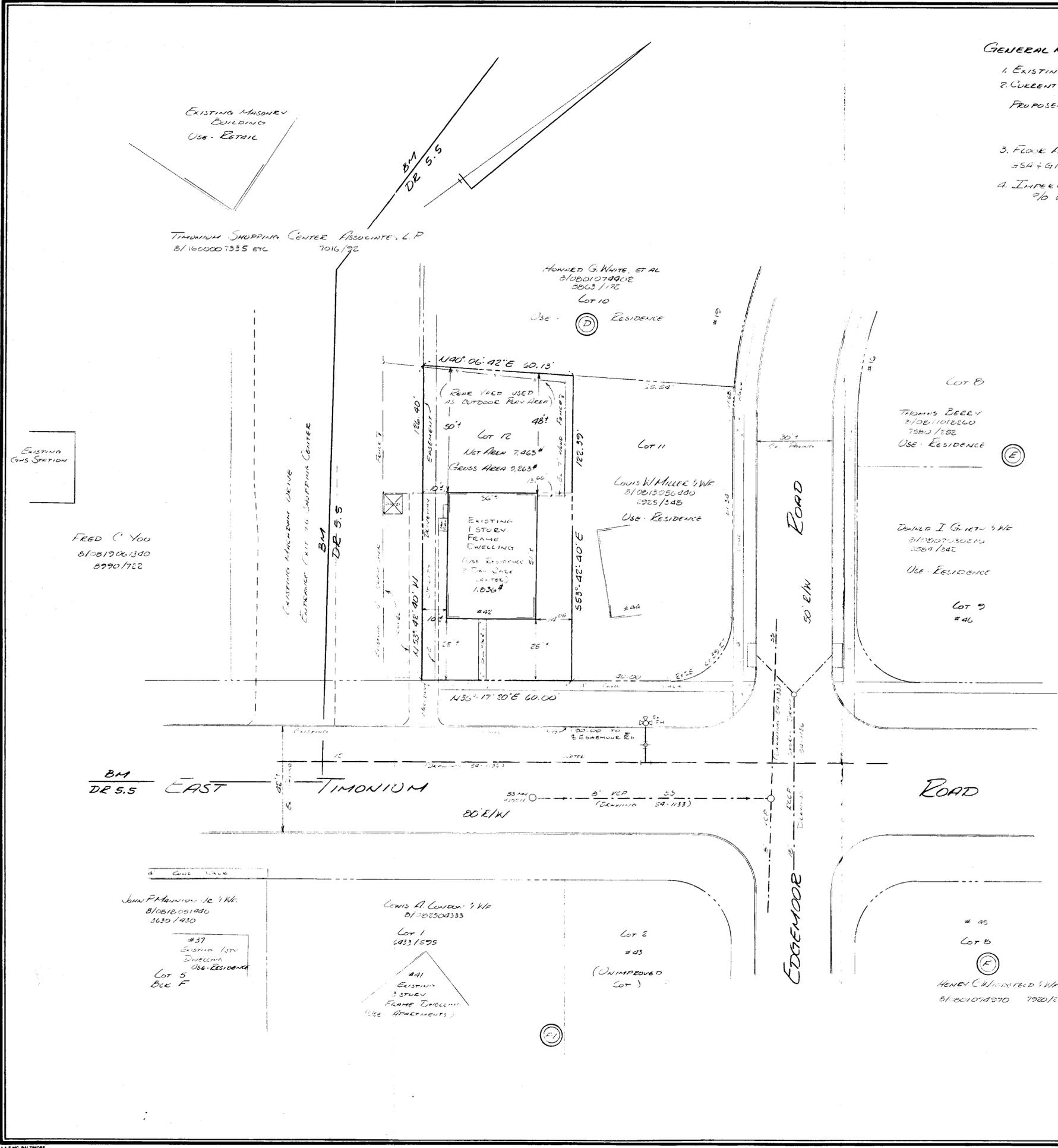
* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

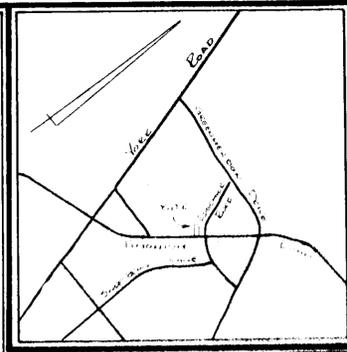
OWNER: MRS. FATEMA FALANI
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 252-0636 466-3540
TAX AC# 010011067650
DEED REF: 2499/1334

94-271-XA

#271

| | |
|---|---------------------|
| SCALE: 1" = 20' | DATE: Nov. 21, 1993 |
| | |
| J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. BOX 10160 TOWSON, MARYLAND 21285-0160 666-7448 MICROFILMED | |
| J# 9309-1001 | F# 88-121 |





GENERAL NOTES:

1. EXISTING ZONING: D.R.S.5 BALTO. CO MAP NW 1A4
2. CURRENT USE: RESIDENCE & DAY CARE CENTER
PROPOSED USE: RESIDENCE & CLASS B GROUP CHILD CARE CENTER
3. FLOOR AREA RATIO CALCULATIONS:
GFA = 3,523 / 2,262.5 = 1.558
4. INTERLUVUS AREA = 3,523 / 210 SF SITE = 16.78
5. OWNER TO INSTALL DOUBLE ROW OF COMPACT EVERGREEN SCREENING AS SHOWN
6. EMPLOYEE PARKING: 3 SPACES FOR EMPLOYEE PARKING ARE PROVIDED OFF-SITE ON THE PROPERTY OF FRED C. YOO.
7. DROP OFF AND PICK UP PROCEDURES WILL INCLUDE THE ESCORTING OF CHILDREN FROM THE CARS TO THE CENTER AND FROM THE CENTER TO THE CARS BY AN EMPLOYEE OF THE CENTER DURING ARRIVAL & DISMISSAL TIMES OF BOTH THE MORNING AND AFTERNOON SESSIONS.

8TH ELECTION DISTRICT, BALTIMORE COUNTY
4TH CONGRESSIONAL DISTRICT
PLAT TO ACCOMPANY A PETITION
FOR A
SPECIAL EXCEPTION
&
ZONING VARIANCE
FOR THE PROPERTY LOCATED AT
1692 EAST TIMONIUM ROAD
AND KNOWN AS
LOT #12 BLOCK D
SECTION THREE
PART OF BLOCKS D-E-F-F1-G-H 4 I
HAVEEFORD
REF: PB No. 21 FOLIO 23

* SPECIAL EXCEPTION IS FOR PRINCIPAL CLASS B GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN WITHIN A R.T.A.

OWNER: MES FATEMEH FARANI
11 GIBBONS BOULEVARD
TIMONIUM, MD. 21093
PHONE: 282-2636 666-3540
Tel. No. # 810611067650
DEED REF: 2497/334

#271
94-271-XA
REVISED
7/19/94

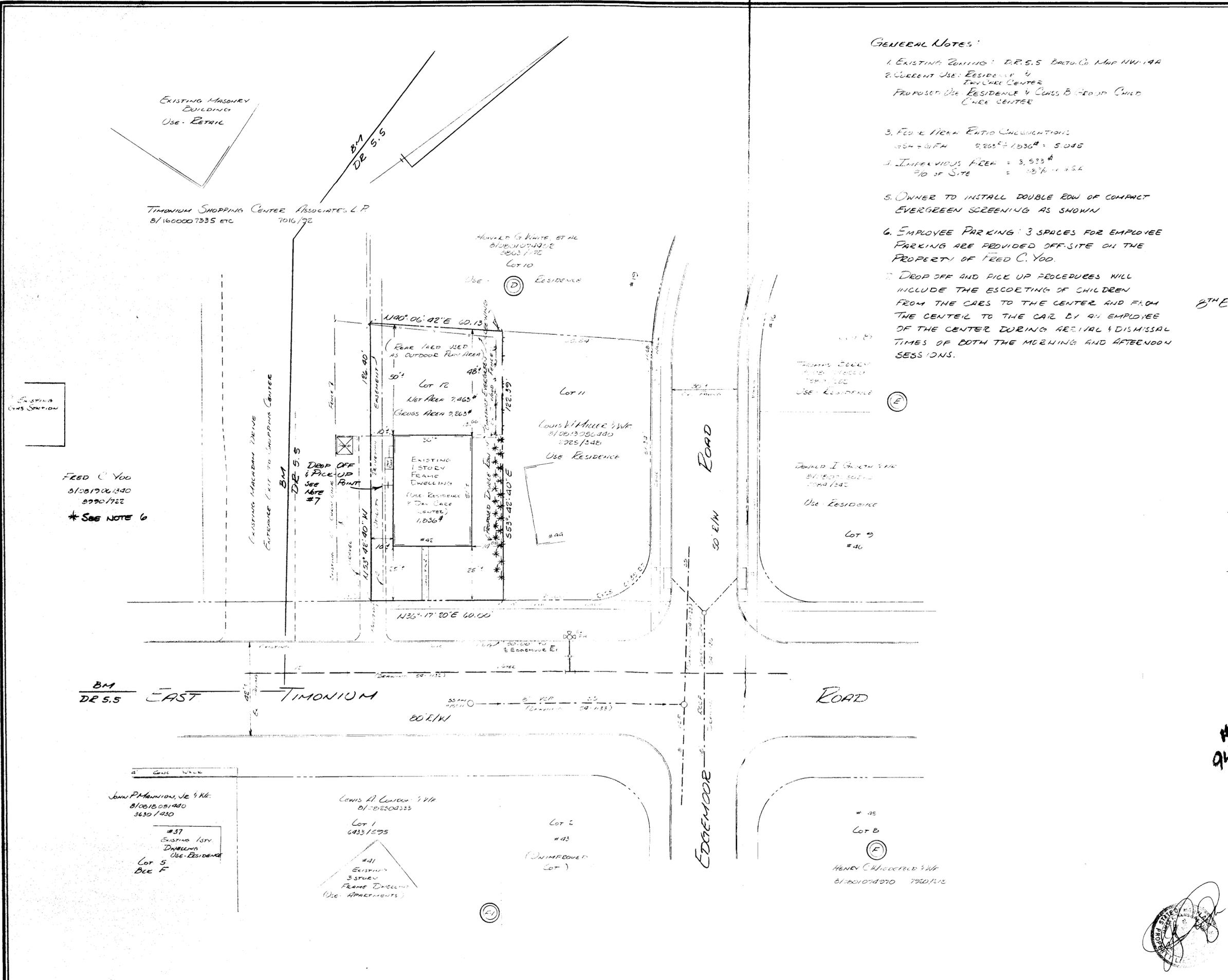
MICROFILMED

1ST AMENDMENT: 5/16/94 ADD NOTES 5,6,7,4 DETAILS

SCALE: 1" = 20' DATE: Nov. 21, 1993

J. FINLEY RANSONE & ASSOCIATES
REGISTERED LAND SURVEYORS
P.O. BOX 10160
TOWSON, MARYLAND
21285-0160
666-7448

J# 9309-1001 F# 08-121



EXISTING MASONRY BUILDING
USE: RETAIL

TIMONIUM SHOPPING CENTER ASSOCIATES, L.P.
8/1600007335 ETC. 7/16/92

HAROLD G. WHITE, ET AL
8/1000107432E
2003/192
Lot 10
Use: RESIDENCE

Lot 12
Net Area 7,462
Gross Area 9,803
EXISTING 1 STORY FRAME DWELLING
(USE: RESIDENCE & DAY CARE CENTER)
1,036

Lot 11
Louis V. Miller & Wf
8/1001325033D
2025/124E
Use: RESIDENCE

Donald I. Smith & Wf
8/1001325033D
2025/124E
Use: RESIDENCE

Lot 9
#46

FRED C. YOO
8/10017001390
8990/122
* See NOTE 6

John P. Mannions, Jr & Wf
8/10018051940
3630/1430

#37
EXISTING 1 STY. DWELLING
USE: RESIDENCE
Lot 5
Blc F

Lewis A. Carter & Wf
8/10018050323
Lot 1
6433/1525

#41
EXISTING 3 STORY FRAME DWELLING
(USE: APARTMENTS)

Lot 2
#43
(UNIMPROVED LOT)

Lot B
HENRY C. WILHELM & Wf
8/1001074970 7920/1512

