

IN RE: CLASS A CHILD CARE USE PERMIT * BEFORE THE
30 Adrienne Court * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
3rd Councilmanic *
Tsige Braha *
Applicant * Case No. CACC-95-1

* * * * *

ORDER

This matter comes before the Zoning Commissioner, pursuant to Sections 424.4A, 424.5A and 500.4 of the Baltimore County Zoning Regulations BCZR, to request a use permit for a Class A Child Care Center in a D.R. zone, located at 30 Adrienne Court in Randallstown. The Application is filed by Tsige Braha.

Group Child Care Centers are defined within Section 101 of the BCZR and are regulated by Section 424. Class A Group Child Care Centers are defined as those centers providing care for no more than 12 children at any one time. Class B Child Care Centers are defined as those centers which provide care for more than 12 children. As set forth in Section 424.4, Class A centers are permitted as an accessory use within single family detached dwellings in all D.R. zones. In order to operate a facility, the Applicant must file the requisite application for a permit. The property is then posted and, upon request of any property owner or occupant within a 1,000 feet of the property in question, a public hearing will be scheduled. In this case, Mrs. Braha made the necessary application for permit and a request for hearing was filed by John Hite who resides next door.

Appearing at the public hearing held for this case was the aforementioned Mrs. Braha and Mr. Hite. Also appearing in opposition to the request was Dennis C. Raver, who resides nearby at 21 Adrienne Court.

ORDER RECEIVED FOR FILING
Date 3/24/95
By [Signature]

Testimony and evidence presented was that the subject site is known as 30 Adrienne Court. The property is located in the Randallstown area and is a residential lot within the Oldemill Estates subdivision. A photograph of the property and floor plan was submitted at the hearing. Those exhibits show a single family dwelling with an attached garage. The dwelling contains three stories, including a large basement area.

Mrs. Braha testified that she has owned the subject site for approximately 4 years. She resides there with her husband, sister and two children. Mrs. Braha indicates that she currently operates a child care facility for 6 children. These are in addition to her two pre-school age children. She further testified that she is licensed with the State of Maryland. Children who are accepted in the program can be up to 16 years of age and as young as infants. Presently, there are no employees, in that only two children are presently signed up at the facility. The business operates Monday through Friday only, from 7:00 A.M. to 5:30 P.M. Parents bring their children by automobile to the subject site and then return later in the day for pickup. Mrs. Braha indicates that most of the children are kept within the basement which has been converted as a care and play area. Also, the backyard is utilized in warm weather. Mr. Hite resides immediately next door at 28 Adrienne Court. He has also lived in the community for approximately 4 years. He complained of the great amount of traffic generated by the child care center particularly during the morning and afternoon peak hours when he goes and comes home from work. He also indicated that the children are occasionally noisy which disrupts the peaceful enjoyment of his yard. He expressed concerns over potential diminution of property values in the event this facility was approved. He was particularly concerned over Mrs. Braha's plans to expand

ORDER RECEIVED FOR FILING

Date

By

3/24/95
M. H. Hite

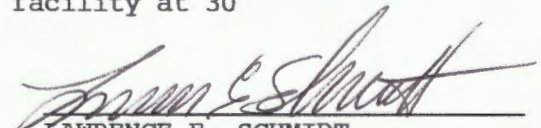
the facility from 6 to up to 12 children. These comments and opposition were echoed by Dennis Raver who lives down the street at 21 Adrienne Court. He noted that the road was only 26-1/2 ft. wide and that excessive traffic caused by the day care center is a problem. He noted that many of the parents in the community have young children and he is concerned over speeding vehicles and excessive traffic generated by this facility.

Based on the testimony and evidence presented, I am persuaded that the issuance of a use permit for day care facility at this location is not appropriate. I am appreciative and concur with the concerns expressed by Messrs. Hite and Raver. This subject property is located on a residential cul-de-sac within a community of single family dwellings. The Applicant's plans appear less than definitive and both witnesses presented consistent testimony regarding traffic. Thus, the Application for a Class A Child Care Use Permit should and must be denied, and the Applicant's use of the subject property as a day care facility must cease.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR having been addressed, and for the reasons set forth above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of March, 1995 that a Use Permit for a Class A Child Care Center at the above-captioned location be and is hereby DENIED.

1. The Applicant shall have 90 days from the date of this Order to cease and desist the operation of the child care facility at 30 Adrienne Court.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:mmn

APPLICATION FOR CHILD CARE CENTER

USE PERMIT

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District 2nd
 Subdivision DEMI ESTATES
 Street Address 30 ADRIANNE COURT
 Lot Number 146 Block Number F Sect 6
 *If no lot or block number, give distance to nearest intersecting street _____ feet, north / south / east / west of _____ Street / Road / Avenue
 Lot Size 39.68' x 287.6'

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

NURSERY SCHOOL
MOUNT OLIVE METHODIST CHURCH
LIBERTY RD & OLD COURT RD

General Information:

- A. Name and Address of Applicant/Operator
TSIGE BRAHA
30 ADRIANNE COURT RANDALLSTOWN, MD. 21133
 Telephone Number 410 521-0397
- B. Number of Employees 1 Hours of Operation 7:06 PM
 Days of Week MONDAY - FRIDAY
- C. Number of Children Enrolled 11
- D. Estimated Amount of Traffic Generated:
 Morning 7 Afternoon 7
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit
- F. Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising, and filing fees.

Tsige Braha
 Applicant's Signature

424.4--A. Group child care centers, Class A are permitted as an accessory use within single-family detached dwellings in all residential zones except R.C.4, in all industrial zones, and in R.O. and O.T. Zones if the Zoning Commissioner grants a use permit under the following procedure:

1. Upon application for a use permit, the owner or agent shall provide the following information:
 - a. number of employees;
 - b. number of children to be enrolled;
 - c. Hours of operation;
 - d. Estimated amount of traffic generated;
 - e. A site plan indicating location and type of structure on the lot in question, location and dimensions of play area(s), parking arrangement, and proximity of dwellings on adjacent lots;
 - f. A snapshot of the structure. [Bill No. 47, 1985.]
2. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of thirty days following the filing of the application. [Bill No. 47, 1985.]
3. Within the thirty day posting period, any occupant or owner within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7. [Bill No. 47, 1985.]
4. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a child care center if the proposed use meets all the requirements of this subsection and any other applicable requirements. Such use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of 424.4.A.6.c below and to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community. [Bill No. 47, 1985.]
5. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the requests for public hearing. [Bill No. 47, 1985.]
6. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - a. his findings following the public hearing;
 - b. the character of the surrounding community and the anticipated impact of the proposed use on that community;
 - c. the manner in which the requirements of subsection 424.1 and other applicable requirements are met; and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations. [Bill No. 47, 1985.]
 - d. Section 1B01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.b.3 as it pertains to such use in D.R. Zones. [Bill No. 47, 1985.]
- B. Group child care centers, Class A are permitted as an accessory use within single-family detached dwellings in O-1 and O-2 Zones and in all business zones, by right. [Bill No. 47, 1985.]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 22, 1995

Mrs. Tsige Braha
30 Adrienne Court
Randallstown, Maryland 21133

RE: Application for Class A Child Care Center
Location: 30 Adrienne Court
Case No. CACC-95-1

Dear Mrs. Braha:

Enclosed please find the decision rendered in the above captioned case. The Application for a Class A Child Care Center has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Mr. Dennis C. Raver
c: Mr. John Hite



Proposed 3' stockade or solid panel fence LOCAL OPEN SPACE

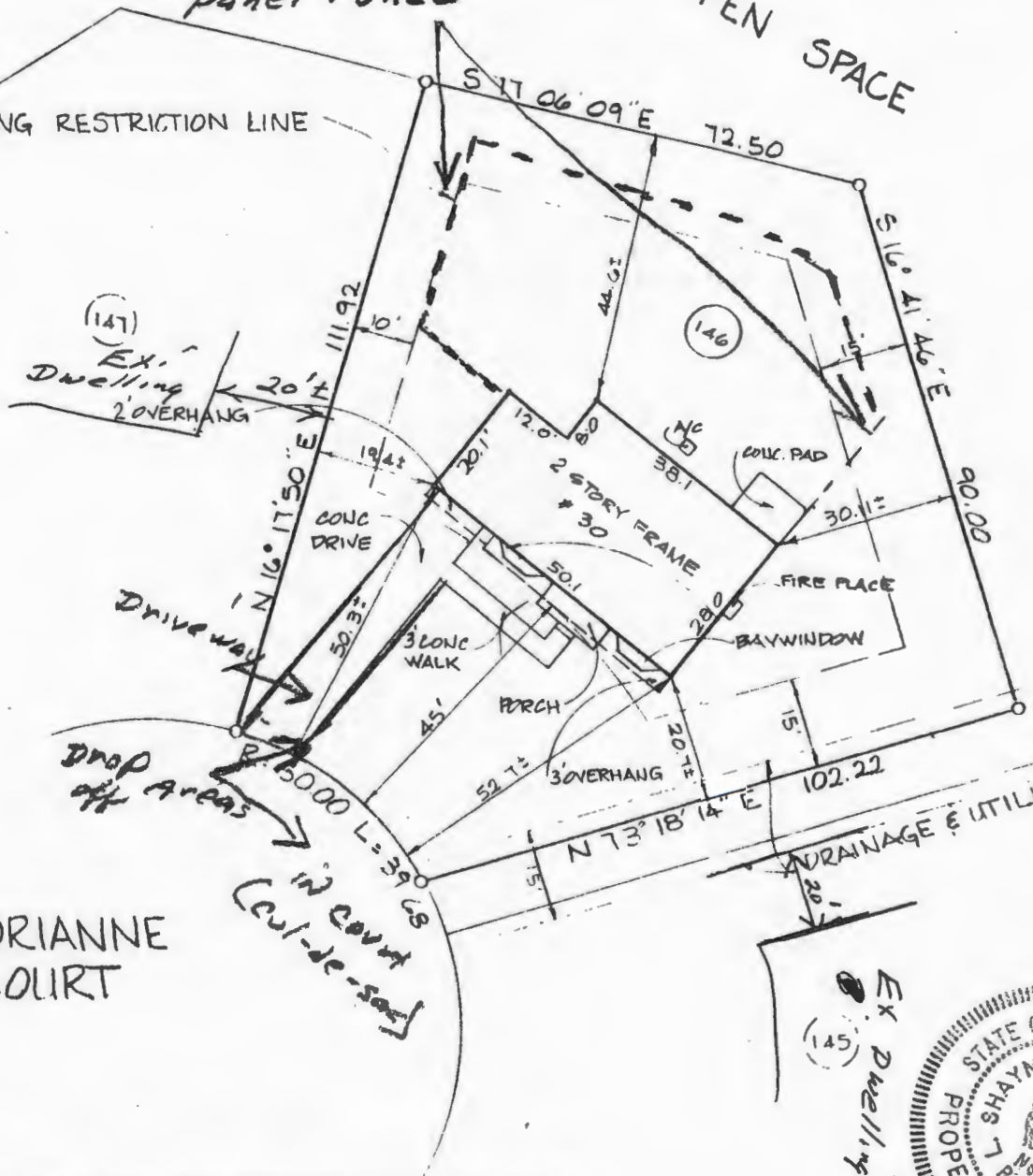
CACC-95-1

BUILDING RESTRICTION LINE

(147) Ex. Dwelling 2' OVERHANG

ADRIANNE COURT

Drop off Areas in Court (Cul-de-sac)



(145) Ex Dwelling



THIS IS TO CERTIFY that I have located the improvements on the lot shown hereon, and that said improvements exist, and that said improvements lie entirely within the boundaries.

Shayne Thatcher 10/2/90

LOT SHOWN HEREON DOES NOT LIE WITHIN A FLOOD HAZARD AREA IN ACCORDANCE WITH THE DOCUMENT ENTITLED "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION - SPECIAL FLOOD HAZARD AREA MAPS".

THIS PLAT NOT INTENDED FOR USE IN THE ESTABLISHMENT OF PROPERTY LINES

CERTIFICATION SURVEY OF
 LOT 146 BLOCK F
 SECTION SIX
 OLDE MILL ESTATES
 SECOND ELECTION DISTRICT
 BALTIMORE CO. MARYLAND
 S.M. 56/1016

Harris, Smariga, Matz, Inc.

Planners/Engineers/Surveyors
 104 Church Lane, Suite 100/Baltimore, MD 21208
 (301) 486-1511

OCTOBER, 02, 1990 SCALE 1" = 30'

10022 & 070500. JMC

155077

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A CLASS A CHILD CARE CENTER USE PERMIT

The application for your proposed Class A Child Care Center has been reviewed and is accepted for filing by J.J. Sullivan on 1-20-95.
DATE (A)

A sign indicating the proposed Child Care Center must be posted on the property for thirty (30) days before a decision can be rendered. Total cost, which includes application fee and posting, is \$75.00.

In the absence of a request for a public hearing during the 30-day posting period, a decision can be expected within approximately five weeks.



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

receipt

Account: R-001-6150

Number

Date 1-20-95

MS. Tsige Braha
30 Adrienne Ct. (21133)

LAST DAY FOR HEARING REQUESTS 2-16-95

APPROXIMATE DECISION DATE 3-3-95

*Within 14 days of filing

190 — Class A Childcare CTR \$ 40.00

080 — SIGN & POSTING \$ 35.00

District 2nd

Location of Property: 30 Adrienne Ct. Total \$ 75.00

03A03#0148NICHR
BA COLL:30AMD1-20-95 \$75.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

RE: APPLICATION FOR CHILD CARE CENTER	*	BEFORE THE
30 Adrienne Court		
2nd Election District,	*	ZONING COMMISSIONER
3rd Councilmanic	*	OF BALTIMORE COUNTY
Tsige Braha	*	CASE NO. CACC-95-1
Applicant	*	
* * * * *		

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 14th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to Tsige Braha, 30 Adrienne Court, Randallstown, MD 21133, Applicant.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Dennis C Raven P.E.
John Hite

21 Adrienne Ct
28 Adrienne Ct Ramoth

21133



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

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: CACC-95-1

30 Adrienne Court

2nd Election District - 3rd Councilmanic

Applicant: Tsige Braha

HEARING: THURSDAY, MARCH 16, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Application for a Child Care Center with one employee, operating Monday through Friday from 7:30 a.m. to 6:00 p.m., with an enrollment of 11 children .

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

Arnold Jablon
Director

cc: Tsige Braha
John Hite

- 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.



654-95 WCK

2/14/95
y

John Hite
28 Adrienne Ct.
Randallstown, MD 21133

2-12-95

To: Guan
2/14/95

Dear Zoning Office (Mr. Arnold Jablon)

Please find inclosed check #1902 for the amount of \$40.00. This is the fee to have the zoning request of -30 Adrienne Ct. Randallstown Md. 21133 (Old Mill Estates) for a "Child Care Center" re-posted for a public hearing.

Processing Fee

Thank you for your cooperation and prompt reply...

Sincerely,

John Hite

RECEIVED

FEB 14 1995

ZADM

RECEIVED FEB 15 1995

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

No. 155808

DATE 2-16-95 ACCOUNT R001-6150

AMOUNT \$ 40 —

RECEIVED FROM: John Hite - (check # 1902)

FOR: HEARING REQUEST CACC 95-1

03A03#0265MICHRC #40.00
BA 0006:56AM02-23-95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

CACC-95-1

District: 2nd

Date of Posting: 2/24/05

Posted for: Child Care Application

Petitioner: Tsiyo Braha

Location of property: 50 Adriano Ct.

Location of Sign: Facing road way on property applying for permit

Remarks:

Posted by: [Signature]
Signature

Date of return: 3/2/05

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: #CACC-95-1
30 Adrienne Court
2nd Election District
3rd Councilmanic
Applicant:

Teige Braha
Hearing: Thursday,
March 16, 1995 at 9:00

11 a.m. in Rm. 118, Old
Courthouse.

Application for a Child Care
center with one employee,
operating Monday through Fri-
day from 7:30 a.m. to 6:00 p.m.,
with an enrollment of 11 chil-

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
February 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/23, 1995

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 2/23, 1995.

THE JEFFERSONIAN,

A. Henikson

LEGAL AD. - TOWSON

Printed

