IN THE MATTER OF THE APPLICATION OF DENNIS K. AGBOH, ET UX FOR SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE CORNER SOUTHWEST SIDE LIBERTY ROAD, NORTHWEST/SIDE OF FOREST HILL AVENUE (6411 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	* * * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 95-248-XA

* * * * * * * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated March 1, 1995 in which the Petition for Special Exception and Petition for Variances were GRANTED with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of special exception and variances filed by John B. Gontrum, Esquire, on behalf of Dennis G. Agboh, Petitioner, filed January 6, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Special Exception and Petition for Variances filed in this matter be withdrawn and dismissed as of January 6, 1997, pursuant to attached letter of withdrawal;

IT IS HEREBY ORDERED this 21st day of January, 1997 by the County Board of Appeals of Baltimore County that said Petitions for Special Exception and Variances be and the same are hereby **WITHDRAWN AND DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz

Robert O. Schuetz, Chairman

Lawrence M. Stahl

S. Diane Levero

S. Diane Levero

MICROFILMED

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL D. LOPER

* Also Admitted In the District of Columbia

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

January 2, 1997

Board of Appeals
400 Washington Ave., Room 49
Towson, Md 21204

Re: Dennis A. Agboh
Case No.: 95-248-XA

Dear Mr. Chairman:

I am requesting a withdrawal of the special exception and variances from the above referenced case. It is my understanding that if a new special exception or variance is filed, it must be started from the beginning step.

If there are any questions please do not hesitate to contact me.

Very truly yours,

John B. Gontrum

jaj

cc: People's Counsel
Mr. and Mrs. Agboh

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 21, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-248-XA
Dennis K. Agboh, et ux -Petitioner

Dear Mr. Zimmerman:

Pursuant to Petitioner's withdrawal of special exception and variances in the subject matter, enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: John B. Gontrum, Esquire
Mr. & Mrs. Dennis K. Agboh
Judith Berger, President
Liberty Road Community Council
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE:	PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE	*	BEFORE THE
	Cor. SW/S Liberty Road, NW/S of Forest Hill Avenue	*	ZONING COMMISSIONER
	6411 Liberty Road	*	OF BALTIMORE COUNTY
	2nd Election District		
	2nd Councilmanic District	*	Case No. 95-248-XA
	Dennis K. Agboh, et ux		
	Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 6411 Liberty Road in the Lochearn section of Baltimore County. The Petition is filed by Dennis K. Agboh and Elizabeth J. Agboh, property owners. Special Exception relief is requested so as to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone. Numerous variances are requested. They are:

From Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50-ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area;

From Section 409.8.A.1 and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street.

From Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line;

side yards without the required 20 ft. perimeter vegetative buffer; rear yard without the required 20 ft. perimeter vegetative buffer;

From Section 400.1 to permit the existing garage to remain in its current location in lieu of being located in the third of the lot farthest removed from any street. All of the relief requested is more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case were the property owners/Petitioners, Dennis K. Agboh and Elizabeth J. Agboh. They were represented by John Trueschler, Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject site is approximately .35 acres in gross area and is zoned D.R.5.5. The property is located at the southwest intersection of Liberty Road and Forest Hill Avenue. The property is improved by 2-1/2 story frame building which is used for a day care operation. The rear of the property contains a frame garage as well as a macadam drop off area. The balance of the property contains a lawn which serves as an outdoor play area for the children.

Group Child Care Centers are defined by Section 101 of the BCZR as "a building or structure wherein care, protection and supervision is provided for part, or all, of a day on a regular schedule, at least twice a week, to at least 9 children including children of the adult provider". A Class A child care facility provides care for no more than 12 children; whereas a Class B facility provides care for more than 12 children. Child Care Centers are regulated by Section 424 of the BCZR.

Testimony and evidence offered was that the Petitioners have owned the property for approximately one year and have operated a Class A Child Care

facility since that time. Apparently, they have made great efforts and expenditures to upgrade the property. Although no new building has taken place, the interior and exterior of the existing building has been significantly renovated and upgraded.

Other testimony indicated that the child care facility provides services Monday through Friday from 6:30 A.M. to approximately 6:00 P.M. Although three employees now work on the site, Mrs. Agboh envisions increasing that number to five employees if the special exception is granted. The facility is also licensed and regulated by the State of Maryland.

Testimony was also offered that no exterior improvements to the site are envisioned. The special exception and variance relief is required only because the number of children served on this site will be increased.

Clearly, this use serves a significant need in the area. In this regard, the Petitioners testified that many of the adults in the area are single parents and need close and reliable day care. A public bus stop is located immediately in front of the property at the intersection of Liberty Road and Forest Hill Avenue. Many of the adults and children arrive by bus. Children brought by automobile are dropped off at the drop-off point to the rear of the site located adjacent to Forest Hill Avenue. This prevents children from being dropped off along the busy Liberty Road corridor. It is also to be noted that this site was operated as a Class A Child Care Center by a previous owner in 1986.

As to the Petition for Special Exception, it is clear that same should be granted. As is well settled, a special exception is a use predetermined by the County Council to be presumptively proper in a given zone. See Schultz v. Pritts, 291 Md. 1 (1981). The evidence presented in this case was uncontradicted that the proposed expansion and use will not be detrimen-

tal to the health, safety and general welfare of the locale. The standards enunciated in Section 502.1 of the BCZR are clearly satisfied.

The variances which are requested should also be granted. It need be emphasized that no new construction is proposed on site. Rather, these variances are triggered by the expanded use. Surely, the Petitioner would suffer practical difficulty if the variances were denied. The unusual shape of the lot and its relatively small size would render the special exception use impossible if the variances were not granted. Moreover, the Petitioner indicated that the community actively supports her Petitions. As noted above, this use serves a dire need within the local community. For all of these reasons the variances should and will be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of March, 1995 that, pursuant to the Petition for Special Exception, approval to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING
Date 3/1/95
By M. Gorski

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50 ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual

and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line; side yards without the required 20 ft. perimeter vegetative buffer; rear yard without the required 20 ft. perimeter vegetative buffer, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 to permit the existing garage to remain in its current location in lieu of being located in the third of the lot farthest removed from any street, subject, however, to the following restriction:

> 1. The Petitioners is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 3/1/95
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 27, 1995

John Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204

RE: Case No. 95-248-XA
Petitions for Special Exception and Variances
Dennis K. Agboh and Elizabeth J. Agboh, Petitioners
Property: 6411 Liberty Road

Dear Mr. Trueschler:

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

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

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Mr. and Mrs. Dennis K. Agboh

2 14-15

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE	*	BEFORE THE
6411 Liberty Road, corner SW/S Liberty Rd., NW/S Forest Hill Avenue, 2nd Election Dist., 2nd Councilmanic	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
Dennis K. and Elizabeth J. Agboh Petitioners	*	CASE NO. 95-248-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

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 February, 1995, a copy of the foregoing Entry of Appearance was mailed to John Trueschler, Esquire, 40 W. Chesapeake Avenue, Suite 605, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

#245

Petition for Special Exception

95-248-XA

to the Zoning Commissioner of Baltimore County

for the property located at 6411 LIBERTY RD. BALT. MD 21207

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

CLASS B GROUP CHILD CARE CENTER FOR UP TO 39 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

Attorney for Petitioner:

JOHN TRUESCHLER

(Type or Print Name)

40 West Chesapeake Avenue, Suite 605
Towson, MD 21204 321-0000

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

DENNIS K. AGBOH

(Type or Print Name)

Dennis Agboh

Signature

ELIZABETH J. AGBOH

(Type or Print Name)

Elizabeth Agboh

Signature

3127 RIPPLE RD 521-3730 521-3990

Address Phone No.

BALT MD 21244

City State Zipcode

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

Name

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: MJK DATE 1/17/95

NOTICE ADMINISTRATION

DEVELOPMENT MANAGEMENT

RECEIVED

#245

Petition for Variance

95-248-XA

to the Zoning Commissioner of Baltimore County

for the property located at 6411 LIBERTY RD, BALTIMORE, MD 21207

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)

*** SEE ATTACHED ***

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

*** SEE ATTACHED ***

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:

JOHN TRUESCHLER

(Type or Print Name)

Signature

40 West Chesapeake Ave. Suite 605

Towson, MD 21204 321-0000

Address Phone No

City State Zipcode

Legal Owner(s):

DENNIS K. AGBOH

(Type or Print Name)

Dennis Agboh

Signature

ELIZABETH J. AGBOH

(Type or Print Name)

Elizabeth Agboh

Signature

3127 RIPPLE RD 521-3730 521-3990

Address Phone No.

BALT. MD 21244

City State Zipcode

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

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1hr. +

unavailable for Hearing

the following dates _____ Next Two Months

ALL ✓ OTHER

REVIEWED BY: MJK DATE 1/17/95

Zoning Administration & Development Management

Printed with Soybean Ink on Recycled Paper

ATTACHMENT TO PETITION FOR VARIANCE
FOR 6411 LIBERTY ROAD 95-248-XA

PETITION FOR VARIANCE FROM SECTIONS:

Regarding conditions in residential transition areas

1B01.1.B.1.e(3) and (5) to permit:

- the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer
- the existing parking lots and structures to remain at their current locations and heights in lieu of providing "a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area."

Regarding design standards for parking facilities

409.8.A.1 and A.4. to permit the existing paved parking area to remain as is in lieu of:

- "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code."
- the required setback of "10 feet to the right-of-way line of a public street."

Regarding Bulk Standards For Group [Child Care] Centers in D.R. Zones

424.7.B to permit:

- an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line;
- side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line;
- side yards without the required 20 feet perimeter vegetative buffer
- rear yard without the required 20 feet perimeter vegetative buffer

Regarding Accessory Buildings in Residential Zones

400.1 to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

JUSTIFICATION FOR PETITION FOR VARIANCES

95-248-XA

Regarding conditions in residential transition areas

Given the small size of the lot, and the age and construction of the existing structures, it is impossible or impractical to create or provide the required RTA buffers and setbacks. Even if there was room to move the structures to provide the buffers and setbacks, the risk of damage and/or prohibitive cost of relocation render compliance unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house and garage have existed in their current locations for approximately 60 years, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding design standards for parking facilities

Given the small size of the lot, and the location of the existing garage and paving, it is impossible or impractical to "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" or to meet the required setback of "10 feet to the right-of-way line of a public street." Even if there was room to move the parking lot into the site, the cost of doing so would be prohibitive and would eliminate any safe play area for the children served by the center. Thus, strict compliance with the regulations is unduly burdensome and results in practical difficulty.

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The existing paved area will remain in its current location, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding Bulk Standards For Group [Child Care] Centers in D.R. Zones

Given the age and construction of the existing house, moving this structure is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the required setbacks unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty.

The same is true with respect to the required 20 foot perimeter vegetative buffers. The site is too small to accommodate such buffers. The owner has already screened the rear and side yards with a 6 foot high opaque wood fence. In addition, the owner intends to keep the existing trees and shrubs and is proposing to plant evergreen shrubs around the parking area at the southern corner of the property.

The variance will simply permit site conditions to remain as they always have been. Therefore, granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding Accessory Buildings in Residential Zones 95-248-XA

Given the slab on grade construction of the garage, relocating it to the "third of the lot farthest from the street" is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The garage is located in the rear of the yard and has been there for approximately 60 years, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21204
296-8294

95-248-XA

Maryland, thus described: Beginning for the same at the point formed by the intersection of the Northwest side of Forest Hill Avenue, 30 feet wide, and the southwest side of Liberty Road as widened 5 feet on the southwest side thereof from the former width of 80 feet and running thence binding on the northwest side of said Forest Hill Avenue ~~BROCKX~~ (1) South 52 degrees 21' west 160.36 feet; thence for new lines of division through Lots 9 and 10 as shown on the "Plat of Property of Luther C. Smith", which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 194, the two following courses and distances, namely; (2) North 37 degrees 40' west 68 feet and (3) North 51 degrees 05' East 140.07 feet to intersect the aforesaid southwest side of Liberty Road and thence binding on the southwest side of said Liberty Road (4) South 57 degrees 22' East 75 feet 5-½" to the place of beginning. The improvements thereon being known as No. 6411 Liberty Road.

BEING THE SAME parcel of ground which by a Deed dated May 15, 1990 and recorded among the Land Records of Baltimore County at Liber No. 8512, folio 590, was granted and conveyed by Jack Kemp. Secretary of Housing and Urban Development of Washington, D.C., acting by and through the Federal Housing Commissioner unto William M. Smith. The said William H. Smith having defaulted on a certain Purchase Money Deed of Trust dated May 15, 1990, said Mortgage having been foreclosed in Case No. 75/374/94 CV 2290 in the Circuit Court for Baltimore County.

RECEIVED FOR TRANSFER

STATE OF MARYLAND
RONALD W. LIEBER, JR.
No. 8675
REGISTERED
PROFESSIONAL LAND SURVEYOR

#245

95-248-XA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 2nd Date of Posting: 2/3/95

Posted for: Special Exception & Variance

Petitioner: Denis & Elizabeth Agboh

Location of property: 6411 Liberty Rd.

Location of Signs: Facing roadway, on property being zoned

Remarks:

Posted by: W. Wheedy Date of return: 2/10/95

Signature

Number of Signs: 1

MICROFILMED

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: #95-248-XA
(Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District
2nd Councilmanic
Legal Owner(s):
Dennis K. Agboh and Elizabeth J. Agboh
Hearing: Tuesday, February 21, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a Class "B" group child care center up to 99 children; **Variance** to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing "a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 3, 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 Feb. 2, 1995.

THE JEFFERSONIAN,

A. Hennickson

LEGAL AD. - TOWSON

Publisher.

RECEIVED

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

receipt

95-248-XA

Account: R-001-6150

Number

Date 1/17/95

Taken In By: [illegible]
Item # : 245

Agboh, Dennis K. -
6411 Liberty Road

020 - Comm. Variance — $250.00
050 - Special Exception — $300.00
080 - 2 signs ($35.00 each) — $70.00

$620.00

MICROFILMED

03003BD113MICIRC
$620.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 95-248-XA

Towson, Maryland

District: 2nd

Date of Posting: 4/7/95

Posted for: Appeal

Petitioner: Dennis K Agbog et ux

Location of property: SW/S Lib. Rd & NW/S Forest Hill Ave

6411 Lib. Rd

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by: [signature] (Signature)

Date of return: 4/14/95

Number of Signs: 1

MICROFILMED

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 accessed 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.: 245

Petitioner: Dennis + Elizabeth Agboh

Location: 6411 Liberty Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dennis + Elizabeth Agboh

ADDRESS: 3127 Ripple Road

Balto. MD 21244

PHONE NUMBER: 521-3730

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please foward billing to:

Dennis and Elizabeth Agboh
3127 Ripple Road
Baltimore, Maryland 21244
410-521-3730

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: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh
HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

Special Exception for a Class "B" group child care center up to 39 children.
Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Rescheduled from 1/31/95
VIOLATION
CASE NUMBER: V-95-211-SPH
8819 Orchard Tree Lane - Club 101
9th Election District - 4th Councilmanic
Legal Owner(s): Paul M. Pardew
Petitioner: ZADM - ENFORCEMENT

Special Hearing to determine possible violations of Sections 102.1; 236.4; 502; and 500.6. The existance of an after-hours club at 8819 Orchard Tree Lane, known as Club 101, that operates without benefit of a special exception in a business roadside (B.R.) zome. Further, this use is within 1000 feet of a residentially used dwelling which would require the granting of a variamce.

HEARING: THURSDAY, FEBRUARY 16, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

CONTINUED FROM 1/13/95
CASE NUMBER: 95-192-SPH (Item 186)
1430 W. Joppa Road
N/S Joppa Road, 1200' W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): David Jones and Bonnie M. Jones

Special Hearing to approve an amendment to the Final Development Plam; the continuation of an accessory use (caretaker cottage) in connection with the principal residence om proposed lot #1, imcluding existing setbacks; and such other matters as may be raised by the Development Committe (DRC), including waiver requests.

HEARING: THURSDAY, FEBRUARY 16, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

CASE NUMBER: 95-247-A (Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312'+/- W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): Robert T. Kleinpaste and Sandra S. Kleinpaste

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet.

HEARING: TUESDAY, FEBRUARY 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse

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CASE NUMBER: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh

called John McPhail 2-15-95 950P

Special Exception for a Class "B" group child care center up to 39 children.
Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

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CASE NUMBER: 95-249-A (Item 247)
S/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): David S. Seling and Richard J. Seling

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

---

-more-

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 26, 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: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh
HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

Special Exception for a Class "B" group child care center up to 39 children.
Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

Arnold Jablon
Director

cc: Dennis and Elizabeth Agboh, 3127 Ripple Road, Baltimore MD 21244
John Trueschler, Esq., 40 W. Chesapeakea Avenue, Ste. 605, Towson MD 21204

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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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

April 23, 1996

Ms. Kathleen C. Bianco
Administrative Assistant
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petitions for Special Exception and Variances, 6411 Liberty Road, Corner SW/S Liberty Road, NW/S Forest Hill Ave., 2nd Election District, 2nd Councilmanic
PETITIONERS: DENNIS K. AGBOH, ET UX.
CASE NUMBER: 95-248-XA

Dear Ms. Bianco:

This case, previously scheduled for hearing on September 5, 1995, was postponed at the request of counsel for Petitioners. We would request that you set this case in for a new hearing date as soon as possible.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John B. Gontrum, Esquire
Attorney for Petitioners

Ms. Judith Berger, President
Liberty Road Community Council

LIBERTY ROAD COMMUNITY COUNCIL, INC.
3801 LOCHEARN DRIVE
BALTIMORE, MARYLAND 21207-6363

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
OLD COURT HOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
ATTN: ROBERT SCHUETZ, ESQ., CHAIRMAN

DEAR MR SCHUETZ,

REGARDING CASE NO. 95-248-XA WHICH WAS ASSIGNED TO BE HEARD ON SEPTEMBER 5, 1995 AT 10:00 A.M.

SEPTEMBER 5TH IS THE EVE OF THE JEWISH NEW YEAR, WHICH BEGINS AT SUNDOWN. IT WOULD BE EXTREMELY DIFFICULT FOR ME TO ATTEND AT THE APPOINTED TIME; MUCH HOME PREPARATION IS INVOLVED.

I AM ASKING FOR A POSTPONEMENT BASED ON RELIGIOUS GROUNDS.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,

Judith Berger

JUDITH BERGER, PRESIDENT

County Board of Appeals of Baltimore County

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

June 28, 1995

Ms. Judith Berger, President
Liberty Road Community Council
3801 Lochearn Drive
Baltimore, MD 21207-6363

Re: Case No. 95-248-XA
Dennis K. Agboh, et ux

Dear Ms. Berger:

The Board is in receipt of your recent correspondence wherein you request a postponement of the subject matter, scheduled for hearing on September 5, 1995, noting that September 5th is the eve of the Jewish New Year.

In confirming the Board's calendar and docket, I have learned that, in calendar year 1994, the date of observance for Rosh Hashanah was September 6, 1994. However, Rosh Hashanah is observed in this calendar year on Monday, September 25, 1995, commencing at sundown on Sunday, September 24, 1995.

Therefore, your request for postponement for the reasons stated is denied, and this matter will be heard as scheduled on Tuesday, September 5, 1995 at 10:00 a.m. Should you have any further questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer

Kathleen C. Weidenhammer
Administrative Assistant

cc: John Trueschler, Esquire
Peter Max Zimmerman, People's Counsel
for Baltimore County

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274
FAX# 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

ELIZABETH A. VANNI

*ALSO ADMITTED IN D.C.

August 17, 1995

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/95 @ 10:00 a.m.

Dear Ms. Weidenhammer:

Please enter my appearance on behalf of the Petitioners in the referenced matter.

Also, please postpone the hearing date of September 5, 1995 @ 10:00 a.m., as we are going to try to work this matter out to the satisfaction of People's Counsel. My client has had correspondence with People's Counsel which indicated they would not object to a postponement.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Mr. & Mrs. Dennis K. Agboh
People's Counsel for Baltimore County
John Trueschler, Esquire

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

August 24, 1995

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. 95-248-XA

DENNIS K. AGBOH, ET UX -Petitioners
Cor SW/s Liberty Road, NW/s of Forest Hill Avenue (6411 Liberty Road)
2nd E; 2nd C

SE -To permit Class B Group Child Care Center for up to 39 children in D.R. 5.5 zone; VAR - Existing buildings in RTA buffer; parking; landscaping; setbacks.

3/01/95 -Z.C.'s Order in which Petition for Special Exception and Petition for Variances were GRANTED.

which was scheduled for hearing on September 5, 1995 has been **postponed** at the request of Counsel for Petitioners; to be reset upon request of either party.

---

cc: People's Counsel for Baltimore County — Appellant

Judith Berger, President
Liberty Road Community Council

John B. Gontrum, Esquire — Counsel for Petitioners
Mr. & Mrs. Dennis K. Agboh — Petitioners
John Trueschler, Esquire

Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

ELIZABETH A. VANNI
MICHAEL J. KIRWIN

* Also Admitted In the District of Columbia

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

August 28, 1996

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/96 @ 10:00 a.m.

Dear Mr. Chairman:

Because we are still working on legislation, we respectfully request a postponment for hearing which is scheduled for September 5, 1996.

This request has already been discussed with Baltimore County of People's Counsel. They are willing to accept a postponement provided that a date can be determined within the reasonable future.

We are not aware of any other parties to these proceedings and thank you for your assistance with this matter.

Very truly yours,

John B. Gontrum

cc: Mr. and Mrs. Agboh
People's Counsel

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

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307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

August 28, 1996

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/96 @ 10:00 a.m.

Dear Mr. Chairman:

Because we are still working on legislation, we respectfully request a postponment for hearing which is scheduled for September 5, 1996.

This request has already been discussed with Baltimore County of People's Counsel. They are willing to accept a postponement provided that a date can be determined within the reasonable future.

We are not aware of any other parties to these proceedings and thank you for your assistance with this matter.

Very truly yours,

John B. Gontrum

cc: Mr. and Mrs. Agboh
People's Counsel

ROMADKA, GONTRUM & McLAUGHLIN
814 Eastern Boulevard
Baltimore, MD 21221
(410) 686-8274
(410) 686-0118 FAX

FACSIMILE TRANSMITTAL COVER SHEET

DATE:	August 28, 1996
SEND TO:	KATHY BIANCO
FAX #:	887-3182
FROM:	JOHN GONTRUM/JESSICA
DOCUMENT(S) BEING SENT:	REQUEST FOR POSTPONEMENT
CLIENT/FILE NO.:	AGBOH 95.3026
# OF PAGES, INC. COVER:	2

Hard copy of transmitted document(s) will follow in the mail.

MESSAGE

Please call me with regard to this matter.

CONFIDENTIALITY NOTICE

WARNING: UNAUTHORIZED USE OR DISSEMINATION OF THIS TRANSMISSION MAY VIOLATE STATE AND/OR FEDERAL LAW.

Case No. 95-248-XA

DENNIS K. AGBOH, ET UX - Petitioner

Cor. SW/s Liberty Road, NW/s of Forest Hill Avenue
(6411 Liberty Road)

2nd Election District Appealed: 3/29/95

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 14, 1995

John Trueschler, Esquire
40 West Chesapeake Ave.,Suite 605
Towson, Maryland 21204

RE: Item No.: 245
Case No.: 95-248-XA
Petitioner: Mr.Dennis Agboh, et ux

Dear Mr. Trueschler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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
Zoning Administration and Development Management

DATE: Feb. 15, 1995

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

RE: Zoning Advisory Committee Meeting
for February 6, 1995
Item No. 245 REVISED

Please be advised that we are revising our comments, dated February 6, 1995, for the subject zoning item as followings:

The Developers Engineering Section has reviewed the subject zoning item. Forest Hill Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

No comment on variances. However, the site is subject to the Landscape Manual to the extent possible.

An onsite maneuvering area should be provided.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-7-95

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

Re: Baltimore County
Item No.: #245 (MJK)

Dear Ms. Watson:

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 Ronald Burns, 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 2, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 245, 246, 256, 258, 259, and 260

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL:lw

ITEM245/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 2/8/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Jan. 30, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. #215
244 withdrawn
245
247
249
251

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED.

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 02/07/95

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

RE: Property Owner: DENNIS K. AGBOH AND ELIZABETH J. AGBOH

LOCATION: CORNER SW/S LIBERTY RD., NW/S FOREST HILL AVE.
(6411 LIBERTY RD.)

Item No.: 245 Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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.

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

cc: File

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

March 29, 1995

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
6411 Liberty Road, corner SW/S Liberty
Road, NW/S Forest Hill Avenue, 2nd
Election District, 2nd Councilmanic
DENNIS & ELIZABETH AGBOH, Petitioners
Case No. 95-248-XA

Dear Mr. Jablon:

Please enter an appeal of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY to the County Board of Appeals from the order dated March 1, 1995 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John Trueschler, Esquire

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 31, 1995

John Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, MD 21204

RE: Petition for Special Exception and Variance
Cor. SW/S Libery Road, NW/S of Forest Hill Ave
(6411 Liberty Road)
2nd Election District
2nd Councilmanic District
Dennis K. Agboh, et ux-Petitioner
Case No. 95-248-XA

Dear Mr. Trueschler:

Please be advised that an appeal of the above-referenced case was filed in this office on March 29, 1995 by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. 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 Julie Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

cc: Mr. and Mrs. Dennis K. Agboh
People's Counsel

APPEAL

Petition for Special Exception and Variance
Cor SW/S Liberty Road, NW/S of Forest Hill Avenue
(6411 Liberty Road)
2nd Election District - 2nd Councilmanic District
Dennis K. Agboh, et ux-PETITIONER
Case No. 95-248-XA

Petition(s) 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 Exhibits: 1 - Location Survey for 6411 Liberty Road

2 - Five photographs of 6411 Liberty Road

Zoning Commissioner's Order dated March 1, 1995 (Granted)

Notice of Appeal received on March 29, 1995 from Peter Max Zimmerman, Esquire, People's Counsel of Baltimore County

cc: John Trueschler, Esquire, 40 West Chesapeake Avenue, Suite 605, Towson, MD 21204
Mr. and Mrs. Dennis K. Agboh, 3127 Ripple Road, Baltimore, 21244
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of ZADM
Docket Clerk

5/30/95 -Notice of Assignment for hearing scheduled for Tuesday, September 5, 1995 at 10:00 a.m. sent to the following:

People's Counsel for Baltimore County
Judith Berger, President
Liberty Road Community Council
John Trueschler, Esquire
Mr. & Mrs. Dennis K. Agboh
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

8/21/95 -Request for postponement and entry of appearance as counsel for petitioners filed by John B. Gontrum, Esquire. Confirmed no objection to granting of same with People's Counsel. To be granted.

8/24/95 -Notice of PP sent to parties; to be rescheduled upon request of either party.

4/23/96 -Letter from P. Zimmerman requesting that this matter be rescheduled for hearing. Added to current docket; to be set in during next normal scheduling process.

6/10/96 -Notice of Assignment sent to parties; case scheduled for hearing on Thursday, September 5, 1996 at 10:00 a.m.

8/28/06 -FAX letter from Counsel for Petitioner; requesting postponement, without objection by P. Zimmerman if date is available within reasonable future. Confirmed with P. Zimmerman. Request to be granted. No further postponements to be granted.

8/30/96 -Notice of PP and Reassignment sent to parties; matter postponed and rescheduled for hearing on Tuesday, January 7, 1997 at 10:00 a.m.

12/20/96 -Visit to CBA office by John Trueschler, Esquire; to advise and confirm that he is no longer counsel for petitioners; see above entry 8/21/95 /entry of appearance of John B. Gontrum as Counsel for Petitioners. File noted.

1/06/97 -Letter from John Gontrum, counsel for Petitioner, requesting that special exception and variances be withdrawn; will start from beginning step if new special exception or variance is filed. No objection to withdrawal of hearing from docket; panel members notified of withdrawal; Order of Dismissal to be issued.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits & Development Management

DATE: November 18, 1997

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 95-248-XA
DENNIS K. AGBOH, ET UX
2nd E; 2nd C

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated January 21, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 95-248-XA)

3801 Lochearn Drive
Baltimore, MD 21207-6363
April 7, 1995

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

Sirs,

I would like to express an interest in the status of Case Number 95-248-XA (Item 245) known as 6411 Liberty Road, heard February 21, 1995. The Commissioner's decision is being appealed, as I understand it, by the People's Counsel.

Please send notices of a hearing to me at the above address.

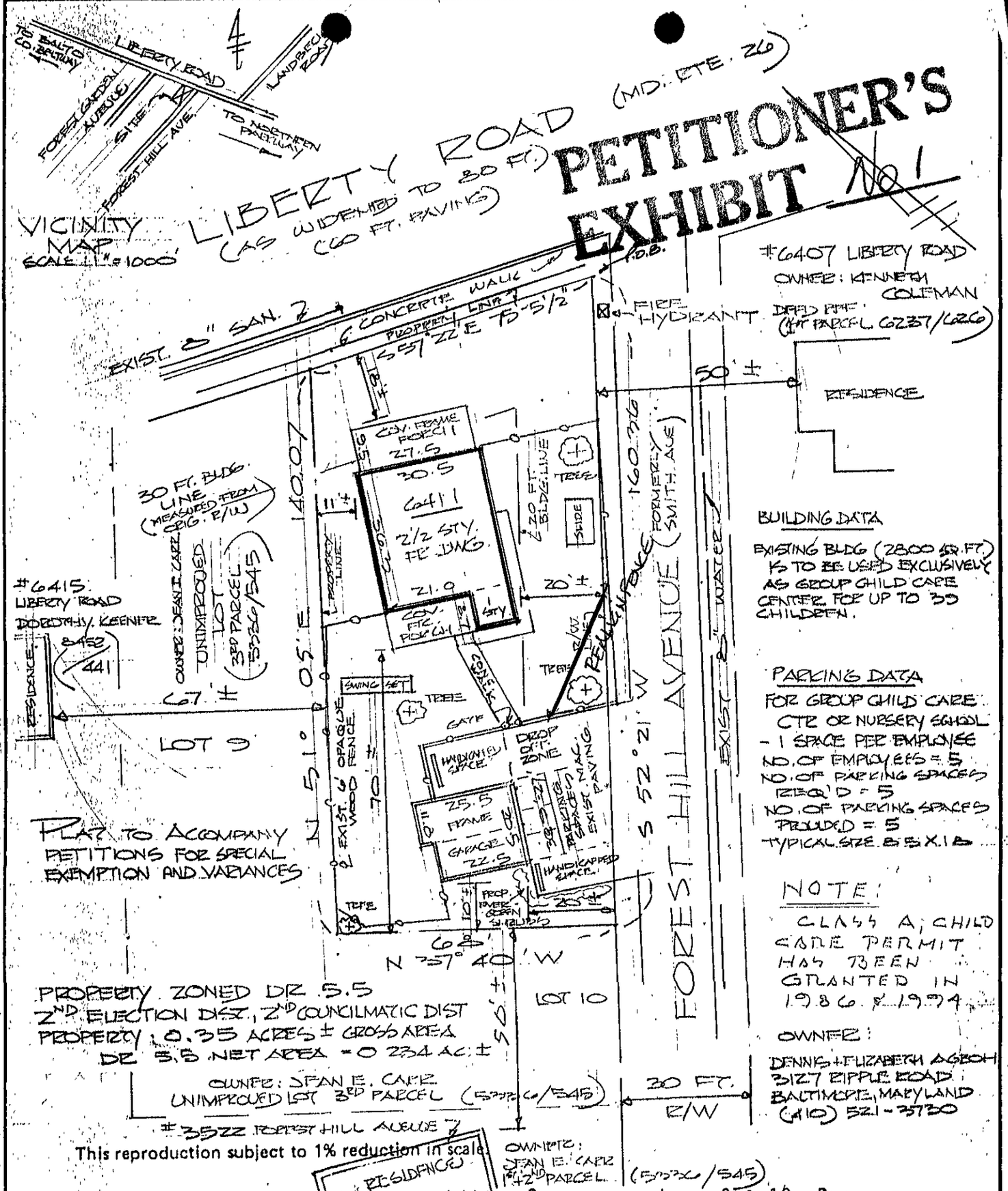
Thank you very much.

Sincerely,

Judith Berger

Judith Berger
President, Liberty Road Community Council, Inc.

PETITIONER'S EXHIBIT No. 1



PLAT TO ACCOMPANY PETITIONS FOR SPECIAL EXEMPTION AND VARIANCES

PROPERTY ZONED DR 5.5
2ND ELECTION DIST, 2ND COUNCILMATIC DIST
PROPERTY: 0.35 ACRES ± GROSS AREA
DR 5.5 NET AREA = 0.234 AC. ±

BUILDING DATA

EXISTING BLDG (2800 SQ. FT.) IS TO BE USED EXCLUSIVELY AS GROUP CHILD CARE CENTER FOR UP TO 30 CHILDREN.

PARKING DATA

FOR GROUP CHILD CARE CTR OR NURSERY SCHOOL
- 1 SPACE PER EMPLOYEE
NO. OF EMPLOYEES = 5
NO. OF PARKING SPACES REQ'D = 5
NO. OF PARKING SPACES PROVIDED = 5
TYPICAL SIZE 8.5 X 18

NOTE:

CLASS A; CHILD CARE PERMIT HAS BEEN GRANTED IN 1986 & 1994

OWNER:
DENNIS + ELIZABETH AGBOH
3127 RIPPLE ROAD
BALTIMORE, MARYLAND
(410) 521-3730

This reproduction subject to 1% reduction in scale.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

12/20/94

REG. NO. 8675

PORTION OF LOTS 9 & 10, PLAT OF PROPERTY OF LUTHER C. SMITH, PLAT BOOK W.P.C. No. 7, FOLIO 194

This plat is not to be used for the establishment of property lines.

REVISED 1/12/95

STATE OF MARYLAND
RONALD M. HERBERT, SR.
No. 8675
REGISTERED PROFESSIONAL LAND SURVEYOR

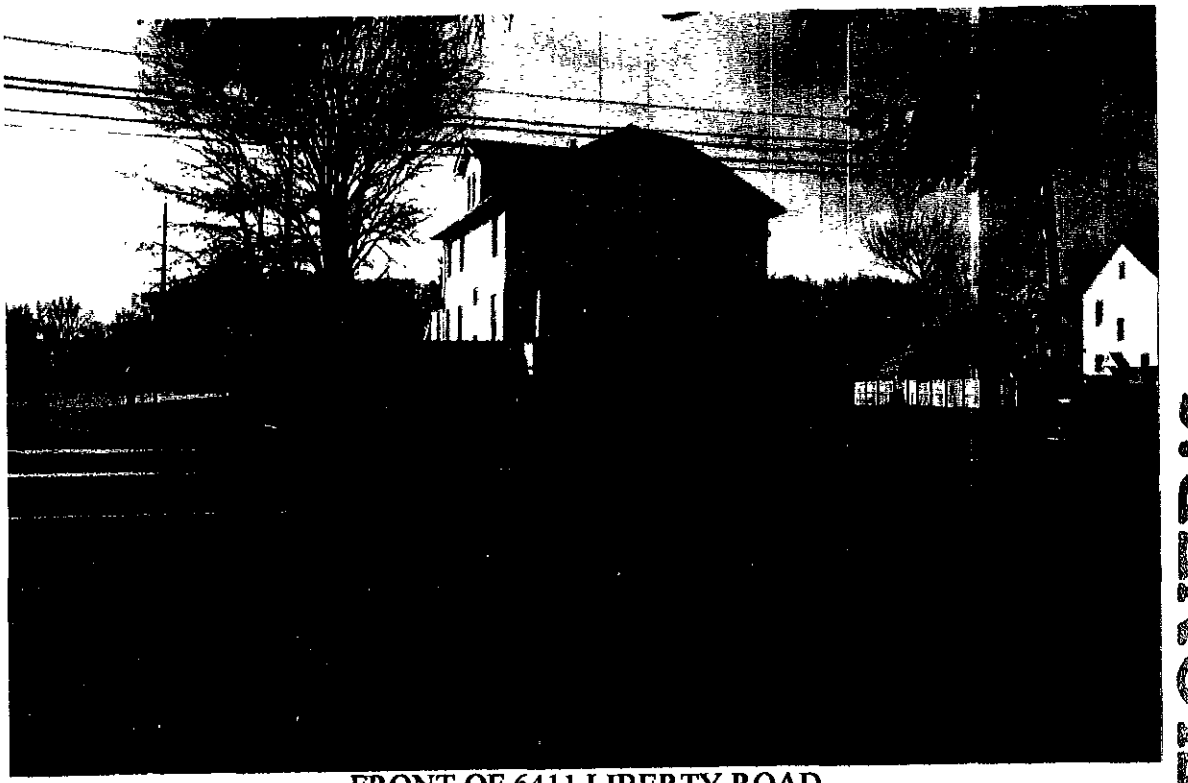
	LOCATION SURVEY 6411 LIBERTY ROAD, BALTIMORE COUNTY, MARYLAND	**SCALE** 1" = 30'
	OFFICE OF **MANK & KUNST** 408 YORK ROAD TOWSON, MARYLAND 21204	**DATE** 12/20/94 **JOB NO.** 254/94 D

MICROFILMED

95-248-XA #245

95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD



FRONT OF 6411 LIBERTY ROAD

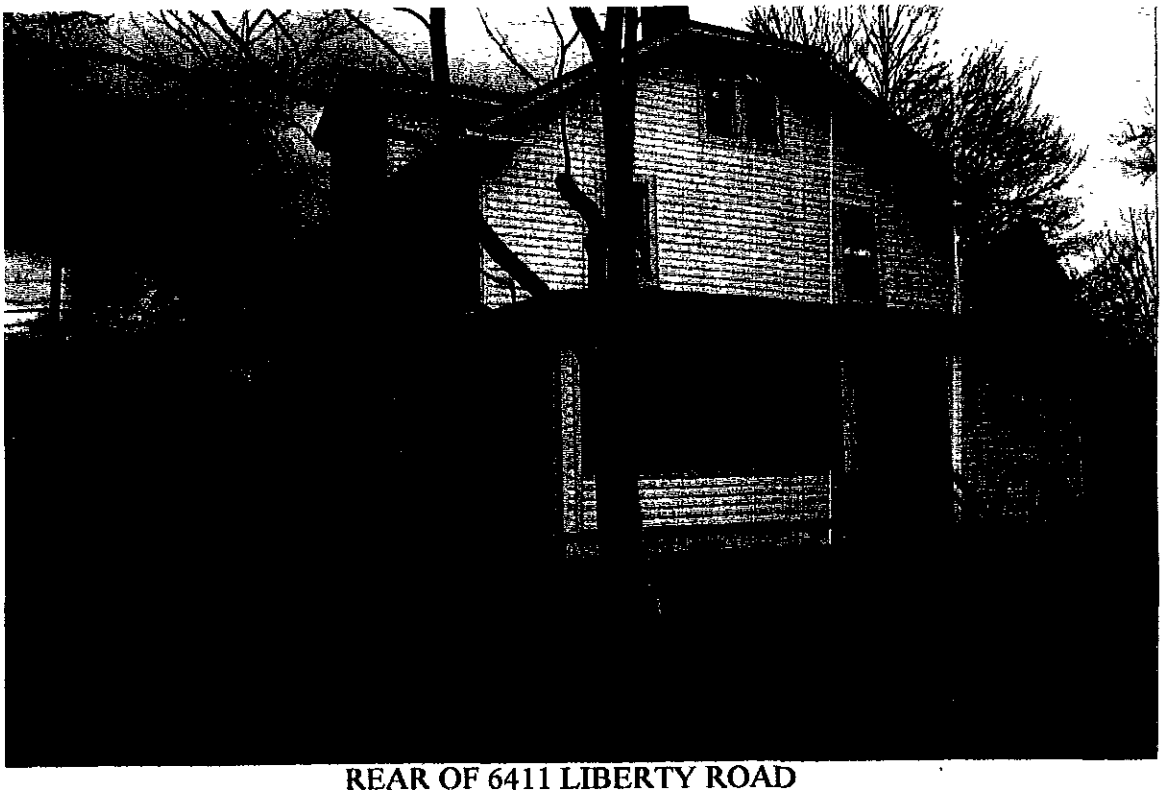
PETITIONER'S EXHIBIT No 2

NORTHWEST SIDE OF 6411 LIBERTY ROAD
(Note 6' high wood fence screening backyard)

#245

95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD



REAR OF 6411 LIBERTY ROAD
(Note play equipment for existing Class A child care center)

NORTHEAST SIDE OF 6411 LIBERTY ROAD
(Note play equipment for existing Class A child care center)

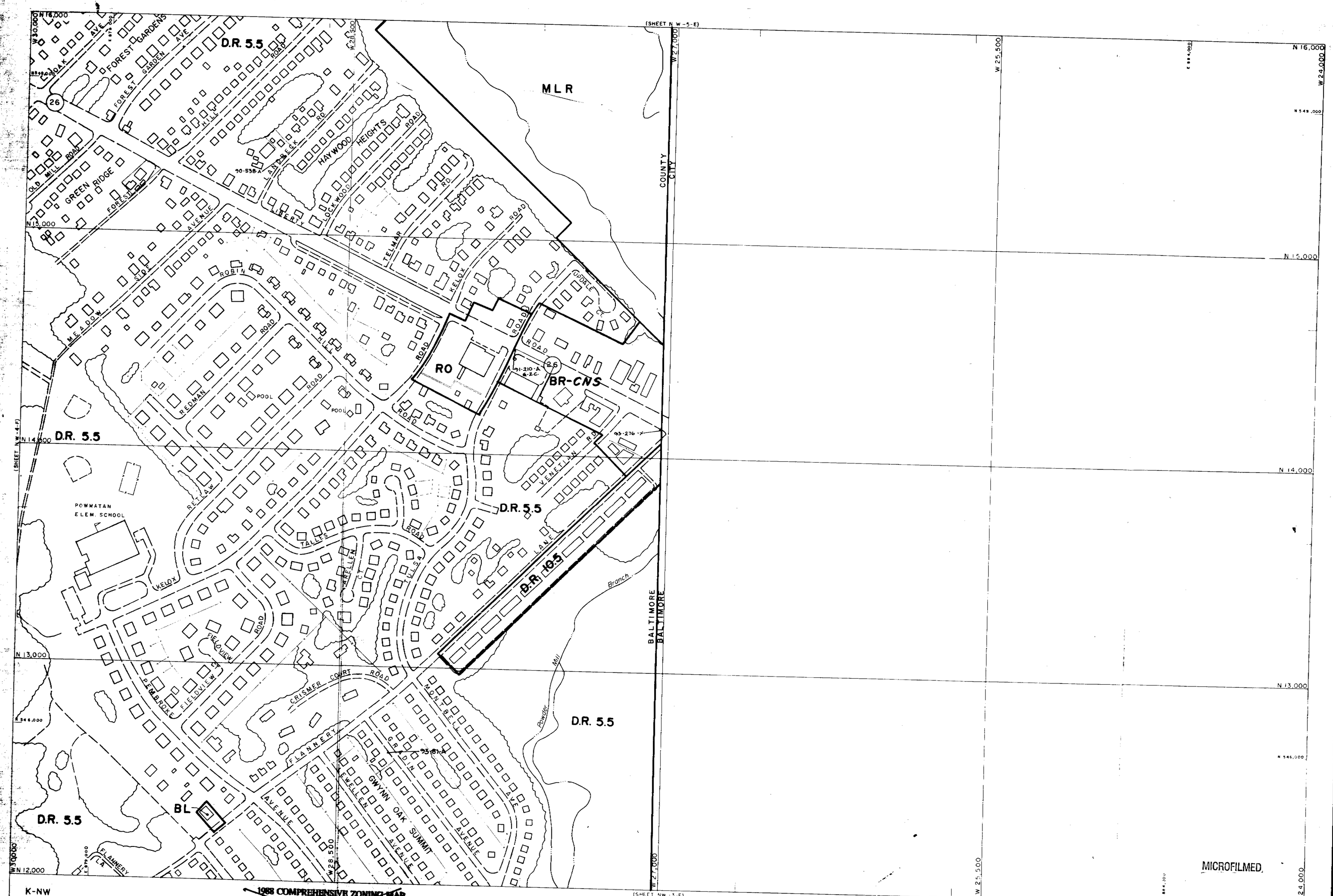
#245

95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD

REAR OF 6411 LIBERTY ROAD LOOKING NORTH, ACROSS FOREST HILL AVENUE
(Note existing garage and paving in foreground, and gate from drop-off area to building)

#245



K-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

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
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	LOCHEARN	N.W. 4-E
DATE OF PHOTOGRAPHY JANUARY 1986		

#245

MICROFILMED

95-248-XA

IN THE MATTER OF THE APPLICATION OF DENNIS K. AGBOH, ET UX FOR SPECIAL EXCEPTION AND VARIANCES ON PROPERTY LOCATED ON THE CORNER SOUTHWEST SIDE LIBERTY ROAD, NORTHWEST/SIDE OF FOREST HILL AVENUE (6411 LIBERTY ROAD) 2ND ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 95-248-XA

* * * * * * * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated March 1, 1995 in which the Petition for Special Exception and Petition for Variances were GRANTED with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of special exception and variances filed by John B. Gontrum, Esquire, on behalf of Dennis G. Agboh, Petitioner, filed January 6, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Special Exception and Petition for Variances filed in this matter be withdrawn and dismissed as of January 6, 1997, pursuant to attached letter of withdrawal;

IT IS HEREBY ORDERED this 21st day of January, 1997 by the County Board of Appeals of Baltimore County that said Petitions for Special Exception and Variances be and the same are hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Lawrence M. Stahl

S. Diane Levero

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL D. LOPER

* Also Admitted in the District of Columbia

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

January 2, 1997

Board of Appeals
400 Washington Ave., Room 49
Towson, Md 21204

Re: Dennis A. Agboh
Case No.: 95-248-XA

Dear Mr. Chairman:

I am requesting a withdrawal of the special exception and variances from the above referenced case. It is my understanding that if a new special exception or variance is filed, it must be started from the beginning step.

If there are any questions please do not hesitate to contact me.

Very truly yours,

John B. Gontrum

jaj

cc: People's Counsel
Mr. and Mr. Agboh

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

January 21, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-248-XA
Dennis K. Agboh, et ux -Petitioner

Dear Mr. Zimmerman:

Pursuant to Petitioner's withdrawal of special exception and variances in the subject matter, enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: John B. Gontrum, Esquire
Mr. & Mrs. Dennis K. Agboh
Judith Berger, President
Liberty Road Community Council
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
Cor. SW/S Liberty Road, NW/S of Forest Hill Avenue
6411 Liberty Road
2nd Election District
2nd Councilmanic District
Dennis K. Agboh, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-248-XA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 6411 Liberty Road in the Lochearn section of Baltimore County. The Petition is filed by Dennis K. Agboh and Elizabeth J. Agboh, property owners. Special Exception relief is requested so as to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone. Numerous variances are requested. They are:

From Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50-ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area;

From Section 409.8.A.1 and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street.

From Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line;

ORDER RECEIVED FOR FILING
Date 3/7/97
By

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side yards without the required 20 ft. perimeter vegetative buffer; rear yard without the required 20 ft. perimeter vegetative buffer;

From Section 400.1 to permit the existing garage to remain in its current location in lieu of being located in the third of the lot farthest removed from any street. All of the relief requested is more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case were the property owners/Petitioners, Dennis K. Agboh and Elizabeth J. Agboh. They were represented by John Trueschler, Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject site is approximately .35 acres in gross area and is zoned D.R.5.5. The property is located at the southwest intersection of Liberty Road and Forest Hill Avenue. The property is improved by 2-1/2 story frame building which is used for a day care operation. The rear of the property contains a frame garage as well as a macadam drop off area. The balance of the property contains a lawn which serves as an outdoor play area for the children.

Group Child Care Centers are defined by Section 101 of the BCZR as "a building or structure wherein care, protection and supervision is provided for part, or all, of a day on a regular schedule, at least twice a week, to at least 9 children including children of the adult provider". A Class A child care facility provides care for no more than 12 children; whereas a Class B facility provides care for more than 12 children. Child Care Centers are regulated by Section 424 of the BCZR.

Testimony and evidence offered was that the Petitioners have owned the property for approximately one year and have operated a Class A Child Care

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facility since that time. Apparently, they have made great efforts and expenditures to upgrade the property. Although no new building has taken place, the interior and exterior of the existing building has been significantly renovated and upgraded.

Other testimony indicated that the child care facility provides services Monday through Friday from 6:30 A.M. to approximately 6:00 P.M. Although three employees now work on the site, Mrs. Agboh envisions increasing that number to five employees if the special exception is granted. The facility is also licensed and regulated by the State of Maryland.

Testimony was also offered that no exterior improvements to the site are envisioned. The special exception and variance relief is required only because the number of children served on this site will be increased.

Clearly, this use serves a significant need in the area. In this regard, the Petitioners testified that many of the adults in the area are single parents and need close and reliable day care. A public bus stop is located immediately in front of the property at the intersection of Liberty Road and Forest Hill Avenue. Many of the adults and children arrive by bus. Children brought by automobile are dropped off at the drop-off point to the rear of the site located adjacent to Forest Hill Avenue. This prevents children from being dropped off along the busy Liberty Road corridor. It is also to be noted that this site was operated as a Class A Child Care Center by a previous owner in 1986.

As to the Petition for Special Exception, it is clear that same should be granted. As is well settled, a special exception is a use predetermined by the County Council to be presumptively proper in a given zone. See Schultz v. Pritts, 291 Md. 1 (1981). The evidence presented in this case was uncontradicted that the proposed expansion and use will not be detrimen-

ORDER RECEIVED FOR FILING
Date 3/7/97
By

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tal to the health, safety and general welfare of the locale. The standards enunciated in Section 502.1 of the BCZR are clearly satisfied.

The variances which are requested should also be granted. It need be emphasized that no new construction is proposed on site. Rather, these variances are triggered by the expanded use. Surely, the Petitioner would suffer practical difficulty if the variances were denied. The unusual shape of the lot and its relatively small size would render the special exception use impossible if the variances were not granted. Moreover, the Petitioner indicated that the community actively supports her Petitions. As noted above, this use serves a dire need within the local community. For all of these reasons the variances should and will be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of March, 1995 that, pursuant to the Petition for Special Exception, approval to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50 ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual

ORDER RECEIVED FOR FILING
Date 3/7/97
By

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and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line; side yards without the required 20 ft. perimeter vegetative buffer; rear yard without the required 20 ft. perimeter vegetative buffer, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 to permit the existing garage to remain in its current location in lieu of being located in the third of the lot farthest removed from any street, subject, however, to the following restriction:

> 1. The Petitioners is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 3/7/97
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 27, 1995

John Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, Maryland 21204

RE: Case No. 95-248-XA
Petitions for Special Exception and Variances
Dennis K. Agboh and Elizabeth J. Agboh, Petitioners
Property: 6411 Liberty Road

Dear Mr. Trueschler:

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

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

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Mr. and Mrs. Dennis K. Agboh

Printed with Soybean Ink on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
6411 Liberty Road, corner SW/S Liberty Rd., NW/S Forest Hill Avenue, 2nd Election Dist., 2nd Councilmanic
Dennis K. and Elizabeth J. Agboh
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-248-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

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 February, 1995, a copy of the foregoing Entry of Appearance was mailed to John Trueschler, Esquire, 40 W. Chesapeake Avenue, Suite 605, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

#245

Petition for Special Exception

95-248-XA

to the Zoning Commissioner of Baltimore County

for the property located at 6411 LIBERTY RD. BALT. MD 21207
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

CLASS B GROUP CHILD CARE CENTER FOR UP TO 39 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):
DENNIS K. AGBOH
(Type or Print Name)
Dennis Agboh
Signature
ELIZABETH J. AGBOH
(Type or Print Name)
Elizabeth Agboh
Signature
3127 RIPPLE RD 521-3730 521-3990
Address Phone No.
BALT MD 21244
City State Zipcode
Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

Attorney for Petitioner:
JOHN TRUESCHLER
(Type or Print Name)
John Trueschler
Signature
40 West Chesapeake Avenue, Suite 605
Towson, MD 21204 321-0000
Address Phone No.
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr +
unavailable for Hearing
the following dates _____ Next Two Months
ALL ✓ OTHER _____
REVIEWED BY: MJK DATE 1/17/95

#245

Petition for Variance

95-248-XA

to the Zoning Commissioner of Baltimore County

for the property located at 6411 LIBERTY RD, BALTIMORE, MD 21207
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)

*** SEE ATTACHED ***

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

*** SEE ATTACHED ***

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):
DENNIS K. AGBOH
(Type or Print Name)
Dennis Agboh
Signature
ELIZABETH J. AGBOH
(Type or Print Name)
Elizabeth Agboh
Signature
3127 RIPPLE RD 521-3730 521-3990
Address Phone No.
BALT. MD 21244
City State Zipcode
Name, Address and phone number of representative to be contacted.
Name
Address Phone No.

Attorney for Petitioner:
JOHN TRUESCHLER
(Type or Print Name)
John Trueschler
Signature
40 West Chesapeake Ave. Suite 605
Towson, MD 21204 321-0000
Address Phone No.
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1 hr +
unavailable for Hearing
the following dates _____ Next Two Months
ALL ✓ OTHER _____
REVIEWED BY: MJK DATE 1/17/95

Printed with Soybean Ink on Recycled Paper

ATTACHMENT TO PETITION FOR VARIANCE
FOR 6411 LIBERTY ROAD 95-248-XA

PETITION FOR VARIANCE FROM SECTIONS:

Regarding conditions in residential transition areas

1B01.1.B.1.e(3) and (5) to permit:
- the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer
- the existing parking lots and structures to remain at their current locations and heights in lieu of providing "a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area."

Regarding design standards for parking facilities

409.8.A.1 and **A.4.** to permit the existing paved parking area to remain as is in lieu of:

- "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code."

- the required setback of "10 feet to the right-of-way line of a public street."

Regarding Bulk Standards For Group [Child Care] Centers in D.R. Zones

424.7.B to permit:
- an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line;
- side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line;
- side yards without the required 20 feet perimeter vegetative buffer
- rear yard without the required 20 feet perimeter vegetative buffer

Regarding Accessory Buildings in Residential Zones

400.1 to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

JUSTIFICATION FOR PETITION FOR VARIANCES

Regarding conditions in residential transition areas 95-248-XA

Given the small size of the lot, and the age and construction of the existing structures, it is impossible or impractical to create or provide the required RTA buffers and setbacks. Even if there was room to move the structures to provide the buffers and setbacks, the risk of damage and/or prohibitive cost of relocation render compliance unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The house and garage have existed in their current locations for approximately 60 years, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding design standards for parking facilities

Given the small size of the lot, and the location of the existing garage and paving, it is impossible or impractical to "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" or to meet the required setback of "10 feet to the right-of-way line of a public street." Even if there was room to move the parking lot into the site, the cost of doing so would be prohibitive and would eliminate any safe play area for the children served by the center. Thus, strict compliance with the regulations is unduly burdensome and results in practical difficulty.

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The existing paved area will remain in its current location, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding Bulk Standards For Group [Child Care] Centers in D.R. Zones

Given the age and construction of the existing house, moving this structure is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance with the required setbacks unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty.

The same is true with respect to the required 20 foot perimeter vegetative buffers. The site is too small to accommodate such buffers. The owner has already screened the rear and side yards with a 6 foot high opaque wood fence. In addition, the owner intends to keep the existing trees and shrubs and is proposing to plant evergreen shrubs around the parking area at the southern corner of the property.

The variance will simply permit site conditions to remain as they always have been. Therefore, granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

Regarding Accessory Buildings in Residential Zones 95-248-XA

Given the slab on grade construction of the garage, relocating it to the "third of the lot farthest from the street" is impossible or impractical; the risk of damage and/or prohibitive cost of relocation render compliance unduly burdensome. Thus, strict compliance with the Baltimore County Zoning Regulations results in practical difficulty

Granting the requested variance would not result in a substantial injustice to the applicant or to other property owners. The garage is located in the rear of the yard and has been there for approximately 60 years, and therefore, the variance will simply maintain the status quo. The relief sought complies with the spirit of the Baltimore County Zoning Regulations, and secures public safety and welfare.

MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21204
296-8294

95-248-XA

Maryland, thus described: Beginning for the same at the point formed by the intersection of the Northwest side of Forest Hill Avenue, 30 feet wide, and the southwest side of Liberty Road as widened 5 feet on the southwest side thereof from the former width of 80 feet and running thence binding on the northwest side of said Forest Hill Avenue ~~BLOCK~~ (1) South 52 degrees 21' west 160.36 feet; thence for new lines of division through Lots 9 and 10 as shown on the "Plat of Property of Luther C. Smith", which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 196, the two following courses and distances, namely; (2) North 37 degrees 40' west 68 feet and (3) North 51 degrees 05' East 140.07 feet to intersect the aforesaid southwest side of Liberty Road and thence binding on the southwest side of said Liberty Road (4) South 57 degrees 22' East 75 feet 5-½" to the place of beginning. The improvements thereon being known as No. 6411 Liberty Road.

BEING THE SAME parcel of ground which by a Deed dated May 15, 1990 and recorded among the Land Records of Baltimore County at Liber No. 8512, folio 590, was granted and conveyed by Jack Kemp, Secretary of Housing and Urban Development of Washington, D.C., acting by and through the Federal Housing Commissioner unto William H. Smith. The said William H. Smith having defaulted on a certain Purchase Money Deed of Trust dated May 15, 1990, said Mortgage having been foreclosed in Case No. 75/374/94 CV 2290 in the Circuit Court for Baltimore County.

RECEIVED FOR TRANSFER

STATE OF MARYLAND
SIDNEY A. MANK
No. 6075
REGISTERED
PROFESSIONAL LAND SURVEYOR

#245

95-248-XA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: 2/3/95
Posted for: Special Exception + Variance
Petitioner: Dennis + Eliz. Agboh
Location of property: 6411 Liberty Rd.

Location of Sign: Facing road way, on property being zoned
Remarks:
Posted by: [signature] (Signature) Date of return: 2/12/95
Number of Signs: 1

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

receipt
95-248-XA
Account: R-001-6150

Date 1/27/95 Number Taken In By: [illegible] Item # 245

Agboh, Dennis K -
6411 Liberty Road

020 - Comm. Variance — $250.00
050 - Special Exception — $300.00
080 - 2 signs ($35.00 ea.) — $70.00
$620.00

03A03A01113MICHRC
MICHRC 4:57PM01-17-95
$620.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

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: #95-248-XA
(Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District
2nd Councilmanic
Legal Owner(s):
Dennis K. Agboh and Elizabeth J. Agboh
Hearing: Tuesday, February 21, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a Class "B" group child care center up to 39 children. Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area " to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code and the required setback of "10 feet to the right-of-way line of a public street" to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

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.
5/358 February 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 3, 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 Feb 2, 1995

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

Publication

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 95-248-XA
Towson, Maryland

District: 2nd Date of Posting: 1/1/95
Posted for: Appeal
Petitioner: Dennis K Agboh et ux
Location of property: S/W/S Liberty Rd. 1/4 mi. from Forest Hill Ave.
6411 Liberty Rd
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by: [signature] (Signature) Date of return: 1/14/95
Number of Signs: 1

-2-

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.
5/358 February 2

8319 Orchard Tree Lane - Club 101
8th Election District - 4th Councilmanic
Legal Owner(s): Paul M. Pardew
Petitioner: ZADM - ENFORCEMENT

Special Hearing to determine possible violations of Sections 102.1; 236.4; 502; and 500.6. The existance of an after-hours club at 8319 Orchard Tree Lane, known as Club 101, that operates without benefit of a special exception in a business roadside (B.R.) zone. Further, this use is within 1000 feet of a residentially used dwelling which would require the granting of a variance.

HEARING: THURSDAY, FEBRUARY 16, 1995 at 11:00 a.m. in Room 118, Old Courthouse

---

CONTINUED FROM 1/12/95
CASE NUMBER: 95-192-SPH (Item 186)
1436 W. Joppa Road
W/S Joppa Road, 1200' W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): David Jones and Bonnie M. Jones

Special Hearing to approve an amendment to the Final Development Plan; the continuation of an accessory use (caretaker cottage) in connection with the principal residence on proposed lot #1, including existing setbacks; and such other matters as may be raised by the Development Committee (DRC), including waiver requests.

HEARING: THURSDAY, FEBRUARY 16, 1995 at 2:00 p.m. in Room 118, Old Courthouse

---

CASE NUMBER: 95-247-A (Item 237)
705 Malvern Avenue
S/S Malvern Avenue, 312'+/- W of c/l Charles Street
9th Election District - 4th Councilmanic
Legal Owner(s): Robert T. Kleinpaste and Sandra S. Kleinpaste

Variance to allow a 16.59' distance from the front building face to a property line in lieu of the required 25 feet.

HEARING: TUESDAY, FEBRUARY 21, 1995 at 9:00 a.m. in Room 118, Old Courthouse

---

CASE NUMBER: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh

called John McPhee 2-15-95 4:50P

Special Exception for a Class "B" group child care center up to 39 children. Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

---

CASE NUMBER: 95-249-A (Item 247)
5/S Philadelphia Road, 280' W of c/l Pine Grove Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): David S. Seling and Richard J. Seling

Variance to permit a 10-foot tract boundary setback in lieu of the required 15 feet.

HEARING: TUESDAY, FEBRUARY 21, 1995 at 11:00 a.m. in Room 118, Old Courthouse

-more-

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JANUARY 26, 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: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh
HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

Special Exception for a Class "B" group child care center up to 39 children.
Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

[signature]
Arnold Jablon
Director

cc: Dennis and Elizabeth Agboh, 3127 Ripple Road, Baltimore MD 21244
John Trueschler, Esq., 40 W. Chesapeake Avenue, Ste. 605, Towson MD 21204

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.

Printed with Soybean Ink on Recycled Paper

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 accessed 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.

[signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 245
Petitioner: Dennis + Elizabeth Agboh
Location: 6411 Liberty Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Dennis + Elizabeth Agboh
ADDRESS: 3127 Ripple Road
Balto. MD 21244
PHONE NUMBER: 521-3730

AJ:ggs (Revised 04/09/93)

TO: PATUXENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please forward billing to:

Dennis and Elizabeth Agboh
3127 Ripple Road
Baltimore, Maryland 21244
410-521-3730

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: 95-248-XA (Item 245)
6411 Liberty Road
corner SW/S Liberty Road, NW/S Forest Hill Avenue
2nd Election District - 2nd Councilmanic
Legal Owner(s): Dennis K. Agboh and Elizabeth J. Agboh
HEARING: TUESDAY, FEBRUARY 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse

Special Exception for a Class "B" group child care center up to 39 children.
Variance to permit the existing principal and accessory structures (including the garage and fences) to remain within the RTA buffer; to permit the existing parking lots and structures to remain at their current locations and heights in lieu of providing " a 50-foot buffer and a 75-foot setback, and a height not to exceed 35 feet within the 100-foot transition area"; to permit the existing paved parking area to remain as is in lieu of "design, screening and landscaping...in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code" and the required setback of "10 feet to the right-of-way line of a public street"; to permit an 18 foot front yard setback in lieu of the required 25 foot front yard setback from street line; to permit side yard setbacks of 11 feet and 20 feet in lieu of the required 50 feet from property line; to permit side yards without the required 20 feet perimeter vegetative buffer; to permit rear yard without the required 20 feet perimeter vegetative buffer; and to permit the existing garage to remain in its current location in lieu of being located "in the third of the lot farthest removed from any street"

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.

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

April 23, 1996

Ms. Kathleen C. Bianco
Administrative Assistant
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Petitions for Special Exception and Variances, 6411 Liberty Road, Corner SW/S Liberty Road, NW/S Forest Hill Ave., 2nd Election District, 2nd Councilmanic
PETITIONERS: DENNIS K. AGBOH, ET UX.
CASE NUMBER: 95-248-XA

Dear Ms. Bianco:

This case, previously scheduled for hearing on September 5, 1995, was postponed at the request of counsel for Petitioners. We would request that you set this case in for a new hearing date as soon as possible.

Very truly yours,
Pet Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John B. Gontrum, Esquire
Attorney for Petitioners

Ms. Judith Berger, President
Liberty Road Community Council

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 30, 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. 95-248-XA DENNIS K. AGBOH, ET UX -Petitioners
Cor SW/s Liberty Road, NW/s of Forest Hill Avenue (6411 Liberty Road)
2nd E; 2nd C

SE -To permit Class B Group Child Care Center for up to 39 children in D.R. 5.5 zone; VAR - Existing buildings in RTA buffer; parking; landscaping; setbacks.

3/01/95 -Z.C.'s Order in which Petition for Special Exception and Petition for Variances were GRANTED.

PP'd; no date
req of Petitioner's
Counsel Hearing
no reply
PC

ASSIGNED FOR TUESDAY, SEPTEMBER 5, 1995 at 10:00 a.m.

cc: People's Counsel for Baltimore County Appellant

Judith Berger, President
Liberty Road Community Council

John Trueschler, Esquire
Mr. & Mrs. Dennis K. Agboh Counsel for Petitioners / Petitioners

Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

LIBERTY ROAD COMMUNITY COUNCIL, INC.
3801 LOCHEARN DRIVE
BALTIMORE, MARYLAND 21207-6363

95 JUN 20 P1:12:33

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
OLD COURT HOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
ATTN: ROBERT SCHUETZ, ESQ., CHAIRMAN

DEAR MR SCHUETZ,

REGARDING CASE NO. 95-248-XA WHICH WAS ASSIGNED TO BE HEARD ON SEPTEMBER 5, 1995 AT 10:00 A.M.

SEPTEMBER 5TH IS THE EVE OF THE JEWISH NEW YEAR, WHICH BEGINS AT SUNDOWN. IT WOULD BE EXTREMELY DIFFICULT FOR ME TO ARRIVE AT THE APPOINTED TIME; MUCH HOME PREPARATION IS INVOLVED.

I AM ASKING FOR A POSTPONEMENT BASED ON RELIGIOUS GROUNDS.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,

JUDITH BERGER, PRESIDENT

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

June 28, 1995

Ms. Judith Berger, President
Liberty Road Community Council
3801 Lochearn Drive
Baltimore, MD 21207-6363

Re: Case No. 95-248-XA
Dennis K. Agboh, et ux

Dear Ms. Berger:

The Board is in receipt of your recent correspondence wherein you request a postponement of the subject matter, scheduled for hearing on September 5, 1995, noting that September 5th is the eve of the Jewish New Year.

In confirming the Board's calendar and docket, I have learned that, in calendar year 1994, the date of observance for Rosh Hashanah was September 6, 1994. However, Rosh Hashanah is observed in this calendar year on Monday, September 25, 1995, commencing at sundown on Sunday, September 24, 1995.

Therefore, your request for postponement for the reasons stated is denied, and this matter will be heard as scheduled on Tuesday, September 5, 1995 at 10:00 a.m. Should you have any further questions, please call me at 887-3180.

Very truly yours,

Kathleen C. Weidenhammer
Administrative Assistant

cc: John Trueschler, Esquire
Peter Max Zimmerman, People's Counsel
for Baltimore County

Printed with Soybean Ink on Recycled Paper

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410)686-8274
FAX:(410) 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*
ELIZABETH A. VANNI
*ALSO ADMITTED IN D.C.

August 17, 1995

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/95 @ 10:00 a.m.

Dear Ms. Weidenhammer:

Please enter my appearance on behalf of the Petitioners in the referenced matter.

Also, please postpone the hearing date of September 5, 1995 @ 10:00 a.m., as we are going to try to work this matter out to the satisfaction of People's Counsel. My client has had correspondence with People's Counsel which indicated they would not object to a postponement.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Mr. & Mrs. Dennis K. Agboh
People's Counsel for Baltimore County
John Trueschler, Esquire

95 AUG 21 P1:09

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

August 24, 1995

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. 95-248-XA

DENNIS K. AGBOH, ET UX -Petitioners
Cor SW/s Liberty Road, NW/s of Forest Hill Avenue (6411 Liberty Road)
2nd E; 2nd C

SE -To permit Class B Group Child Care Center for up to 39 children in D.R. 5.5 zone; VAR - Existing buildings in RTA buffer; parking; landscaping; setbacks.

3/01/95 -Z.C.'s Order in which Petition for Special Exception and Petition for Variances were GRANTED.

which was scheduled for hearing on September 5, 1995 has been postponed at the request of Counsel for Petitioners; to be reset upon request of either party.

cc: People's Counsel for Baltimore County — Appellant
Judith Berger, President
Liberty Road Community Council
John B. Gontrum, Esquire — Counsel for Petitioners
Mr. & Mrs. Dennis K. Agboh — Petitioners
John Trueschler, Esquire
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /PDM
Docket Clerk /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

Printed with Soybean Ink on Recycled Paper

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*
ELIZABETH A. VANNI
MICHAEL J. KIRWIN

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 823-0711

* Also Admitted in the District of Columbia

August 28, 1996

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/96 @ 10:00 a.m.

Dear Mr. Chairman:

Because we are still working on legislation, we respectfully request a postponment for hearing which is scheduled for September 5, 1996.

This request has already been discussed with Baltimore County of People's Counsel. They are willing to accept a postponement provided that a date can be determined within the reasonable future.

We are not aware of any other parties to these proceedings and thank you for your assistance with this matter.

Very truly yours,

John B. Gontrum

cc: Mr. and Mrs. Agboh
People's Counsel

08/28/96 16:00 ☎410 686 0118 RGM LAW FIRM 002

ROMADKA, GONTRUM & McLAUGHLIN, P.A.
814 Eastern Boulevard
Baltimore, Maryland 21221
(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*
ELIZABETH A. VANNI
MICHAEL J. KIRWIN

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 823-0711

* Also Admitted in the District of Columbia

August 28, 1996

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Md 21204

Re: Dennis K. Agboh, et us, Petitioners
Case No.: 95-248-XA
Hearing date: 9/5/96 @ 10:00 a.m.

Dear Mr. Chairman:

Because we are still working on legislation, we respectfully request a postponment for hearing which is scheduled for September 5, 1996.

This request has already been discussed with Baltimore County of People's Counsel. They are willing to accept a postponement provided that a date can be determined within the reasonable future.

We are not aware of any other parties to these proceedings and thank you for your assistance with this matter.

Very truly yours,

John B. Gontrum

cc: Mr. and Mrs. Agboh
People's Counsel

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

August 30, 1996

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), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-248-XA

DENNIS K. AGBOH, ET UX -Petitioners
Cor SW/s Liberty Road, NW/s of Forest Hill Avenue (6411 Liberty Road)
2nd E; 2nd C

SE -To permit Class B Group Child Care Center for up to 39 children in D.R. 5.5 zone; VAR - Existing buildings in RTA buffer; parking; landscaping; setbacks.

3/01/95 -Z.C.'s Order in which Petition for Special Exception and Petition for Variances were GRANTED.

Petitioner W/D big Petitioner 1/06/97; to dismiss case; PC advised

which was scheduled for hearing on 9/05/96 has been POSTPONED at the request of Counsel for Petitioner, without objection by the Office of People's Counsel; and has been

REASSIGNED FOR: TUESDAY, JANUARY 7, 1997 at 10:00 a.m.

NO FURTHER POSTPONEMENTS TO BE GRANTED.

cc: People's Counsel for Baltimore County — Appellant
Judith Berger, President
Liberty Road Community Council
John B. Gontrum, Esquire — Counsel for Petitioners
Mr. & Mrs. Dennis K. Agboh — Petitioners
~~John Trueschler, Esquire~~ O.W.T
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator

Printed with Soybean Ink on Recycled Paper

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

June 10, 1996

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), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 95-248-XA

DENNIS K. AGBOH, ET UX -Petitioners
Cor SW/s Liberty Road, NW/s of Forest Hill Avenue (6411 Liberty Road)
2nd E; 2nd C

SE -To permit Class B Group Child Care Center for up to 39 children in D.R. 5.5 zone; VAR - Existing buildings in RTA buffer; parking; landscaping; setbacks.

3/01/95 -Z.C.'s Order in which Petition for Special Exception and Petition for Variances were GRANTED.

pd'd to 1/07/97 @ 10:00 a.m. req. of Gontrum

which was postponed August 24, 1995 at the request of Counsel for Petitioners has been reset for hearing upon request of Peter Max Zimmerman, People's Counsel for Baltimore County; and has been

ASSIGNED FOR: THURSDAY, SEPTEMBER 5, 1996 at 10:00 a.m.

cc: People's Counsel for Baltimore County — Appellant
Judith Berger, President
Liberty Road Community Council
John B. Gontrum, Esquire — Counsel for Petitioners
Mr. & Mrs. Dennis K. Agboh — Petitioners
John Trueschler, Esquire
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Administrative Assistant

Kathi 8/27 11:57
Join Gontrum called - is going to req. postpone of Agboh (in writing) - + will ask you for a reset date

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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 14, 1995

John Trueschler, Esquire
40 West Chesapeake Ave..Suite 605
Towson, Maryland 21204

RE: Item No.: 245
Case No.: 95-248-XA
Petitioner: Mr.Dennis Agboh, et ux

Dear Mr. Trueschler:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 17, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 15, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for February 6, 1995
Item No. 246 ~~REVISED~~

Please be advised that we are revising our comments, dated February 6, 1995, for the subject zoning item as followings:

The Developers Engineering Section has reviewed the subject zoning item. Forest Hill Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

No comment on variances. However, the site is subject to the Landscape Manual to the extent possible.

An onsite maneuvering area should be provided.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-7-95

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

Re: Baltimore County
Item No.: #245 (MJK)

Dear Ms. Watson:

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 Ronald Burns, 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, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 2, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has (no) comments on the following petition(s):

Item Nos. 245, 246, 256, 258, 259, and 260

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Carl Richards

PK/JL:lw

ITEM245/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 2/8/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Jan. 30, 1995

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Rev. #215
244 withdrawn
245
247
249
251

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 02/07/95

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

RE: Property Owner: DENNIS K. AGBOH AND ELIZABETH J. AGBOH

LOCATION: CORNER SW/S LIBERTY RD., NW/S FOREST HILL AVE.
(6411 LIBERTY RD.)

Item No.: 245 Zoning Agenda: SPECIAL EXCEPTION
VARIANCE

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

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
FEB 8 1995
ZADM

REVIEWED: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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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

March 29, 1995

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
6411 Liberty Road, corner SW/S Liberty
Road, NW/S Forest Hill Avenue, 2nd
Election District, 2nd Councilmanic
DENNIS & ELIZABETH AGBOH, Petitioners
Case No. 95-248-XA

Dear Mr. Jablon:

Please enter an appeal of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY to the County Board of Appeals from the order dated March 1, 1995 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John Trueschler, Esquire

RECEIVED
MAR 29 1995
ZADM

RECEIVED
MAR 31 1995

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 31, 1995

John Trueschler, Esquire
40 West Chesapeake Avenue, Suite 605
Towson, MD 21204

RE: Petition for Special Exception and Variance
Cor. SW/S Libery Road, NW/S of Forest Hill Ave
(6411 Liberty Road)
2nd Election District
2nd Councilmanic District
Dennis K. Agboh, et ux-Petitioner
Case No. 95-248-XA

Dear Mr. Trueschler:

Please be advised that an appeal of the above-referenced case was filed in this office on March 29, 1995 by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. 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 Julie Winiarski at 887-3391.

Sincerely,

ARNOLD JABLON
Director

AJ:jaw

cc: Mr. and Mrs. Dennis K. Agboh
People's Counsel

Printed with Soybean Ink on Recycled Paper

APPEAL

Petition for Special Exception and Variance
Cor SW/S Liberty Road, NW/S of Forest Hill Avenue
(6411 Liberty Road)
2nd Election District - 2nd Councilmanic District
Dennis K. Agboh, et ux-PETITIONER
Case No. 95-248-XA

Petition(s) 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 Exhibits: 1 - Location Survey for 6411 Liberty Road

2 - Five photographs of 6411 Liberty Road

Zoning Commissioner's Order dated March 1, 1995 (Granted)

Notice of Appeal received on March 29, 1995 from Peter Max Zimmerman, Esquire, People's Counsel of Baltimore County

cc: John Trueschler, Esquire, 40 West Chesapeake Avenue, Suite 605, Towson, MD 21204
Mr. and Mrs. Dennis K. Agboh, 3127 Ripple Road, Baltimore, 21244
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Patrick Keller, Director, Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director of ZADM
Docket Clerk

5/30/95 -Notice of Assignment for hearing scheduled for Tuesday, September 5, 1995 at 10:00 a.m. sent to the following:

People's Counsel for Baltimore County
Judith Berger, President
Liberty Road Community Council
John Trueschler, Esquire
Mr. & Mrs. Dennis K. Agboh
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

8/21/95 -Request for postponement and entry of appearance as counsel for petitioners filed by John B. Gontrum, Esquire. Confirmed no objection to granting of same with People's Counsel. To be granted.

8/24/95 -Notice of PP sent to parties; to be rescheduled upon request of either party.

4/23/96 -Letter from P. Zimmerman requesting that this matter be rescheduled for hearing. Added to current docket; to be set in during next normal scheduling process.

6/10/96 -Notice of Assignment sent to parties; case scheduled for hearing on Thursday, September 5, 1996 at 10:00 a.m.

8/28/06 -FAX letter from Counsel for Petitioner; requesting postponement, without objection by P. Zimmerman if date is available within reasonable future. Confirmed with P. Zimmerman. Request to be granted. No further postponements to be granted.

8/30/96 -Notice of PP and Reassignment sent to parties; matter postponed and rescheduled for hearing on Tuesday, January 7, 1997 at 10:00 a.m.

12/20/96 -Visit to CBA office by John Trueschler, Esquire; to advise and confirm that he is no longer counsel for petitioners; see above entry 8/21/95 /entry of appearance of John B. Gontrum as Counsel for Petitioners. File noted.

1/06/97 -Letter from John Gontrum, counsel for Petitioner, requesting that special exception and variances be withdrawn; will start from beginning step if new special exception or variance is filed. No objection to withdrawal of hearing from docket; panel members notified of withdrawal; Order of Dismissal to be issued.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** November 18, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 95-248-XA
DENNIS K. AGBOH, ET UX
2nd E; 2nd C

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated January 21, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 95-248-XA)

3801 Lochearn Drive
Baltimore, MD 21207-6363
April 7, 1995

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

Sirs,

I would like to express an interest in the status of Case Number 95-248-XA (Item 245) known as 6411 Liberty Road, heard February 21, 1995. The Commissioner's decision is being appealed, as I understand it, by the People's Counsel.

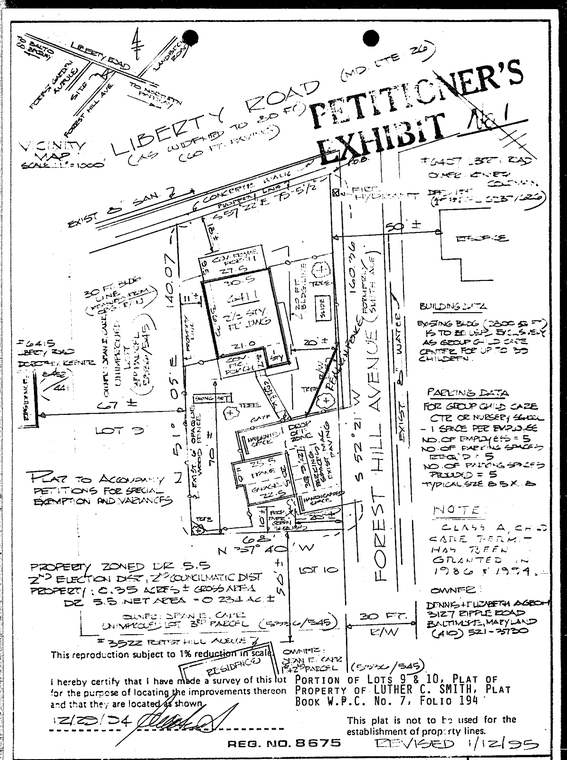
Please send notices of a hearing to me at the above address.

Thank you very much.

Sincerely,

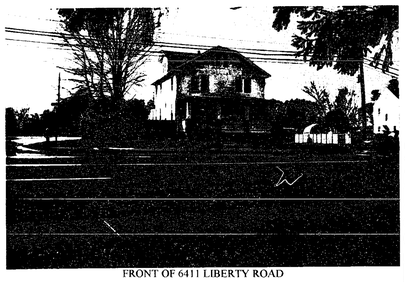
Judith Berger
President, Liberty Road Community Council, Inc.

95 APR 11 PM 3:59



95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD
Page 1 of 3



FRONT OF 6411 LIBERTY ROAD

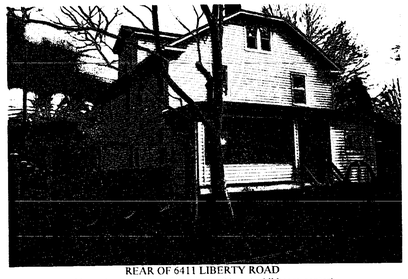
NORTHWEST SIDE OF 6411 LIBERTY ROAD
(Note 6' high wood fence screening backyard)

PETITIONER'S EXHIBIT No 2

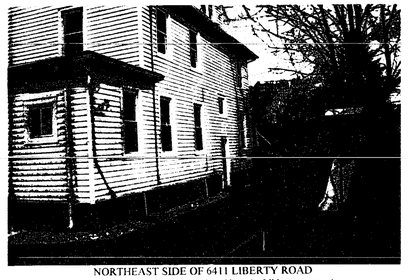
#245

95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD
Page 2 of 3



REAR OF 6411 LIBERTY ROAD
(Note play equipment for existing Class A child care center)



NORTHEAST SIDE OF 6411 LIBERTY ROAD
(Note play equipment for existing Class A child care center)

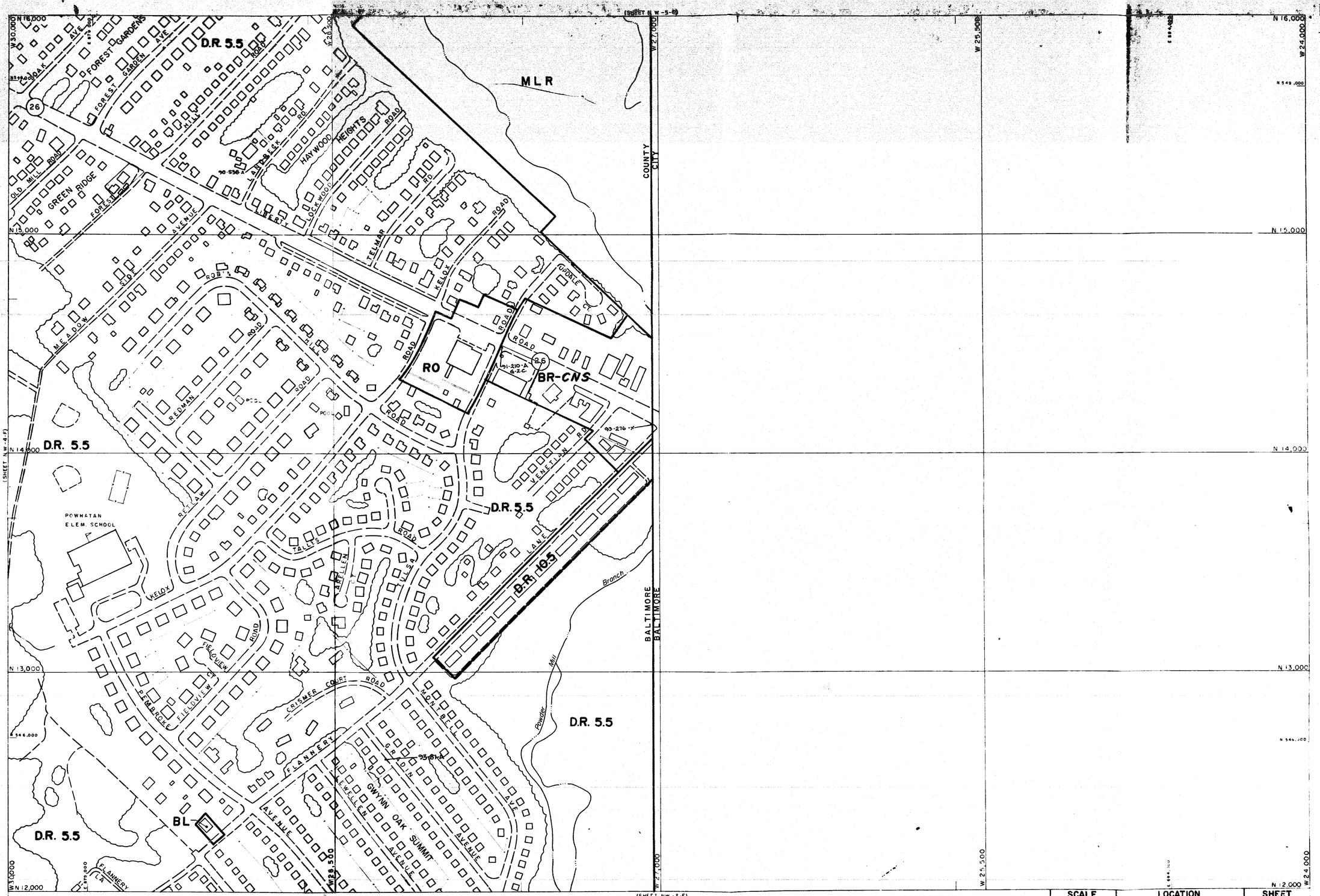
#245

95-248-XA

PHOTOGRAPHIC EXHIBIT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION AND VARIANCE
FOR 6411 LIBERTY ROAD
Page 3 of 3

REAR OF 6411 LIBERTY ROAD LOOKING NORTH, ACROSS FOREST HILL AVENUE
(Note existing garage and paving in foreground, and gate from drop-off area to building)

#245



K-NW

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

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 17, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 149-88, 150-88
Chairman, County Council

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 IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	LOCHEARN	N.W. 4-E
DATE OF PHOTOGRAPHY JANUARY 1986		

#245

85-248-A