

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL HEARING and * DEPUTY ZONING COMMISSIONER
SPECIAL EXCEPTION - Board of * OF BALTIMORE COUNTY
Child Care (Enos Property), E/S *
Rolling Road, N of Chipper Road *
Election District 2 *
Councilmanic District 2 * Case Nos. II-537 and 95-480-SPHX

Board of Child Care of the Baltimore/Washington Conference
of the United Methodist Church, Inc. - Owner/Developer

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Robert Rosenfelt, Professional Engineer with Colbert Matz Rosenfelt, Inc., for the proposed subdivision of the subject property by the Baltimore/Washington Conference of the United Methodist Church, Inc. and Gary L. Enos, Owners/Developers, to create an eight (8) lot subdivision and permit the construction of five (5) small cottages on 5 of those 8 lots, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners filed a Petition for Special Exception seeking approval of the use of those five cottages and an existing dwelling as a community care center, pursuant to Section 1B01.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, a site plan of the property. The Owners also filed a Petition for Special Hearing seeking approval that the use as proposed meets the definition of "family" as defined in Section 101 of the B.C.Z.R. The Petition for Special Hearing was filed as an alternative to the special exception request. However, inasmuch as the special exception request will be granted, pursuant to this Order, the Petition for Special Hearing is unnecessary and shall be dismissed as moot.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

The subject property is located on the east side of Rolling Road, north of Windsor Mill Road in the vicinity of Woodlawn. The property consists of 6.03 acres, zoned D.R. 5.5 and is presently improved with a single family dwelling and vacant field, in accordance with Petitioner's Exhibit 1. The Owners submitted a site plan identified as Developer's Exhibit 1 depicting the proposed subdivision of the property into eight (8) lots, one of which will contain the existing dwelling and five of which will contain newly constructed cottages. Two lots will remain unimproved at this time.

Appearing at the public hearing required for this project were Tom Curcio, Executive Director of the Methodist Board of Child Care, Robert Rosenfelt, Professional Engineer, who prepared the site plan for this project, F. Duncan Cornell, Esquire, attorney for the Owners/Developers, and many residents of the surrounding community who appeared in support of the development plan and special exception request, all of whom signed the Petitioners' Sign-In Sheet. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. In addition, numerous other residents from the surrounding community appeared in opposition to the development plan and special exception requests, all of whom signed the Protestants' Sign-In Sheet.

As to the history of this project, a concept plan conference was conducted on May 22, 1995. As required, a community input meeting was held on June 14, 1995 at the Hebbville Elementary School. Subsequently, a development plan was submitted and a conference held thereon on July 26, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a re-

vised development plan incorporating those comments was submitted at the hearing held before me on August 16, 1995.

At the public hearing before me, I am required to determine what, if any, agency comments or concerns remain unresolved. One issue was identified by representatives of the Department of Public Works (DPW) and the Office of Planning and Zoning (OPZ). That issue dealt with the extension of Montwood Road through the western boundary of the subject property. Mr. Dave Thomas, a representative of DPW, testified concerning the proposed extension of Montwood Road. Mr. Thomas relied on a letter dated August 3, 1995 from Stephen Weber, Chief of the Division of Traffic Engineering, in which he states that Montwood Road should be extended through the property at this time.

Also appearing in support of the extension of Montwood Road was Mr. Irv McDaniel, a representative of OPZ. Mr. McDaniel testified that OPZ also supports the extension of Montwood Road along the western boundary of the subject parcel. Mr. McDaniel believes that at some point in the future, this section of Montwood Road will connect with that section of Montwood Road which exists further south of the subject property. OPZ would like to see a right-of-way for the extension of this road across the Board of Child Care property established at this time.

Also offering testimony on this particular topic was Mr. James Nitsch, who resides nearby on Rolling Road. Mr. Nitsch submitted as Protestants Exhibit 1, a Petition signed by many of the residents who live along Rolling Road which requests that access to the proposed cottages on the subject site be provided via Montwood Road and not Rolling Road. These residents believe that the proposed development will create additional traffic onto Rolling Road. They also believe that Montwood Road would be

ORDER RECEIVED FOR FILING

Date

By

a better access point and would help to alleviate some of the traffic problems that currently exist along Rolling Road.

Many residents of the Montwood Road community also attended the hearing and strongly opposed the extension of Montwood Road across the Board of Child Care property. These residents believe that access to these five cottages should be provided via Rolling Road and not through the Montwood Road community. They feel that the additional traffic that might be generated by the proposed cottages will be minimal and therefore, not exacerbate the current traffic situation along Rolling Road. The residents of the Montwood Road community further testified that this road dead-ends and because of its dead-end nature, traffic is minimal and it is a safe area where children from the Montwood Road community can play.

Additional information was provided to this Hearing Officer by Mr. Tom Curcio, Executive Director of the Board of Child Care. Mr. Curcio testified that the Board of Child Care not only owns the subject property, but also owns additional property immediately adjacent to this site on the west side. Both the subject property and the adjacent property are utilized by the Board of Child Care for the purpose of housing young people between the ages of 16 and 18 who come to this facility from abusive homes. Many of these children have emotional and psychological problems stemming from the abusive environment in which they lived prior to coming to this institutional setting. Mr. Curcio testified that should Montwood Road be extended through the subject property to connect with the other section of Montwood Road, the subject road would pass through the ball fields that are used for recreational activities by the many children who reside on the premises. Mr. Curcio testified that between 90 and 100 children reside on the larger property to the west of the subject site and

that only approximately 20 children will reside in the six cottages that will be provided by virtue of this hearing. He further stated that the extension of Montwood Road would, in essence, bisect the uses on the property and destroy the "campus-like" setting that they have worked to achieve. Therefore, he and many of the residents who live in this area, strongly oppose the extension of Montwood Road.

After considering all of the testimony and evidence regarding the extension of Montwood Road, I find that Montwood Road should not be extended through the subject property and that Montwood Road should remain in its current configuration as a dead-end road. However, the Board of Child Care shall provide on its property a T-turnaround at the end of Montwood Road so that emergency vehicles can more easily turn around in the event it becomes necessary to do so. This T-turnaround shall be provided at the Developer's expense. In the event the construction of this T-turnaround should infringe upon the forest conservation requirements for this property, then a waiver is hereby granted from those requirements so that the T-turnaround can be constructed on the property without any penalty accruing to the Owner/Developer.

I further believe that the Rolling Road entrance to the subject property is the preferred manner in which to access the proposed facility. It should be noted that the Owner/Developer could construct 33 single family homes on this 6.03-acre parcel, in view of the density associated with its D.R. 5.5 zoning. The Owner has, however, chosen to utilize the existing dwelling and construct five cottages at this time, leaving two lots unimproved. Given their limited use, the five cottages proposed will not generate enough traffic to warrant denying the access to Rolling Road. Furthermore, the County's Division of Traffic Engineering reviewed the

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Date _____
By _____

MICROFILMED

proposed access to Rolling Road and found it to be acceptable. Therefore, I find that the access to Rolling Road is proper and should be permitted.

There were no other issues or concerns raised by any of the parties present as to the development plan submitted into evidence as Developer's Exhibit 1. Therefore, having resolved the issue concerning the proposed extension of Montwood Road and the access to this subdivision from Rolling Road, I shall approve the development plan as submitted.

As to the Petition for Special Exception, the Owners/Developers seek approval to use the property for a community care center, pursuant to Section 1B01.C.6.a of the B.C.Z.R. Testimony at the hearing revealed that the five cottages proposed for this site will be occupied by three young children with a live-in staff/counselor. Again, these are children who have been displaced from their homes due to abuse and neglect. The staff/counselor will reside in the house 24-hours per day, and will be the only person permitted to drive an automobile. The children who will reside in the homes are not permitted to own or drive automobiles; thus, the traffic generated by the proposed use will be minimal. Given the type of use proposed for this site, the Owners/Developers seek a special exception.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

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

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Special Exception granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 6th day of September, 1995 that the development plan for the Board of Child Care of the Baltimore/Washington Conference of the United Methodist Church, Inc. (Enos Property), identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

ORDER RECEIVED FOR FILING
Date 9/6/95
By [Signature]

IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval of the use of the subject property for a community care center, pursuant to Section 1B01.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

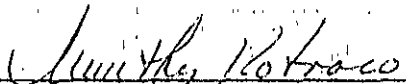
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The Developer shall be required to install a T-turnaround on its property at the end of Montwood Road so that emergency vehicles can more easily turn around in the event it becomes necessary to do so. This T-turnaround shall be installed at the Developer's expense. In the event this T-turnaround should infringe upon the forest conservation requirements for this development, then a waiver of same is hereby granted with no penalty to the Owner/Developer.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval that the use of the subject property meets the definition of "family" as defined in Section 101 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 6, 1995

(410) 887-4386

F. Duncan Cornell, Esquire
408 Allegheny Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
Board of Child Care of the Baltimore/Washington Conference of
the United Methodist Church, et al - Owners/Developers
(E/S Rolling Road, 150' S of Wild Cherry Road)
Case Nos. II-537 and 95-480-SPHX

Dear Mr. Cornell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved, the Petition for Special Hearing dismissed as moot, and the Petition for Special Exception granted in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Gary L. Enos, 3225-3231 Rolling Road, Baltimore, Md. 21244
Mr. Thomas L. Cúrcio, Executive Director, Board of Child Care
3300 Gaither Road, Baltimore, Md. 21244
Mr. Robert Rosenfelt, Colbert Matz Rosenfelt, Inc.,
3723 Old Court Road, Suite 206, Baltimore, Md. 21208

Mr. John F. Jones, 8024 Montwood Road, Baltimore, Md. 21244
Mr. Cyril O. Byron, Sr., 7811 Liberty Road, Baltimore, Md. 21244
Mr. Lynne C. Goins, 7909 Montwood Road, Baltimore, Md. 21244
Mr. & Mrs. James Nitsch, 3222 N. Rolling Road, Baltimore, Md. 21244
Ms. Mildred Ershman, 7901 Montwood Road, Baltimore, Md. 21244
Mr. Clestee P. Myers, 7900 Montwood Road, Baltimore, Md. 21244

Chris Rorke, Proj. Mgr. - PDM; DEPRM; DPV; People's Counsel; Case File

MICROFILMED





Petition for Special Exception

95-480-SPTX

to the Zoning Commissioner of Baltimore County

for the property located at 3225 - 3231 ROLLING ROAD

which is presently zoned DR 5.5

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A COMMUNITY CARE CENTER IN A DR 5.5 ZONE, IN ACCORDANCE WITH SECTION 1B01.C(6a) OF THE BALTIMORE COUNTY ZONING REGULATIONS.

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: BOARD OF CHILD CARE OF THE BALTIMORE-WASHINGTON CONFERENCE OF THE UNITED METHODIST CHURCH, INC.
(Type or Print Name) THOMAS L. CURCIO, EXEC. DIR.

Thomas L. Curcio
Signature

Address
3300 GAITHER ROAD 410-922-2100
City State Zipcode
BALTIMORE MD 21244

Legal Owner(s): BOARD OF CHILD CARE OF THE BALTIMORE-WASHINGTON CONFERENCE OF THE UNITED METHODIST CHURCH, INC.
(Type or Print Name) THOMAS L. CURCIO, EXEC. DIR.

Thomas L. Curcio
Signature

GARY L. ENOS
(Type or Print Name)

Gary Enos
Signature

3225 - 3231 ROLLING ROAD

Address Phone No.
BALTIMORE, MD 21244
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

JUDITH FLOAM
COLBERT MATZ ROSENFELT, INC.
Name
3723 OLD COURT ROAD #206 410-653-3838
Address Phone No.
BALTIMORE, MD 21208
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

9/16/95

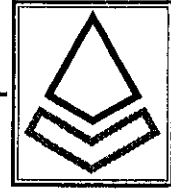


471

99-480-SPTX

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION
BOARD OF CHILD CARE
COTTAGE DEVELOPMENT
3225-3231 ROLLING ROAD

6.03 ACRE PARCEL MORE OR LESS SITUATED IN THE SECOND ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF ROLLING ROAD, 30 FEET WIDE, SAID POINT OF BEGINNING BEING DISTANT SOUTHERLY 150 FEET MORE OR LESS FROM THE CENTER LINE OF WILD CHERRY ROAD, RUNNING THENCE BINDING ON THE OUTLINES OF THE LAND CONVEYED TO BOARD OF CHILD CARE OF THE BALTIMORE/WASHINGTON CONFERENCE OF THE UNITED METHODIST CHURCH, INC. THE FOLLOWING ELEVEN (11) COURSES:

- (1) N 73° 53'10"E 406.15 FEET,
- (2) S 16° 08'27"E 90.00 FEET,
- (3) N 73° 53'10"E 115.42 FEET TO THE WEST SIDE OF MONTWOOD ROAD, 60 FEET WIDE, THENCE BINDING ON SAID WEST SIDE AND CONTINUING TO BIND ON SAID LAND,
- (4) SOUTHEASTERLY, BY A CURVE TO THE LEFT WITH THE RADIUS OF 886.13 FEET AND A LENGTH OF 9.86 FEET,
- (5) N 73° 53'10"E 60.15 FEET,
- (6) S 19° 56'51"E 437.52 FEET,
- (7) S 73° 23'36"W 461.47 FEET,
- (8) N 08° 35'50"W 282.94 FEET,
- (9) S 73° 53'10"W 233.89 FEET TO SAID EAST SIDE OF ROLLING ROAD, THENCE BINDING ON SAID EAST SIDE AND CONTINUING TO BIND ON SAID LAND (10) N 06° 18'16"W 162.37 FEET AND (11) N 05° 52'26"W 101.46 FEET TO THE PLACE OF BEGINNING.

CONTAINING 6.03 ACRES OF LAND MORE OR LESS.



j:\COLBERT\DESCRIPTION\94103.DES P6

471

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

II-537

District 2nd

Date of Posting 7/28/95

Posted for: Development Plan Hearings

Petitioner: Board of Child Care

Location of property: ELS Rolling Rd., N of Chippew Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. H. H. H. Date of return: 8/4/95
Signature

Number of Signs: 1

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

PS-480-SPK

District 2nd

Date of Posting 7/28/95

Posted for: Special Hearing + Exception

Petitioner: Board of Child Care

Location of property: E/S Rolling Rd. Sg Wild Cherry Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature]
Signature

Date of return: 8/4/95

Number of Signs: 1



MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., _____

July 21, 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 *July 20, 1995*

THE JEFFERSONIAN,

A. H. Amick
LEGAL AD. - TOWSON

of the Zoning Act and Regulations of Baltimore County will have a public hearing on the

Proposed Zoning Change in Baltimore County, Maryland, in the form of a Resolution of the Board of Commissioners of Baltimore County, Maryland, at 21204 as follows:

Case: #95-480-SPHX
(Item 471)

3225-3231 Rolling Road
ESS Rolling Road, 190' Sky
Wind Cherry Road
2nd Elected District
2nd Councilmanic

Board of Child Care of
the Baltimore-Washington
Conference of the United
Methodist Church, Inc. and
Gary Enos

Hearing: Wednesday,
August 16, 1995 at 9:00
a.m. in Rm. 118, Old
Counthouse.

Special Hearing to approve
that the proposed uses is consis-
tent with the definition of "fam-
ily". Special Exception for a
community care center.

LAWRENCE E. SCHAUDDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3353.
(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
July 20, 7/186

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

receipt

95-480-SHX

Account: R-001-6150

Number

Date 20 June 95 3225-3231 Rolling
~~3300 Garter Rd~~

471
 CAM

Board of Child Care of the
 Baltimore-Washington Conference of the United
 Methodist Church, Inc.

MICROFILMED

030 - 250.00
 050 - 300.00
 (2) 080 - 70.00

 \$ 620.00

check # 015055

D1A0LNDZLLMIDHRC

\$620.00

BA 002124PM06-20-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



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

receipt

95-480-SAX

Account: R-001-6150

Number

471

CAM

Date 20 June 95 3225-3231 Rolling
~~3300 Gathered~~

Board of Child Care of the
 Baltimore-Washington Conference of the United
 Methodist Church, Inc.

	030	-	250.00
	050	-	300.00
(2)	080	-	70.00
	<hr/>		\$620.00

check # 015055

DIAD1#D211MICHRC

\$620.00

BA C002:24PM06-20-95

Please Make Checks Payable To: Baltimore County

TO: PUTUXENT PUBLISHING COMPANY
July 20, 1995 Issue - Jeffersonian

Please forward billing to:

Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc.
Thomas L. Curcio
3300 Gaither Road
Baltimore, MD 21244
922-2100

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: 95-480-SPHX (Item 471)
3225-3231 Rolling Road
E/S Rolling Road, 150⁺ Sly Wild Cherry Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Knos
HEARING: WEDNESDAY, AUGUST 16, 1995 at 9:00 a.m. Rm. 118 Old Courthouse.

Special Hearing to approve that the proposed use is consistent with the definition of "family".
Special Exception for a community care center.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 11, 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:

DEVELOPMENT PLAN HEARING

Project Number: II-537

Project Name: Board of Child Care Cottage Development (Enos Property)

Developer: Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Enos

Location: E/S Rolling Road, N of Chipper Road

Acres: 6.07

Proposal: 8 single family dwellings.

AND

CASE NUMBER: 95-480-SPHX (Item 471)

3225-3231 Rolling Road

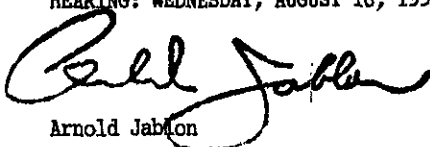
E/S Rolling Road, 150' Sly Wild Cherry Road

2nd Election District - 2nd Councilmanic

Legal Owner(s): Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Enos

Special Hearing to approve that the proposed use is consistent with the definition of "family".
Special Exception for a community care center.

HEARING: WEDNESDAY, AUGUST 16, 1995 at 9:00 a.m. Rm. 118 Old Courthouse.


Arnold Jablon
Director

Department of Permits and Development Management

cc: Thomas L. Curcio
Gary L. Enos
Judith Floam
Duncan Cornell, Esq.

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





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 24, 1995

Duncan Cornell, Esquire
408 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 471
Case No.: 95-480-SPHX
Petitioner: Board of Child Care
of The Baltimore-Washington Conf.
of the United Methodist Church

Dear Mr. Cornell:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 20, 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 (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)




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 12, 1995

FROM: Pat Keller, Director, OPZ 

SUBJECT: Board of Child Care Cottage Development

INFORMATION:

Item Number:

471

Petitioner:

United Methodist Church, Inc.

Property Size: _____

Zoning:

DR-5.5

Requested Action:

Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The attached comment dated May 19, 1995 reflects the position of this office.

Prepared by: _____

Jeffrey W. Long

Division Chief: _____

Pat Keller

PK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management
FROM: Arnold F. (Pat) Keller, III, Director - Office of Planning and Zoning
DATE: May 19, 1995
PROJECT NAME: Board of Child Care Cottage Development
PROJECT NUMBER: II-537
PROJECT PLANNER: Francis 'Jake' Morsey

GENERAL INFORMATION:

Applicant Name: Board of Child Care of the Baltimore/Washington
Conference of the United Methodist Church, Inc
3300 Gaither Road, Baltimore MD 21244

Location: E/S Rolling Road, N of Chippe Road

Councilmanic District: 2nd

Growth Management Area: Community Conservation Area

Zoning: BL, DR 5.5

Acres: 6.07 ± acres

Surrounding Zoning and Land Use:

North:	DR 5.5	Semi-detached homes
South:	DR 5.5	Woods (Vacant)
East:	DR 5.5	Existing Methodist home facility (Recreation building, pool, and dormitory)
West:	BL	Farmer's road side stand and Greenhouse.

Project Proposal:

This is parcel A of the Enos Property which was approved as a limited exemption on March 31, 1995. The parcel (5.1 acres) was conveyed to the Board of Child Care property (0.97 acres). The applicant proposes eight (8) lots on 6.07 acres of land zoned DR 5.5. There is an existing dwelling and garage on proposed lot #8 which will remain. A waiver of open space and a partial waiver of sidewalks will be requested. A waiver of stormwater management has been approved based on the proposed afforestation of 2.0 acres. A Special Hearing will be requested to confirm that the proposed cottages are family residential units.

MICROFILMED

Other Anticipated Actions and Additional Review Items:

<input type="checkbox"/> Special Exception	<input type="checkbox"/> Referral to Planning Board	<input type="checkbox"/> PUD
<input type="checkbox"/> Variance	<input type="checkbox"/> Compatibility	<input checked="" type="checkbox"/> Other *
<input checked="" type="checkbox"/> Waiver	<input type="checkbox"/> Scenic Route	* Special Hearing
<input type="checkbox"/> RTA Modification	<input type="checkbox"/> Design Review Panel	

PARTIES TO BE NOTIFIED BY APPLICANT:
(Certified Mail Return Receipt Requested)

ALL ADJACENT PROPERTY OWNERS

Liberty Randallstown Coalition Inc
Barry Schleifer, Exe Director
8316 Liberty Road
Baltimore MD 21244

Rockdale Civic & Imprvmt Assn, Inc.
Dr. Cyril Bryson, Sr., President
7811 Liberty Road
Baltimore MD 21244

Liberty Road Community Council
Judith Berger, President
3801 Lochearn Drive
Baltimore MD 21207

Liberty Community Development Corp
Paula Saltzman, Director
9960 Liberty Road
Randallstown MD 21133

MEETINGS:

Concept Plan Conference	<u> / / </u>	Community Input Meeting	<u> / / </u>
Development Plan Conference	<u> / / </u>	Hearing Officer's Hearing	<u> / / </u>
Planning Board	<u> / / </u>		

COMMENTS

The receipt of additional information from the Community Input Meeting or other sources may generate further comments at the Development Plan Conference.

GENERAL

The location of the buildings and driveways for lots 6 and 7 should be shown on the Concept Plan and Development Plan.

MASTER PLAN

The proposed use is consistent with the predominant land uses recommended by the Baltimore County Master Plan 1989-2000, "Single Family Detached and Institutions".

ZONING REGULATIONS

A Special Hearing will be requested to confirm that the proposed cottages are family residential units.

TRANSPORTATION

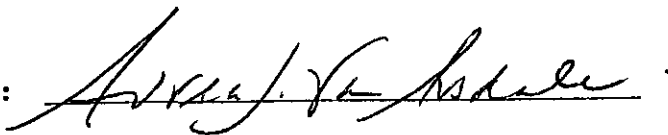
Rolling Road from Security Boulevard to Liberty Road is designated as a programmed transportation project in the 1989-2000 Baltimore County Master Plan. The FY95 Baltimore County Capital Improvement Program (CIP) has \$200,000 programmed for right-of-way acquisition in FY96 and \$4,600,000 programmed for construction in FY98 for phase II, which extends from Windsor Boulevard to Liberty Road. The right-of-way for this Master Plan transportation project must be reserved.

The proposed future right-of-way of Montwood Road extension should be shown on the plan.

DESIGN

1. Trees should be added around the buildings to provide shade and visual interest.
2. A landscape screen along the north property line should be provided to screen existing properties from new development.
3. The applicant should consider requesting a waiver to reduce the road width for the stem of the cul-de-sac since there are no houses fronting this section of road.
4. The turn-a-round island should be landscaped.
5. Plant materials for this project may be obtained from the State "Treemendous" program due to the nonprofit status.
6. Architectural elevations should be provided for review by the Planning Office.
7. No signs should be allowed on the site.

Division Chief:



AVA/CMcE:rdn

10/30/95

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 11, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #471
Board of Child Care/Enos Property, 3225-3231 Rolling Road
Zoning Advisory Committee Meeting of July 3, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

ENVIRONMENTAL IMPACT REVIEW

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Act.

DEVELOPMENT COORDINATION

Concept Plan Comments dated May 22, 1995 apply to this site.

JLP:BK:LAS:jbm

ENOS/DEPRM/TXTSBP

MICROFILMED

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

TO: Arnold Jablon, Director DATE: July 11, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Item No. 471

The Development Plans Review Division has reviewed the subject zoning item. Montwood Road must be extended along the eastern property line to the southern property line. No access will be permitted off Rolling Road.

RWB:sw

RECEIVED

Baltimore County Government
Fire Department



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

RECEIVED

JUL 5 1995

ZADM

(410) 887-4500

DATE: 07/03/95

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

RE: Property Owner: BOARD OF CHILD CARE OF THE BALTIMORE--WASHINGTON
CONFERENCE OF THE UNITED METHODIST CHURCH INC. AND GARY ENOS
LOCATION: E/S ROLLING RD. 150' S1/4 WILD CHERRY RD (3225-3231 ROLLING RD.)

Item No.: 471

Zoning Agenda: SPECIAL HEARING/EXCEPTION

Gentlemen:

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

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



Robert P. Sauerwald



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

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.: 471 (CAM)

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/

RECEIVED

**PETITION PROBLEMS
AGENDA OF JULY 3, 1995**

#469 --- JRA

- 1. Need title of person signing for legal owner.
- 2. Need address and telephone number for legal owner.
- 3. Need attorney.

#470 --- CAM

- 1. Receipt was not given to petitioner - still in folder.

#471 --- CAM

- 1. Need telephone number for legal owner.
- 2. Receipt was not given to petitioner - still in folder.

#472 --- MJK

- 1. Need printed or typed title for person signing for legal owner.
- 2. Need power of attorney for person signing for legal owner.
- 3. Need printed or typed title for person signing for contract purchaser.
- 4. Need power of attorney for person signing for contract purchaser.
- 5. No location description on folder.

#475 --- JRA

- 1. Folder was not marked critical area.

#476 --- JLL

- 1. Need power of attorney for person signing for contract purchaser.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 PETITION FOR SPECIAL EXCEPTION * ZONING COMMISSIONER
 3225-3231 Rolling Road, E/S Rolling Rd, * OF BALTIMORE COUNTY
 150' Sly Wild Cherry Road, 2nd Election *
 District, 2nd Councilmanic *
 Board of Child Care of Balto.-Washington * CASE NO. 95-480-SPHX
 Conference of the United Methodist Church, *
 Inc. AND Gary L. Enos *
 Petitioners *
 * * * * *

ENTRY OF APPEARANCE

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

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

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

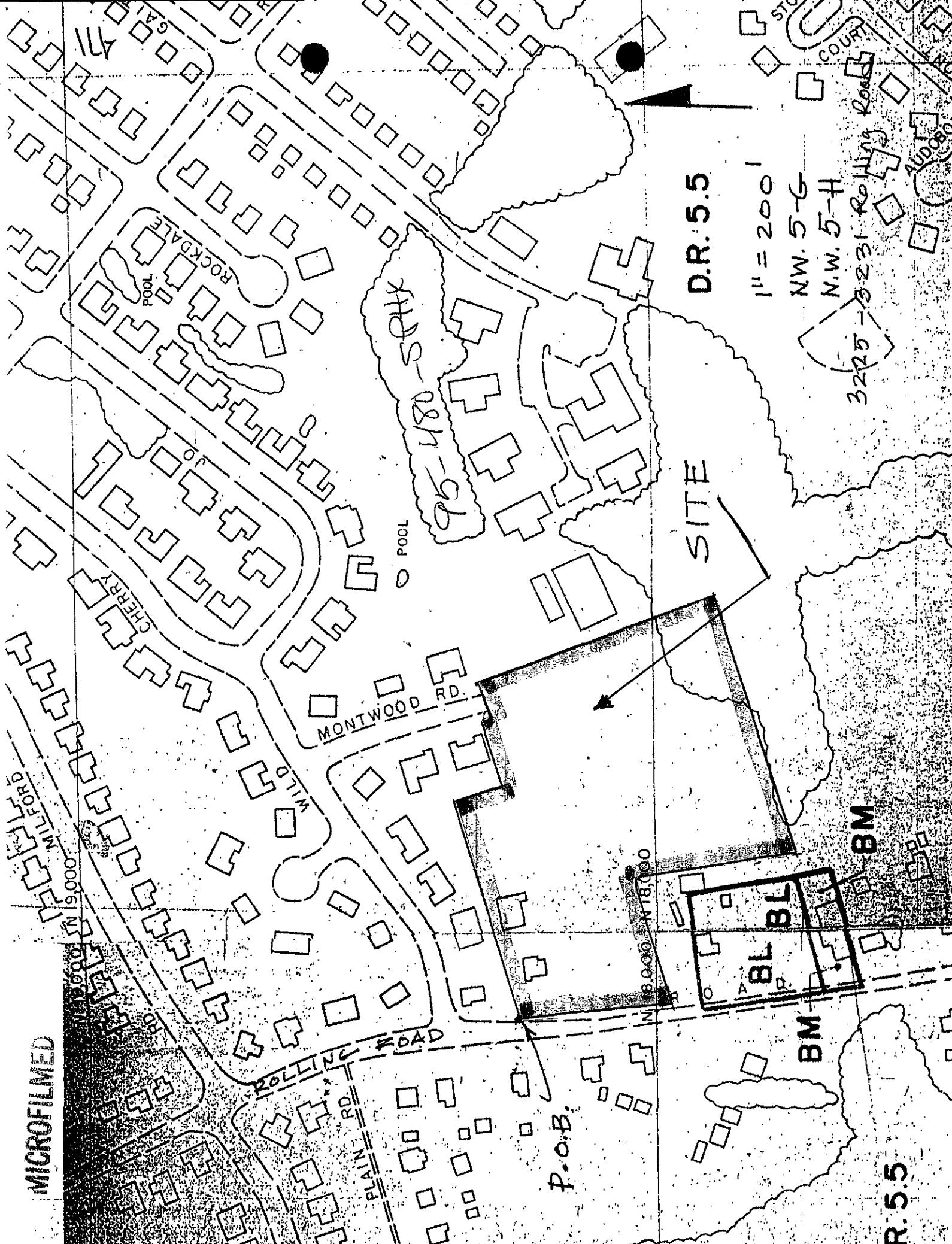
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Duncan Cornell, Esquire, 408 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

RECORDED

MICROFILMED



D.R. 5.5

1" = 200'

N.W. 5-G

N.W. 5-H

3225-3231 Rolling Road

SITE

MONTWOOD RD.

ROLLING ROAD

PLAIN RD.

ROCKDALE
POOL

POOL

95-480-501X

9000 N 9000 MILFORD

N 8,000 N 1800

P.O.B.

BL BL
P.

BM

BM

R. 5.5

AUDUBON

COURT

STC

IN RE: DEVELOPMENT PLAN HEARING and BEFORE THE
PETITIONS FOR SPECIAL HEARING and DEPUTY ZONING COMMISSIONER
SPECIAL EXCEPTION - Board of CHILD CARE (Enos Property), E/S
Rolling Road, N of Chipper Road OF BALTIMORE COUNTY
Election District 2 Case Nos. II-537 and 95-480-SPHX
Councilmanic District 2
Board of Child Care of the Baltimore/Washington Conference
of the United Methodist Church, Inc. - Owner/Developer

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan prepared by Robert Rosenfelt, Professional Engineer with Colbert Matz Rosenfelt, Inc., for the proposed subdivision of the subject property by the Baltimore/Washington Conference of the United Methodist Church, Inc. and Gary L. Enos, Owners/Developers, to create an eight (8) lot subdivision and permit the construction of five (5) small cottages on 5 of those 8 lots, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Owners filed a Petition for Special Exception seeking approval of the use of those five cottages and an existing dwelling as a community care center, pursuant to Section 1801.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, a site plan of the property. The Owners also filed a Petition for Special Hearing seeking approval that the use as proposed meets the definition of "family" as defined in Section 101 of the B.C.Z.R. The Petition for Special Hearing was filed as an alternative to the special exception request. However, inasmuch as the special exception request will be granted, pursuant to this Order, the Petition for Special Hearing is unnecessary and shall be dismissed as moot.

The subject property is located on the east side of Rolling Road, north of Windsor Hill Road in the vicinity of Woodlawn. The property consists of 6.03 acres, zoned D.R. 5.5 and is presently improved with a single family dwelling and vacant field, in accordance with Petitioner's Exhibit 1. The Owners submitted a site plan identified as Developer's Exhibit 1 depicting the proposed subdivision of the property into eight (8) lots, one of which will contain the existing dwelling and five of which will contain newly constructed cottages. Two lots will remain unimproved at this time.

Appearing at the public hearing required for this project were Tom Curcio, Executive Director of the Methodist Board of Child Care, Robert Rosenfelt, Professional Engineer, who prepared the site plan for this project, F. Duncan Cornell, Esquire, attorney for the Owners/Developers, and many residents of the surrounding community who appeared in support of the development plan and special exception request, all of whom signed the Petitioners' Sign-In Sheet. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing. In addition, numerous other residents from the surrounding community appeared in opposition to the development plan and special exception requests, all of whom signed the Protestants' Sign-In Sheet.

As to the history of this project, a concept plan conference was conducted on May 22, 1995. As required, a community input meeting was held on June 14, 1995 at the Hobbville Elementary School. Subsequently, a development plan was submitted and a conference held thereon on July 26, 1995. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a re-

vined development plan incorporating those comments was submitted at the hearing held before me on August 16, 1995.

At the public hearing before me, I am required to determine what, if any, agency comments or concerns remain unresolved. One issue was identified by representatives of the Department of Public Works (DPW) and the Office of Planning and Zoning (OPZ). That issue dealt with the extension of Montwood Road through the western boundary of the subject property. Mr. Dave Thomas, a representative of DPW, testified concerning the proposed extension of Montwood Road. Mr. Thomas relied on a letter dated August 3, 1995 from Stephen Weber, Chief of the Division of Traffic Engineering, in which he states that Montwood Road should be extended through the property at this time.

Also appearing in support of the extension of Montwood Road was Mr. Irv McDaniel, a representative of OPZ. Mr. McDaniel testified that OPZ also supports the extension of Montwood Road along the western boundary of the subject parcel. Mr. McDaniel believes that at some point in the future, this section of Montwood Road will connect with that section of Montwood Road which exists further south of the subject property. OPZ would like to see a right-of-way for the extension of this road across the Board of Child Care property established at this time.

Also offering testimony on this particular topic was Mr. James Nitsch, who resides nearby on Rolling Road. Mr. Nitsch submitted as Protestants Exhibit 1, a Petition signed by many of the residents who live along Rolling Road which requests that access to the proposed cottages on the subject site be provided via Montwood Road and not Rolling Road. These residents believe that the proposed development will create additional traffic onto Rolling Road. They also believe that Montwood Road would be

a better access point and would help to alleviate some of the traffic problems that currently exist along Rolling Road.

Many residents of the Montwood Road community also attended the hearing and strongly opposed the extension of Montwood Road across the Board of Child Care property. These residents believe that access to these five cottages should be provided via Rolling Road and not through the Montwood Road community. They feel that the additional traffic that might be generated by the proposed cottages will be minimal and therefore, not exacerbate the current traffic situation along Rolling Road. The residents of the Montwood Road community further testified that this road dead-ends and because of its dead-end nature, traffic is minimal and it is a safe area where children from the Montwood Road community can play.

Additional information was provided to this Hearing Officer by Mr. Tom Curcio, Executive Director of the Board of Child Care. Mr. Curcio testified that the Board of Child Care not only owns the subject property, but also owns additional property immediately adjacent to this site on the west side. Both the subject property and the adjacent property are utilized by the Board of Child Care for the purpose of housing young people between the ages of 16 and 18 who come to this facility from abusive homes. Many of these children have emotional and psychological problems stemming from the abusive environment in which they lived prior to coming to this institutional setting. Mr. Curcio testified that should Montwood Road be extended through the subject property to connect with the other section of Montwood Road, the subject road would pass through the ball fields that are used for recreational activities by the many children who reside on the premises. Mr. Curcio testified that between 90 and 100 children reside on the larger property to the west of the subject site and

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BY

that only approximately 20 children will reside in the six cottages that will be provided by virtue of this hearing. He further stated that the extension of Montwood Road would, in essence, bisect the uses on the property and destroy the "campus-like" setting that they have worked to achieve. Therefore, he and many of the residents who live in this area, strongly oppose the extension of Montwood Road.

After considering all of the testimony and evidence regarding the extension of Montwood Road, I find that Montwood Road should not be extended through the subject property and that Montwood Road should remain in its current configuration as a dead-end road. However, the Board of Child Care shall provide on its property a T-turnaround at the end of Montwood Road so that emergency vehicles can more easily turn around in the event it becomes necessary to do so. This T-turnaround shall be provided at the Developer's expense. In the event the construction of this T-turnaround should infringe upon the forest conservation requirements for this property, then a waiver is hereby granted from those requirements so that the T-turnaround can be constructed on the property without any penalty accruing to the Owner/Developer.

I further believe that the Rolling Road entrance to the subject property is the preferred manner in which to access the proposed facility. It should be noted that the Owner/Developer could construct 33 single family homes on this 6.03-acre parcel, in view of the density associated with its D.R. 5.5 zoning. The Owner has, however, chosen to utilize the existing dwelling and construct five cottages at this time, leaving two lots unimproved. Given their limited use, the five cottages proposed will not generate enough traffic to warrant denying the access to Rolling Road. Furthermore, the County's Division of Traffic Engineering reviewed the

proposed access to Rolling Road and found it to be acceptable. Therefore, I find that the access to Rolling Road is proper and should be permitted.

There were no other issues or concerns raised by any of the parties present as to the development plan submitted into evidence as Developer's Exhibit 1. Therefore, having resolved the issue concerning the proposed extension of Montwood Road and the access to this subdivision from Rolling Road, I shall approve the development plan as submitted.

As to the Petition for Special Exception, the Owners/Developers seek approval to use the property for a community care center, pursuant to Section 1801.C.6.a of the B.C.Z.R. Testimony at the hearing revealed that the five cottages proposed for this site will be occupied by three young children with a live-in staff/counselor. Again, these are children who have been displaced from their homes due to abuse and neglect. The staff counselor will reside in the house 24-hours per day, and will be the only person permitted to drive an automobile. The children who will reside in the homes are not permitted to own or drive automobiles; thus, the traffic generated by the proposed use will be minimal. Given the type of use proposed for this site, the Owners/Developers seek a special exception.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment

to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritts, 432 A.2d 1319 (1981).

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

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Therefore, pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Special Exception granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 6th day of September, 1995 that the development plan for the Board of Child Care of the Baltimore/Washington Conference of the United Methodist Church, Inc. (Enos Property), identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception seeking approval of the use of the subject property for a community care center, pursuant to Section 1801.C.6.a of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developer shall be required to install a T-turnaround on its property at the end of Montwood Road so that emergency vehicles can more easily turn around in the event it becomes necessary to do so. This T-turnaround shall be installed at the Developer's expense. In the event this T-turnaround should infringe upon the forest conservation requirements for this development, then a waiver of same is hereby granted with no penalty to the Owner/Developer.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval that the use of the subject property meets the definition of "family" as defined in Section 101 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:djs

Anthony J. Porro
THOMAS W. PORRO
Hearing Officer
for Baltimore County

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284
(410) 887-3353

June 27, 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 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 95-480-SPHX (Item 471)
3225-3231 Rolling Road
E/S Rolling Road, 150' Sly Wild Cherry Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Enos
Contract Purchaser(s): Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc.
HEARING: TUESDAY, JULY 25, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve that the proposed use is consistent with the definition of "family".
Special Exception for a community care center.

Carl Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: Thomas L. Curcio
Gary L. Enos
Judith Floam
Duncan Cornell, Esq.

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

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284
(410) 887-3353

July 11, 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 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

DEVELOPMENT PLAN HEARING
Project Number: II-537
Developer: Board of Child Care Cottage Development (Enos Property)
Project: Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Enos
Location: E/S Rolling Road, N of Chipper Road
Acres: 6.07
Proposal: 8 single family dwellings.

AND

CASE NUMBER: 95-480-SPHX (Item 471)
3225-3231 Rolling Road
E/S Rolling Road, 150' Sly Wild Cherry Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Board of Child Care of the Baltimore-Washington Conference of the United Methodist Church, Inc. and Gary Enos

Special Hearing to approve that the proposed use is consistent with the definition of "family".
Special Exception for a community care center.

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

Carl Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: Thomas L. Curcio
Gary L. Enos
Judith Floam
Duncan Cornell, Esq.

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

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

August 24, 1995

Duncan Cornell, Esquire
408 Allegheny Avenue
Towson, Maryland 21284

RE: Item No.: 471
Case No.: 95-480-SPHX
Petitioner: Board of Child Care
of The Baltimore-Washington Conf.
of the United Methodist Church

Dear Mr. Cornell:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 20, 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 (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 Watron in the zoning office (887-3391).

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 12, 1995

FROM: Pat Keller, Director, ZADM

SUBJECT: Board of Child Care Cottage Development

INFORMATION:

Item Number: 471

Petitioner: United Methodist Church, Inc.

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The attached comment dated May 19, 1995 reflects the position of this office.

Prepared by: *Pat Keller*

Division Chief: *Pat Keller*

PK/JL

ITEM#71/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

CONCEPT PLAN CONFERENCE

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Albert F. (Pat) Keller, III, Director - Office of Planning and Zoning

DATE: May 19, 1995

PROJECT NAME: Board of Child Care Cottage Development

PROJECT NUMBER: II-537

PROJECT PLANNER: Francis 'Jake' Morsey

GENERAL INFORMATION:

Applicant Name: Board of Child Care of the Baltimore/Washington Conference of the United Methodist Church, Inc.
3300 Gaither Road, Baltimore MD 21244

Location: E/S Rolling Road, N of Chipper Road

Councilmanic District: 2nd

Growth Management Area: Community Conservation Area

Zoning: BL, DR 5.5

Acres: 6.07 ± acres

Surrounding Zoning and Land Use:

North:	DR 5.5	Semi-detached homes
South:	DR 5.5	Woods (Vacant)
East:	DR 5.5	Existing Methodist home facility (Recreation building, pool, and dormitory)
West:	BL	Farmer's road side stand and Greenhouse.

Project Proposal:
This is parcel A of the Enos Property which was approved as a limited exemption on March 31, 1995. The parcel (5.1 acres) was conveyed to the Board of Child Care property (0.97 acres). The applicant proposes eight (8) lots on 6.07 acres of land zoned DR 5.5. There is an existing dwelling and garage on proposed lot #8 which will remain. A waiver of open space and a partial waiver of sidewalks will be requested. A waiver of stormwater management has been approved based on the proposed afforestation of 2.0 acres. A Special Hearing will be requested to confirm that the proposed cottages are family residential units.

9502537.CON/PZONE/CONCEPT Pg. 1

PROJECT NAME: Board of Child Care Cottage Dev. PROJECT NUMBER: II-537

ROLLING ROAD FROM SECURITY BOULEVARD TO LIBERTY ROAD IS DESIGNATED AS A PROGRAMMED TRANSPORTATION PROJECT IN THE 1989-2000 BALTIMORE COUNTY MASTER PLAN. THE FY95 BALTIMORE COUNTY CAPITAL IMPROVEMENT PROGRAM (CIP) HAS \$200,000 PROGRAMMED FOR RIGHT-OF-WAY ACQUISITION IN FY96 AND \$4,600,000 PROGRAMMED FOR CONSTRUCTION IN FY98 FOR PHASE II, WHICH EXTENDS FROM WINDSOR BOULEVARD TO LIBERTY ROAD. THE RIGHT-OF-WAY FOR THIS MASTER PLAN TRANSPORTATION PROJECT MUST BE RESERVED.

The proposed future right-of-way of Montwood Road extension should be shown on the plan.

DESIGN

- Trees should be added around the buildings to provide shade and visual interest.
- A landscape screen along the north property line should be provided to screen existing properties from new development.
- The applicant should consider requesting a waiver to reduce the road width for the stem of the cul-de-sac since there are no houses fronting this section of road.
- The turn-a-round island should be landscaped.
- Plant materials for this project may be obtained from the State "Tremendous" program due to the nonprofit status.
- Architectural elevations should be provided for review by the Planning Office.
- No signs should be allowed on the site.

AVA/CHE:rdn

9502537.CON/PZONE/CONCEPT Pg. 3

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

TO: Mr. Arnold Jablon, Director July 11, 1995
Zoning Administration and Development Management

FROM: J. Lawrence Pilson, Development Coordinator, DEPRM

SUBJECT: Zoning Item #471
Board of Child Care/Enos Property, 3225-3231 Rolling Road
Zoning Advisory Committee Meeting of July 3, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

ENVIRONMENTAL IMPACT REVIEW

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Development of the property must comply with the Forest Conservation Act.

DEVELOPMENT COORDINATION

Concept Plan Comments dated May 22, 1995 apply to this site.

JLP:BK:LAS:jbm
ENOS/DEPRM/TXTSBB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 11, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 10, 1995
Item No. 471

The Development Plans Review Division has reviewed the subject zoning item. Montwood Road must be extended along the eastern property line to the southern property line. No access will be permitted off Rolling Road.

RWB:sw

RECEIVED
JUL 5 1995
ZADM
(410) 887-1500

DATE: 07/03/95

Baltimore County Government
Fire Department

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

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

RE: Property Owner: BOARD OF CHILD CARE OF THE BALTIMORE-WASHINGTON
CONFERENCE OF THE UNITED METHODIST CHURCH INC. AND GARY ENGE
LOCATION: E/S ROLLING RD. 150' S/W WILD CHERRY RD (3225-3231 ROLLING RD.)

Item No.: 471 Zoning Agenda: SPECIAL HEARING/EXCEPTION

Gentlemen:

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

- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 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 887-6881, MS-1102F

cc: File

6-23-95

O. James Lighthizer
Secretary
Lail Khasani
Administrative

Maryland Department of Transportation
State Highway Administration

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.: 471 (CAM)

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/

771

PETITION PROBLEMS
AGENDA OF JULY 3, 1995

#469 — JRA

- Need title of person signing for legal owner.
- Need address and telephone number for legal owner.
- Need attorney.

#470 — CAM

- Receipt was not given to petitioner - still in folder.

#471 — CAM

- Need telephone number for legal owner.
- Receipt was not given to petitioner - still in folder.

#472 — MJK

- Need printed or typed title for person signing for legal owner.
- Need power of attorney for person signing for legal owner.
- Need printed or typed title for person signing for contract purchaser.
- Need power of attorney for person signing for contract purchaser.
- No location description on folder.

#475 — JRA

- Folder was not marked critical area.

#478 — JLL

- Need power of attorney for person signing for contract purchaser.

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
3225-3231 Rolling Road, E/S Rolling Rd,
150' Sly Wild Cherry Road, 2nd Election
District, 2nd Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CASE NO. 95-480-SPHX

Board of Child Care of Balto.-Washington
Conference of the United Methodist Church,
Inc. AND Gary L. Enos
Petitioners

ENTRY OF APPEARANCE

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

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

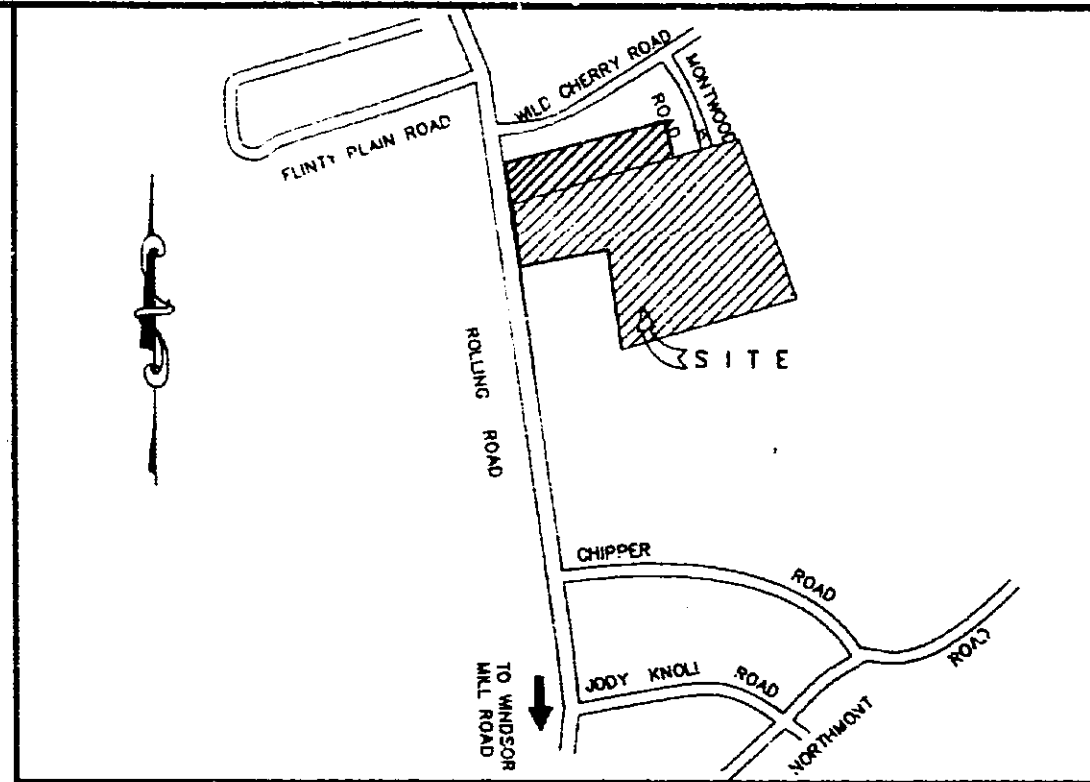
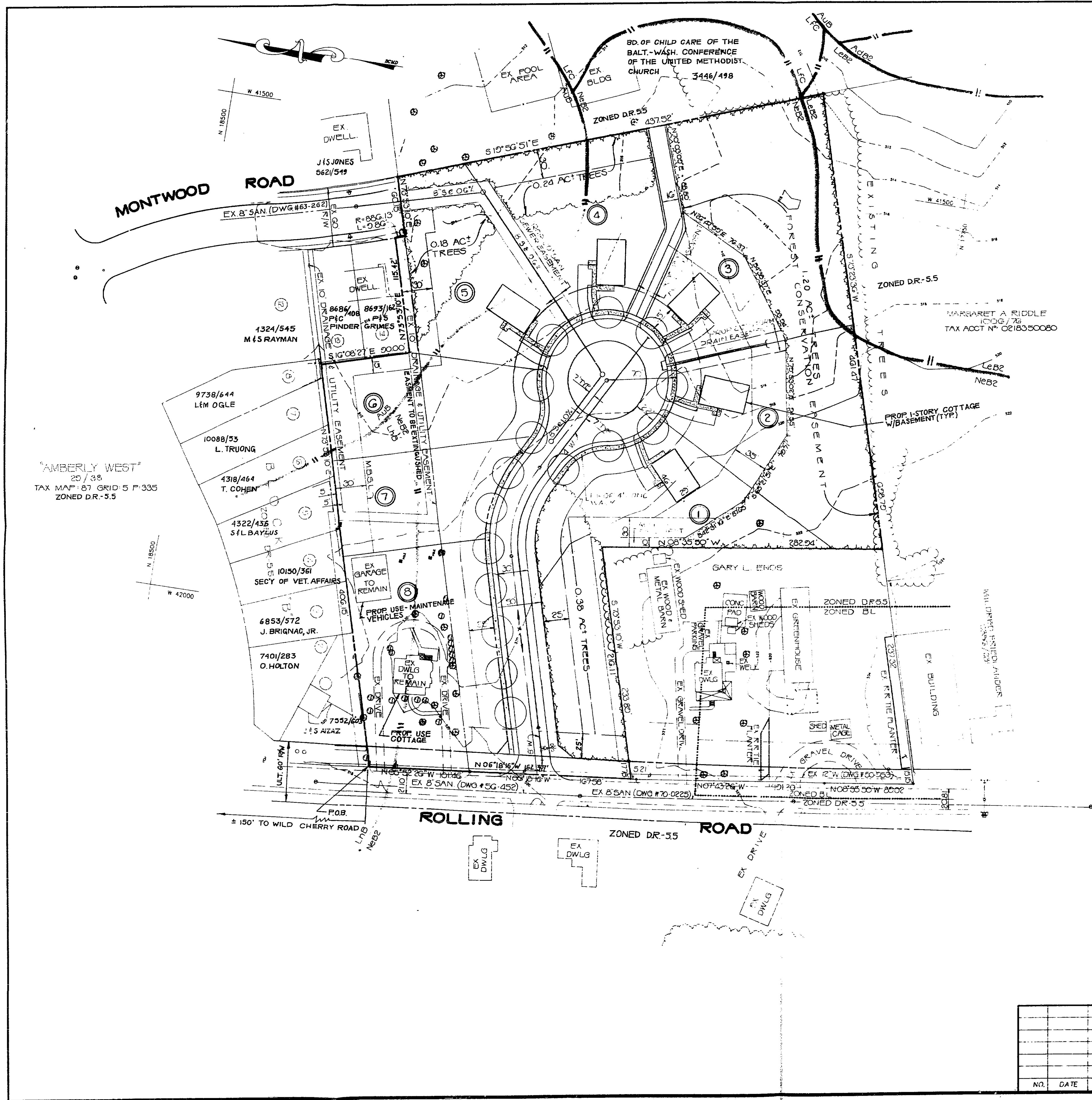
Carole S. Dentito
CAROLE S. DENTITO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Duncan Cornell, Esquire, 408 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN





VICINITY MAP
SCALE: 1" = 500'

NOTES:

- Owner: Gary L. Enos
3223 Rolling Road
Baltimore, Md. 21244
Board of Child Care of the Baltimore/Washington Conference of the United Methodist Church, Inc.
3300 Gaither Road
Baltimore, Md. 21244-2999
- Applicant: Board of Child Care of the Baltimore/Washington Conference of the United Methodist Church, Inc.
3300 Gaither Road
Baltimore, Md. 21244-2999
- Tax Map: Map 87/Grid 5/Parcel 284
Site Size: ± 6.03AC
Zoned D.R.-5.5
Existing Use: Single Family Home and Vacant Field
- Deed Reference - 8492/105
Tax Account - 021810
- No development proposed for Lots 6 & 7 at this time.
- No signs proposed for this development.
- Required Off-Street Parking @ 2 Spaces/Unit = 16 Spaces
Proposed Parking = 16 Spaces
- No previous hearings on this site.

95-480-SBH X

PLAN TO ACCOMPANY SPECIAL HEARING AND SPECIAL EXCEPTION

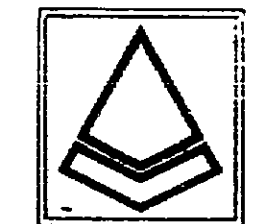
BOARD OF CHILD CARE COTTAGE DEVELOPMENT

ELECTION DISTRICT 2C2 BALTIMORE COUNTY, MD
SCALE: 1" = 50'

PETITIONER'S EXHIBIT 1

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



NO.	DATE	REVISION	BY

DESIGNED BY	CHECKED BY	DATE	SCALE
M.E.K. <td>C.E.L. <td>02/95 <td>1" = 50'</td> </td></td>	C.E.L. <td>02/95 <td>1" = 50'</td> </td>	02/95 <td>1" = 50'</td>	1" = 50'
DATE	FILE	JOB NO.	SHEET
94103CON		94103	1 OF 1