

IN RE: PETITION FOR VARIANCE
NE/S Belair Road, 430' SW of
the c/l of Soth Avenue
(9123 Belair Road)
11th Election District
6th Councilmanic District

Kang S. and Mary Lee
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-493-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9123 Belair Road, located in the vicinity of Joppa Road in Perry Hall. The Petition was filed by the owners of the property, Kang S. and Mary Lee. The Petitioners seek relief from Section 424.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a group child care center on a lot of less than 1.0 acre in size, and side setbacks of 12 feet and 23 feet in lieu of the required 50 feet each, with a 20-foot wide vegetative buffer on each side and in the rear. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Lee, property owner, Margie M. Slone-Katrick, Contract Lessee, and Wanda M. Horst, the proprietors of the proposed day care center, Eugene P. Raphel, Registered Land Surveyor, who prepared the site plan for this property, and Joseph Katrick, Esquire, attorney for the Petitioners. Appearing as an interested party was Dorothy McMann, President of the Perry Hall Improvement Association. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.270 acres, more or less, zoned R.O. and is improved with a

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ORDER RECEIVED FOR FILING
Date 8/16/95
By [Signature]

two-story brick dwelling which is presently vacant. The Petitioners are desirous of utilizing the property for a group child care center for up to 25 children. Ms. Mary Lee testified that she has owned the property since April 1994 and that she has been attempting to lease the property for over a year without success until Ms. Katrick expressed an interest. Testimony indicated that Ms. Lee also owns the adjacent property at 9121 Belair Road, which is also vacant at this time.

Ms. Margie Katrick testified that she has been looking for a suitable location in this area in which to open a child care center for the past two years. Ms. Katrick believes the subject property is an ideal location for such a facility. Ms. Katrick testified that she intends to specialize in day care for developmentally challenged children. She testified that specialized day care of this kind is severely lacking in Baltimore County and that there is a tremendous need for this type of care.

Ms. Wanda Horst testified on behalf of the Petition. Ms. Horst testified that she has been trained and educated in early childhood development and would be operating the proposed group child care center with Ms. Katrick at the subject location. She testified that she has experience in providing day care for developmentally delayed children and that there is a need for this type of care in this area.

Mr. Eugene Raphel, Registered Land Surveyor, testified concerning the site plan which he prepared and the number of variances being requested for the subject site. Testimony indicated the relief requested is necessary, given the small size of the lot and the location of existing improvements thereon.

Ms. Dorothy McMann, President of the Perry Hall Improvement Association testified that she is concerned over inadequate parking for the proposed use and the amount of signage proposed by the Petitioner.

It should also be noted that a letter of opposition was received from the adjoining property owners of 9125 Belair Road, namely, Drs. Krita Apibunyopas and A. C. Chouvalit. They cited concern that the McDonald's playground located across the street from this property might lure the children into the street and the high volume of traffic to and from their offices on a daily basis would pose a danger to the children.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I find that the Petitioners have failed to satisfy the burdens imposed upon them in order for the variances to be granted. In my opinion, the location of this property and its size are inappropriate for a group child care center for up to 25 children and that such use would be detrimental

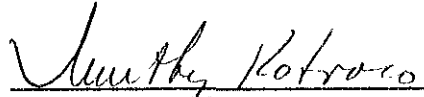
ORDER RECEIVED FOR FILING
Date 8/16/75
By [Signature]

to the health, safety and general welfare of both the children and the surrounding community. Therefore, the requested relief must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of August, 1995 that the Petition for Variance seeking relief from Section 424.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a group child care center on a lot of less than 1.0 acre in size, and side setbacks of 12 feet and 23 feet in lieu of the required 50 feet for each, with a 20-foot wide vegetative buffer on each side and a 20-foot wide vegetative buffer in the rear, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 16, 1995

Joseph P. Katrick, Esquire
5814 Ebenezer Road
White Marsh, Maryland 21162-1936

RE: PETITION FOR VARIANCE
NE/S Belair Road, 430' SW of the c/l of Soth Avenue
(9123 Belair Road)
11th Election District - 6th Councilmanic District
Kang S. and Mary Lee - Petitioners
Case No. 95-493-A

Dear Mr. Katrick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Kang S. Lee
712 Peachdale Lane, Duncansville, PA 16635

Mrs. Dorothy McMann, President
Perry Hall Improvement Assoc., P.O. Box 63, Perry Hall, Md. 21128

People's Counsel

File

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VARIANCE *sy*



Petition for ~~Special Exception~~

95-493-A

to the Zoning Commissioner of Baltimore County

for the property located at 9123 Belair Road, Balto., MD 21236

which is presently zoned RO

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

*Hereby Petition for a Variance from Sects 424.7
~~a group day care center.~~ To allow a group child care center
on a lot of less than 1 acre and side setbacks of 12ft &
23ft. in lieu of the required 50ft. with 20ft. vegetative
buffer each and a 20ft. vegetative buffer in the
rear. of the zoning regulations of BALTO. CO., to the zoning
law of BALTO. CO.; for the following reasons: To Be Addressed
at the hearing!*

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:

Margie M. Slone-Katruck
(Type or Print Name)

Margie M. Slone-Katruck
Signature

5814 Ebenezer Road
Address

White Marsh, MD 21162-1936
City State Zipcode

Attorney for Petitioner:

Joseph P. Katrick
(Type or Print Name)

Joseph P. Katrick
Signature

5814 Ebenezer Road (410) 335-7507
Address Phone No.

White Marsh, MD 21162-1936
City State Zipcode

Legal Owner(s):

Kang S. & Mary Lee
(Type or Print Name)

Mary Lee
Signature
MARY LEE
(Type or Print Name)

712 Peachdale Lane (814) 696-9580
Address Phone No.

Duncansville PA 16635
City State Zipcode
Name, Address and phone number of representative to be contacted.

Joseph P. Katrick
Name
(same)
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing *1.5 hr*

the following dates _____ Next Two Months

ALL ☒ OTHER ☐
REVIEWED BY: *JPK* DATE *6-23-95*



485

Soph, I interpreted BCR diff. then ILL. I now agree with JLL.
My Error - No Revision Fee...
Gwen + Joyce have folders with corrected Pet. forms! JLL

VARIANCE



Petition for ~~Special Exception~~

95-493-A

to the Zoning Commissioner of Baltimore County

for the property located at 9123 Belair Road, Balto., MD 21236

which is presently zoned RO

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

~~Hereby Petition for a Variance from Sects 424.7~~
~~a group day care center.~~ To allow a group child care center on a lot of less than 1 acre and side setbacks of 12ft & 23ft. in lieu of the required 50ft. with 20ft. vegetative buffer each and a 20ft. vegetative buffer in the rear. of the zoning regulations of BALTO. CO., to the Zoning Law of BALTO. CO.; for the following reasons: To Be Addressed at the hearing!

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:

Margie M. Slone-Katruck

(Type or Print Name)

Margie M. Slone-Katruck
Signature

5814 Ebenezer Road

Address

White Marsh, MD 21162-1936

City

State

Zipcode

Legal Owner(s):

Kang S. & Mary Lee

(Type or Print Name)

Mary Lee
Signature

MARY LEE

(Type or Print Name)

Signature

712 Peachdale Lane (814) 696-9580

Address

Phone No.

Duncansville PA 16635

City

State

Zipcode

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

Joseph P. Katruck

Name

(same)

Address

Phone No.

Attorney for Petitioner:

Joseph P. Katruck

(Type or Print Name)

Joseph P. Katruck
Signature

5814 Ebenezer Road (410) 335-7507

Address

Phone No.

White Marsh, MD 21162-1936

City

State

Zipcode

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8/16/95

Date
by

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ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6-23-95

485

95-493-A
485

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3908

RESIDENCE: 771.4592

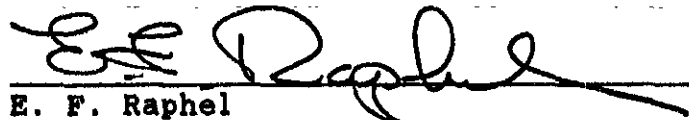
DESCRIPTION TO ACCOMPANY ZONING PETITION FOR
#9123 BELAIR ROAD

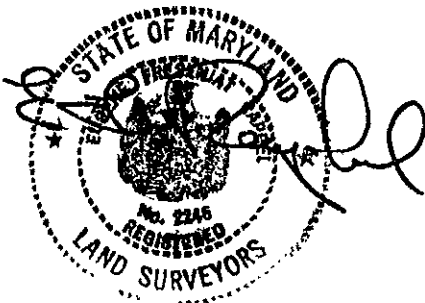
BEGINNING at a point on the Northeast side of Belair Road
60 feet wide, said point being located 430 feet more or less
Southwesterly along the Northeast Right-of-Way line of Belair
Road from the intersection formed by said Right-of-Way and
the centerline of Soth Avenue, thence leaving Belair Road
1) S 38° 36' 40" E 163.09 feet 2) S 50° 02' W 76.95 feet
3) N 35° 07' 10" W 163.53 feet to the Northeast Right-of-Way
line of Belair Road, thence on said Right-of-Way line
4) N 49° 57' 00" E 67.00 feet to the place of Beginning.

CONTAINING 0.270 Acres more or less.

BEING the second parcel of Liber S.M. 10438 folio 212 and
owned by Kang Sun Lee, etal.

BEING ALSO known as #9123 Belair Road, Perry Hall, Baltimore
County, Maryland.


E. F. Raphael
Registered Professional Land Surveyor



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 485
owners
Petitioner: Kang S. & Mary Lee / Contract Purchaser - Lessee
Margie M. Sloane - Katrick
Location: 9123 Belair Rd (21236)
BALTO.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH P. KATRICK
ADDRESS: 5814 EBENEZER ROAD
WHITE MARSH, MD. 21162-1936
* PHONE NUMBER: (410) 335-7507

MUST BE SUPPLIED

1 11/04/99/931

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-493-11

District 118 Date of Posting 7/23/95
Posted for: Vorones
Petitioner: Kang Lee + Mary Lee
Location of property: 9123 Belair Rd., NE/S
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by [Signature] Date of return: 7/28/95
Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-493-X
(Item 485)

9123 Belair Road
NE/S Belair Road, 430' SW
of c/l Soth Avenue
11th Election District
6th Councilmanic
Legal Owner(s):

Kang S. Lee and Mary
Lee

Lessee:

Margie M. Stone-Katrick
Hearing: Monday,

August 7, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Special Exception for a
group day care center.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

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

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

7/133 July 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

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

THE JEFFERSONIAN,

A. H. Henrich
LEGAL AD. - TOWSON



Office of the
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-493-A

Account: R-061-6150

Item Number 485

Taken in by: [Signature]

Date 6-23-95

Owners: Kangs & Mary Lee

Lessors: Mangie M. Spaw-Katrick

Site: 9122 Belair Rd.

#050 - Special Exception - Commercial - 1 Day Fee - 300.⁰⁰

#080 - Sign & Posting - 35.⁰⁰

Total - 335.⁰⁰

UNPAID

RECEIVED

50-003-487003-23 95

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph P. Katrick
5814 Ebenezer Road
White Marsh, MD 21162-1936
335-7507

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: 95-493-X (Item 485)
9123 Belair Road
NE/S Belair Road, 430' SW of c/l Soth Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): Kang S. Lee and Mary Lee
Lessee: Margie M. Slone-Katrick
HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day 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.

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph P. Katrick
5814 Ebenezer Road
White Marsh, MD 21162-1936
335-7507

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-493-A (Item 485)
9123 Belair Road
NE/S Belair Road, 430' SW of c/l Soth Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): Kang S. Lee and Mary Lee
Lessee: Margie M. Slone-Katrick
HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day care center.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 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: 95-493-X (Item 485)

9123 Beliar Road

NE/S Belair Road, 430' SW of c/l Soth Avenue

11th Election District - 6th Councilmanic

Legal Owner(s): Kang S. Lee and Mary Lee

Lessee: Margie M. Slone-Katrick

HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day care center.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Kang and Mary Lee
Margie M. Slone-Katrick and Joseph P. Katrick

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



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 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: 95-493-A (Item 485)

9123 Beliar Road

NE/S Belair Road, 430' SW of c/l Soth Avenue

11th Election District - 6th Councilmanic

Legal Owner(s): Kang S. Lee and Mary Lee

Lessee: Margie M. Slone-Katrick

HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a group child care center on a lot of less than 1 acres and side setbacks of 12 ft. and 23 ft. in lieu of the required 50 ft. with 20 ft. vegetative buffer each and a 20 ft. vegetative buffer in the rear.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

cc: Kang and Mary Lee

Margie M. Slone-Katrick and Joseph P. Katrick

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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**PETITION PROBLEMS
AGENDA OF JULY 10, 1995**

#479 --- CAM

1. No review information on bottom of petition form.

#485 --- JJS

1. Only one legal owner signature -- need signature of Kang.
2. Need original signature for lessee.

#486 --- MJK

1. Petitioner was not given copy of receipt (still in folder).
2. Need telephone number for legal owner.
3. Need title of person signing for contract purchaser.

#488 --- RT

1. Need typed or printed name and title of person signing for contract purchaser.

#489 --- JRA

1. Need title of person signing for legal owner.

#493 --- JRA

1. Need telephone number for legal owner.
2. Need address for legal owner.
3. Need telephone number for attorney.

#494 --- JRA

1. Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 --- JJS

1. Notary public section is incomplete.

#496 --- JJS

1. No original signatures on petitions.

6-23-95

OK per A.J.
TO MR. Keytrick
the Atty.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 26, 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. 483, 485, 5 and 7

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 M. Long

Division Chief:

Garry L. Kerns

PK/JL

RE: PETITION FOR VARIANCE
9123 Belair Road, NE/S Belair Road, 430'
SW of c/l Soth Avenue, 11th Election
District - 6th Councilmanic

Legal Owner(s): Kang S. Lee & Mary Lee
Lessee: Margie M. Slone-Katrick
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-493-A

* * * * *

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 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Kang S. and Mary Lee, 712 Peachdale Lane, Duncansville, PA 16635, Petitioners, and to Joseph P. Katrick, Esquire, 5814 Ebenezer Road, White Marsh, MD 21162, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Microfilm



Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

INTER-OFFICE CORRESPONDENCE

DATE: July 7, 1995

DEFENDANTS: Ronald and Rose Rodriguez
1319 Glenwilde Road
Baltimore, Maryland 21228

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

ADDRESS

1317 Glenwilde Road
Baltimore, Maryland 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hek

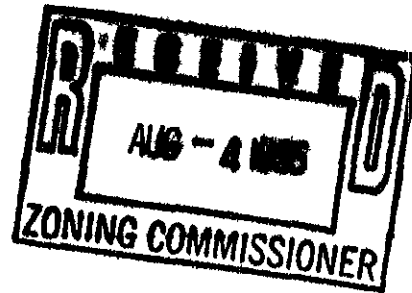
Monday's Case

Dr. Krita Apibunyopas
Dr. A. C. Chouvalit
9125 Belair Road
Baltimore, Maryland 21236

August 2, 1995

Office of Planning and Zoning
County Courts Building
Towson, MD 21204

RE: 9123 Belair Road
Case No.: 95-493-A



Dear Members of the Zoning Board:

Please be advised that we are the record owner of the property located at 9125 Belair Road. The next door owner at 9123 has a sign on the lawn indicating that a variance is being requested to allow for the operation of a day care center.

Please accept this letter formal protest to granting the variance. Due to our busy schedules we will be unable to attend the hearing.

Our reasons are many:

First, as health care providers, we are concerned that children will be playing too close to Belair Road which is extremely dangerous even for adult pedestrians. The McDonald's and its playground across the street could lure the children into the street.

Second, our office has vehicles coming and going all day and children playing in such close proximity could be placed in harm's way.

Third, the owners of 9123 Belair Road have not acted in good faith when dealing with us as neighbors. They allow water from their drains to empty onto our property rather than diverting it to its natural flow. We are afraid that they will do additional alterations to the rear of the lot without securing the necessary permits and increase the water flow onto our property.

END

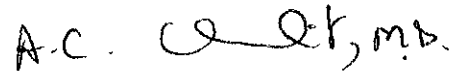
Office of Planning and Zoning
Page Two
August 2, 1995

For all of the above reasons, we would respectfully object to the granting of the variance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Krita', followed by the letters 'M.D.'.

Krita Apibunyopas, M.D.

A handwritten signature in dark ink, appearing to read 'A.C. Chouvalit', followed by the letters 'M.D.'.

A. C. Chouvalit, M.D.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOSEPH KATRICK, ESA
E & Raphael
MARY LEE

5814 EBENEZER RD. WHITE MARSH, MD.
205 COURTLAND AVE ROUSH
712 PEACHDALE LANE
DUNCANSVILLE, PA 16635

Margie Katrick
Wanda M. Horst
Dorothy Mc Mann

5814 Ebenezer Rd.
7920 33rd St. 21237
Pres. Perry Hall Impasse. P.O. Box 63 Perry Hall, MD 21128



10/10/2008 11:11 AM

485

GRANT OF PERMISSION

June 23, 1995

To Whom It May Concern:

This letter is intended to confirm that the lessee of the premises of 9123 Belair Road, Baltimore, Maryland 21236 is allowed full use of the macadam driveway between 9121 and 9123 Belair Road.

6/23/95
Date

Mary Lee
Mary Lee, Owner

STATE OF MARYLAND

)

)

SS:

)

BALTIMORE COUNTY

On this, the 23RD day of JUNE, 1995, before me, a Notary Public, personally appeared MARY LEE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above Grant of Permission, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

6/23/95
DATE

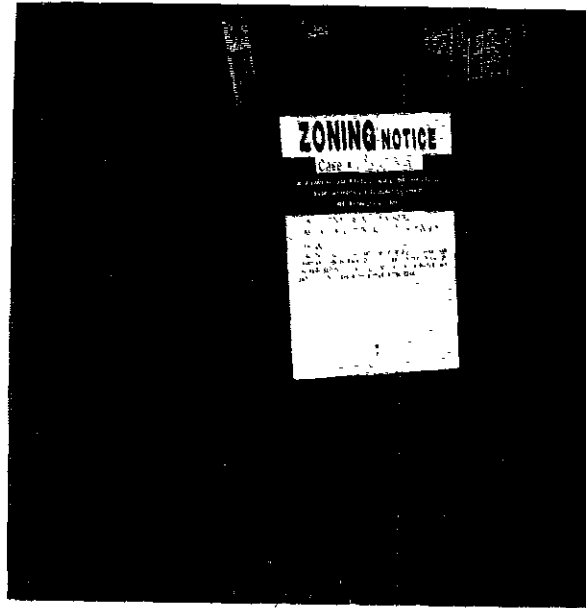
[Signature]
NOTARY PUBLIC

My commission EXPIRES
8/1/95

AMERICAN

EXHIBITIONER'S
EXHIBIT 2

95-493-A



493

IN RE: PETITION FOR VARIANCE
NE/S Belair Road, 430' SW of
the c/l of Soth Avenue
(9123 Belair Road)
11th Election District
6th Councilmanic District
Kang S. and Mary Lee
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 9123 Belair Road, located in the vicinity of Joppa Road in Perry Hall. The Petition was filed by the owners of the property, Kang S. and Mary Lee. The Petitioners seek relief from Section 424.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a group child care center on a lot of less than 1.0 acre in size, and side setbacks of 12 feet and 23 feet in lieu of the required 50 feet each, with a 20-foot wide vegetative buffer on each side and in the rear. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Lee, property owner, Margie M. Slone-Katrick, Contract Lessee, and Wanda M. Horst, the proprietors of the proposed day care center, Eugene P. Raphael, Registered Land Surveyor, who prepared the site plan for this property, and Joseph Katrick, Esquire, attorney for the Petitioners. Appearing as an interested party was Dorothy McMann, President of the Perry Hall Improvement Association. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.270 acres, more or less, zoned R.O. and is improved with a

two-story brick dwelling which is presently vacant. The Petitioners are desirous of utilizing the property for a group child care center for up to 25 children. Ms. Mary Lee testified that she has owned the property since April 1994 and that she has been attempting to lease the property for over a year without success until Ms. Katrick expressed an interest. Testimony indicated that Ms. Lee also owns the adjacent property at 9121 Belair Road, which is also vacant at this time.

Ms. Margie Katrick testified that she has been looking for a suitable location in this area in which to open a child care center for the past two years. Ms. Katrick believes the subject property is an ideal location for such a facility. Ms. Katrick testified that she intends to specialize in day care for developmentally challenged children. She testified that specialized day care of this kind is severely lacking in Baltimore County and that there is a tremendous need for this type of care.

Ms. Wanda Horst testified on behalf of the Petition. Ms. Horst testified that she has been trained and educated in early childhood development and would be operating the proposed group child care center with Ms. Katrick at the subject location. She testified that she has experience in providing day care for developmentally delayed children and that there is a need for this type of care in this area.

Mr. Eugene Raphael, Registered Land Surveyor, testified concerning the site plan which he prepared and the number of variances being requested for the subject site. Testimony indicated the relief requested is necessary, given the small size of the lot and the location of existing improvements thereon.

- 2 -

Ms. Dorothy McMann, President of the Perry Hall Improvement Association testified that she is concerned over inadequate parking for the proposed use and the amount of signage proposed by the Petitioner.

It should also be noted that a letter of opposition was received from the adjoining property owners of 9125 Belair Road, namely, Drs. Krita Apibunyas and A. C. Chouvalit. They cited concern that the McDonald's playground located across the street from this property might lure the children into the street and the high volume of traffic to and from their offices on a daily basis would pose a danger to the children.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I find that the Petitioners have failed to satisfy the burdens imposed upon them in order for the variances to be granted. In my opinion, the location of this property and its size are inappropriate for a group child care center for up to 25 children and that such use would be detrimental

- 3 -

to the health, safety and general welfare of both the children and the surrounding community. Therefore, the requested relief must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of August, 1995 that the Petition for Variance seeking relief from Section 424.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a group child care center on a lot of less than 1.0 acre in size, and side setbacks of 12 feet and 23 feet in lieu of the required 50 feet for each, with a 20-foot wide vegetative buffer on each side and a 20-foot wide vegetative buffer in the rear, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 16, 1995

(410) 887-4386

Joseph P. Katrick, Esquire
5814 Ebenezer Road
White Marsh, Maryland 21162-1936

RE: PETITION FOR VARIANCE
NE/S Belair Road, 430' SW of the c/l of Soth Avenue
(9123 Belair Road)
11th Election District - 6th Councilmanic District
Kang S. and Mary Lee - Petitioners
Case No. 95-493-A

Dear Mr. Katrick:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Kang S. Lee
712 Peachdale Lane, Dundansville, PA 16635

Mrs. Dorothy McMann, President
Perry Hall Improvement Assoc., P.O. Box 63, Perry Hall, Md. 21128

People's Counsel

File



VARIANCE
Petition for ~~Special Exception~~
95-493-A
to the Zoning Commissioner of Baltimore County
for the property located at 9123 Belair Road, Balto., MD 21236
which is presently zoned RO

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for ~~day care center~~ to allow a group child care center

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.

Legal Owner(s)
Margie M. Slone-Katrick
Kang S. & Mary Lee
5814 Ebenezer Road
White Marsh, MD 21162-1936
City State Zipcode
712 Peachdale Lane (814)696-9580
Dundansville PA 16635
City State Zipcode
Joseph P. Katrick
(same)
5814 Ebenezer Road (410)335-7507
White Marsh, MD 21162-1936
City State Zipcode
ESTIMATED LENGTH OF HEARING 15 min
Next Two Months
ALL OTHER
REVIEWED BY: DATE 6-23-95



VARIANCE
Petition for ~~Special Exception~~
95-493-A
to the Zoning Commissioner of Baltimore County
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Kang S. & Mary Lee
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White Marsh, MD 21162-1936
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712 Peachdale Lane (814)696-9580
Dundansville PA 16635
City State Zipcode
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VARIANCE
Petition for ~~Special Exception~~
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Legal Owner(s)
Margie M. Slone-Katrick
Kang S. & Mary Lee
5814 Ebenezer Road
White Marsh, MD 21162-1936
City State Zipcode
712 Peachdale Lane (814)696-9580
Dundansville PA 16635
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(same)
5814 Ebenezer Road (410)335-7507
White Marsh, MD 21162-1936
City State Zipcode
ESTIMATED LENGTH OF HEARING 15 min
Next Two Months
ALL OTHER
REVIEWED BY: DATE 6-23-95

DESCRIPTION TO ACCOMPANY ZONING PETITION FOR
#9123 BELAIR ROAD

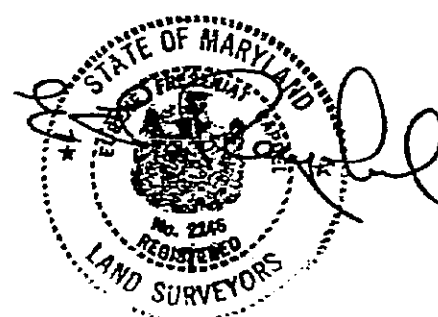
BEGINNING at a point on the Northeast side of Belair Road 50 feet wide, said point being located 430 feet more or less Southwesterly along the Northeast Right-of-Way line of Belair Road from the intersection formed by said Right-of-Way and the centerline of Both Avenue, thence leaving Belair Road 1) S 38° 36' 40" E 163.09 feet 2) S 50° 02' W 76.95 feet 3) N 35° 07' 10" W 163.53 feet to the Northeast Right-of-Way line of Belair Road, thence on said Right-of-Way line 4) N 49° 57' 00" E 67.00 feet to the place of Beginning.

CONTAINING 0.270 Acres more or less.

BEING the second parcel of Liber S.M. 10438 folio 212 and owned by Kang Sun Lee, et al.

BEING ALSO known as #9123 Belair Road, Perry Hall, Baltimore County, Maryland.

E. F. Raphael
Registered Professional Land Surveyor



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/13/95
Posted for: Variance
Petitioner: Kang Sun Lee, Mary Lee
Location of property: 9123 Belair Rd., NEA
Location of Sign: Along 9123 Belair Rd. from Perry Hall to Both Ave.
Remarks:
Posted by: [Signature] Date of return: 7/13/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 14, 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 13, 1995.

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

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 #95-493-X (Item 485)
9123 Belair Road
NE/S Belair Road, 430' SW of c/l Both Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): Kang S. Lee and Mary Lee
Lessee: Margie M. Sloane-Katrick
Hearing: Monday, August 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day 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.
7/13 July 13.

TO: PUTNAM PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph P. Katrick
5814 Ebenezer Road
White Marsh, MD 21162-1936
335-7507

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Lessee: Margie M. Sloane-Katrick
HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day 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.

TO: PUTNAM PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

July 10, 1995

(410) 887-3353

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11th Election District - 6th Councilmanic
Legal Owner(s): Kang S. Lee and Mary Lee
Lessee: Margie M. Sloane-Katrick
HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a group day care center.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Kang and Mary Lee
Margie M. Sloane-Katrick and Joseph P. Katrick

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 485

Petitioner: Kang & Mary Lee / Contact: Joseph Katrick

Location: 9123 Belair Rd. (11th & 12th)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH P. KATRICK

ADDRESS: 5814 EBENEZER ROAD

WHITE MARSH, MD. 21162-1936

* PHONE NUMBER: (410) 335-7507

MUST BE SUPPLIED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

July 10, 1995

(410) 887-3353

NOTICE OF HEARING

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11th Election District - 6th Councilmanic
Legal Owner(s): Kang S. Lee and Mary Lee
Lessee: Margie M. Sloane-Katrick
HEARING: MONDAY, AUGUST 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to allow a group child care center on a lot of less than 1 acre and side setbacks of 12 ft. and 23 ft. in lieu of the required 50 ft. with 20 ft. vegetative buffer each and a 20 ft. vegetative buffer in the rear.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Kang and Mary Lee
Margie M. Sloane-Katrick and Joseph P. Katrick

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 26, 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. 483, 485, 5 and 7

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 897-3480.

Prepared by: Jeffrey M. Long

Division Chief: Carol K. Kana

PK/JL

ITEM485/PZONE/ZAC1

PETITION PROBLEMS
AGENDA OF JULY 10, 1995

#479 - CAM

1. No review information on bottom of petition form.

#485 - JJS

1. Only one legal owner signature - need signature of Kang.
2. Need original signature for lessee.

#486 - MJJ

1. Petitioner was not given copy of receipt (still in folder).
2. Need telephone number for legal owner.
3. Need title of person signing for contract purchaser.

#488 - RT

1. Need typed or printed name and title of person signing for contract purchaser.

#489 - JRA

1. Need title of person signing for legal owner.

#493 - JRA

1. Need telephone number for legal owner.
2. Need address for legal owner.
3. Need telephone number for attorney.

#494 - JRA

1. Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 - JJS

1. Notary public section is incomplete.

#496 - JJS

1. No original signatures on petitions.

RE: PETITION FOR VARIANCE
9123 Belair Road, NE/S Belair Road, 430'
SW of c/1 Soth Avenue, 11th Election
District - 6th Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-493-A

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
People's Counsel for Baltimore County

CAROLE S. DEMILTO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 897-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Kang S. and Mary Lee, 712 Peachdale Lane, Duncansville, PA 16635, Petitioners, and to Joseph P. Katrick, Esquire, 5814 Ebenezer Road, White Marsh, MD 21162, attorney for Petitioner.

PETER MAX ZIMMERMAN
PETER MAX ZIMMERMAN

Baltimore County
Zoning Administration & Development Management
17120 Chesapeake Avenue
Towson, Maryland 21204
(410) 897-3480

Zoning Enforcement

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: July 7, 1995

FROM: James H. Thompson - DT
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 487
PETITIONER: Ronald and Rose Rodriguez

VIOLATION CASE NO.: C-95-681

LOCATION OF VIOLATION: 1319 Glenwilde Road
Baltimore, Maryland 21228
1st Election District

DEFENDANTS: Ronald and Rose Rodriguez
1319 Glenwilde Road
Baltimore, Maryland 21228

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
Robert Kennedy	1317 Glenwilde Road Baltimore, Maryland 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hek

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOSEPH KATRICK, ESQ.	5814 EBENEZER RD. WHITE MARSH, MD.
E. L. Raphael	205 COURTLAND AVE TOWSON
MARY LEE	712 PEACHDALE LANE DUNCANSVILLE, PA 16635
Margie Katrick	5814 Ebenezer Rd.
Frankie M. Hurd	7350 33rd St. 81227
Dorothy McLean	P.O. Box 63 Perry Hall, MD 21128

Dr. Krita Apibunyopas
Dr. A. C. Chouvalit
9125 Belair Road
Baltimore, Maryland 21236

August 2, 1995

Office of Planning and Zoning
County Courts Building
Towson, MD 21204

RE: 9123 Belair Road
Case No.: 95-493-A

Dear Members of the Zoning Board:

Please be advised that we are the record owner of the property located at 9123 Belair Road. The next door owner at 9123 has a sign on the lawn indicating that a variance is being requested to allow for the operation of a day care center.

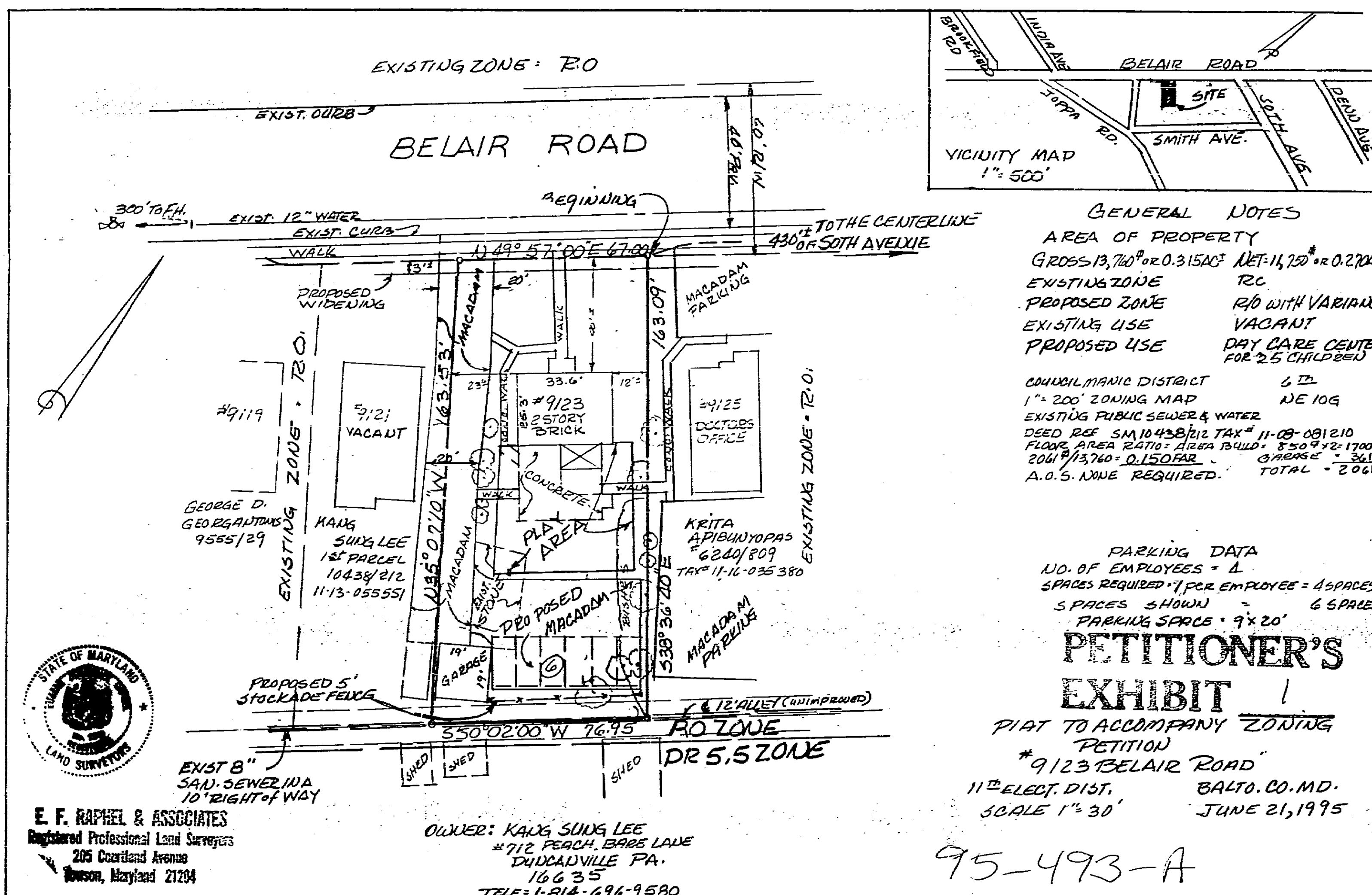
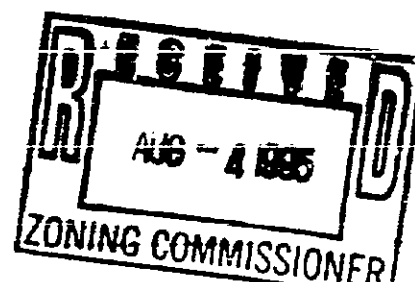
Please accept this letter formal protest to granting the variance. Due to our busy schedules we will be unable to attend the hearing.

Our reasons are many:

First, as health care providers, we are concerned that children will be playing too close to Belair Road which is extremely dangerous even for adult pedestrians. The McDonald's and its playground across the street could lure the children into the street.

Second, our office has vehicles coming and going all day and children playing in such close proximity could be placed in harm's way.

Third, the owners of 9123 Belair Road have not acted in good faith when dealing with us as neighbors. They allow water from their drains to empty onto our property rather than diverting it to its natural flow. We are afraid that they will do additional alterations to the rear of the lot without securing the necessary permits and increase the water flow onto our property.



GRANT OF PERMISSION

June 23, 1995

To Whom It May Concern:

This letter is intended to confirm that the lessee of the premises of 9123 Belair Road, Baltimore, Maryland 21236 is allowed full use of the macadam driveway between 9121 and 9123 Belair Road.

Date: 6/23/95
Mary Lee, Owner

STATE OF MARYLAND
BALTIMORE COUNTY

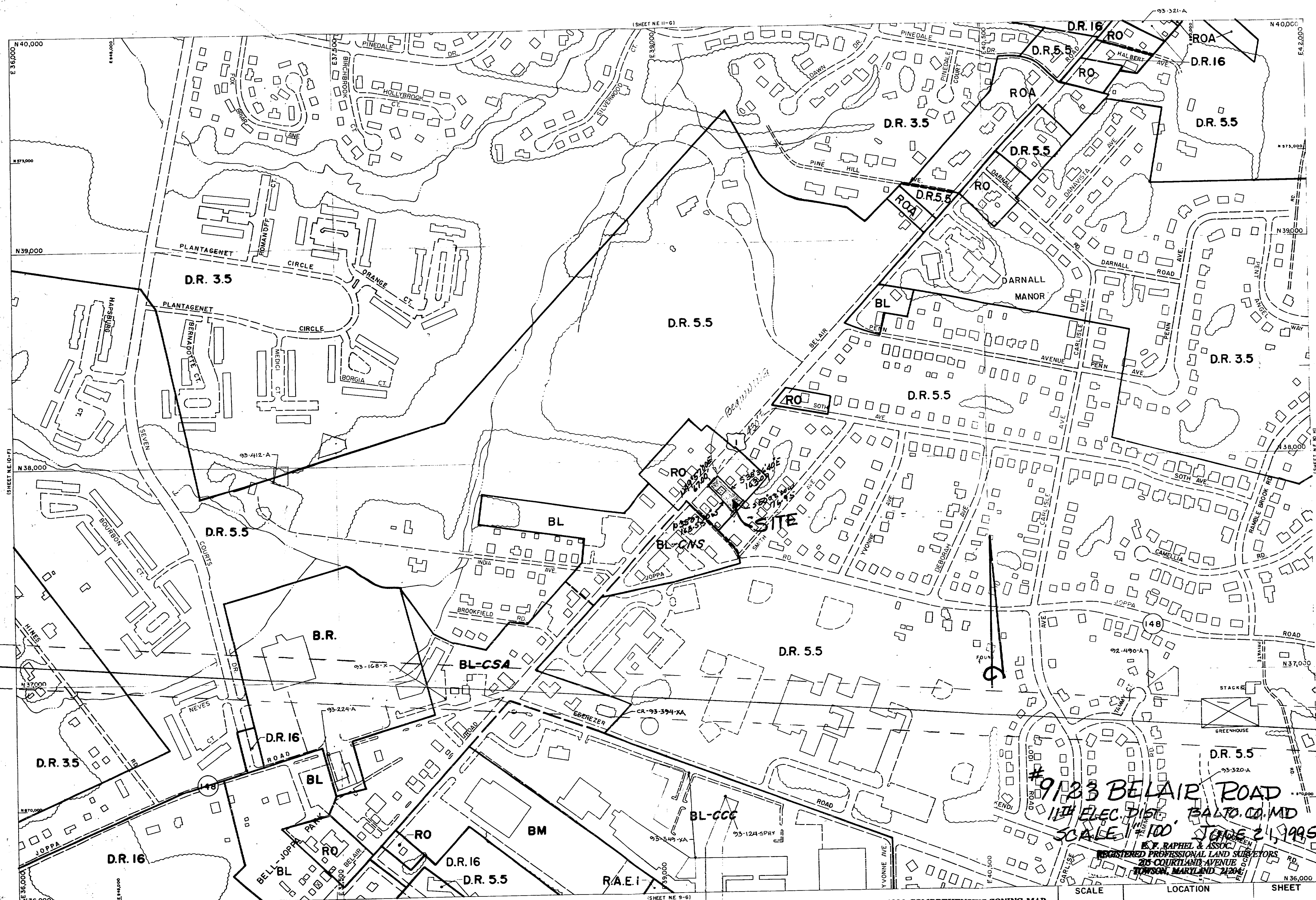
On this, the 23rd day of JUNE, 1995, before me, a Notary Public, personally appeared MARY LEE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above Grant of Permission, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Date: 6/23/95
Notary Public

My Commission Expires
8/1/95

PETITIONER'S EXHIBIT 2



M - NW
Q - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY DUCHART-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

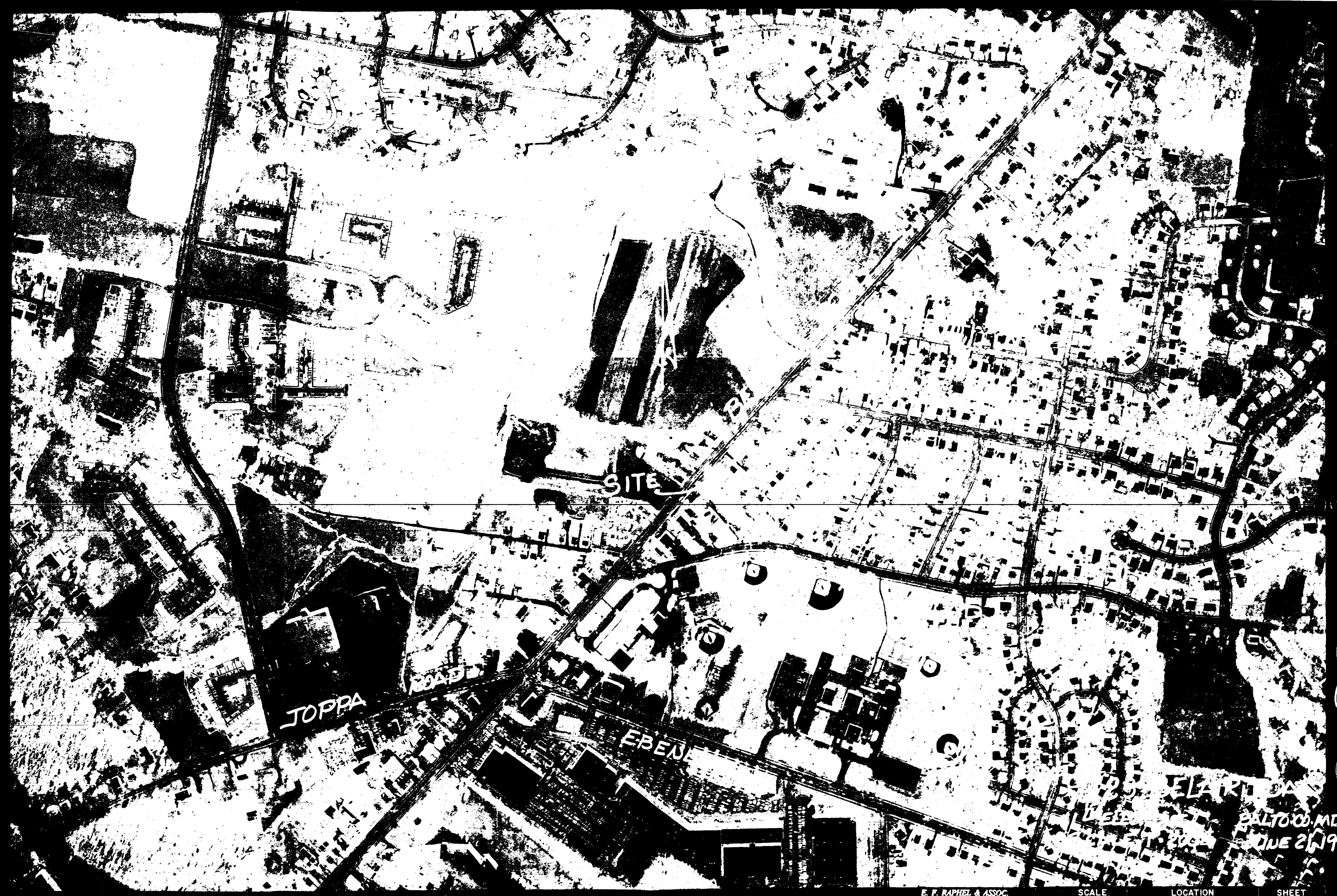
William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'	PERRY HALL	NE 10-G
DATE OF PHOTOGRAPHY		
JANUARY 1986		

#9123 BELAIR ROAD
11th ELEC DIST. BALTO. CO. MD
SCALE 1"=100' JUNE 21, 1995
K. T. RAPHAEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
215 COURTLAND AVENUE
TOWSON, MARYLAND 21204

95-493-A #485

95-493-A
#485



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E. 10-G
DATE OF PHOTOGRAPHY JANUARY 1986		

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

ELARTIDAN
BALTO. CO. MD.
JUNE 21, 1995



95-493-f
#485

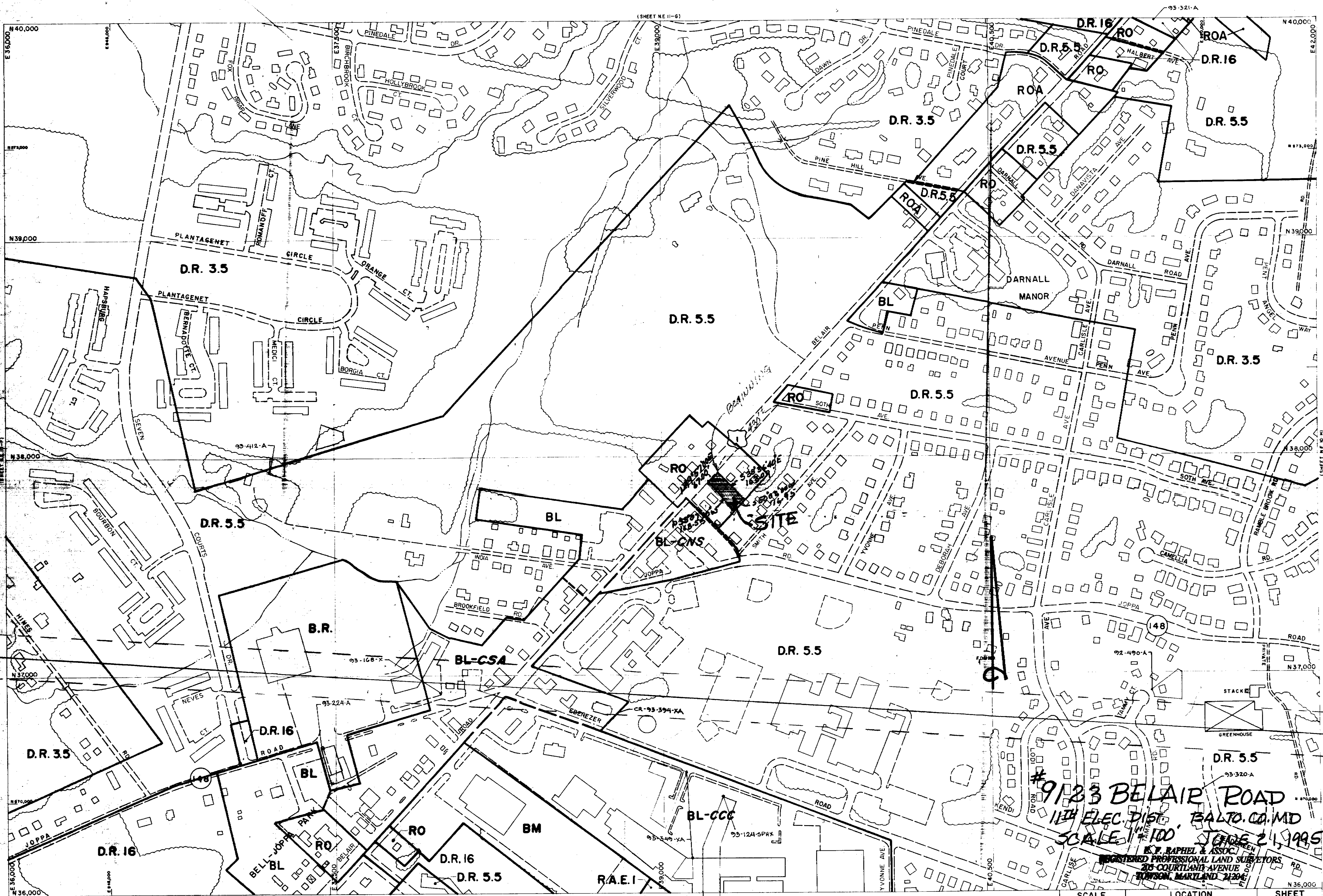
MD.
1995

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

SCALE 1" = 200' ±	LOCATION PERRY HALL	SHEET N.E. 10-G
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	



M - NW
Q - SW

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

William A. Howard
Chairman, County Council

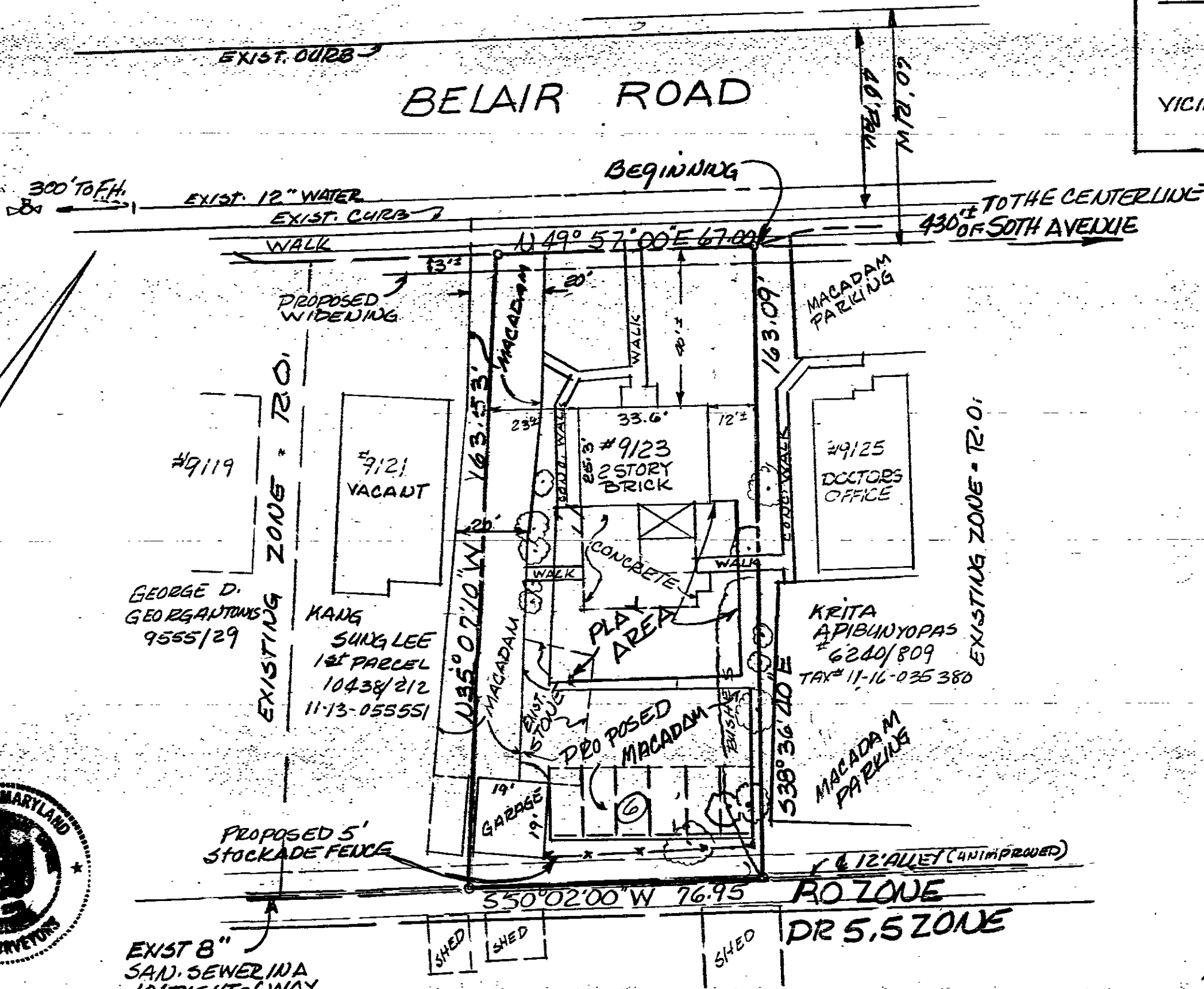
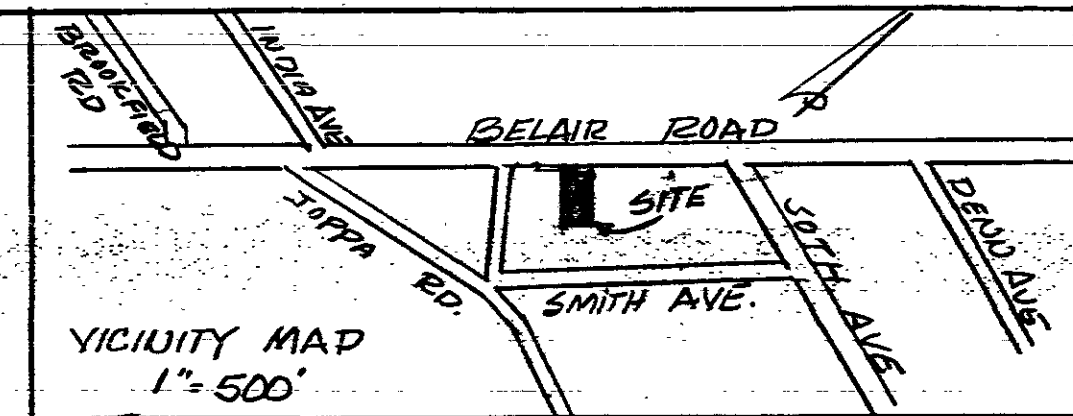
SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PERRY HALL
MICROFILMED

SHEET
N.E.
10- G

95-493-A #485

EXISTING ZONE: R.O



GENERAL NOTES

AREA OF PROPERTY
 GROSS 13,760^{sq} OR 0.315AC⁺ NET 11,750^{sq} OR 0.270AC⁺
 EXISTING ZONE R.O
 PROPOSED ZONE R/O WITH VARIANCE
 EXISTING USE VACANT
 PROPOSED USE DAY CARE CENTER FOR 25 CHILDREN
 COUNCILMANIC DISTRICT 6th
 1" = 200' ZONING MAP NE 10G
 EXISTING PUBLIC SEWER & WATER
 DEED REF SM 10438/212 TAX# 11-08-081210
 FLOOR AREA RATIO: AREA BULD = 8509 x 2 = 1700^{sq}
 2061^{sq} / 13,760 = 0.150 FAR GARAGE = 361^{sq}
 A.O.S. NONE REQUIRED. TOTAL = 2061^{sq}

PARKING DATA
 NO. OF EMPLOYEES = 4
 SPACES REQUIRED = 1 PER EMPLOYEE = 4 SPACES
 SPACES SHOWN = 6 SPACES
 PARKING SPACE = 9' x 20'

PETITIONER'S EXHIBIT

PLAT TO ACCOMPANY ZONING PETITION
 #9123 BELAIR ROAD
 11th ELECT. DIST. BALTO. CO. MD.
 SCALE 1" = 30' JUNE 21, 1995



E. F. RAPHEL & ASSOCIATES
 Registered Professional Land Surveyors
 205 Courtland Avenue
 Towson, Maryland 21204

OWNER: KANG SUNG LEE
 #712 PEACH. BARE LAKE
 DUNCANVILLE PA.
 16635
 TELE: 1-814-696-9580

95-493-A

MICROFILMED