

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>GEORGE JABAJI, ET UX -LEGAL OWNERS;</u>	*	COUNTY BOARD OF APPEALS
<u>HENRY C. JOHNSON, ET UX-PETITIONERS</u>		
FOR VARIANCES ON PROPERTY LOCATED	*	OF
ON THE SE/S LIBERTY GARDENS ROAD,		
541.67' NE OF BEXHILL ROAD	*	BALTIMORE COUNTY
(3421 LIBERTY GARDENS ROAD)		
2ND ELECTION DISTRICT	*	CASE NO. 98-273-A
1ST COUNCILMANIC DISTRICT		

ORDER OF DISMISSAL OF PETITION

This case comes on appeal to the Board from the March 12, 1998 Order of the Zoning Commissioner granting variances in order to permit Nicole Johnson to operate a day care facility on the subject site. The Petition for Variance had been filed by the owners of the subject property, George and Mariam Jabaji, as well as the Contract Purchasers, Henry C. and Nicole Johnson. People's Counsel for Baltimore County timely filed an appeal by letter dated April 3, 1998.

Notice of appeal was issued on August 10, 1998 for hearing on Wednesday, November 4, 1998 at 10:00 a.m. to John V. Murphy, Esquire, by virtue of his serving as counsel for Petitioner Nicole Johnson at the hearing below, as well as to the Jabajis and Johnsons. None of the notices were returned to the Board by the Postal Service. Mr. Murphy sent by telefacsimile on October 29, 1998 correspondence indicating that he would not be appearing as counsel at the instant hearing insofar as he had not been retained by Ms. Johnson for the hearing. He further advised he had been unable to contact Ms. Johnson since the time of the March hearing and did not know whether she intended to be present.

People's Counsel for Baltimore County, as well as the Board, attempted to reach both the Johnsons and the Jabajis, and reached

Gloria Garst, office manager for Dr. Jabaji, who indicated that the doctor and his wife were not pursuing the appeal in their capacity as owners and had been unable to reach or locate the Johnsons themselves.

The Board convened at 10:15 a.m. and heard People's Counsel's representations as set forth above, whereupon he asked that the Petition be dismissed and the opinion below thus rendered null and void. The Board closed the evidence at about 10:30 a.m. and proceeded to deliberate the matter thereafter.

Inasmuch as appeals to the Board on variances are considered de novo and no petitioners were present to put on evidence, this Board is constrained to dismiss the Petition at this level for Petitioners' failure to sustain their burden of proof.

ACCORDINGLY, the Petition for Variance is DISMISSED, and the Zoning Commissioner's Order of March 12, 1998 and the relief granted therein is rendered null and void.

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

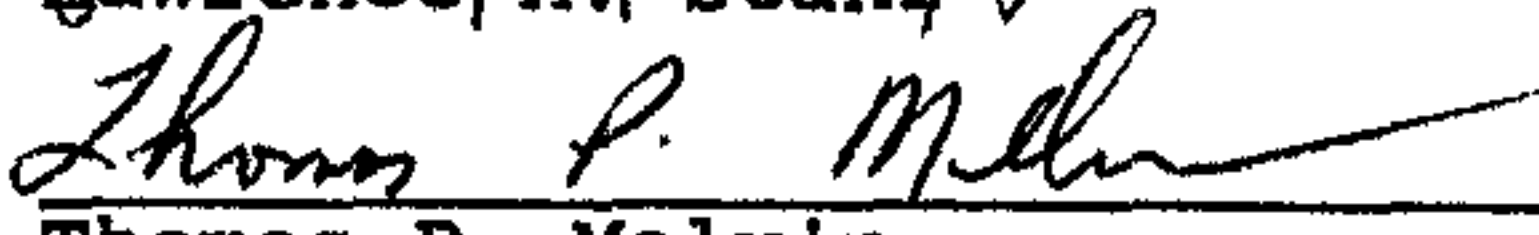
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Kristine K. Howanski, Chairman



Lawrence M. Stahl



Thomas P. Melvin

Date: November 12, 1998



County Board of Appeals of Baltimore County

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

November 12, 1998

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

RE: Case No. 98-273-A /George Jabaji, et ux
-Legal Owners; Henry C. Johnson, et ux -Petitioners

Dear Mr. Zimmerman:

Enclosed please find a copy of the Board's Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Rodcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Mr. and Mrs. George Jabaji
Mr. and Mrs. Henry C. Johnson
Mr. and Mrs. Martin Berger
Mr. Louis Miller
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



3/12/98

IN RE: PETITION FOR VARIANCE
SE/S Liberty Gardens Road,
541.67' NE of Bexhill Road
(3421 Liberty Gardens Road)
2nd Election District
1st Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-273-A

George Jabaji, et ux, Owners;
Henry C. Johnson, et ux, Contract*
Purchasers - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, George and Mariam Jabaji, and the Contract Purchasers, Henry C. and Nicole Johnson. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 424.7.B to permit existing side yard setbacks of 21 feet and 33 feet in lieu of the required 50 feet, with 0 foot vegetative buffers in lieu of the required 20-foot buffers in the side and rear yards; 2) from Section 424.7.A to permit a lot size of .477 acres in lieu of the minimum required 1.00 acre; 3) from Section 424.1 to permit a fenced play area to be 0 feet from a residential lot line in lieu of the required 20 feet; and, 4) from Section 409.6 to permit no onsite employee parking spaces in lieu of the required 2 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Nicole Johnson, Contract Purchaser, Frank Lee, Registered Property Line Surveyor who prepared the site plan for this property, and John V. Murphy, Esquire, attorney for the Petitioners. Appearing as Protestants were Louis W. Miller, and Martin and Judith Berger.

COPIES RECEIVED FOR FILING

Date 3/12/98

By [Signature]

Testimony and evidence offered revealed that the subject property consists of 0.477 acres, more or less, zoned D.R. 16 and is improved with a one-story dwelling and an accessory shed. The property is located on the south side of Liberty Gardens Road, east of Bexhill Road in Randallstown. Ms. Nicole Johnson has been operating a Class A Group Child Care Center on the subject property since May, 1995. At the time she commenced operating the facility, Ms. Johnson actually resided on the property. However, in April, 1997 she moved to a new residence with her husband and daughter but has continued to operate the subject day care center. Ms. Johnson has a land installment purchase agreement with Mr. & Mrs. Jabaji; however, inasmuch as she does not reside on the property, the requested variances are necessary in order to continue to operate the day care facility.

Ms. Johnson testified that she has operated this day care facility for the past 2 and 1/2 years without any complaints from her neighbors. It is to be noted that this property is zoned D.R. 16 and is bordered on two sides by the Liberty Gardens Apartments. In addition, the owner of the adjacent property, which is also improved with a single family dwelling, has no objections to the subject day care facility in that this neighbor uses Ms. Johnson as a day care provider for her child. Ms. Johnson testified that most of the children who come to her day care facility live in the Liberty Gardens Apartments complex and most of the parents who bring their children to her facility walk from their homes, given their close proximity to one another. Ms. Johnson testified that only three of the children who come to her day care center arrive by motor vehicle. Ms. Johnson further testified that she is licensed to provide day care for between 9 and 12 children at this location. However, she would like to increase the number of children served by her center to 12. She further stated that she does

not intend to have any more than 12 children enrolled at this facility.

Appearing in opposition to Ms. Johnson's request were Martin and Judith Berger, residents from the surrounding community, and Louis Miller, who resides in Timonium. These Protestants are concerned that Ms. Johnson may be attempting to convert the subject operation into a Class B Group Child Care Center, which would permit up to 40 children. It is clear that some of the concern expressed by the Protestants was as a result of the language set forth on the site plan, which notes in several places thereon that a Class B Group Child Care Center is proposed for this site. These citizens wanted assurance that the Petitioner is not attempting to obtain a Class B designation for her day care facility. As previously stated, Ms. Johnson testified that she only wishes to increase the number of children at her facility to 12 and that she has no intention of providing day care for any more than 12 children. Thus, the site plan was amended to reflect that the use proposed is for a Class A Group Child Care facility.

The Protestants were also concerned that the subject property fails to meet the setback requirements imposed by the regulations to permit the operation of a day care facility thereon. Oddly enough, the regulations provide that if Ms. Johnson were to live in the house, the setback requirements would be met. However, since she lives elsewhere, her use of the property is subject to these regulations. Due to the size of the subject property and the location of existing improvements thereon, the requested variances are necessary to continue its use as a Class A child day care facility. While adequate onsite parking exists for two (2) employees to park in the driveway, Ms. Johnson is requesting a variance so that those parents who bring their children to her facility by automobile can drop off and pick up their children in the driveway rather than out on

the street.

It should also be noted that an issue was raised by Mr. Louis Miller, one of the Protestants who attended the hearing, as to whether the Residential Transition Area (RTA) requirements were met by the proposed use of the subject property. Mr. Miller opined that the Petitioners' use of the subject property as a Class A Child care center is subject to RTA requirements. Upon further review of these regulations, it was determined that inasmuch as this property and those surrounding same are zoned D.R.16, the RTA regulations are not applicable. Thus, the use of this property is not subject to compliance with RTA regulations.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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 am persuaded to grant the relief requested. Ms. Johnson testified that she only intends to provide day care for up to 12 children on the subject

ORDER RECEIVED FOR FILING
Date 3/12/98
By [Signature]

property and no more. As noted above, Ms. Johnson has operated this day care facility at the subject location for the past 2 and 1/2 years without any complaints from her neighbors and merely wishes to continue to operate this facility. Moreover, it should also be pointed out that Ms. Johnson obtained a use permit to operate a Class A Child day care facility on the subject property on May 7, 1997. I therefore find that the relief requested is appropriate and should be granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

However, as a condition to the granting of this relief, certain restrictions shall be imposed at the end of this Order to insure that Ms. Johnson's facility remains a Class A child day care center. I shall also allow Ms. Johnson to install a board on board fence along her side property lines in lieu of the required 20-foot setback. In my view, requiring the 20-foot setback mandated by Section 424.1 of the B.C.Z.R. would only promote the accumulation of trash and debris in the area between the fence and property line and possibly encourage vandalism. I believe that area would be better utilized to provide a greater play area for the children. Given that the property is bordered on two sides by the Liberty Garden Apartments the purpose for the 20-foot buffer is basically eliminated. Furthermore, the neighbor on the adjacent, affected side of this property has no objections to the Petitioner's use of the property and thus, locating the pro-

posed fence along the common property line shared by both parties should be permitted.

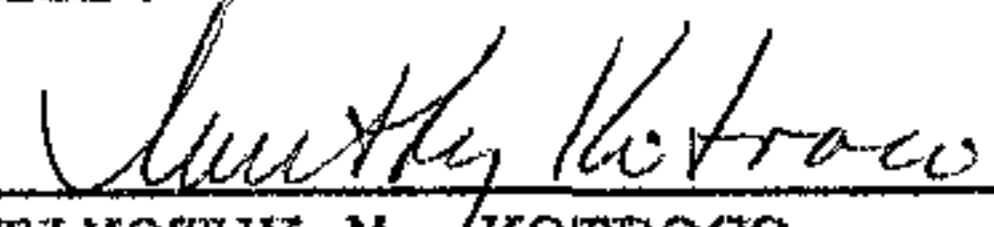
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of March, 1998 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) From Section 424.7.B to permit existing side yard setbacks of 21 feet and 33 feet in lieu of the required 50 feet, with 0 foot vegetative buffers in lieu of the required 20-foot buffers in the side and rear yards; 2) from Section 424.7.A to permit a lot size of .477 acres in lieu of the minimum required 1.00 acre; 3) from Section 424.1 to permit a fenced play area to be 0 feet from a residential lot line in lieu of the required 20 feet; and, 4) from Section 409.6 to permit no onsite employee parking spaces in lieu of the required 2 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their use/building permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to a Class A Group Child Care Center. Therefore, there shall be no more than 12 children enrolled at the subject day care facility.

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.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING
Date 3/12/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 12, 1998

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
SE/S Liberty Gardens Road, 541.67' NE of Bexhill Road
(3421 Liberty Gardens Road)
2nd Election District - 1st Councilmanic District
George Sabaji, et ux, Owners; and
Henry C. Johnson, et ux, Contract Purchasers - Petitioners
Case No. 98-273-A

Dear Mr. Murphy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been 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. & Mrs. George Jabaji
12502 Timber Grove Road, Reisterstown, Md. 21136

Mr. & Mrs. Henry C. Johnson
3421 Liberty Gardens Road, Baltimore, Md. 21244

Mr./Mrs. Martin Berger, 3801 Lochearn Drive, Baltimore, Md. 21207-6363
Mr. Louis Miller, 44 E. Timonium Road, Timonium, Md. 21093

People's Counsel; Case Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3421 LIBERTY GARDENS RD

which is presently zoned

DR 16

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Henry C. Johnson

x NICOLA JOHNSON
(Type or Print Name)

x Henry C. Johnson
Signature

x 3421 Liberty Gardens RD
Address

x BALTO. x MD x 21244
City State Zipcode

Attorney for Petitioner:

655-1712

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

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.

Legal Owner(s):

x HARIAM JABATI
(Type or Print Name)

x Hariam Jabati
Signature

x GEORGE JABATI
(Type or Print Name)

x George Jabati
Signature

x 12502 Timber Grove 526 7878
Address Phone No

x Reisterstown x MD x 21136
City State Zipcode

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

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

ALL OTHER

REVIEWED BY: DATE 1/22/98

98-273-A

ORDER RECEIVED FOR FILING

Date

By

VARIANCE REQUESTS

424.1-B TO PERMIT EXIST. SIDE YARD SETBACKS OF 21 FT.
AND 35 FT. IN LIEU OF THE REQ. 50 FT. WITH 0' FT.
VEGETATIVE BUFFERS IN LIEU OF THE REQ. 20 FT.
INSIDE AND REAR YARDS

424.1-A TO PERMIT A 1471 AG. LOT SIZE IN
LIEU OF THE REQ. 1 AC.

424.1 TO PERMIT A FENCED PLAY AREA TO BE 0 FT. FROM
A RESIDENTIAL LOT LINE IN LIEU OF REQ. 20 FT.

409.6 BC12, TO PERMIT NO ON SITE PARKING FOR EMPLOYEES
IN LIEU OF THE REQ. 2 SPACES

ORDER RECEIVED FOR FILING

Date

By

3/12/18

BP

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

273

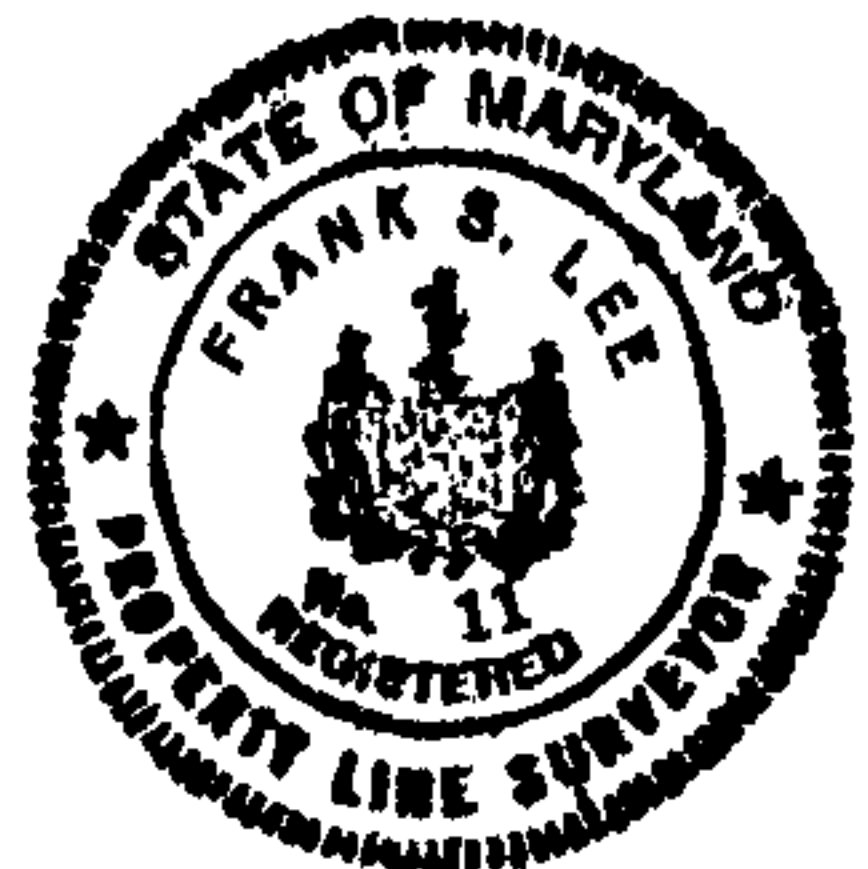
July 22, 1997

No. 3421 Liberty Gardens Road
2nd District Baltimore County, Maryland

Beginning for the same on the southeast side of Liberty Gardens Road at the distance of 541.67 feet measured northeasterly along the southeast side thereof from the center of Bexhill Road, thence running and binding on the southeast side thereof North 42 degrees 41 minutes 15 seconds East 90 feet, thence running for three lines of division as follows: South 47 degrees 18 minutes 45 seconds East 231 feet, South 42 degrees 41 minutes 15 seconds West 90 feet and North 47 degrees 18 minutes 45 seconds West 231 feet to the place of beginning.

Containing 0.477 acres of land more or less.

98-273-A



ZONING NOTICE
Call 1-98-273-A

Case # 98-273-A

[illegible]

PLACE DATE, TIME & QATE

THE FOLLOWING INFORMATION IS FOR THE
USE OF THE PERSONS WHO ARE TO
BE INTERVIEWED BY THE FIELD OFFICE
IN THE CONDUCT OF THE INVESTIGATION
OF THE MATTER OF THE
INTERNAL SECURITY OF THE UNITED STATES
AND THE PERSONS WHO ARE TO
BE INTERVIEWED BY THE FIELD OFFICE
IN THE CONDUCT OF THE INVESTIGATION
OF THE MATTER OF THE
INTERNAL SECURITY OF THE UNITED STATES

ZONING NOTICE

Case #: 98-273-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE, ROOM 407, COURTS BUILDING,
401 BOSLEY AVE. TOWSON, MD.
TIME & DATE, MARCH 2, 1998-2:00 PM.

REQUEST VARIANCES TO PERMIT 211 AND

[illegible]

CERTIFICATE OF POSTING

RE: Case No.: 98-273-A

Petitioner/Developer: _____

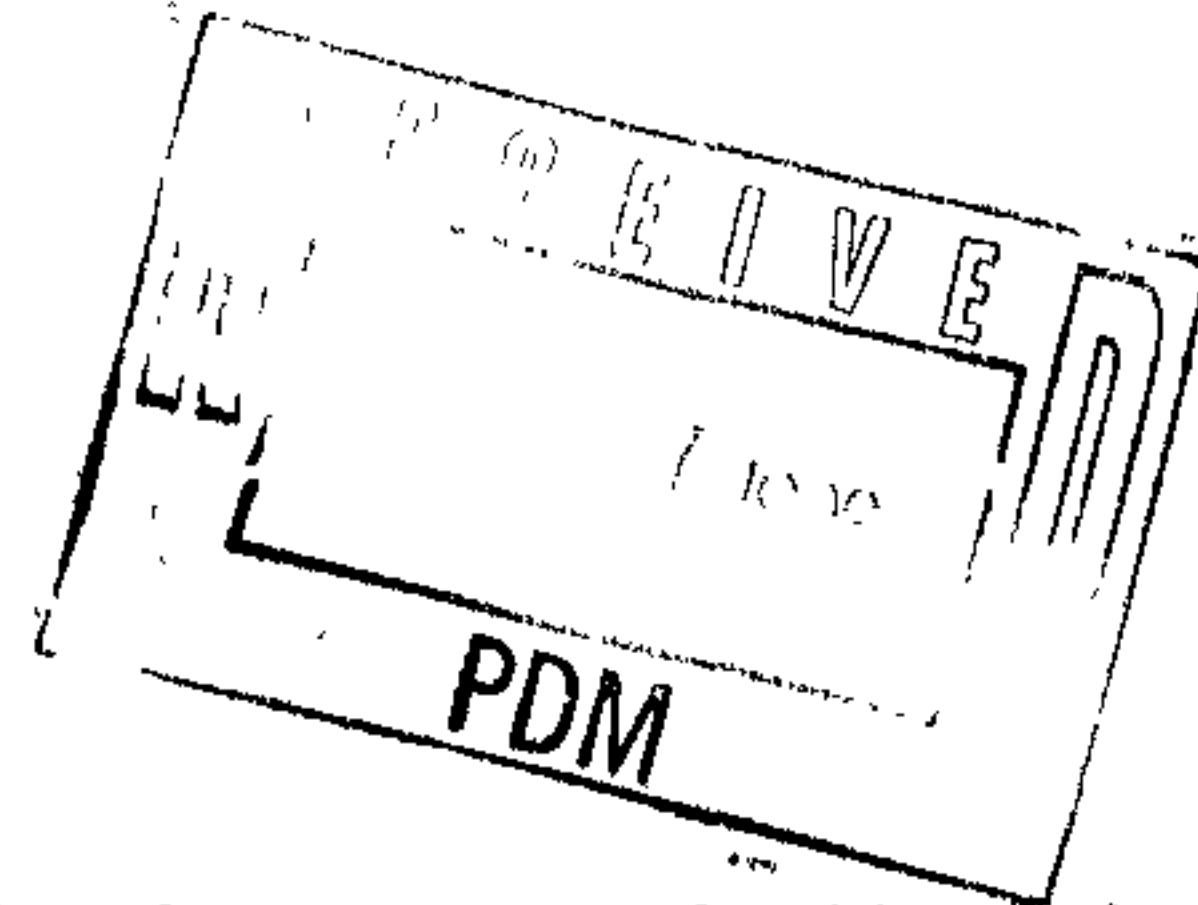
LIBERTY GARDENS DAYCARE

Date of Hearing/Closing: MARCH 2, 1998

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:



This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____

3421 LIBERTY GARDENS ROAD

The sign(s) were posted on FEB. 14, 1998
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 98-273-A

Petitioner /Developer: _____

HENRY C. JOHNSON

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the
necessary sign(s) required by law were posted conspicuously on the
property located at 3421 LIBERTY GARDEN RD.

The sign(s) were posted on 5/21/98
(Month, Day, Year)

Sincerely,

Gary C. Freund 5/21/98
Signature of Sign Poster and Date

GARY C. FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number

**NOTICE OF
ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-273-A
3421 Liberty Gardens Road
SE/S Liberty Gardens Road
541.67' NE of Bexhill Road
2nd Election District
2nd Councilmanic District
Legal Owner(s):

Harlam Sabaji & George Jabaji

Contract Purchaser(s):

Henry C Johnson & Nicole Johnson

Variance: to permit existing side yard setbacks of 21 feet and 33 feet in lieu of the required 50 feet with zero foot vegetative buffers in lieu of the required 20 foot inside and rear yard; to permit .477 ac. lot size in lieu of the required 1 acre; to permit a fenced play area to be zero feet from a residential lot line in lieu of the required 20 feet; and to permit no onsite parking for employees in lieu of the required 2 spaces.

Hearing: Monday, March 2, 1998 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

2/137 Feb. 12 C206329

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-12, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2-12, 1998

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MD 'LAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 1/22/98 ACCOUNT 273 JLL R0016150
AMOUNT \$ 250.00

RECEIVED FROM: JOHNSON
FOR: CVARIANCE
98-273-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
DATE 1/22/98
AMOUNT 250.00
BY [Signature]
CASHIER [Signature]
BALTIMORE COUNTY, MD

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 273

Petitioner: JABALI

Location: 3421 LIBERTY GARDENS RD,

PLEASE FORWARD ADVERTISING BILL TO:

NAME: NICOLE JOHNSON

ADDRESS: 3421 LIBERTY GARDENS RD

BALTO MD 21244

PHONE NUMBER: 655 1712

AJ:ggs

98-273-A (Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-273-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: VARIANCES
~~REQUEST~~ TO PERMIT 21 FT. AND 33 FT. SIDE YARD SETBACKS IN LIEU OF 50 FT.
WITH 0 FT. BUFFERS IN LIEU OF 20 FT. TO PERMIT A LOT SIZE OF ^{0.477} ~~1.477~~ AC. IN LIEU OF 1 ACRE.
TO PERMIT A FENCED PLAY AREA 0 FT. IN LIEU 20 FT. FROM A LOT LINE AND TO PERMIT 0
ONSITE PARKING SPACES IN LIEU OF 2 REQUIRED. (FOR A CLASS B GROUP CHILD CARE
CENTER FOR 12 CHILDREN)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
February 12, 1998 Issue - Jeffersonian

Please forward billing to:

Nicole Johnson 410-655-1712
3421 Liberty Gardens Road
Baltimore, MD 21244

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-273-A
3421 Liberty Gardens Road
SE/S Liberty Gardens Road, 541.67' NE of Bexhill Road
2nd Election District - 2nd Councilmanic District
Legal Owner: Hariam Sabaji & George Jabaji
Contract Purchaser: Henry C. Johnson & Nicole Johnson

Variance to permit existing side yard setbacks of 21 feet and 33 feet in lieu of the required 50 feet with zero foot vegetative buffers in lieu of the required 20 foot inside and rear yard; to permit .477 ac. lot size in lieu of the required 1 acre; to permit a fenced play area to be zero feet from a residential lot line in lieu of the required 20 feet; and to permit no onsite parking for employees in lieu of the required 2 spaces.

HEARING: Monday, March 2, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

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

January 29, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-273-A
3421 Liberty Gardens Road
SE/S Liberty Gardens Road, 541.67' NE of Bexhill Road
2nd Election District - 2nd Councilmanic District
Legal Owner: Hariam Sabaji & George Jabaji
Contract Purchaser: Henry C. Johnson & Nicole Johnson

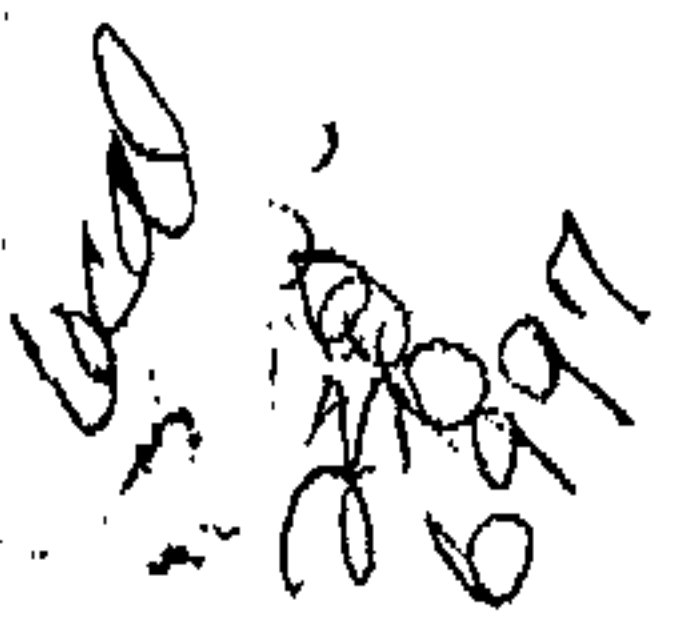
Variance to permit existing side yard setbacks of 21 feet and 33 feet in lieu of the required 50 feet with zero foot vegetative buffers in lieu of the required 20 foot inside and rear yard; to permit .477 ac. lot size in lieu of the required 1 acre; to permit a fenced play area to be zero feet from a residential lot line in lieu of the required 20 feet; and to permit no onsite parking for employees in lieu of the required 2 spaces.

HEARING: Monday, March 2, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Arnold Jablon
Director

c: Mariam Sabaji & George Jabaji
Henry & Nicole Johnson

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY
FEBRUARY 15, 1998.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS
OFFICE AT 410-887-3391.



10:00p.m.
Edmondson



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

August 10, 1998

NOTICE OF ASSIGNMENT

CASE #: 98-273-A

IN THE MATTER OF: GEORGE JABAJI, ET UX -Legal
Owners; HENRY C. JOHNSON, ET UX -Petitioners
3421 Liberty Gardens Road
2nd Election District; 1st Councilmanic

(Petition for Variance GRANTED by D.Z.C.)

ASSIGNED FOR:

WEDNESDAY, NOVEMBER 4, 1998 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C,
Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Appellant

: Peter Max Zimmerman /People's Counsel
for Baltimore County
Carole S. Demilio /
Deputy People's Counsel

~~Counsel for Petitioners~~
Petitioners

~~: John V. Murphy, Esquire~~
: Mr. and Mrs. George Jabaji
Mr. and Mrs. Henry C. Johnson

NOT COUNSEL FOR
PETITIONER AT CBA
LEVEL

Mr. and Mrs. Martin Berger
Mr. Louis Miller

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

Mr. and Mrs. George Jabaji
12502 Timber Grove
Reisterstown, MD 21136

RE: Item No.: 273
Case No.: 98-273-A
Petitioner: George Jabaji, et ux

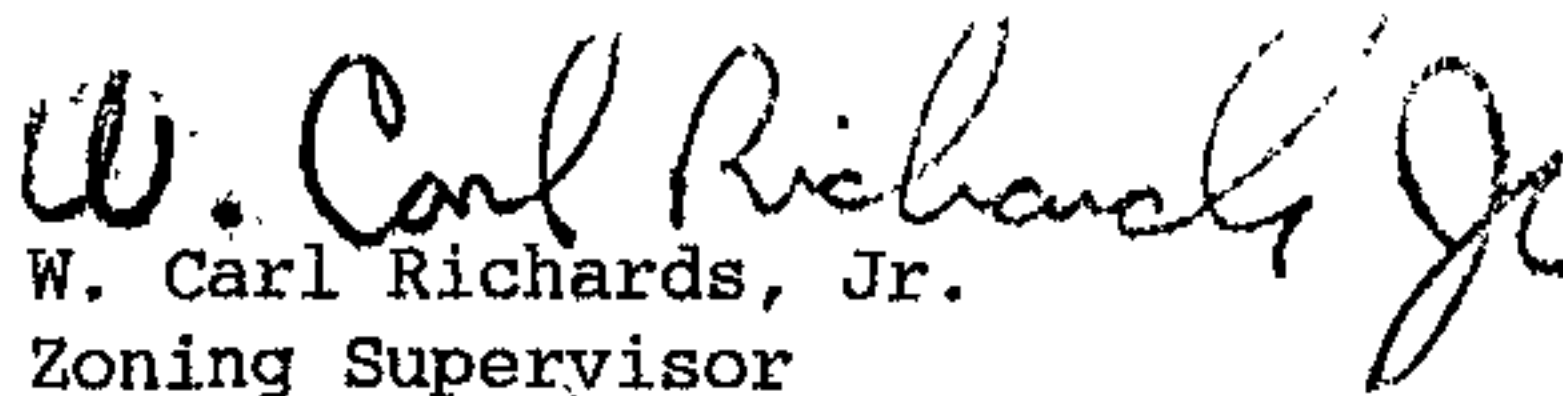
Dear Mr. and Mrs. Jabaji:

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 January 22, 1998.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



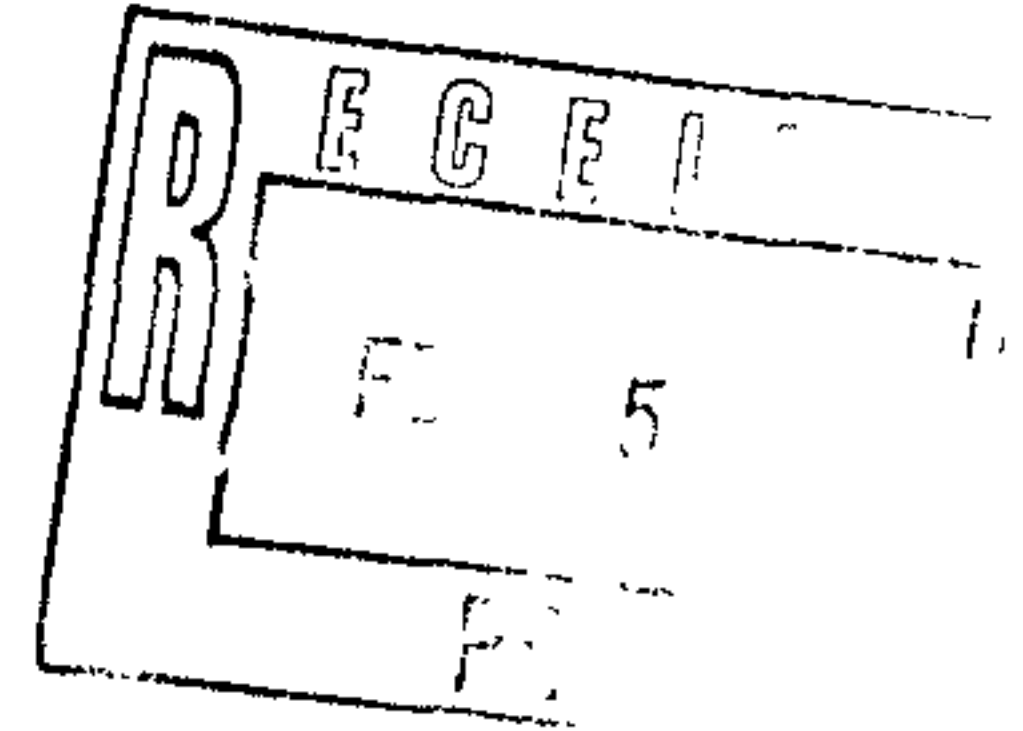


Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 4, 1998

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



RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 2, 1998

Item No.: 268, 269, 273, 274, and 275

Zoning Agenda:

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



Sign
3/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 9, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 3421 Liberty Gardens Road

INFORMATION

Item Number: 273

Petitioner: Sabaji Property

Zoning: DR 16

Requested Action: Variance

Summary of Recommendations:

Based upon the information provided and analysis conducted, this office believes that the proposed variances will not adversely impact the adjacents properties; therefore, we are not opposed to the granting of the requested variances.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: February 10, 1998

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 9, 1998
 Item No. 273

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The correct acreage should read: 0.477 ac.

Liberty Gardens Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

Developer will be responsible for the construction of road widening, concrete curb and gutter and 4-foot-wide sidewalk to their ultimate location along the site's frontage.

Construction for public use shall conform with Baltimore County Department of Public Works' Design Standards and Standard Specifications & Details for Construction.

On-site traffic circulation may become a problem.

RWB:HJO:jrb

cc: File

ZONE0209.273



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 1/30/98
Item No. 273 JLL

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

B O T I M O R E C O U N T Y, M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

DATE:

1/29/92

FROM: R. Bruce Seeley. RBS/92
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb 2, 92

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

Item #'s:

92-156

267

269

270

272

273

274

275

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE

3421 Liberty Gardens Rd, SE/S Liberty
Gardens Rd, 541.67' NE of Bexhill Rd
2nd Election District, 2nd Councilmanic

Legal Owner(s): Mariam and George Jabaji
Contract Purchasers: Henry & Nicole Johnson
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
CASE NO. 98-273-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 26th day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to Legal Owners Mariam and George Jabaji, 12502 Timber Grove, Reisterstown, MD 21136, and to Contract Purchasers Henry & Nicole Johnson, 3421 Liberty Gardens Road, Baltimore, MD 21244, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

Received
4/3/98
4/6/98
TO Wk RYE
Y

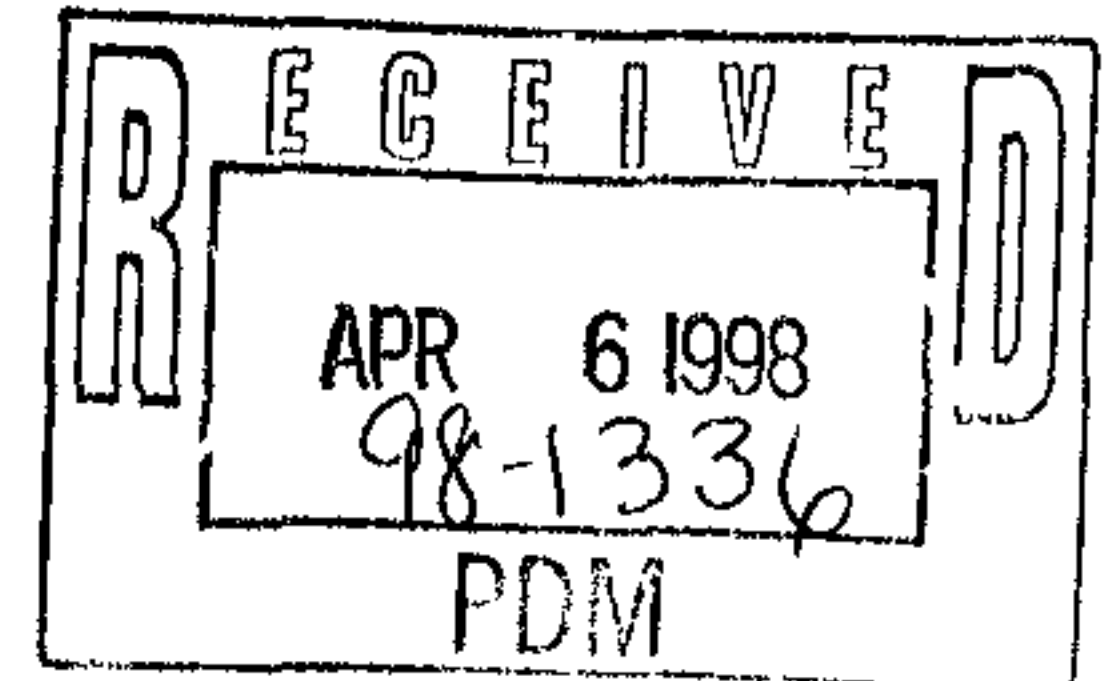
PETER MAX ZIMMERMAN
People's Counsel

April 3, 1998

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204



Re: PETITION FOR VARIANCE
3421 Liberty Gardens Road
541.67' NE of Bexhill Rd
2nd Election District
1st Councilmanic
GEORGE JABAJI, ET UX., Legal Owners,
HENRY C. JOHNSON, ET UX., Purchasers,
Petitioners
Case No. 98-273-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated March 12, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John V. Murphy, Esq., 14 N. Rolling Road, Baltimore, MD 21228,
Attorney for Petitioners

Dr. and Mrs. Martin Berger, 3801 Lochearn Dr., Balto., MD 21207, Protestants

Mr. Louis Miller, 44 E. Timonium Rd., Timonium, MD 21093, Protestant



Baltimore County
Department of Permits and
Development Management

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

April 15, 1998

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, MD 21228

RE: Petition for Zoning Variance
Case No.: 98-273-A
3421 Liberty Gardens Road
2c1
George Jabaji, et ux - Legal
Owners
Henry C. Johnson, et ux -
Petitioners

Dear Mr. Murphy:

Please be advised that an appeal of the above referenced case was filed in this office on April 3, 1998 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a large, sweeping "A" and "J".

Arnold Jablon
Director

AJ:rye

c: Mr. and Mrs. Martin Berger
Mr. Louis Miller
People's Counsel



APPEAL

Petition for Zoning Variance
SE/S Liberty Gardens Road, 541.67' NE of Bexhill Road
(3421 Liberty Gardens Road)
2nd Election District - 1st Councilmanic District
George Jabaji, et ux - Legal Owners
Henry C. Johnson, et ux - Petitioners
Case Number: 98-273-A

Petition for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Zoning Variance Plan for a Class A Group Child Care Center
 2 - Letter from Lawrence E. Schmidt, Zoning Commissioner, to Ms. Nicole Johnson dated May 7, 1997
 3 - Letter from Ms. Patricia M. Diston dated February 28, 1998
 4A-I - Nine Photographs

Letter from John V. Murphy, Esquire, to the Zoning Commissioner of Baltimore County dated February 26, 1998

Copy of Zoning Commissioner's Order for a Class A Child Care Use Permit dated May 7, 1997 (Granted)

Deputy Zoning Commissioner's Order dated March 12, 1998 (Granted)

Notice of Appeal received on April 3, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: John V. Murphy, Esquire, 14 N. Rolling Road, Catonsville, MD 21228
Mr. and Mrs. George Jabaji, 12502 Timber Grove Road, Reisterstown, MD 21136
Mr. and Mrs. Henry C. Johnson, 3421 Liberty Gardens Road, Baltimore, MD 21244
Mr. and Mrs. Martin Berger, 3801 Lochearn Drive, Baltimore, MD 21207-6363
Mr. Louis Miller, 44 E. Timonium Road, Timonium, MD 21093
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 98-273-A

VAR -To permit existing setbacks; lot size of .477 acre ilo minimum 1 acre; fenced play area 9' from residential lot line ilo req'd 20'; no on-site employee parking ilo req'd 2 (existing day care facility).

3/12/98 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

8/10/98 -Notice of Assignment for hearing scheduled for Wednesday, November 4, 1998 at 10:00 a.m. sent to following:

Peter Max Zimmerman /People's Counsel
for Baltimore County
Carole S. Demilio /
Deputy People's Counsel
John V. Murphy, Esquire
Mr. and Mrs. George Jabaji
Mr. and Mrs. Henry C. Johnson
Mr. and Mrs. Martin Berger
Mr. Louis Miller
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

10/30/98 -Letter from J. Murphy, Esquire; will not be appearing at hearing scheduled before Board; has had no contact with Mrs. Johnson since March; has been unable to reach her either by telephone or mail; has not been retained as her attorney before the Board.

11/04/98 -No further contact from Mrs. Johnson. Attempts made by both Office of People's Counsel and Board office to reach her. Conversation with Gloria Gorst, Office Manager for Dr. Jabaji -- Dr. Jabaji is not involved in this matter; Mrs. Johnson was purchasing property from him for day care center; he will not be present for hearing and has no interest in pursuing this request.

- Board convened for hearing (K.L.M.); neither petitioners nor representative on behalf of petitioners was present; PC moved that petition be dismissed and ZC's order declared null and void. Board deliberated immediately thereafter. Petition to be dismissed; ZC's order to be rendered null and void. Order to be issued; appellate period will run from date of written order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: George Jabaji, et ux -Legal Owners; Henry C. Johnson, et ux -Petitioners
Case No. 98-273-A

DATE : November 4, 1998

BOARD /PANEL : Kristine K. Howanski, Chairman (KKH)
Lawrence M. Stahl (LMS)
Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
Administrator

Purpose: For public deliberation of Case No. 98-273-A /George Jabaji, et ux -Legal Owners; Henry C. Johnson, et ux -Petitioners.

KKH: We are here to deliberate Case No. 98-273-A. This is a consideration of what has been described on paper as a Petition for Variance but what has been described by People's Counsel as a Petition for Special Exception /Variance. In any event, we have a situation where People's Counsel and various witnesses are present today, but the contract purchaser and the legal owners of the property, neither are present.

Insofar as this did come up as a de novo appeal, Petitioners do have the burden of proof and it is belief then that by definition they cannot satisfy their burden of proof without putting forth evidence, and that People's Counsel is correct in asking for, and I think we are obliged to grant, the dismissal of the petition.

TPM: I have nothing else to add. I agree.

LMS: I concur.

KKH: The opinion below will have no effect. We will issue a written opinion in accordance with the sentiments expressed herein. Anyone aggrieved will have 30 days from the date of the written opinion from which to file an appeal.

That will bring this deliberation to a close.

NOTE: These minutes serve to indicate that public deliberation in this matter was held this date and a final decision rendered in which the subject Petition for Variance was dismissed and the decision of the Zoning Commissioner below rendered null and void.

Respectfully submitted,


Kathleen C. Bianco

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 29, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File:
98-273-A /George Jabaji, et ux -LO
Henry C. Johnson, et ux - Petitioners

Since no further appeal was taken in the above captioned matter, which was dismissed by Order of Dismissal of Petition dated November 12, 1998, we are hereby closing the file and returning same herewith.

Attachment (File No. 98-273-A)

RECEIVED
COUNTY BOARD OF APPEALS

98 NOV -2 PM 2:53

MURPHY & MURPHY, L.L.C.

Attorneys At Law
14 NORTH ROLLING ROAD
CATONSVILLE, MARYLAND 21228-4848
Tel (410) 744-4967
Fax (410) 744-8936

October 29, 1998

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

re: Case number 98-273-A
In the Matter of George Jabaji et ux

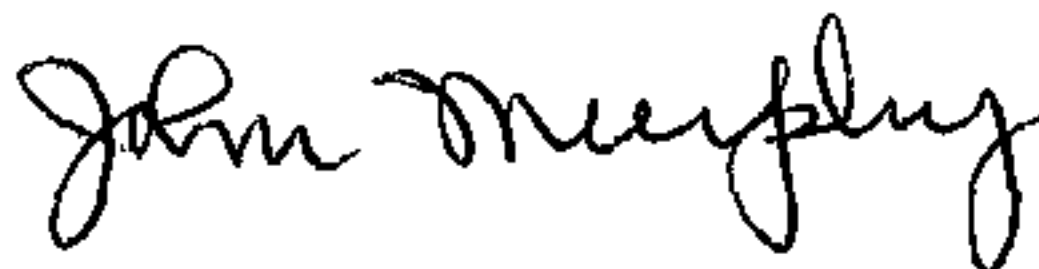
Dear Mr. Chairman,

I had represented Nicole Johnson, the Petitioner below who had operated a day care center at 3421 Liberty Garden Road in Baltimore County. This case comes before you as an appeal from a decision favorable to Ms Johnson by the Hearing Officer allowing her to continue her center for eight children. Unfortunately I have been unable to contact Ms. Johnson since the time of the hearing in March and do not know whether Ms. Johnson intends to be present at the November 4, 1998 hearing. As I have not been retained by Ms. Johnson for this hearing, I will not be appearing as counsel for her that day.

I suspect, but do not know, that the appeal simply put her out of business. I find this particularly disturbing because the appeal was inspired by Protestants who did not live in the neighborhood, were in no way personally affected by Ms. Johnson's day care and who presented no evidence at the hearing below. It seemed to be more a matter of theoretical importance.

Please let me know if you have any questions. Thank you.

Very Truly Yours,



John V. Murphy

/jvm

cc: Nicole Johnson
People's Counsel

MURPHY & MURPHY, L.L.C.

Attorneys At Law
14 NORTH ROLLING ROAD
CATONSVILLE, MARYLAND 21228-4848
Tel (410) 744-4967
Fax (410) 744-8936

February 26, 1998

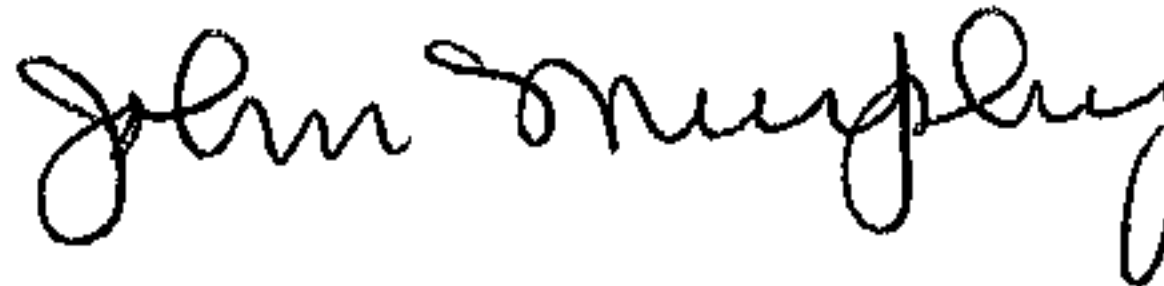
The Zoning Commissioner of Baltimore County
Courthouse
Towson MD 21204

Re: Zoning Variance Request
Case no. 98-273-A

Gentlemen/ Ladies

Please enter my appearance on behalf of the Petitioner as her attorney in the above reference case. Please let me know if you have any questions. Thank you.

Very Truly Yours,



John V. Murphy

/jvm

cc: Nicole Johnson

c:\corel\office\wpwin\docs\dallys\mar.98\mar2.98

11/4/98

Hlona Garst 682-4433

Dr. Fabry's manager
says case is not being pursued
Mrs Johnson no longer

Gave her our number and CBA's
number /

She said we would assume they
are not pursuing it

She would let Dr. Fabry know

DATE:

PEOPLE'S COUNSEL'S SIGN IN SHEET

CASE:

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

① LOUIS W. MILLER

44 E. TIMONIUM RD
TIMONIUM MD. 21093

② JUDITH BERGER

3801 LOCHEARN DR 21207
6363

③ MARTIN BERGER

3801 LOCHEARN DR. 21207-
6363



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOHN V. MURPHY ESQ

14 N. ROWLING RD

CATONSVILLE MD 21228

Nicole Johnson

3623 Rockdale Terrace.

Balto. Md 21244

Frank Jr

1277 NEIGHBORS AVE

Balto., MD. 21237





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 7, 1997

Ms. Nicole Johnson
3421 Liberty Gardens Road
Baltimore, Maryland 21244

RE: Application for Class A Child Care Center
Location: 3421 Liberty Gardens Road
2nd Election District, 2nd Councilmanic District

Dear Ms. Johnson:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

RECEIVED
MAY 14 1997
2

RECOMMENDATION'S
EXHIBIT 3

February 28, 1998

To whom it may concern.

I am a homeowner who resides at 3419 Liberty Gardens Road. I am also a customer of Ms. Johnson. My son has been attending her daycare for a year and a half. I am very satisfied with her daycare services and feel extremely comfortable in recommending her daycare to another parent.

In regard to the vegetative buffers, it is my opinion that they are not needed. My house is directly next to Ms. Johnson's daycare and I have no concerns about the way in which the yard is situated. It was my intention to accompany Ms. Johnson to the hearing, but I could not take the time off of my job.

If I can be of further assistance please feel free to contact me at 410-655-9617.

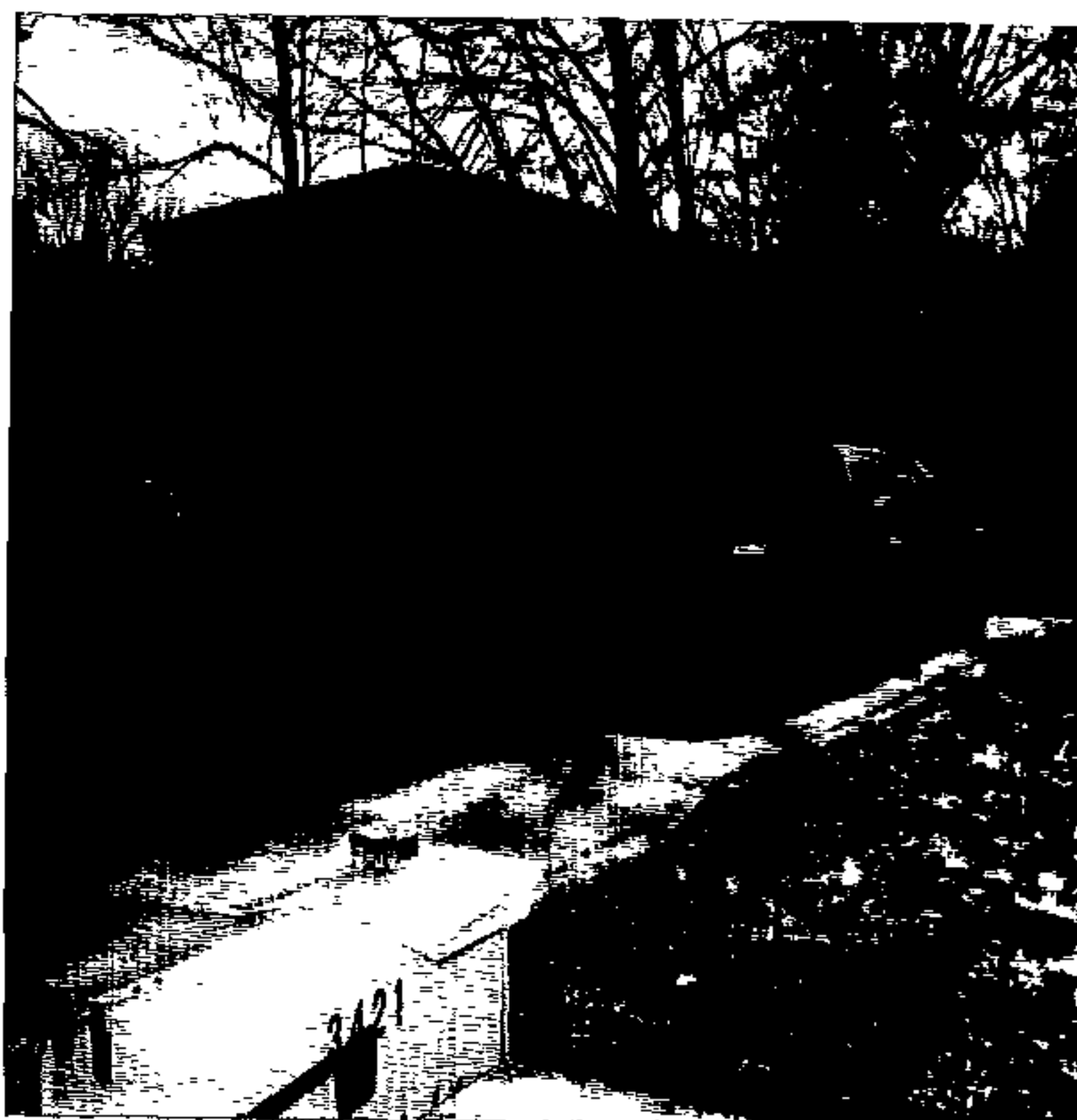
Sincerely,

Mrs. Patricia M. Diston



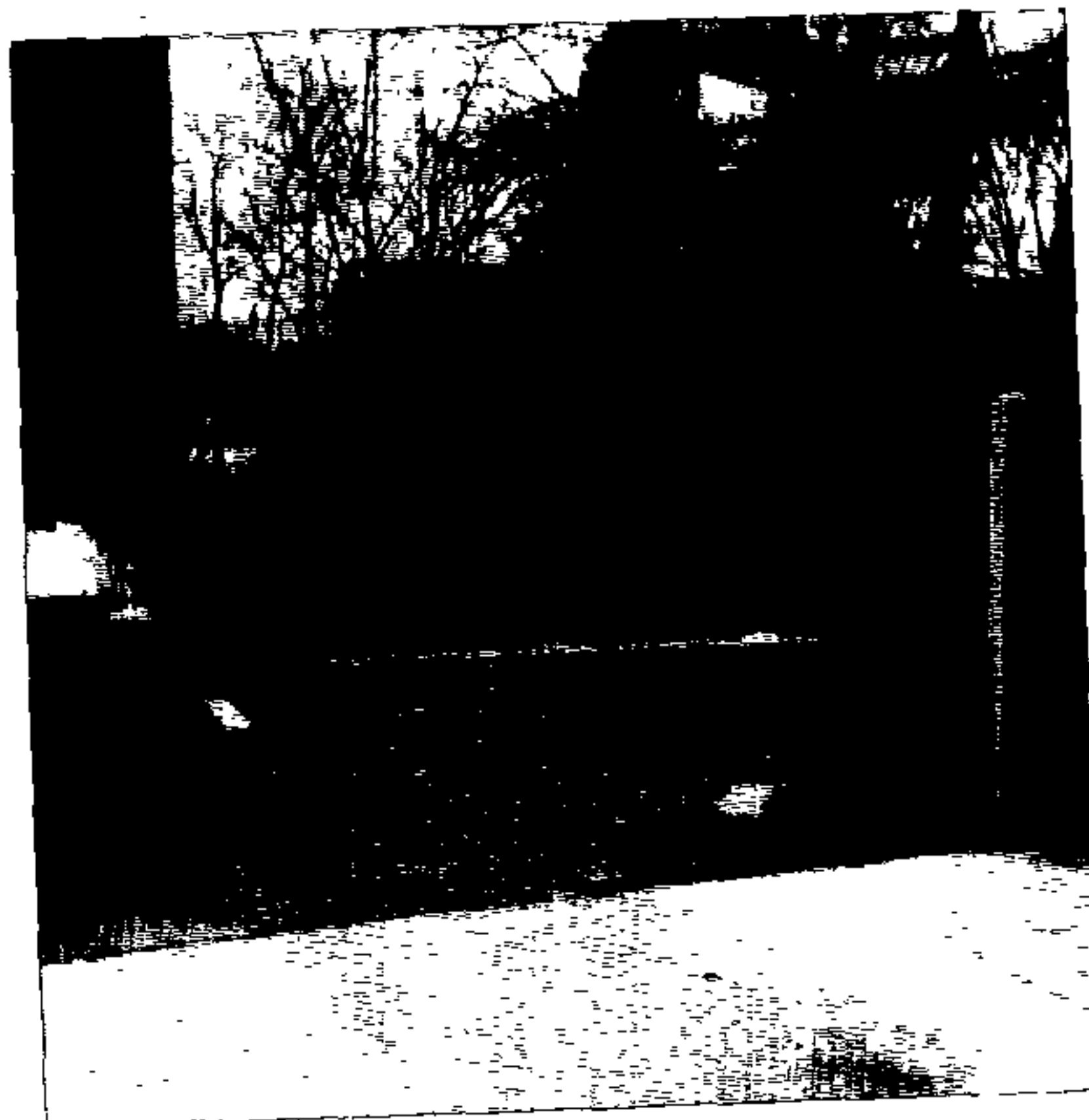
Pet Ex #4

A



E - Driveway

B



A 25 Ft

C



B 44 Ft

D



E

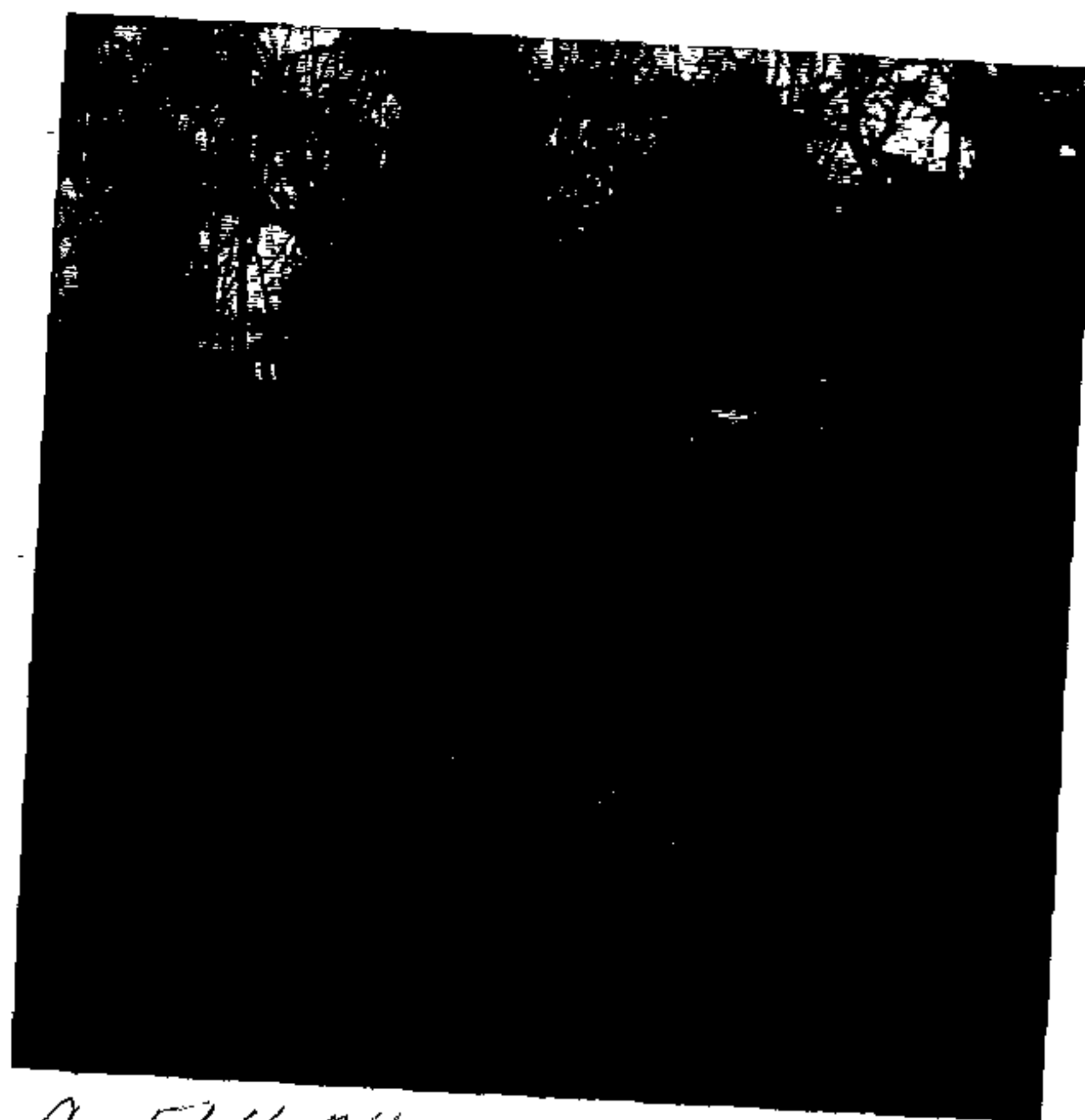


Back of house

F



D - Neighbors, side
on looking to Taycare
G



C 54' 3"
from metal fence
to stockade
H



I

Petitioner's
Exhibits 4I
4A - 4I

photographs
4A - 4I

Case 98-273-A

IN RE: CLASS A CHILD CARE USE PERMIT * BEFORE THE
3421 Liberty Gardens Road * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District
Nicole Johnson
Applicant

* * * * *

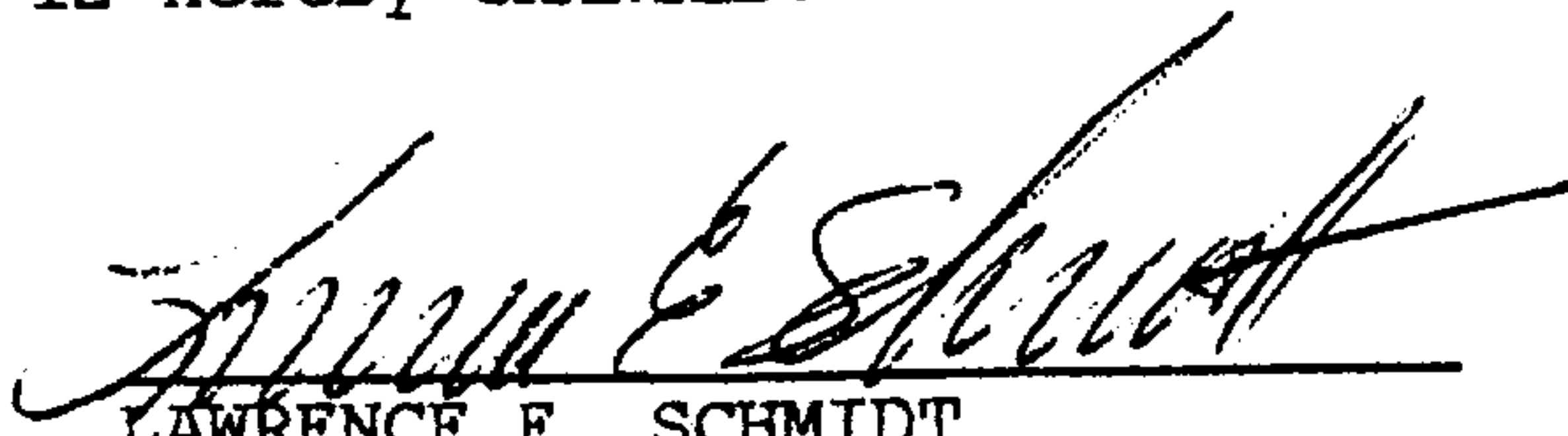
ORDER

This matter comes before me for consideration of a use permit for a Class A Child Care Center on the subject property, known as 3421 Liberty Gardens Road, located in the vicinity of Liberty Road in Woodlawn. The application was filed by the owner of the property, Nicole Johnson.

The property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. The Applicant has filed the supporting affidavits as required by Sections 424.4A and 500.4 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the information and affidavits submitted provide sufficient facts that the subject property complies with the requirements of Sections 424.4A, 424.5A and 500.4 of the B.C.Z.R.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the application should be approved.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of May 1997 that a Use Permit for a Class A Child Care Center at the subject location be and is hereby GRANTED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

cc: Ms. Nicole Johnson
3421 Liberty Gardens Road, Baltimore, Maryland 21244