

IN RE: PETITIONS FOR SPECIAL HEARING. * BEFORE THE
SPECIAL EXCEPTION AND VARIANCE -
NW/Cor. Belair Rd. & Baker Lane * ZONING COMMISSIONER
(9608 & 9610 Belair Road and
4137 Baker Lane) * OF BALTIMORE COUNTY
11th Election District
5th Councilmanic District * Case No. 98-282-SPHXA

George J. Jabaji, M.D., et ux *
and A.M.F. Child Care, Inc., t/a
Perry Hall Learning Center - Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, George J. Jabaji, M.D., and his wife, Mariam G. Jabaji, and the Contract Lessees, A.M.F. Child Care, Inc., t/a Perry Hall Learning Center, by Annette M. Stephens, President. The Petitioners request a special exception, pursuant to Sections 424.5 and 1B01.C.6.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the expansion of an existing Class B Group Child Care Center at 9610 Belair Road to include the play area and accessory parking lot in a D.R. 5.5 zone. Special Hearing relief is also requested to approve an amendment to the previously approved site plans in prior Case Nos. 71-20-X, 71-163-A, 74-109-XA, and 77-148-X to allow the previously granted variances permitting a distance between buildings of 16 feet and a side yard setback of 13.5 feet from the street to the existing Class B Group Child Care Center to apply to the proposed addition, and to expand the area of the special exception for accessory parking and play areas. In addition, the Petitioners request variance relief from Section 102.1 of the B.C.Z.R. to permit a distance of 16 feet between the proposed addition and another existing building in lieu of the required 20 feet, from Section 1B02.2 of the B.C.Z.R. to allow a side yard setback of 13.5 feet in lieu of the

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Date

By

required 25 feet (as provided under the regulations at the time the special exception was granted); and, from Section 1B01.1.B.1.e.5 to permit an RTA (Residential Transition Area) buffer of 20 feet in lieu of the required 50 feet, and an RTA setback of 20 feet in lieu of the required 75 feet for the accessory parking and play area of a Class B Group Child Care Center. 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 Petitions were Annette M. Stephens, Co-Petitioner and President of the Perry Hall Learning Center, Contract Lessee of the subject site, Thomas J. Hoff, the Landscape Architect who prepared the site plan for this property, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

The property under consideration is approximately 1.53 acres in gross area, split zoned R.O. and D.R.5.5. The tract is irregular in shape and is located on the northwest corner of the intersection of Belair Road and Baker Lane in Perry Hall. By appearance, the subject property is comprised of two lots, a rectangular shaped parcel improved with two structures which front Belair Road, and a second rectangular shaped lot to the rear, which is perpendicular to the front lot, and is improved with an existing dwelling and a garage. The two structures on the property immediately adjacent to the intersection include an existing office building, known as 9608 Belair Road, and a two-story building, known as 9610 Belair Road, which houses the day care center operated by the Perry Hall Learning Center. The lot to the rear contains an existing building previously used as a residential dwelling, known as 4137 Baker Lane.

The property has a zoning history, as noted on the site plan. Prior cases approved office use in the building known as 9608 Belair Road. In fact, that building is occupied by the medical offices of Dr. Jabaji, owner of the overall tract. Prior zoning orders also approved the existing day care operation in the two-story building known as 9610 Belair Road. Presently, that day care center is operated by the co-Petitioner, Annette M. Stephens, and provides day care for 29 children, aged 2 to 14 years. There are both all day and before/after school programs offered at this facility. It is also of note that variance relief was previously approved for this site to allow a distance of 16 feet between buildings (the medical office building and the day care center) and a side yard setback of 13.5 feet from the day care center to the street.

The subject case was brought about by a desire of Ms. Stephens, co-Petitioner, to expand the existing day care operation at 9610 Belair Road. As shown on the site plan, a sizeable addition will be constructed to the rear of the day care building. It was indicated at the hearing that the site will expand to accommodate approximately 56 to 58 children. The number of employees at the facility will be increased accordingly. Additionally, other improvements to the site envision an expansion to the rear parking area. Moreover, the dwelling, known as 4137 Baker Lane, and the garage on that lot, will be removed and replaced with a play area to serve the day care center, and provide a buffer area.

Although there were no Protestants present, comments were received from member agencies of the Zoning Plans Advisory Committee. One relevant comment in particular was that from the Office of Planning. That comment indicated that the Planning staff does not support the request for variances in that the site plan indicates that an adjacent residential lot (4137

Baker Lane) would be converted into a parking lot and would detrimentally affect the existing buffer between the commercial uses on both Belair Road and the residences to the rear on Baker Lane. Thus, the Planning staff recommended that the applicants' request be denied.

This issue was raised at the hearing, and subsequent thereto, an amended plan was submitted and marked as Petitioner's Exhibit 1A. The amended plan shows that the parking lot has been entirely removed from the residential property known as 4137 Baker Lane, and is now confined to the rear yard of 9608 and 9610 Belair Road. Although the buildings will be removed from the residential lot, there will be no commercial parking thereon. This change satisfies the Planning staff, which now endorses the project. It should also be noted that the R.O. zoned portion of this site is entirely constituted by the front lot and the rear lot is entirely zoned D.R.5.5.

Based upon the testimony and evidence offered, the amended site plan and favorable comments submitted by the Office of Planning, I am persuaded to grant the relief requested. Thus, the Petition for Special Exception shall be granted, permitting an expansion of the existing special exception area, as shown on the amended plan identified as Petitioner's Exhibit 1A. Relief will be approved to permit the expanded play area on the D.R.5.5 zoned portion of the site; however, no parking or building shall be permitted thereon.

The Petition for Special Hearing shall also be approved. In this regard, the addition to the proposed day care center at 9610 Belair Road will maintain the same setbacks as are presently existing. These setbacks are insufficient at law, but consistent with existing conditions. Thus, the amended plan which shows an addition maintaining a 16-foot setback

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Date 7/16/98
By [Signature]

between existing buildings and a 13.5-foot side yard setback should be approved. The balance of the Petition for Special Hearing shall also be granted, as modified on the amended plan and set forth above.

Lastly, the Petition for Variance shall be granted. As noted above, two of the variances are to legitimize existing conditions to allow the proposed additions (i.e., a 16-foot distance between buildings, and a 13.5 foot side yard setback). The 20-foot RTA buffer, and the 25-foot RTA setback, in lieu of the required 50 feet and 75 feet, respectively, shall also be approved, in accordance with the amended site plan.

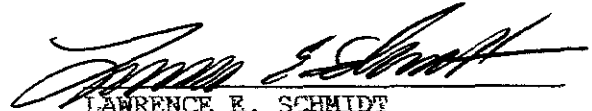
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of April, 1998 that the Petition for Special Exception to permit the expansion of an existing Class B Group Child Care Center at 9610 Belair Road, pursuant to Sections 424.5 and 1B01.C.6.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to include the play area, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 71-20-X, 71-163-A, 74-109-XA, and 77-148-X to allow the previously granted variances permitting a distance between buildings of 16 feet and a side yard setback of 13.5 feet from the street to the existing Class B Group Child Care Center to also apply to the proposed addition, and to expand the area of the special exception for a proposed play area, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 102.1 to permit a distance of 16 feet between the proposed addition and another existing building in lieu of the required 20 feet; from Section 1B02.2 to allow a side yard setback of 13.5 feet in lieu of the required 25 feet (as provided under the regulations at the time the special exception was granted; and, from Section 1B01.1.B.1.e.5 to permit an RTA buffer of 20 feet in lieu of the required 50 feet, and an RTA setback of 20 feet in lieu of the required 75 feet for the proposed play area, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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) There shall be no new building or parking area on the D.R.5.5 zoned portion of the property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/11/78
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

April 16, 1998

Anthony J. DiPaula, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
NW/Cor. Belair Rd. & Baker Lane
(9608 & 9610 Belair Road and 4137 Baker Lane)
11th Election District - 5th Councilmanic District
George J. Jabaji, M.D., et ux, and A.M.F. Child Care, Inc., t/a
Perry Hall Learning Center - Petitioners
Case No. 98-282-SPHXA

Dear Mr. DiPaula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception, and Variance have 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. & Mrs. George J. Jabaji
9105 Franklin Square Drive, Suite 302, Baltimore, Md. 21237

Ms. Annette M. Stephens, President
Perry Hall Learning Center, 9610 Belair Road, Baltimore, Md. 21236

People's Counsel; Case Files



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

9610 Belair Road

which is presently zoned RO and DR5.5

This Petition shall be filed with the Department of Permits & 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

an expansion of an existing special exception, pursuant to Sections 424.5, 1B01.C.6.b, to include the play area of a Class B group child care center and accessory parking in a DR 5.5 zone.

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:

A.M.F. Child Care, Inc. t/a

Perry Hall Learning Center

(Type or Print Name)

By: Annette M. Stephens
Signature Annette M. Stephens, President

9610 Belair Road

Address

Baltimore, MD 21236

City

State

Zipcode

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Bonzer, P.A.

Signature

614 Bosley Avenue 410-828-9441

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

George J. Jabaji, M.D.

(Type or Print Name)

Signature

Mariam G. Jabaji

(Type or Print Name)

Signature

9105 Franklin Square Drive, Suite 302

Address

Phone No.

Baltimore MD 21237

City

State

Zipcode

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

Anthony J. DiPaula

Name

same

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF

DATE 1/29/94

98-282-SPHXA

Revised 9/5/95

#282

ORDER RECEIVED FOR FILING

Date

By

LARRY —
PLEASE CALL ME. CASE NO. 98-282

ANTHONY J. DIPAULA
ATTORNEY AT LAW

SPHXA

THANKS.

COVAHEY & BOOZER, P.A.
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

3/27/98
(410) 828-9441
FAX (410) 823-7530

92-525-2P



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

9610 Belair Road

which is presently zoned RO and DR5.5

This Petition shall be filed with the Department of Permits & 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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the previously approved site plans in cases 71-20-X, 71-163-A, 74-109-XA and 77-148-X; to determine and allow that the previously granted variances allowing a distance between the buildings of 16' and a sideyard setback of 13.5' from the street to the existing Class B group child care center should also apply to the proposed addition; and to expand the area of special exception for accessory parking and play areas all as shown on the provided plans.

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

I, or we, agree to pay expenses of above Special Hearing 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:

A.M.F. Child Care, Inc. t/a
Perry Hall Learning Center

(Type or Print Name)

By: Annette M. Stephens

Signature Annette M. Stephens, President

614 Bosley Avenue

Address

Baltimore, MD 21236

City

State

Zipcode

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Boozer, P.A.

Signature

614 Bosley Avenue 410-828-9441

Address

Phone No.

Towson, MD 21240

City

State

Zipcode

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):

George J. Jabaji, M.D.

(Type or Print Name)

Signature George J. Jabaji

Mariam G. Jabaji

(Type or Print Name)

Signature Mariam G. Jabaji

9105 Franklin Square Drive, Suite 302

Address

Phone No.

Baltimore

MD

21237

City

State

Zipcode

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

Anthony J. DiPaula

Name

same

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JRF

DATE 1/29/98

98-282-SPHXA

#282

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9610 Belair Road

which is presently zoned RO and DR 5.5

This Petition shall be filed with the Department of Permits & 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) 102.1 to allow a distance of 16' between the proposed addition and another existing building in lieu of 20', and Section 1B02.2 to allow a sideyard setback of 13.5' in lieu of 50' (as provided under the regulations at the time of the special exception); Section 1B01.1.B.1.e.5 to allow a 20' RTA buffer in lieu of the required 50' and to allow a 25' setback in lieu of the required 75' for*

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

- Existing group child care center being enlarged.
- Previously approved site plan has variances in place, and predates Sections in question.
- Some variances not needed if street at area in question is determined by Special Hearing to not be residential.

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:

A.M.F. Child Care, Inc. t/a
Perry Hall Learning Center

(Type or Print Name)

By: Annette M. Stephens

Signature Annette M. Stephens, President

9610 Belair Road

Address

Baltimore MD 21236

City State Zipcode

Attorney for Petitioner:

Anthony J. DiPaula

(Type or Print Name)

Covahey & Boozer, P.A.

Signature [Signature]

614 Bosley Avenue

410-828-9441

Address

Phone No.

Towson MD 21204

City State Zipcode

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):

George J. Jabaji, M.D.

(Type or Print Name)

Signature [Signature]

Mariam G. Jabaji

(Type or Print Name)

Signature [Signature]

9105 Franklin Square Drive, Suite 302

Address

Phone No.

Baltimore MD 21237

City State Zipcode

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

Anthony J. DiPaula

Name

Same

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRF

DATE 1/29/98

*accessory parking of a group child care center.

282

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By

98-282-SPHxA

AMENDED VARIANCE REQUEST

A variance from Section 102.1 to allow a distance of 16' between the proposed addition and another existing building in lieu of 20', and Section 1B02.2 to allow a side yard setback of 13.5' feet in lieu of 25' (as provided under the Regulations at the time of the special exception), Section 1B01.1.B.1.e.5 to allow a 20' RTA buffer and a 20' RTA setback in lieu of the required 50' RTA buffer and 75' RTA setback for the play area of Class B Group Child Care Center.

ORDER RECEIVED FOR FILING

Date

By

3'ds.171

THOMAS J. HOFF, INC.
Landscape Architect and Land Development Consultant
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

January 28, 1998

**Description #1 of 9608 & 9610 BELAIR ROAD and 4137 Baker Lane, to Accompany
Zoning Petition for Special Hearing and Variance**

BEGINNING FOR THE SAME at a point on the north side of Belair Road (Maryland State
Route 1, 60' R/W) 45' more or less from the centerline of Baker Lane (50' R/W).

Thence binding on the north side of said Belair Road,

- (1) South 49 degrees 49 minutes West 138.50 feet;

thence leaving the north side of said Belair Road,

- (2) North 40 degrees 11' minutes West 200.00 feet;

- (3) South 49 degrees 49 minutes West 77.16 feet;

- (4) North 40 degrees 11 minutes West 100.00 feet;

- (5) North 49 degrees 49 minutes East 232.69 feet;

thence binding on the west side of said Baker Lane

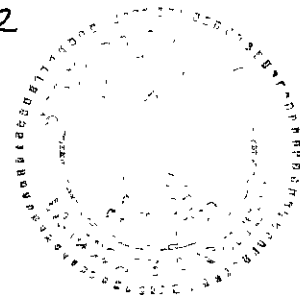
- (6) South 40 degrees 45 minutes East 276.10 feet;

- (7) South 00 degrees 36 minutes 29 seconds East 31.02 feet; to the point of beginning
containing 1.26 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

282



98-282-SPHX A

THOMAS J. HOFF, INC.
Landscape Architect and Land Development Consultant
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

January 28, 1998

Description #2 of 4137 Baker Lane, Area in DR 5.5 Zone, to Accompany Zoning Petition for Special Exception

BEGINNING FOR THE SAME at a point on the west side of Baker Lane (50' R/W) 276' more or less from the northside of Belair Road (Maryland State Route 1, 60' R/W)

Thence leaving the west side of said Baker Lane,

- (1) South 49 degrees 49 minutes West 233.68 feet;
- (2) North 40 degrees 11 minutes West 100.00 feet;
- (3) North 49 degrees 49 minutes East 232.69 feet;

thence binding on the west side of said Baker Lane

- (4) South 40 degrees 45 minutes East 100.00 feet; to the point of beginning containing 0.53 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

282



98-282-SPHXA

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **048646**

DATE 1/29/98 ACCOUNT R-001-615000
AMOUNT \$ 650.00

RECEIVED FROM: George J. Jobaji
020 Vantage ITEM # 282
040 SPH TAKEN BY: JRF
FOR: 050 X
9610 Belair Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
1/29/1998 1/29/1998 09:11:17
REF: 0003 CASHIER UNIT BLN DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 033676
CR NO. 048648
650.00 CHECK
Baltimore County, Maryland

98-282-SPHXA

CASHIER'S VALIDATION

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **055908**

DATE 7/20/98 ACCOUNT 001-6150
AMOUNT \$ 40.00 (JCM)

RECEIVED FROM: Anthony J. DiPaula, Esquire
FOR: VERIFICATION #98-2881
9610 Belair Road
AMF Child Care Inc T/A Perry Hall Learning Cntr
#98-282-SPHXA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/21/1998 7/20/1998 16:14:18
REF: 0003 CASHIER PWS PEN DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 051455
CR NO. 055908
40.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-19-, 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 2-19-, 1998

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

OFFICE OF ZONING
COMMISSIONER
The Zoning Commissioner of Baltimore County, Maryland, 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: #98-282-SPHX
9610 Belair Road,
W/S Baker Lane, more or less
from the N/S Belair Road
11th Election District
5th Councilmanic District
Legal Owner(s):
George J. Jabaji, M.D. &
Mariam G. Jabaji
Contract Purchaser:
A.M.F. Child Care Center, Inc.
RA Perry Hall Learning
Center

Special Exception: for an expansion of an existing special exception to include the play area of a Class B group child care center and accessory parking. **Special Hearing:** to approve an amendment to the previously approved site plans in cases 74-20-X, 71-163-A, 74-199-XA, and 77-148-X; to determine and allow that the previously granted variances allowing a distance between buildings of 16 feet and a side yard setback of 13.5 feet from the street to the existing Class B group child care center should also apply to the proposed addition; and to expand the area of special exception for accessory parking and play areas. **Variance:** to allow a distance of 16 feet between the proposed addition and another existing building in lieu of 20 feet; to allow a side yard setback of 13.5 feet in lieu of 50 feet; to allow a 20-foot RTA buffer in lieu of the required 50 feet; and to allow a 25-foot setback in lieu of the required 75 feet for accessory parking of a group child care center. **Hearing:** Monday, March 9, 1998 at 10:00 a.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.

2/28/98 Feb. 19 c207925

319

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
PETITION FOR VARIANCE	*	ZONING COMMISSIONER
9610 Belair Rd, W/S Baker Ln,		
more or less from the N/S Belair Rd	*	OF BALTIMORE COUNTY
11th Election District, 5th Councilmanic	*	CASE NO. 98-282-SPHXA
Legal Owner(s): George and Mariam Jabaji		
Contract Purchaser(s): A.M.F. Child Care, Inc.,		
t/a Perry Hall Learning Ctr.	*	
Petitioners		

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 January, 1998, a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

RE. Case No. 98-82-SPHXA

Petitioner/Developer: PERRY HALL LEARNING CENTER
ANTHONY J. DI PAULA, ESQ ETAL

Date of Hearing/Closing 3/9/98 828-9441

828-5525
828-9441

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 #9610 BELAIR ROAD
W/S BAKER LANE

The sign(s) were posted on 2/23/98
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 2/23/98
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

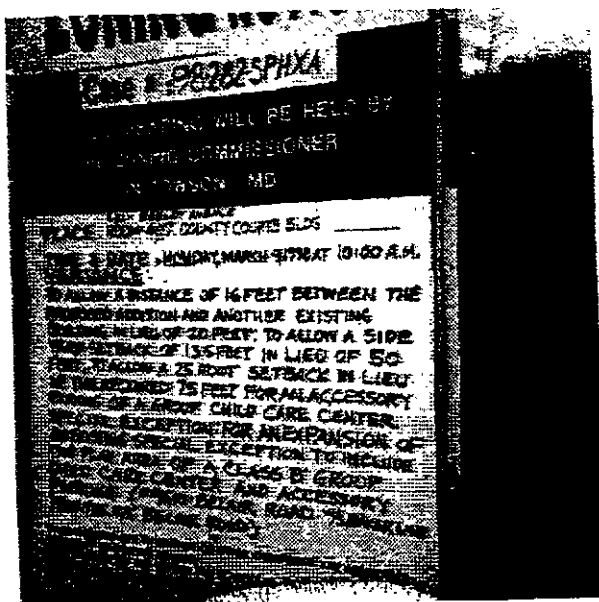
(City, State, Zip Code)

(410) 666-5366

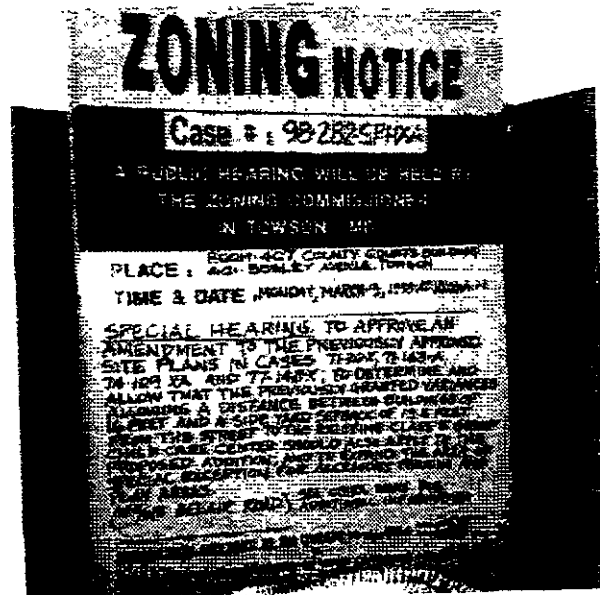
(Telephone Number)

Page (410) 705-8571

9-296
COPY 0100



#9610 BELAIR RD #2
PERRY HALL LEARNING CENTER, STA-
2-2/23/98 A.D. PAULA H-3/9/98



#9610 BELAIR ROAD #1
PERRY HALL LEARNING CENTER, STA-
2-2/23/98 A.D. PAULA H-3/9/98



Baltimore County
Department of Permits and
Development Management

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

February 5, 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: 98-282-SPHXA

9610 Belair Road

W/S Baker Lane, more or less from the N/S Belair Road

11th Election District - 5th Councilmanic District

Legal Owner: George J. Jabaji, M.D. & Mariam G. Jabaji

Contract Purchaser: A.M.F. Child Care Center, Inc., T/A Perry Hall Learning Center

Special Exception for an expansion of an existing special exception to include the play area of a Class B group child care center and accessory parking. Special Hearing to approve an amendment to the previously approved site plans in cases 71-20-X, 71-163-A, 74-109-XA, and 77-148-X; to determine and allow that the previously granted variances allowing a distance between buildings of 16 feet and a side yard setback of 13.5 feet from the street to the existing Class B group child care center should also apply to the proposed addition; and to expand the area of special exception for accessory parking and play areas. Variance to allow a distance of 16 feet between the proposed addition and another existing building in lieu of 20 feet; to allow a side yard setback of 13.5 feet in lieu of 50 feet; to allow a 20-foot RTA buffer in lieu of the required 50 feet; and to allow a 25-foot setback in lieu of the required 75 feet for accessory parking of a group child care center.

HEARING: Monday, March 9, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon, Director

c: Anthony J. DiPaula, Esquire

Mariam & George Jabaji, M.D.

A.M.F. Child Care, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 22, 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.**



TO: PATUXENT PUBLISHING COMPANY
February 19, 1998 Issue - Jeffersonian

Please forward billing to:

Perry Hall Learning Center
9610 Belair Road
Baltimore, MD 21236

410-256-8383

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:

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HEARING: Monday, March 9, 1998 at 10:00 a.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

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.: 282

Petitioner: A.M.F. Child Care Inc.

Location: 9610 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PERRY HALL LEARNING CENTER

ADDRESS: 9610 BELAIR RD

BALTIMORE, MD. 21236

PHONE NUMBER: 410-256-8383

AJ:ggs

(Revised 09/24/96)

98-282-SPHXA

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.: 98-282-SPHXA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING - an amendment to the previously approved site plans in cases 71-20-X, 71-163-A, 74-109-XA and 77-14E to determine and allow that the previously granted variances allowing a distance between buildings of 16' and a side yard setback of 13.5' from the street to the existing Class B group child care center should also apply to the proposed addition; and to expand the area of special exception for accessory parking and play areas all as shown on the provided plans.

SPECIAL EXCEPTION - an expansion of an existing special exception to include the play area of Class B group child care center and accessory parking in a DR 5-5 zone.

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

→ VARIANCE - to allow a distance of 16' between the proposed addition and another existing building in lieu of 20', and to allow a side yard setback of 13.5' in lieu of 50'; To allow a

20' RTA buffer in lieu of the required 50' and to allow a 25' setback in lieu of the required 75' for accessory parking of a group child care center.

9/96

post 4.doc



Baltimore County
Department of Permits and
Development Management

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

March 5, 1998

Anthony J. DiPaula, Esq.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 282
Case No.: 98-282-SPHXA
Petitioner: George J. Jabaji, M.D., et ex/A.M.F. Child Care

Dear Mr. DiPaula:

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 29, 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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ggs
Attachment(s)



INTEROFFICE CORRESPONDENCE

Date: February 24, 1998

SUBJECT: Zoning Advisory Committee Meeting
for February 17, 1998
Item No. 282

The developer is responsible for improvements along Baker Lane frontage.

cc: File

ZONE0217.282

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 23, 1998

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

SUBJECT: 9610 Belair Road

INFORMATION

Item Number: 282

Petitioner: AMF Child Care, Inc. t/a Perry Hall Learning Center

Zoning: RO and DR 5.5

Requested Action: Special Exception and Variance

Summary of Recommendations:

Staff does not support the variances requested to enable the expansion of an existing child care center as outlined on the plat accompanying the subject request. The plan indicates that an adjacent residential lot would be converted into a parking lot. The purpose of the RO zones is to provide a buffer between commercial and non-commercial uses. In the instant case, it would appear that the subject property is being overdeveloped since its use cannot be contained within the RO zone.

While Section 409.8B permits business or industrial parking on residential property, it is the opinion of staff that all parking spaces should be located on the same lot as the structure or use to which they are accessory (see Section 203.3.C.2). Therefore, staff recommends that the applicant's request be denied.

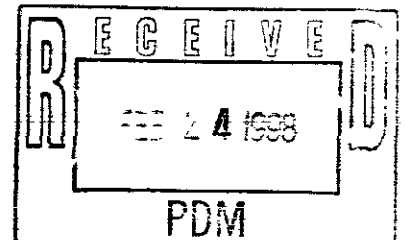
Prepared by:

Jeffrey M. L.

Division Chief:

Carol Kerns

AFK/JL



As
3/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 23, 1998

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

SUBJECT: 9610 Belair Road

INFORMATION

Item Number: 282

Petitioner: AMF Child Care, Inc. t/a Perry Hall Learning Center

Zoning: RO and DR 5.5

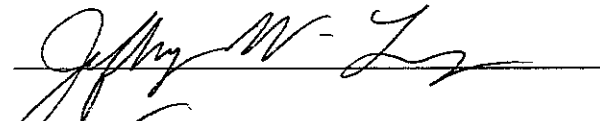
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Prepared by:



Division Chief:



AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 23, 1998

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

SUBJECT: 9610 Belair Road

INFORMATION

Item Number: 282

Petitioner: AMF Child Care, Inc. t/a Perry Hall Learning Center

Zoning: RO and DR 5.5

Requested Action: Special Exception and Variance

Summary of Recommendations:

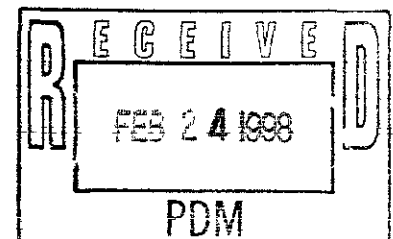
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Prepared by: *Jeffrey W. L.*

Division Chief: *Gary L. Kerns*

AFK/JL





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 2/17/98
Item No. 282 JRF
Rte. 1

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

m. Smith

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



Baltimore County
Fire Department

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

February 10, 1998

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

RE: Property Owner: George J. Jabaji, M.D. & Marian G. Jabaji

Location: DISTRIBUTION MEETING OF FEBRUARY 9, 1998

Item No.: 282 Zoning Agenda:

Gentlemen:

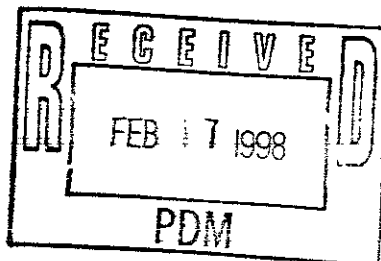
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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 A. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Fire Department

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

February 10, 1998

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

RE: Property Owner: George J. Jablon, M.T. & Marian B. Jablon

Location: DISTRIBUTION MEETING OF FEBRUARY 9, 1998

Item No.: CP2

Item No. Agenda:

Gentlemen:

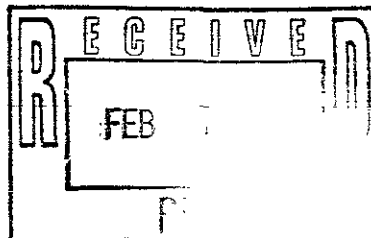
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2. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to application.

REVIEWER: LT. ROBERT E. SAUERVALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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

TO: PDM
FROM: R. Bruce Seeley. RBS/SP
Permits and Development Review
DEPRM

DATE: 2/14/98

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb. 9, 98

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

Item #'s:

280

284

281

285

282

RBS:sp

BRUCE2/DEPRM/TXTS8P

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ANTHONY J. DiPAULA, Esq.
Annette M. Stephens
THOMAS J. HOFF

614 BARLEY AVE - 21224
P.O. Box 412 21057
406 W. PENNSYLVANIA AVE. 21204





Baltimore County
Department of Permits and
Development Management

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

July 24, 1998

Anthony J. DiPaula, Esquire
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

Dear Mr. DiPaula:

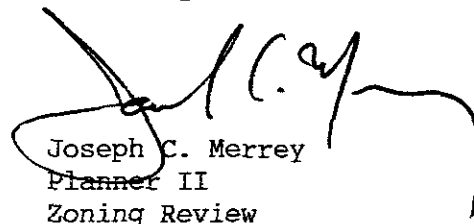
RE: Spirit and Intent, 9610 Belair Road, Perry Hall Learning Center, Zoning
Case 98-282-SPHXA, 11th Election District

I have reviewed your letter of July 16, 1998 and the attached red-lined plan regarding the above-referenced property and find the request for the proposed modular addition to be within the the spirit and intent of zoning case 98-282-SPHXA. Be advised that Avery Harden, Landscape Planner, must approve this site for landscaping prior to building permit approval.

Place this letter on all future plans submitted to this office for review.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Joseph C. Merrey
Planner II
Zoning Review

JCM:lae

Enclosure

c: zoning case 98-282 SPHXA



COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

FAX 410-823-7530

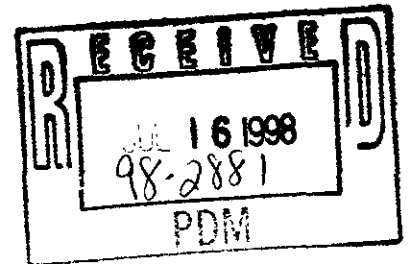
July 16, 1998

* ALSO ADMITTED TO D. C. BAR

HAND DELIVERY

Arnold Jablon, Director
Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: CLIENT/TENANT: A.M.F. CHILD CARE, INC.
T/A PERRY HALL LEARNING CENTER
PROPERTY: 9610 BELAIR ROAD
ZONING CASE NO.: 98-282-SPHXA



Dear Mr. Jablon:

The purpose of this letter is to request approval of some minor revisions to an approved site plan, that is, whether these minor revisions are within the spirit and intent of what was granted by the Zoning Commissioner in his Order dated April 16, 1998 in the above referenced case. Attached hereto is a red-lined excerpt from the approved Plan to show the minor revisions, approval of which is requested.

A.M.F. Child Care, Inc., trading as Perry Hall Learning Center, has been in business for many years, and needed to expand its operation. It is based on the corner of Belair Road and Baker Lane in Perry Hall. A.M.F. sought and obtained approval for an addition to the rear of its existing building, intended to measure 47.75' x 37.5', thereby providing an additional 1,790 square feet of space. Anticipated costs of constructing this addition have far exceeded what was budgeted or what is available, and so it now proposes a modular addition in lieu of a stick-built one. Unfortunately, modular buildings are only available in predetermined sizes, so what is now proposed is to make the new addition narrower than originally proposed and approved, namely 32' in width in lieu of 37.5', a reduction of 5.5'. The addition will be slightly longer, however, 55.75' in lieu of 47.75'. The square footage remains essentially the same, or actually 6' less, the new addition being 1,784 square feet rather than the 1,790' that was approved. By extending the addition, however, it will necessitate

Arnold Jablon, Director
July 16, 1998
Page 2

moving five (5) of the parking spaces that were to be located behind the addition, and relocating them to available space behind the adjacent building at 9608 Belair Road, which was part of the same originally approved plan. These two (2) properties had been treated together in previous zoning cases and for that reason were treated together again. There is more than ample room to accommodate the parking and the red-lined Plan shows this relocation. A review of the entire Plan would show that part of the approved expansion of the daycare operation includes utilization of the adjoining lot on Baker Lane for the play area. Thus, the additional extension of the addition will not in any way encroach upon anyone else's property to the rear of the existing Center.

This change in shape but not in size and the slight relocation of parking spaces does not warrant having to go through the filing, posting, and hearing process of another special hearing. There were no protestants at the original hearing held before Commissioner Schmidt on March 9, 1998, as noted in his Findings of Fact and Conclusions of Law, a copy of which is attached. The relocated parking will still be located on the RO portion of the property, as was requested by the Planning Staff and which is shown on the Plan that was approved by Commissioner Schmidt.

I had the opportunity to briefly discuss this matter with John Lewis who recommended that I utilize this procedure. I had discussed with him this project months ago before even filing the Zoning Petitions, so he is familiar with this property. It would seem that these requested revisions are within the spirit and intent of what was approved by Commissioner Schmidt.

We look forward to your prompt reply in this matter. If you or your staff anticipates a problem with approving this request, I would welcome the opportunity of an advanced call to possibly provide some further explanation and/or address whatever concerns may exist. Thank you.

Very truly yours,

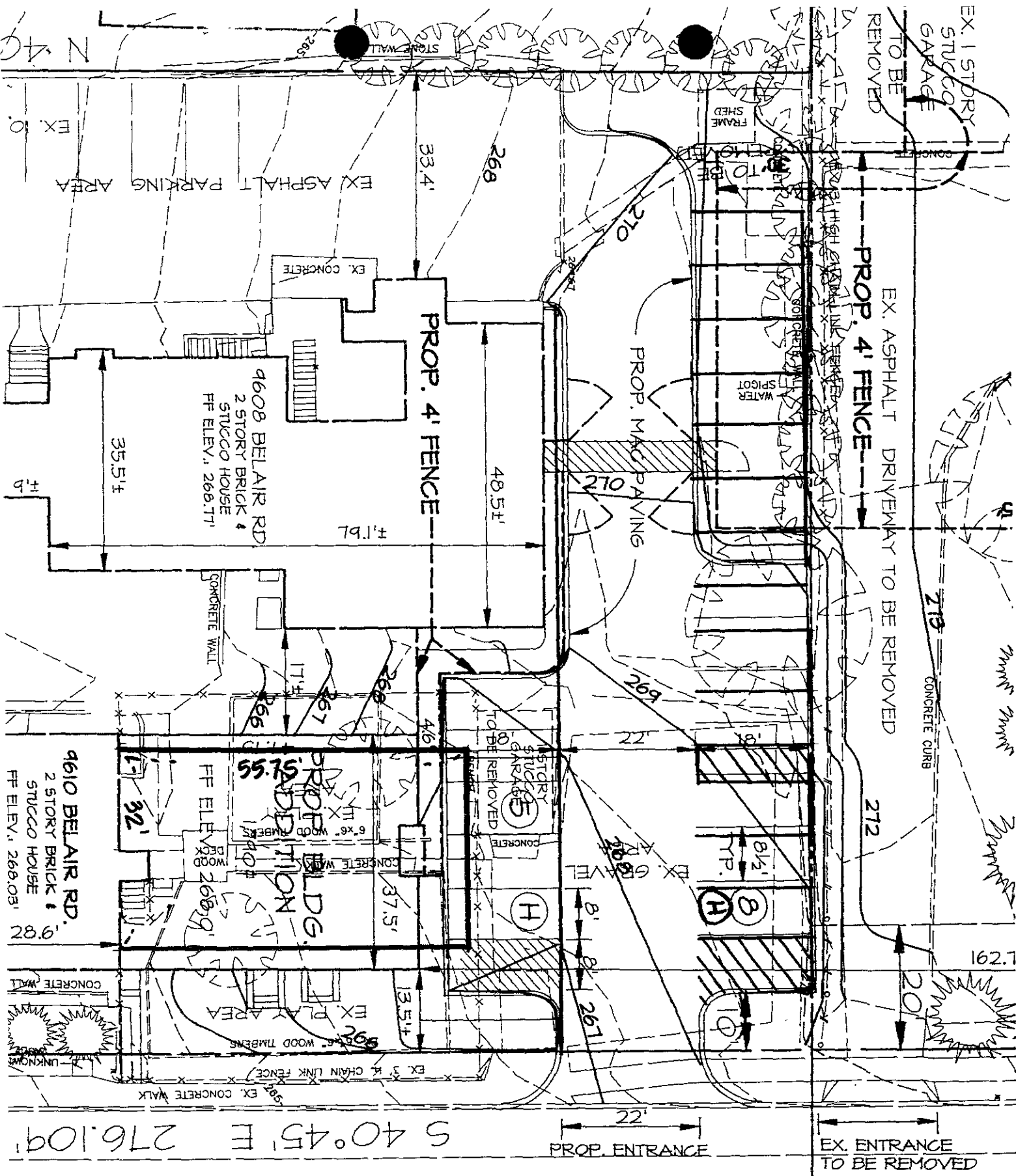


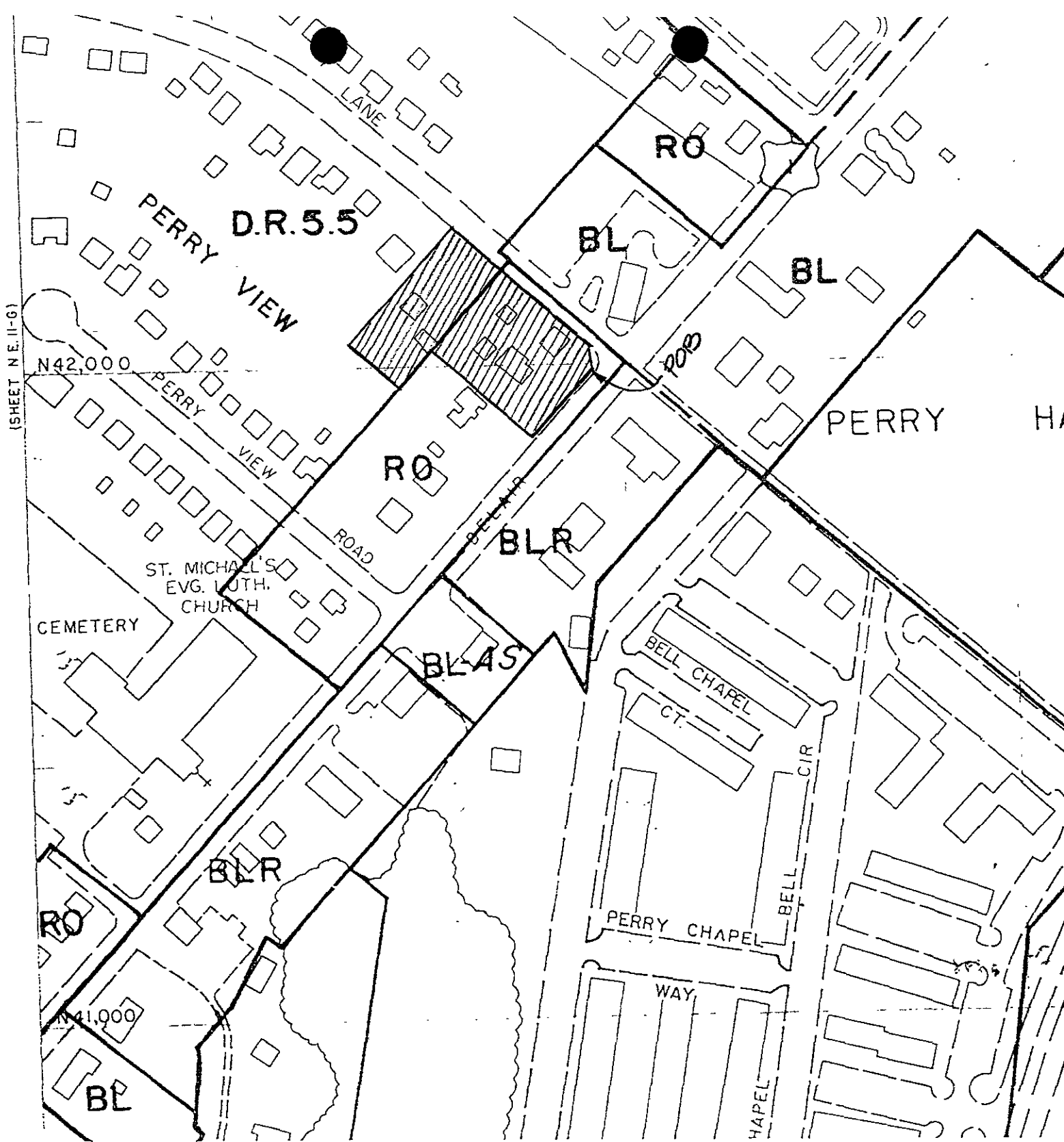
Anthony J. DiPaula

AJD/ds
7 ds.66
enclosure
cc: A.M.F. Child Care, Inc.
Thomas J. Hoff, Inc.

BAKER LANE

58)





#282

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

PERRY HALL

VICINITY

98-282-SPHXA

SHEET

N.E.

II-H



