IN RE: PETITION FOR SPECIAL EXCEPTION

S/S Old Frederick Road, 680' E of the c/l

St. Agnes Lane

(5411 Old Frederick Road)

1st Election District

1st Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 02-281-X

Frederick Villa Assoc. L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee

* * * * * * * *

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Frederick Villa Associates, L.P., through Jean Schreibman, and the Contract Lessee, Phyllis M. Belt-Jackson. The Petitioners request a special exception for a Class B Child Care Center in an existing office building on the subject property, zoned R.O., pursuant to Section 424.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Phyllis M. Belt-Jackson, Contract Lessee of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Old Frederick Road, just west of that road's intersection with Orpington Road in Catonsville. The property contains a gross area of 1.86 acres, more or less, zoned R.O., and is improved with a one-story, 24,903 sq.ft. office building. The property also features a paved parking lot containing 102 spaces. Ms. Belt-Jackson is a licensed day care provider and has been operating a Class A Child Care Center within an area of the subject building since January 2002. Presently, the facility operates from 7:00 AM to 6:00 PM and occupies an area 43' x 55' in dimension, which features a separate 18' x 35' play area. Children are dropped

ORDER REFERENCE TO THE DATE OF THE SAME AND THE SAME AND

off in the morning between 7:00 and 8:00 AM and picked up in the afternoon between 5:00 and 6:00 PM, which apparently works well with the other tenants in building. In this regard, Ms. Belt-Jackson indicated that there are a number of non-medical offices in the building, which hours of operation are generally from 9:00 AM to 5:00 PM. Thus, the other areas of the building are not occupied during peak traffic times of the child care center. Ms. Belt-Jackson presently cares for 8 children on the site, 6 months to 3 years in age, and is licensed by the State of Maryland to care for a maximum of 12 children. She wishes to increase the number of children she cares for to 20; thus, the requested relief is necessary.

A "group child care center" is defined in Section 101 of the B.C.Z.R. as "A building or structure wherein care, protection and supervision is provided for part or all of the day, on a regular schedule, at least twice a week to at least 9 children, including children of the provider." A Class A center accommodates up to 12 children. A Class B center, by definition, will accommodate more than 12 children, and is permitted in the R.O. zone. However, the Petitioner understands that she must obtain the requisite licensing from the State of Maryland to increase the number of children cared for at the proposed facility.

Based upon the testimony and evidence presented, I am persuaded that the relief should be granted. The access to a major public street (Old Frederick Road) and the existing parking lot are persuasive factors that the use will not cause an inappropriate volume of traffic in this area. Additionally, the fact that the property is used as offices which operate at different hours is significant. In my view, the relief requested is appropriate and will not adversely affect adjacent and surrounding uses.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of March, 2002 that the Petition for Special Exception to approve a Class B Child Care Center in an existing office building on the subject property, zoned R.O., pursuant to Section

424.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners 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 B Child Care Center for no more than 20 children. However, prior to the issuance of any use permit, the Petitioner shall obtain the requisite licensing from the State of Maryland to care for up to 20 children on the subject site.

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

RE: PETITION FOR SPECIAL HEARING

S/S Old Frederick Rd, 608' E of c/l St. Agnes Ln

1st Election District, 1st Councilmanic

Frederick Villa Associations, LP, Legal Owners * Phyliss M. Belt Jackson, Contract Lessee

Petitioners

BEFORE THE

COUNTY BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No. 02-281-X

<u>ORDER</u>

*

*

Frederick Villa Associates, L.P. is the owner of 5411 Old Frederick Road, a 1.86 acre site zoned Residential Office (R.O.). It is improved with a roughly 25,000 sq. ft. office building. Ms. Phyllis M. Belt-Jackson leases approximately 2400 sq. ft. in the building, along with a 630 sq. ft. outdoor play area. She filed a special exception to operate a Class B Group Child Care Center for 20 children under BCZR 424.2 F. After a public hearing, the Zoning Commissioner for Baltimore County approved the special exception on March 15th, 2002.

Subsequently, Ms. Jackson wrote to the Zoning Commissioner requesting to amend the special exception to allow 30 children. The request was approved by a letter from the Zoning Commissioner on August 23, 2002. Apparently, there was further correspondence from Ms. Jackson to the Zoning Commissioner regarding the amount of space to be used by the Center and the number of children permitted under her State of Maryland license. In a letter dated September 13, 2002, the Zoning Commissioner stated he misunderstood the amount of space leased for the Center, rescinded his letter of August 23rd permitting 30 children, and now limited the Center to 20 children, as per the March 15, 2002 Order. Ms. Jackson again wrote to the Zoning Commissioner explaining that, as a result of the corrected measurements from the State of Maryland for her state

license, she is able to accommodate 35 children, and requested approval for 30 children. In a letter dated November 22, 2002, the Zoning Commissioner approved the special exception for 30 children.

People's Counsel appealed the letter of November 22, 2002. The property was duly posted. A hearing was held before the Board on March 6, 2003. Carole S. Demilio, Deputy People's Counsel, and Ms. Jackson were present. Ms. Jackson was not represented by Counsel. There were no Protestants present.

Ms. Demilio stated that a Group Child Care Center, Class B, is permitted in the R.O. zone by special exception under BCZR 424.2 F. A Class B Center is required for over 12 children. BCZR 424.7. A. requires a lot size of one acre for the first 40 children. The subject site is nearly 2 acres, and Ms. Jackson is requesting approval for less than 40 children. The proposed use complies with all setback and parking requirements. No variances are requested. Ms. Jackson proffered the interior space meets State of Maryland licensing requirements for 35 children, but acknowledged the zoning requirements are separate requirements.

People's Counsel does not contest the nature of the evidence presented for the special exception under BCZR 502.1. Ms. Demilio stated her office was concerned with the procedure following the original Order of March 15, 2002. She stated the administrative hearing process is a public process. People's Counsel objects to unilateral correspondence between the Petitioner and the Zoning Commissioner since it deprives the public of notice and input in the zoning process. People's Counsel's appeal is based on an objection to amendments to the March 15, 2002 Order made by correspondence between the Petitioner and the Zoning Commissioner. We agree.

Ms. Demilio stated that she discussed this matter with Ms. Jackson following the appeal. Ms. Jackson has agreed to limit the Group Child Care Center, Class B, to no more than a total of twenty-seven (27) children. Ms. Jackson proffered the evidence submitted to the Zoning Commissioner at the CBA hearing to satisfy the requirements of BCZR 424 and BCZR 502.1. People's Counsel had no objection to the proffer, if the Center is limited to 27 children. She pointed out the property was posted for this appeal and no one appeared in opposition.

ORDERED that the Petition for Special Exception for a Group Child Care Center, Class B, for no more than twenty seven (27) children, be and is hereby GRANTED.

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

Lawrence M Stahl, Chairman

Margaret Worrall

Melissa Moyer Adams



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

April 4, 2003

Carole S. Demilio
Deputy People's Counsel for
Baltimore County
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Frederick Villa Associates LP; Phyllis M. Belt-Jackson, Contract Lessee Case No. 02-281-X

Dear Ms. Demilio:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

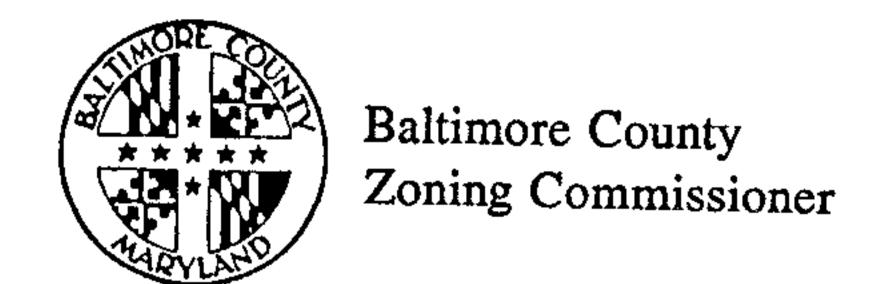
Hathleen C. Bunco Aus

Kathleen C. Bianco

Administrator

Enclosure

c: Phyllis M. Belt-Jackson
Dick Hoffman, Esquire / American Drafting
Jean Schreibman /Frederick Villa Associates
Henry Reitberger
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



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

March 15, 2002

Fax: 410-887-3468

Ms. Jean Schreibman Frederick Villa Associates, L.P. 6219 Green Meadow Way Baltimore, Maryland 21209

RE: PETITION FOR SPECIAL EXCEPTION

S/S Old Frederick Road, 680' E of the c/l St. Agnes Lane

(5411 Old Frederick Road)

1st Election District — 1st Council District

Frederick Villa Assoc., L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee - Petitioners

Case No. 02-281-X

Dear Ms. Schreibman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

The Petition for Special Exception 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Phyllis M. Belt-Jackson 8312 Streamwood Drive, Pikesville, Md. 21208 People's Counsel; Case File



Petition for Special Exception

for the property located at 54//

to the Zoning Commissioner of Baltimore County

which is presently zoned

This Petition shall be filed with the Department of Pernowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Special Exception	nich is described in the description and plat attached hereto
herein described property for a Class B Chi	Id Care Center
Property is to be posted and advertised as prescribed by the	zoning regulations
I, or we, agree to pay expenses of above Special Exception, adversoring regulations and restrictions of Baltimore County adopted pur	rtising, posting, etc. and further agree to and are to be bounded.
	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:	Legal Owner(s):
Phyllis M. BELT-TAckson	FALSEMAKULLA ASSOCIATES LTS PART.
Name / ype of Print	Name - Type or Print
Signature	Signature Standard
	Name - Type or Print
Pilesville, MD. 21208	
City State Zip Code Attorney For Petitioner:	Signature
	Address Telephone
Name - Type or Print	BANTINARE MY 2120 G
AMERICAN DRAFTIME, SW	/ C Representative to be Contacted:
904 DELL WOOD 110	. /
Company	HEMRY ILITBERGER
Address Telephone No.	62,9 61 Fly HEASON MAY 410-40 Address Telephone N
1 -1-1-210/1/11 / 11 / 11 / 11 / 11 / 11 / 11 /	Batuage 108 21200
Gity State Zip Code	City State Zip Coo
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Case No. 02 - 281 - X	UNAVAILABLE FOR HEARING
REV 99/15/98	Reviewed By A Date Olyou

730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION FREDERICK VILLA PROFESSIONAL CENTER 5411 OLD FREDERICK ROAD 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the south side of Old Frederick Road approximately 680 feet east of the intersection of St. Agnes Lane and Old Frederick Road; for the following courses and distances: (1) binding on the south side of Old Frederick Road, South 81 degrees 54 minutes 50 seconds East 14.61 feet, (2) by a curve to the left with a radius of 530 feet and length of 170.97 feet, (3) North 84 degrees 07 minutes 53 seconds East 5.72 feet, (4) thence leaving said Old Frederick Road right-of-way for the following, South 29 degrees 09 minutes 55 seconds West 507.46 feet, (5) North 60 degrees 50 minutes 05 seconds West 235.09 feet, (6) North 60 degrees 41 minutes 43 seconds East 49.40 feet, (7) South 84 degrees 30 minutes 10 seconds East 57.56 feet, (8) North 24 degrees 52 minutes 40 seconds East 97.40 feet, (9) South 64 degrees 35 minutes 50 seconds East 14.85 feet, (10) North 25 degrees 24 minutes 10 seconds East 248.95 feet, to the place of beginning as recorded in the land records in Liber 7064 folio 717.

Containing 1.72 acres of land, more or less.

I tem #281

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: #02-281-X 5411 Old Frederick Road S/S Old Frederick Road, 680' E centerline St. Agnes Lane 1st Election District 1st Councilmanic District Legal Owner Jean Schribman Contract Purchaser Phyllis M. Belt-Jackson Special Exception: for a Class B child care center Hearing: Tuesday, February 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County
NOTES. (1) Hearings are Handicapped Accessible; for special accommodations
Please Contact the Zoning
Commissioner's Office at

(410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/2/656 Feb. 12 C520125

CERTIFICATE OF PUBLICATION

2/15/,2002	
THIS IS TO CERTIFY, that the annexed advertisement was pul	lished
in the following weekly newspaper published in Baltimore County	· ·
once in each ofsuccessive weeks, the first publication appeonQ Q200Q	aring
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	
S. William Son	البخير سيا پ
LEGAL ADVERTISING	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 12, 2002 Issue – Jeffersonian

Please forward billing to:

Phyllis Jackson 8312 Streamwood Drive Baltimore MD 21208

410 521-0774

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: 02-281-X 5411 Old Frederick Road

HEARING:

S/S Old Frederick Road, 680' E centerline St. Agnes Lane

Legal Owner: Jean Schribman

Contract Purchaser: Phyllis M. Belt-Jackson

Special Exception for a Class B child care center.

Tuesday, February 26, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmor

LAWRENCE E. SCHMIDT GDZ ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
· · · · · · · · · · · · · · · · · · ·
Item Number or Case Number: $02 - 281 - \chi$
Petitioner: Phyllis M. BELT - Trekson
Petitioner: Phyllis M. BELT - Trekson Address or Location: 5411 Old Fredorick, Rd. Swife # 6
PLEASE FORWARD ADVERTISING BILL TO:
Name: Phyllis Jackson
Address 8312 Strumwood De. BALTIMOVE MD 21208
BALTIMONE MD 21208
Telephone Number: 410 - 521 - 0774

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-281-X

FREDERICK VILLA ASSOCIATES - LEGAL OWNERS

5411 OLD FREDERICK ROAD, BALTIMORE, MD 21229

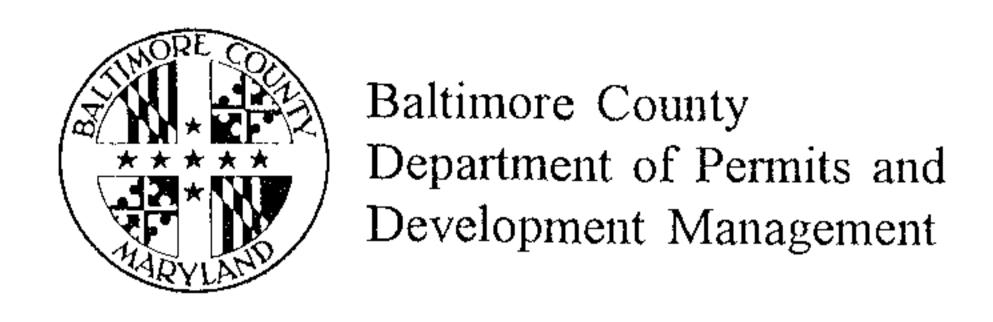
1ST ELECTION DISTRICT APPEALED: 12/18/02 ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1) **CERTIFICATE OF POSTING** TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 Kathleen Bianco Attention: Administrator 02-281-X Case No.: RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: The sign was posted on By: (Signature of Sign Poster)

(Printed Name)

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D	000 000 000 000			X 188 . 10 m.	W - CUSTOMER
BALTIMORE COUNTY, MARYLANI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE OF OR ACCOUNT	AMOUN	RECEIVED FROM:	FOR:	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLON

CERTIFICATE OPOSTING

	RE: Case No.:	02-281-メ
	Petitioner/De	eveloper:
	PHYLLIS	5 M. BEZT-JACKSE
		ing/Closing: 2/24/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204		
MR GEORGE ZANNER Attention: Me:Gwendolyn Stephens		
Ladies and Gentlemen:		•
This letter is to certify under the penalties of p	eriury that the neces	sary sign(s) required by law
were posted conspicuously on the property loc		
	DEREDERIC	K (2D)
ZONING HOTICE		re of Sign Poster and Date) 20 E. HOFFMAN
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	(410)	y, State, Zip Code) <u>多79・31ZZ</u> elephone Number)
SAII OLD FREDERICK RO Shehul Ether Zluloz		



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

January 28, 2002

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: 02-281-X 5411 Old Frederick Road

S/S Old Frederick Road, 680' E centerline St. Agnes Lane

Legal Owner: Jean Schribman

Contract Purchaser: Phyllis M. Belt-Jackson

Special Exception for a Class B child care center.

HEARING: Tuesday, February 26, 2002 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

GDZ

Director

C: Dick Hoffman, American Drafting Svc., 904 Dellwood Drive, Fallston 21047 Jean Schribman, 6219 Green Meadow Way, Baltimore 21209 Phyllis M. Belt-Jackson, 8312 Streamwood Drive, Pikesville 21208 Henry Reitberger, 6219 Green Meadow Way, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 11, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

February 19, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #02-281-X

IN THE MATTER OF: FREDERICK VILLA ASSOCIATES – Legal Owner; PHYLLIS M. BELT-JACKSON – C.P. 5411 Old Frederick Road 1st Election District; 1st Councilmanic District

3/15/2002 – Petition for Special Exception GRANTED with restrictions by Order of the Zoning Commissioner.

which had been assigned to be heard on 2/19/03 was POSTPONED DUE TO INCLEMENT WEATHER CONDITIONS; and has been

REASSIGNED FOR:

THURSDAY, MARCH 6, 2003 at 9:00 a.m.

This matter has been specially assigned to the above date and time for purpose of settlement on the record.

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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Peter M. Zimmerman, People's Counsel Carole S. Demilio, Deputy People's Counsel

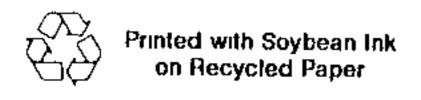
Counsel for Petitioner

: Dick Hoffman, Esquire American Drafting

Jean Schreibman /Frederick Villa Associates Phyllis M. Belt-Jackson Henry Reitberger

Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM

Copy LWM





County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue

February 4, 2003

NOTICE OF ASSIGNMENT

CASE #02-281-X

IN THE MATTER OF: FREDERICK VILLA ASSOCIATES – Legal Owner;

PHYLLIS M. BELT-JACKSON – C.P. 5411 Old Frederick Road (

1st Election District; 1st Councilmanic District

3/15/2002 – Petition for Special Exception GRANTED with restrictions by Order of the Zoning Commissioner.

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 19, 2003 at 9:00 a.m.

This matter has been specially assigned to the above date and time for purpose of settlement on the record.

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).

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Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Peter M. Zimmerman, People's Counsel Carole S. Demilio, Deputy People's Counsel

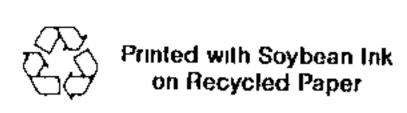
Counsel for Petitioner

: Dick Hoffman, Esquire American Drafting

Jean Schreibman /Frederick Villa Associates Phyllis M. Belt-Jackson Henry Reitberger

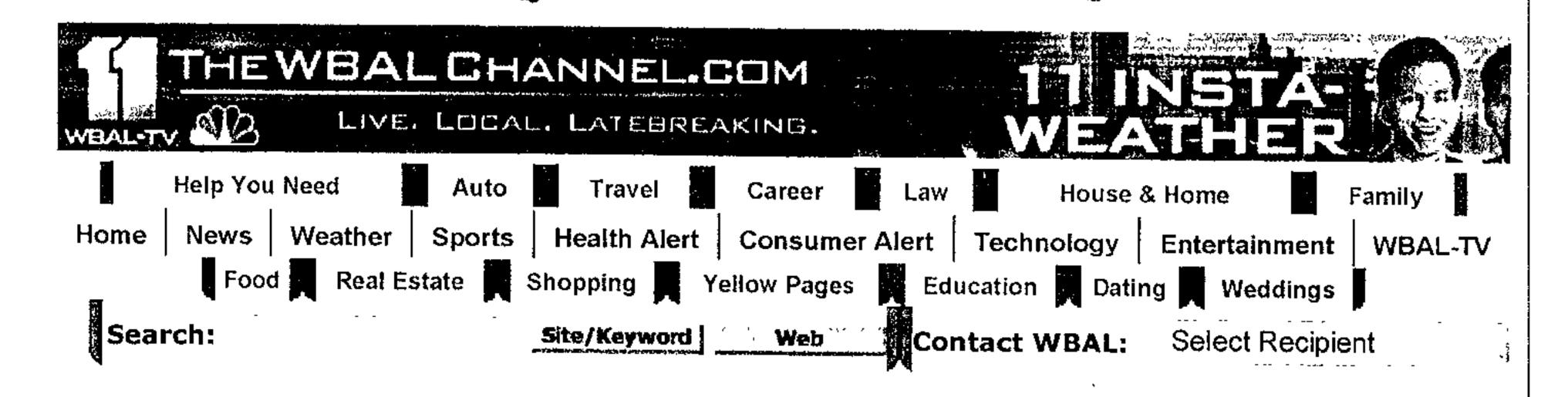
Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM

Copy LWC



106/03)

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E-Mail Alerts

Sign Up To Receive Severe Weather E-mail Alerts

When severe weather approaches, you need to be prepared. Be the first to know about severe weather moving into Baltimore -- sign up now.

Daily Extras

Chicken And Grapes In Blush Wine Sauce

Chicken With Pears

Planet Discovered

Birthday Quiz: Battlefield Cake

Black History Month Quiz Protecting Yourself Against Terrorism

Capellini With Crabmeat And Tomatoes

Lower Your Student Loan Payments - If you have \$10,000 or more in stude and have started student loan repayment or are in your grace period, you may consolidation Student Consolidation Loan Consolidation can save you up to 52% a millower your interest rate to 2.25%

For more information plea



Refresh this page for the latest school closings.

A B C D F G H J K M N O P Q R S T

A TOP

Allegany County Public Schools

Closed Wednesday

Submitted at: 4:59 PM EST on Tuesday, Feb 18

Anne Arundel Community College

Anne Arundel County

Closed Wednesday

Submitted at: 4:34 PM EST on Tuesday, Feb 18

Anne Arundel County Government

Anne Arundel County

Liberal leave for Wednesday except for emergency and essential person Submitted at: 3:18 PM EST on Tuesday, Feb 18

Anne Arundel County Public Schools

Closed Wednesday & Thursday. Code red for employees on Wednesday on Thursday.

Submitted at: 1:08 PM EST on Tuesday, Feb 18

B TOP

Baltimore Actors Theatre Conservatory

Closed Wednesday

Submitted at: 4:41 PM EST on Tuesday, Feb 18

Baltimore Christian School

Closed Wednesday

Submitted at: 5:55 PM EST on Tuesday, Feb 18

Baltimore City Government

Liberal leave for Wednesday

Submitted at: 3:59 PM EST on Tuesday, Feb 18



Closed Wednesday. Liberal leave.

Submitted at: 3:41 PM EST on Tuesday, Feb 18

Baltimore County Circuit Court

Baltimore County Closed Wednesday Submitted at: 5:55 PM EST on Tuesday, Feb 18

Baltimore County District Court

Baltimore County Closed Wednesday Submitted at: 5:55 PM EST on Tuesday, Feb 18

Baltimore County Government

Baltimore County Liberal leave for Wednesday Submitted at: 5:55 PM EST on Tuesday, Feb 18

Baltimore County Public Schools

Closed Wednesday
Submitted at: 4:23 PM EST on Tuesday, Feb 18

Baltimore Hebrew Congregation Day School/Preschool

Closed Wednesday
Submitted at: 4:09 PM EST on Tuesday, Feb 18

Bowie State University

Closed Wednesday
Submitted at: 5:20 PM EST on Tuesday, Feb 18

Bryn Mawr School

Closed Wednesday

Submitted at: 2:32 PM EST on Tuesday, Feb 18

C TOP

Calvert County Public Schools

Closed Wednesday. Code yellow for employees. Submitted at: 2:27 PM EST on Tuesday, Feb 18

Calvert School

Closed Wednesday
Submitted at: 5:57 PM EST on Tuesday, Feb 18

Caroline County Public Schools

Closed Wednesday.

Submitted at: 1:09 PM EST on Tuesday, Feb 18

Carroll County Public Schools

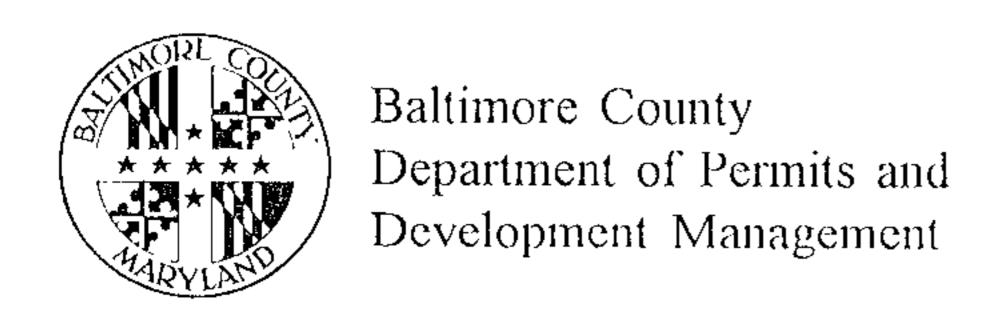
Closed Wednesday
Submitted at: 12:34 PM EST on Tuesday, Feb 18

Cecil County Government

Cecil County
Liberal leave for Wednesday
Submitted at: 4:33 PM EST on Tuesday, Feb 18

Cecil County Public Schools

Closed Wednesday
Submitted at: 3:41 PM EST on Tuesday, Feb 18



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 22, 2002

Dick Hoffman American Drafting Svcs 904 Dellwood Drive Falston MD 21047

Dear Mr. Hoffman:

RE: Case Number: 02-281-X,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W Carl Frichards J.

W. Carl Richards, Jr. 607
Supervisor, Zoning

Review

WCR: gdz

Enclosures

c: Jean Schribman, 6219 Green Meadow Way, Baltimore 21209 Phyllis M Belt-Jackson, 8312 Streamwood Drive, Pikesville 21208 Henry Reitberger, 6219 Green Meadow Way, Baltimore 21209 People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd Taylor

DATE:

March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, 275 - 277, 279 - (281) 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288.

2/26



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

January 31, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

Item No.: 265, 266, 272, 277, (281) 286, 288, 291, & 292

Dear Ms. Stephens:

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 Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

2/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 6, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-281

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief: My M. Jon

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 1.29.62

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 281 200

Dear. Mr. Zahner:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 28, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 4, 2002

Item Nos. 263, 264, 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, 280, (281) 282, 283, 284, 285, 286, 287, 288, 290 and 292

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc. File

ZAC-2-4-2002-NO COMMENT-02282002.doc

Case No. 02-281-X

SE –For special exception for Class B Child Care Center in existing office building on subject property zoned R.O.

3/15/2002 –Z.C.'s Order in which Petition for Special Exception was GRANTED with restrictions.

1/28/03 - Conversation with C. Demilio - settlement reached; to be put on record; carly a.m. hearing to be assigned.

2/04/03 – Notice of Assignment sent to following; assigned for hearing on Wednesday, February 19, 2003 at 9:00 a.m. /settlement on the record: (FYI copy to L.W.C.)

Office of People's Counsel
Peter M. Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
Dick Hoffman, Esquire
American Drafting
Jean Schreibman /Frederick Villa Associates
Phyllis M. Belt-Jackson
Henry Reitberger
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

- 2/19/03 INASMUCH AS CIRCUIT COURT WAS CLOSED THIS DATE DUE TO INCLEMENT WEATHER, ALL HEARINGS BEFORE THIS BOARD WERE POSTPONED FOR 2/19/03, INCLUDING THIS MATTER; PARTIES NOTIFIED BY TELEPHONE 2/18/03.
 - -- Notice of PP and Reassignment sent to parties; reassigned for Thursday, March 6, 2003 at 9:00 a.m. (FYI copy to sitting panel for 3/06/03). Confirmed with C. Demilio as to availability.
- 3/06/03 Board convened for hearing as scheduled (Stahl, Worrall, Adams); hearing concluded pursuant to the record in this matter; proposed Order to be submitted by Ms. Demilio for review.
- 3/28/03 Copy of letter from Phyllis Belt-Jackson to PMZ has reviewed Proposed Order; finds no exceptions or disagreements. Spoke with PMZ his office will submit proposed Order for review /signature by Board (L.W.M.)
- 3/31/03 Proposed Order as approved by Ms. Belt-Jackson submitted to Board by Ms. Demilio for review /signature. Circulating to L. W.M. for review.

APPEAL

Petition for Special Exception
5411 Old Frederick Road
S/s Old Frederick Road, 680' east centerline St. Agnes Lane
1st Election District – 1st Councilmanic District
Frederick Villa Associates - Legal Owner
Phyllis M. Belt-Jackson - Contract Purchaser
Case No.: 03-281-X

Petition for Special Exception (January 4, 2002)

Zoning Description of Property

Notice of Zoning Hearing (January 28, 2002)

Certification of Publication (The Jeffersonian issue February 12, 2002)

Certificate of Posting (February 11, 2002 posted Richard E. Hoffman)

Entry of Appearance by People's Counsel (January 30, 2002)

Petitioner(s) Sign-In Sheet None

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plan to accompany Special Exception Petition

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

Violation Case Documents

Zoning Commissioner's Order (March 15, 2002 – GRANTED subject to the following restrictions)

Notice of Appeal received on December 18, 2002 from Peter M. Zimmerman, People's Counsel of Baltimore County

c: Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement (Enforcement Case No. 00-4196)
People's Counsel of Baltimore County, MS #2010
Arnold Jablon, Director of PDM
Frederick Villa Associates, L.P., Jean Schribman

date sent

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

VIOLATION CASE: 00-4196

5411 Old Frederick Road

ZONING CASE: 02-272-SPH

5411 Old Frederick Road

DATE:

January 30, 2002

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 281

Legal Owner/Petitioner: Jean Schribman Property Address: 5411 Old Frederick Road

Location Description: S/side Old Frederick Road 680 ft E. of centerline St. Agnes Lane

VIOLATION INFORMATION:

Case No.: 00-4196

Defendants: Jean Schribman

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

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes

State Tax Assessment printout

Violation Notice

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lrs

c: Code Enforcement Officer Christina Frink

Case Entry/Update Format : <u>CASREC</u>	Mode : CHANGE File : PDLV0001
Dt Rec: 6122000 Intake: Insp: FRINK, C Insp Grp: ENF Insp Address: 5411 OLD FREDERICK RD	Apt #: Zip: 21229
Problem Descript.: ADC 33G13, POISON IVY	GROWING OF BUILDING/COMPL YARD;
Complainant Name (Last): Complainant Addr:	(First):
Complainant City: State Complainant Phone (H): (W):	tate:Zip:
	sed: 7142000 Delete Code (P): X

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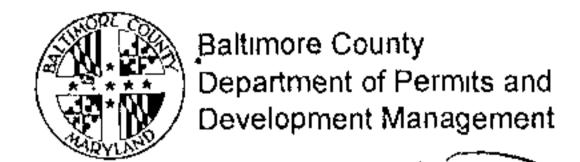
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PLEASE READ CAREFULLY

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

AGENCY

BALTIMORE COUNTY UNIFO	RM CODE VIOLATION NOTICE
VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF BALTIMORE COUNTY CODE, ZONING, OR OTH CODES, REGULATIONS, AND POLICIES AS INDICATED BELOW	
Election District Permit No _	00-4196
· (7) · 8	Doldman Jean Holdman
Address 711 Academy RDB	86516 Rul 40
Location of Violation (if different than address)	
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DID UNLAWFULLY VIOLATE THE FOI	LLOWING BALTIMORE COUNTY LAWS
County Code.	Zoning Regulations:
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§§ 22 - 83	§§
Building Code (BOCA)	Livability Code (18-66).
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THESE CONDITIONS MUST BE CORRECTED I	NOT LATER THAN:
DATE ISSUED:	
IMPORTANT INFORMATION ON FINES AN	D PENALTIES PRINTED ON REVERSE SIDE.

DATE:

January 30, 2002

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 281

Legal Owner/Petitioner: Jean Schribman Property Address: 5411 Old Frederick Road

Location Description: S/side Old Frederick Road 680 ft E. of centerline St. Agnes Lane

VIOLATION INFORMATION:

Case No.: 00-4196

Defendants: Jean Schribman

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

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes

State Tax Assessment printout

Violation Notice

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lrs

c: Code Enforcement Officer Christina Frink

Case Entry/Update Format : <u>CASREC</u>	Mode : CHANGE File : PDLV0001
Dt Rec: 6122000 Intake: Insp: FRINK, C Insp Grp: ENF Insp Address: 5411 OLD FREDERICK RD Problem Descript: ADC 33G13, POISON IVY	Apt #: Zip: 21229
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Complainant City:St	ate: Zip:
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98/99 ASSESS:

RE: PETITION FOR SPECIAL EXCEPTION 5411 Old Frederick Road, S/S Old Frederick Rd, 680' E of c/l St. Agnes Ln 1st Election District, 1st Councilmanic

Legal Owner: Frederickvilla Associates, LP Contract Purchaser: Phyllis M. Belt-Jackson Petitioner(s)

*

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* Case No. 02-281-X

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Timmeimen

Carale S. Demiles

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Dick Hoffman, American Drafting Service, 904 Dellwood Drive, Fallston, MD 21047, representative for Petitioners.

PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

March 31, 2003

CAROLE S. DEMILIO Deputy People's Counsel

Kathleen Bianco, Administrator Board of Appeal for Baltimore County Old Courthouse 400 Washington Avenue, Rm 49 Towson, MD 21204

Re:

Frederick Villa Associations, LP, Legal Owners

Phyliss M. Belt Jackson, Contract Lessee

Case No.: 02-281-X

Dear Ms. Bianco:

Enclosed please find an order prepared by my office with regard to the above-captioned case for approval by the Board. In addition, enclosed is a letter from Phyliss Belt-Jackson, the contract lessee, stating she has reviewed the order and is in agreement with such.

If you have any questions, please contact my office.

Sincerely,

Carole S Demilio

Deputy People's Counsel for Baltimore

County

CSD\rmw

Enclosures

DECEIVED

BALTIMORE COUNTY BOARD OF APPEALS RE: PETITION FOR SPECIAL HEARING

S/S Old Frederick Rd, 608' E of c/l St. Agnes Ln

1st Election District, 1st Councilmanic

BEFORE THE

COUNTY BOARD OF APPEALS

Frederick Villa Associations, LP, Legal Owners * Phyliss M. Belt Jackson, Contract Lessee

FOR

BALTIMORE COUNTY

Petitioners

Case No. 02-281-X

* * * * * * *

ORDER

×

Frederick Villa Associates, L.P. is the owner of 5411 Old Frederick Road, a 1.86 acre site zoned Residential Office (R.O.). It is improved with a roughly 25,000 sq. ft. office building. Ms. Phyllis M. Belt-Jackson leases approximately 2400 sq. ft. in the building, along with a 630 sq. ft. outdoor play area. She filed a special exception to operate a Class B Group Child Care Center for 20 children under BCZR 424.2 F. After a public hearing, the Zoning Commissioner for Baltimore County approved the special exception on March 15th, 2002.

Subsequently, Ms. Jackson wrote to the Zoning Commissioner requesting to amend the special exception to allow 30 children. The request was approved by a letter from the Zoning Commissioner on August 23, 2002. Apparently, there was further correspondence from Ms. Jackson to the Zoning Commissioner regarding the amount of space to be used by the Center and the number of children permitted under her State of Maryland license. In a letter dated September 13, 2002, the Zoning Commissioner stated he misunderstood the amount of space leased for the Center, rescinded his letter of August 23rd permitting 30 children, and now limited the Center to 20 children, as per the March 15, 2002 Order. Ms. Jackson again wrote to the Zoning Commissioner explaining that, as a result of the corrected measurements from the State of Maryland for her state

Herrin / Sile doper

license, she is able to accommodate 35 children, and requested approval for 30 children. In a letter dated November 22, 2002, the Zoning Commissioner approved the special exception for 30 children.

People's Counsel appealed the letter of November 22, 2002. The property was duly posted. A hearing was held before the Board on March 6, 2003. Carole S. Demilio, Deputy People's Counsel, and Ms. Jackson were present. Ms. Jackson was not represented by Counsel. There were no Protestants present.

Ms. Demilio stated that a Group Child Care Center, Class B, is permitted in the R.O. zone by special exception under BCZR 424.2 F. A Class B Center is required for over 12 children. BCZR 424.7. A. requires a lot size of one acre for the first 40 children. The subject site is nearly 2 acres, and Ms. Jackson is requesting approval for less than 40 children. The proposed use complies with all setback and parking requirements. No variances are requested. Ms. Jackson proffered the interior space meets State of Maryland licensing requirements for 35 children, but acknowledged the zoning requirements are separate requirements.

People's Counsel does not contest the nature of the evidence presented for the special exception under BCZR 502.1. Ms. Demilio stated her office was concerned with the procedure following the original Order of March 15, 2002. She stated the administrative hearing process is a public process. People's Counsel objects to unilateral correspondence between the Petitioner and the Zoning Commissioner since it deprives the public of notice and input in the zoning process. People's Counsel's appeal is based on an objection to amendments to the March 15, 2002 Order made by correspondence between the Petitioner and the Zoning Commissioner. We agree.

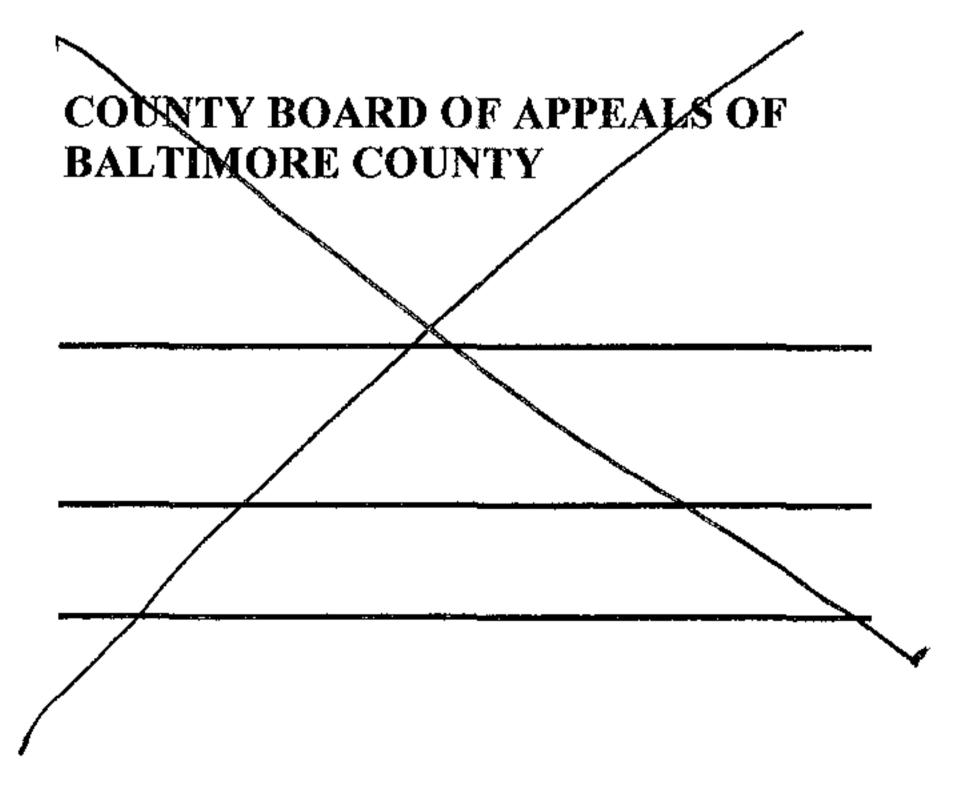
Ms. Demilio stated that she discussed this matter with Ms. Jackson following the appeal. Ms. Jackson has agreed to limit the Group Child Care Center, Class B, to no more than a total of twenty-seven (27) children. Ms. Jackson proffered the evidence submitted to the Zoning Commissioner at the CBA hearing to satisfy the requirements of BCZR 424 and BCZR 502.1. People's Counsel had no objection to the proffer, if the Center is limited to 27 children. She pointed out the property was posted for this appeal and no one appeared in opposition.

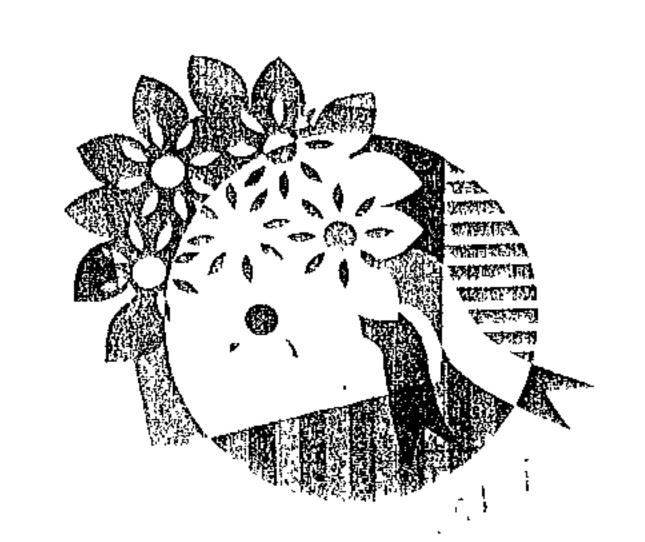
WHEREFORE, after reviewing the *Baltimore County Zoning Regulations*, and in consideration of the posting of the property, and of the evidence proffered, and the statements made by Counsel, it is this _______day of ________,

2003 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception for a Group Child Care Center, Class B, for no more than twenty seven (27) children, be and is hereby GRANTED.

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





MAR 2 8 2003

March 26, 2003

To: Peter Zimmerman/Office of People's Counsel

Ref: Order to the County Board of Appeals, dated March 13,2003

Frederick Villa Associates, L.P.

Phyllis M. Belt-Jackson, Contract Lessee

Case No. 02-281-X

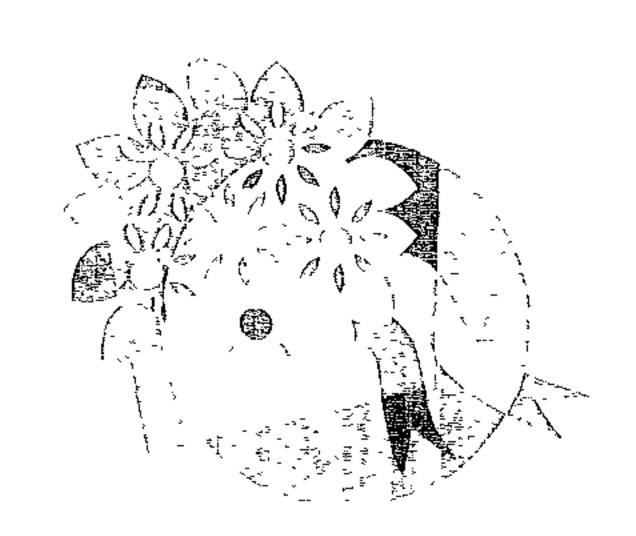
The Contract Lessee has reviewed the above noted order. We find no exceptions or disagreements.

Thank you.

Phyllis M. Belt-Jackson/Owner, Director

Phyllis M. Selt-Jockson

We Care For Kids, Inc.



March 26, 2003

To: Peter Zimmerman/Office of People's Counsel

Ref: Order to the County Board of Appeals, dated March 13,2003

Frederick Villa Associates, L.P.

Phyllis M. Belt-Jackson, Contract Lessee

Case No. 02-281-X

The Contract Lessee has reviewed the above noted order. We find no exceptions or disagreements.

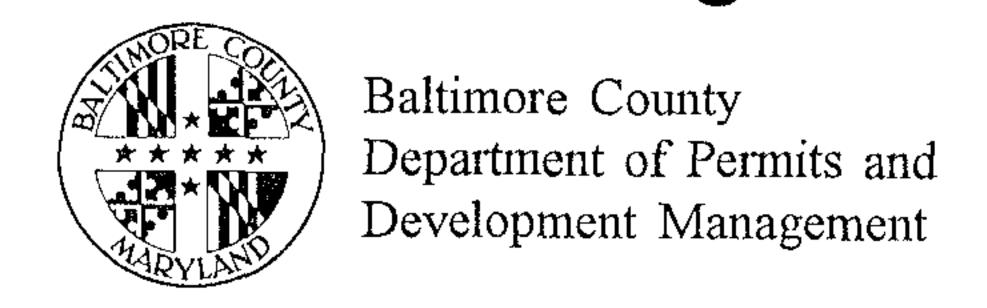
Thank you.

Phyllis M. Belt-Jackson/Owner, Director

We Care For Kids, Inc.

DECEIVED

BALTIMORE COUNTY BOARD OF APPEALS



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

December 19, 2002

Frederick Villa Associates, L. P. Ms. Jean Schribman 6219 Green Meadow Way Baltimore, MD 21209

Dear Ms. Schribman:

RE: Case No. 02-281-X, 5411 Old Frederick Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 18, 2002 by Peter M. Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Arnold Jablon Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Henry Reitberger, 6219 Green Meadow Way, Baltimore 21209 Phyllis M. Belt-Jackson, 8312 Streamwood Drive, Pikesville 21208

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel Deputy People's Counsel

December 18, 2002

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

Hand-delivered

Re: PETITION FOR SPECIAL EXCEPTION

S/S Old Frederick Road, 608' E of c/l St. Agnes Ln

1st Election Dist., 1st Councilmanic

Legal Owners: Frederick Villa Associations, L.P.

Contract Lessee: Phyliss M. Belt-Jackson

Case No.: 02-281-X

Dear Mr. Jablon:

PMZ/rmw By _ 126_

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the letter to Ms. Jackson dated November 22, 2002 approving a Child Daycare Center by the Zoning Commissioner for Baltimore County in the above-entitled case.

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

very truly yours,

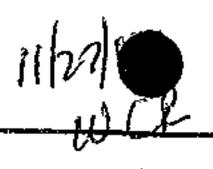
Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

cc: Dick Hoffman, American Drafting Service, 904 Dellwood Drive, Fallston 21047 Jean Schribman, and Henry Reitberger, 6219 Green Meadow Way, Baltimore 21219 Phyliss M Belt-Jackson, 8312 Streamwood Drive, Pikesville 21208





Baltimore County Zoning Commissioner

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

November 22, 2002

Fax: 410-887-3468

Ms. Phyllis M. Belt-Jackson 8312 Streamwood Drive Pikesville, Md. 21208

RE: PETITION FOR SPECIAL EXCEPTION

(5411 Old Frederick Road)

Frederick Villa Assoc., L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee - Petitioners

Case No. 02-281-X

Dear Ms. Jackson:

In response to your most recent letter of September 23, 2002 regarding the above-captioned matter, the following comments are offered.

As noted in my prior letter of August 23, 2002, the Petition for Special Exception filed in the above-referenced case sought approval of a Class B Child Care Center within the existing office building on the subject property, zoned R.O. Following the public hearing in that matter on February 26, 2002, I approved the request by my Order dated March 15, 2002. As a restriction thereto, I limited the Center to 20 children, based upon the testimony and evidence offered at the hearing.

Subsequently, by your letters of July 9, 2002 and July 17, 2002, you requested approval to allow an increase of up to 30 children on the subject site. Within your letter, you indicated that Baltimore County's Department of Human Resources had recalculated its measurements of the subject site and that the area proposed would be sufficient to serve up to 30 children. Thus, I approved your request by my letter of August 23, 2002, subject to certain terms and conditions. Following that letter, I received yet a third request from you seeking an expansion of not only the existing facility, but approval to open a "second" child care center within an adjacent building, thereby providing day care for up to 50 children.

By my letter of September 13, 2002, I advised that your latest request could not be approved administratively as being "within the spirit and intent" of the original Order, and thus required that you file a new Petition for Special Hearing to determine the appropriateness of such an expansion. Your latest letter of September 23, 2002 indicates that you now wish to revert back to the relief granted by my letter of August 23, 2002, which approved a Child Day Care Center for no more than 30 children.

In consideration of your latest request, I will approve same, subject to the terms and conditions expressed in my letter of August 23, 2002. That is, a revised site plan reflecting the increased area must be submitted to the Department of Permits and Development Management for inclusion in the case file, prior to the issuance of any use permits. This may also result in other changes to the plan, insofar as the required number of parking spaces, etc. Moreover, the proposed improvements to accommodate the expansion must meet all building, fire and safety codes Lastly, in the future, should you wish to expand your facility to accommodate more than 30 children, you will be required to file a new Petition for Special Hearing.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc:

rinted with Soybean Ink

on Recycled Paper

Ms. Jean Schreibman, Frederick Villa Associates, L.P. 6219 Green Meadow Way, Baltimore, Md. 21209

Department of Permitse & Development Mant. Deople's Goursely Case Filend. us



September 23, 2002

To: Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

Ref: Letter dated July 17, 2002
PETITION FOR SPECIAL EXCEPTION
Case No. 02-281-X
Granted March 15, 2002

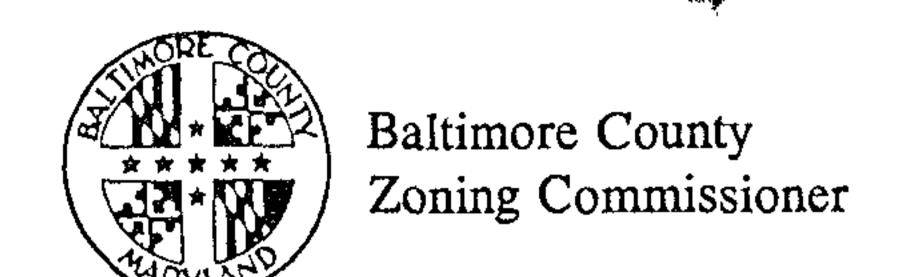
I apologize for any misunderstanding resulting from my previous letters. The time you have spend resolving this matter has been greatly appreciated.

However, As a final request I would ask you to reconsider the decision you made on August 23rd, which allowed an increase in my existing Center capacity from 20 to 27 children. You reversed that decision on September 13th to consider my second request of increasing the center capacity to 50.

You stated in your 9/13 letter that a Petition for Special Hearing would have to be granted to approval more than 40 children on any one site. Based on the time, money, and effort needed to pursue this approval, I have decided to temporarily forgo attemping to increase the capacity to 50 and instead seek approval for 27 children.

As stated in my 8/23 letter, Day Care Administration has already approved the currently occupied area to accommodate 27 children. Twenty seven children is the maximum amount that this site can accommodate. The only concern is zonings' approval. Please revisit this situation and respond at your earliest convenience.

Phyllis M. Belt-Jackson Owner / Director 410-719-1411



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

Fax: 410-887-3468

September 13, 2002

Ms. Phyllis M. Belt-Jackson 8312 Streamwood Drive Pikesville, Md. 21208

RE: PETITION FOR SPECIAL EXCEPTION

(5411 Old Frederick Road)

Frederick Villa Assoc., L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee - Petitioners

Case No. 02-281-X

Dear Ms. Jackson:

As a follow-up to my previous letter of August 23, 2002 regarding the above-captioned matter, the following additional comments are offered.

I apologize if there was any misunderstanding of your proposed expansion as set out in your letter of July 17, 2002. To summarize, the Petition for Special Exception filed in the above-referenced case sought approval of a Class B Child Care Center within the existing office building on the subject property, zoned R.O. Following the public hearing in that matter on February 26, 2002, I approved the request by my written decision and Order dated March 15, 2002. As a restriction to the relief granted, I limited the Center to 20 children, based upon the testimony and evidence offered at the hearing.

Subsequently, by your letters of July 9, 2002 and July 17, 2002, you requested clarification of my decision and, as I understood your request, sought approval to allow an increase of up to 30 children on the subject site. Within your letter, you indicated that Baltimore County's Department of Human Resources had recalculated its measurements of the subject site and that the area proposed would be sufficient to serve up to 30 children. Thus, I approved your request by my letter of August 23, 2002.

However, in view of our recent telephone conversation on this subject, it appears that I may have misunderstood the nature of your request. You have indicated that the increase in the number of children proposed is not an expansion of the previously approved facility on the subject property, but rather is for a proposed "second" child care center adjacent thereto. As I understand your request, you wish to retain the subject Class B Child Care Center for up to 20 children, and lease additional space adjacent thereto for another Child Care Center on the subject site for up to 30 children. In total, your facility would provide child care services for up to 50 children Apparently, you have already discussed this matter with the property owner and they have no objection to the proposed expansion.

RE: PETITION FOR SPECIAL EXCEPTION 5411 Old Frederick Road, S/S Old Frederick Rd, 680' E of c/l St. Agnes Ln 1st Election District, 1st Councilmanic

Legal Owner: Frederickvilla Associates, LP Contract Purchaser: Phyllis M. Belt-Jackson Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-281-X

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Zimmeinen

Charale S. Demiles

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Dick Hoffman, American Drafting Service, 904 Dellwood Drive, Fallston, MD 21047, representative for Petitioners.

PETER MAX ZIMMERMAN

Peter Max Zin



August 23, 2002

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

Fax: 410-887-3468

Ms. Phyllis M. Belt-Jackson 8312 Streamwood Drive Pikesville, Md. 21208

RE: PETITION FOR SPECIAL EXCEPTION

(5411 Old Frederick Road)

Frederick Villa Assoc., L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee - Petitioners

Case No. 02-281-X

Dear Ms. Jackson:

In response to your letters of July 9th and July 17th, 2002 in which you have requested an expansion of the relief granted in the above-captioned matter, the following comments are offered.

I have reviewed the information contained in your letters and the prior evidence submitted for the record of this case. In addition, I have reviewed Section 424 of the B.C.Z.R., which permits a Class B Group Child Care Center for up to 40 children on R.O. zoned land by special exception. As you know, my Order dated March 15, 2002, I granted special exception relief for a Class B Group Child Care Center on the subject property for no more than 20 children. You have requested approval to expand the relief granted to allow you to care for up to 30 children on the subject site. Moreover, you have indicated that Baltimore County's Department of Human Resources has recalculated its measurements and supports your request.

Based upon the representations made in your letter, I will approve your request to expand the Center to allow you to care for up to 30 children on the subject site. However, as a condition of that approval, a revised site plan incorporating the modified relief granted must be submitted to the Department of Permits and Development Management (DPDM) for inclusion in the case file prior to the issuance of any use permits. As you know, the original site plan for this property showed an area sufficient to accommodate 20 children. Since that area will be increased, the plan should be amended to reflect the increased area. This may also result in other changes to the plan, insofar as the required number of parking spaces, etc. Moreover, the proposed improvements to accommodate the expansion must meet all building, fire and safety codes.

Very truly yours,

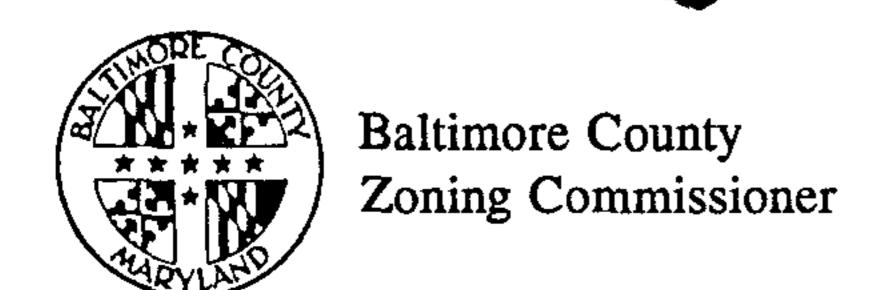
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Jean Schreibman, Frederick Villa Associates, L.P. 6219 Green Meadow Way, Baltimore, Md. 21209

Department of Permits & Development Mgmt.; People's Counsel; Case File



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

Fax: 410-887-3468

September 13, 2002

Ms. Phyllis M. Belt-Jackson 8312 Streamwood Drive Pikesville, Md. 21208

RE: PETITION FOR SPECIAL EXCEPTION

(5411 Old Frederick Road)

Frederick Villa Assoc., L.P., Owners; Phyllis M. Belt-Jackson, Contract Lessee - Petitioners

Case No. 02-281-X

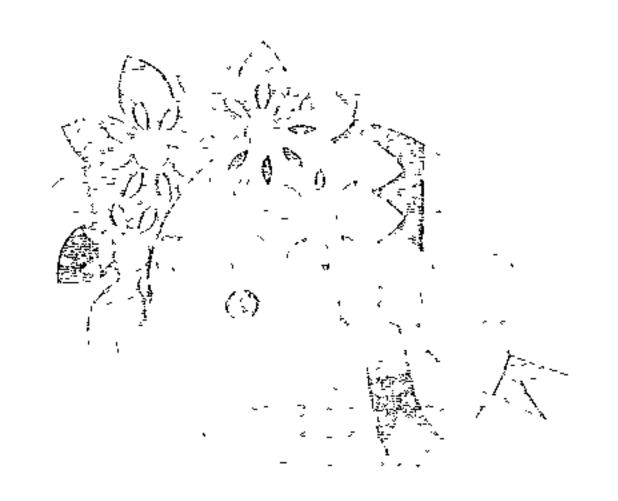
Dear Ms. Jackson:

As a follow-up to my previous letter of August 23, 2002 regarding the above-captioned matter, the following additional comments are offered.

I apologize if there was any misunderstanding of your proposed expansion as set out in your letter of July 17, 2002. To summarize, the Petition for Special Exception filed in the above-referenced case sought approval of a Class B Child Care Center within the existing office building on the subject property, zoned R.O. Following the public hearing in that matter on February 26, 2002, I approved the request by my written decision and Order dated March 15, 2002. As a restriction to the relief granted, I limited the Center to 20 children, based upon the testimony and evidence offered at the hearing.

Subsequently, by your letters of July 9, 2002 and July 17, 2002, you requested clarification of my decision and, as I understood your request, sought approval to allow an increase of up to 30 children on the subject site. Within your letter, you indicated that Baltimore County's Department of Human Resources had recalculated its measurements of the subject site and that the area proposed would be sufficient to serve up to 30 children. Thus, I approved your request by my letter of August 23, 2002.

However, in view of our recent telephone conversation on this subject, it appears that I may have misunderstood the nature of your request. You have indicated that the increase in the number of children proposed is not an expansion of the previously approved facility on the subject property, but rather is for a proposed "second" child care center adjacent thereto. As I understand your request, you wish to retain the subject Class B Child Care Center for up to 20 children, and lease additional space adjacent thereto for another Child Care Center on the subject site for up to 30 children. In total, your facility would provide child care services for up to 50 children. Apparently, you have already discussed this matter with the property owner and they have no objection to the proposed expansion.



July 17, 2002

To: Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

Ref: Addendum to Spirit and Intent Letter
Dated July 9, 2002
PETITION FOR SPECIAL EXCEPTION
Case No. 02-281-X
Granted March 15, 2002

The Contract Lessee, Ms. Jackson would appeal to the Commissioner while reviewing the previous Spirit and Intent Letter to also consider further expansion of the Centers enrollment.

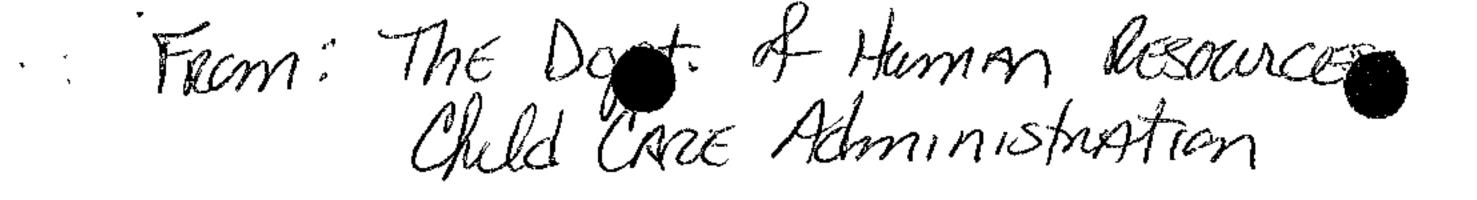
The Center in question wishes to expand to a separate unit. 1) The unit is directly next door to the current Center. 2) It is 1200 sq ft which per Department of Human Resources calculation will accommodate 30 children. 3) The space will be used for school age children. 4) Hours of operation will be 7:00am to 9:30am and 3:30pm to 6:30pm. 5) This decision considers an expansion in addition, but not excluding the previous Spirit and Intent Letter dtd 7/9.

However the facts which pertained to the previous Letter still apply:

- a. No change will be made to the site plans, parking, or exterior construction of the building. Minor interior renovation which will be approved by the Department of Human Resources will be made after your decision.
- b. The additional clients will not adversely effect the parking or traffic flow of the site. Again the main hours of drop off and pick up are prior to or after the major hours of operation for the Doctors and other businesses in the complex.
- c. The Center has been open since January with no complaints from the community. Current enrollment is 15.
 - d. The Center has begun community outreach projects with local nursing homes.
- e. The Owners of the facility have requested the said lessee to occupy the additional referred unit, due to the tenants prompt monthly rent payments.

Phyllis M. Belt-Jackson - Owner/Director

MM



.12 Multi-Site Centers

A child care center may have more than one location and be treated as one center for purposes of these regulations only if:

- (A) The buildings:
 - (1) Function as one integrated center, are in close proximity, such as across the street or on the same campus, and are connected by an intercom system, and
 - (2) Are under the supervision of one director; and
- (B) Two or more locations:
 - (1) Are administered by one central administration with one ownership, and
 - (2) Share common administrative policies and procedures and contracts.

Intent: It is the intent of this regulation to allow a child care center to be located at more than one site and be licensed as a single center if the different sites are close together and share administrative and operational structures.

Guide for Inspection:

The Licensing Specialist shall:

- 1. Review the application and:
 - a. Discuss with the operator the number and location of the sites to be used;
- -(C1) b. Verify the presence of a functional intercom system;
 - (C1) c. Verify that there is a central administration with one ownership;
- (C1) d. Verify that there are common administrative polices, procedures and contracts.
- (C1) 2. Review the staffing patterns and interview the director to verify compliance with regulation .21A.



July 9, 2002

Lawrence E. Schmidt

Zoning Commissioner for Baltimore County

Ref: Spirit and Intent Letter PETITION FOR SPECIAL EXCEPTION Case No. 02-281-X Granted March 15, 2002

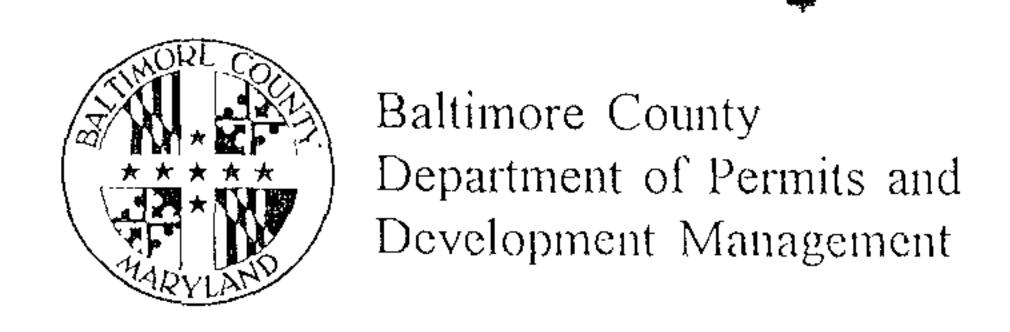
The Contract Lessee, Phyllis M. Belt-Jackson/Owner, We Care For Kids is requesting an amendment to the above said Petition based on a miscommunicated detail by the Lessee.

At the hearing the Commissioner asked how many children were to be cared for in the Center. I replied 20, based on preliminary measurements taken by the Baltimore County Department of Human Resources. Subsequent measurements taken on June 5th by Baltimore County, after the hearing revealed that the total capacity of the Center could be 27.

Please review and consider the following facts when revaluating this case:

- 1. No change will be made to the site plans, parking, renovation, or construction of the building.
- 2. The additional seven clients will not adversely effect the parking or traffic flow of the site.
- 3. The Center has been open since January with no complaints from the community. Current enrollment is 15.
- 4. The Center has begun community outreach projects with local nursing homes.

Phyllis M. Belt-Jackson



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204, pdmlandacq@co.ba.md.us

February 22, 2002

Dick Hoffman American Drafting Svcs 904 Dellwood Drive Falston MD 21047

Dear Mr. Hoffman:

RE: Case Number: 02-281-X,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested. but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. 652

Supervisor, Zoning

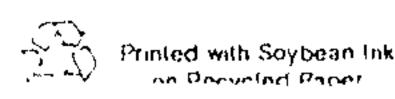
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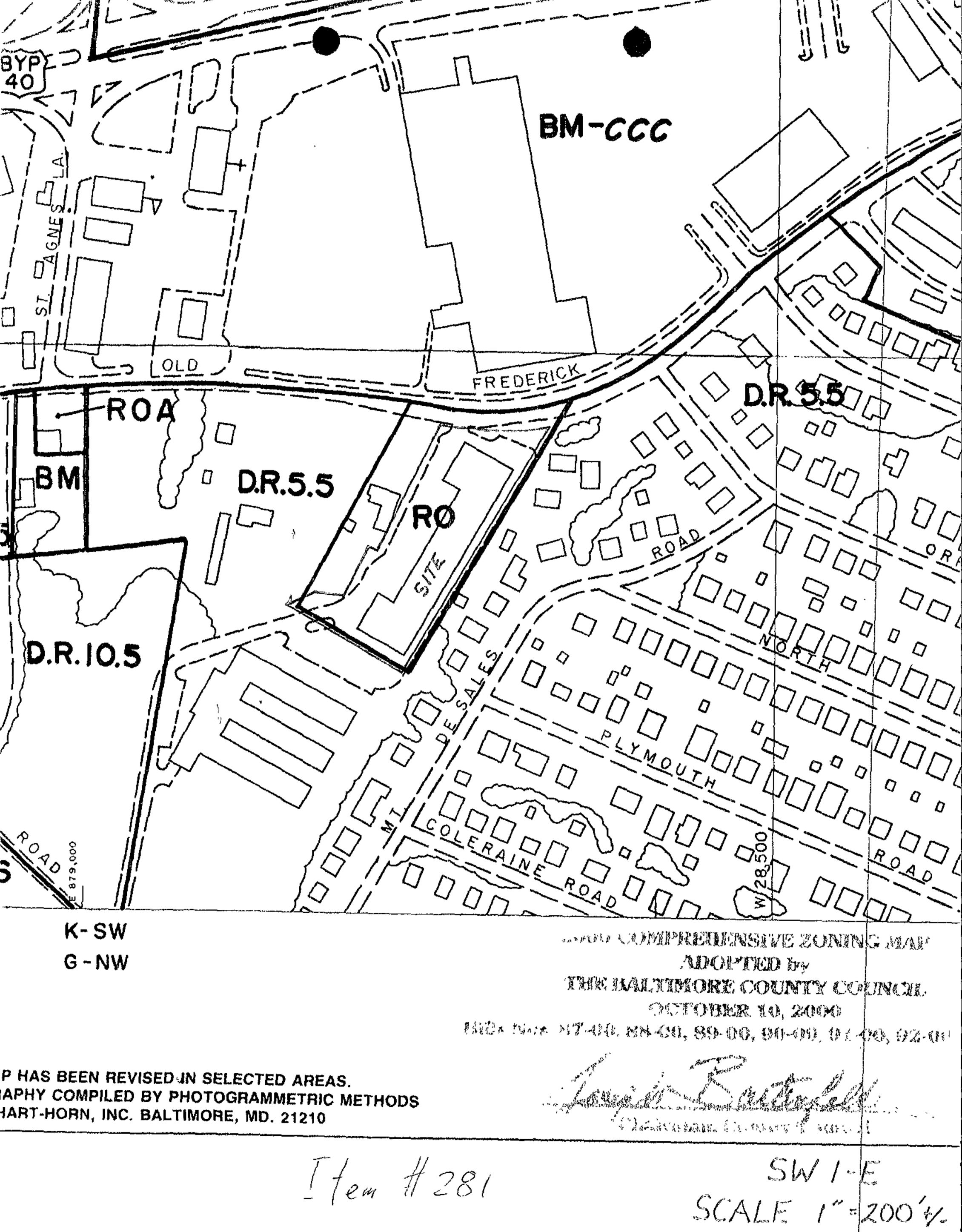
WCR: gdz


Enclosures

c: Jean Schribman, 6219 Green Meadow Way, Baltimore 21209 Phyllis M Belt-Jackson, 8312 Streamwood Drive, Pikesville 21208 Henry Reitberger, 6219 Green Meadow Way, Baltimore 21209 People's Counsel

Come visit the County's Website at www.co.ba.md.us







613 Them A Ms. Phyllis M. Belt-Jackson September 13, 2002 Page 2

RE: Case No. 02-281-X

As noted in my previous letter of August 23, 2002, Child Day Care Centers are regulated under Section 424 of the B.C.Z.R. The regulations differ between Centers serving less than 40 children and those serving more than 40 children. In that a second center is proposed on the subject site, I believe it appropriate that another Petition for Special Hearing be filed to determine the appropriateness of your request. In effect, the proposed expansion of the relief granted in the prior case would be more than twice that now proposed and frankly, I believe that such an expansion cannot be approved administratively as being "within the spirit and intent" of the prior Order. Although I am appreciative of your circumstance, I believe that your proposal requires a new public hearing.

Therefore, I hereby rescind the approval granted by my letter of August 23, 2002 and shall limit the Child Care Center on the subject site to 20 children, as previously approved by my Order dated March 15, 2002. Should you wish to pursue this matter further, a new Petition for Special Hearing must be filed as set forth above.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Jean Schreibman, Frederick Villa Associates, L.P. 6219 Green Meadow Way, Baltimore, Md. 21209

Mr. Patrick Richardson, 730 W. Padonia Road, Suite 101, Cockeysville, Md. 21030

Department of Permits & Development Mgmt.; People's Counsel; Case File

Ms. Phyllis M. Belt-Jackson September 13, 2002 Page 2

RE: Case No. 02-281-X

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Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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Mr. Patrick Richardson, 730 W. Padonia Road, Suite 101, Cockeysville, Md. 21030

Department of Permits & Development Mgmt.; People's Counsel; Case File