

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 10th day of March, 2017, that Rosanna Javier located at 7915 Hillendale Rd (Individual or business name) (Street address) should be and the

same is hereby granted permission to operate a: Class 'A' Day Care case # 2003-0210-SPHA, 12 children max

150474
Permit (or Receipt) Number

[Signature]
Director, Permits, Approvals and Inspections

Planner's Initials RD

Revised 10/17/11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

№ 150474

Date: 3/10/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$100.00

Total: \$100.00

Rec From: Rene Javier

For: re-newal Class A Day Care

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
3/13/2017 3/10/2017 10:45:05 3
REG WSO3 WALKIN CAM
>>RECEIPT # 716897 3/10/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150474
Recpt Tot \$100.00
\$100.00 CK \$.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
E/S Hillendale Road, 349.70 ft.
N of Taylor Avenue
9th Election District
6th Councilmanic District
(7915 Hillendale Road)

Rosanna & Rene Javier
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-210-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Rosanna & Rene Javier. The Petitioners are requesting special hearing relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a Class A, Group Child Care Center in a residence for a maximum of 12 children. In addition, the Petitioners are requesting variance relief from Section 424.1 of the B.C.Z.R., to permit a chain link fence in lieu of the required solid wood stockade/panel fence; to permit a fence height of 4 ft. in lieu of the minimum required fence height of 5 ft.; and, to permit a fence set back of 0 ft. from the property line in lieu of the required fence setback of 20 ft. from the property line.

Appearing at the hearing on behalf of the special hearing and variance requests were Rene and Rosanna Javier, owners of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this relief, consists of 0.31 acres, more or less, zoned D.R.5.5. The subject property is located on Hillendale Road, north of its intersection with Taylor Avenue in the Hillendale area of Baltimore County. The Petitioners are interested in increasing her current day care facility

12/23/02
J.R. Gannon

from 8 children to 12. Ms. Javier testified that she has been operating a licensed day care facility from the subject property for the past 11 years. She has always maintained 8 children in her day care. She is interested in expanding her use to include up to 12 children. In order to proceed with this expansion, the special hearing and variances are necessary.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

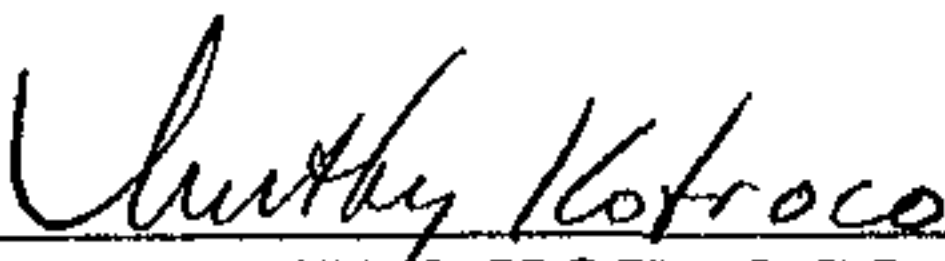
12/23/02
R. J. J. J.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of December, 2002, that the Petitioners' request for special hearing relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a Class A, Group Child Care Center in a residence for a maximum of 12 children, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioners request for variance relief from Section 424.1 of the B.C.Z.R., to permit a chain link fence in lieu of the required solid wood stockade/panel fence; to permit a fence height of 4 ft. in lieu of the minimum required fence height of 5 ft.; and, to permit a fence set back of 0 ft. from the property line in lieu of the required fence setback of 20 ft. from the property line, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

12/23/02
D.R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 23, 2002

Rosanna & Rene Javier
7915 Hillendale Road
Baltimore, Maryland 21234

Re: Petitions for Special Hearing & Variance
Case No. 03-210-SPHA
Property: 7915 Hillendale Road

Dear Mr. & Mrs. Javier:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7915 HILLENDALE ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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

a Class A Group Child Care Center in a residence
for a maximum of 12 children.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No.

03-210-SPHA

REV 9/15/02

Legal Owner(s):

RENE JAVIER

Name - Type or Print

Signature

ROSANNA JAVIER

Name - Type or Print

Signature

7915 HILLENDALE RD

Address

410-882-4652

Telephone No.

BALTIMORE

City

MD

State

21234

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 10/30/02



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7915 HILLENDALE ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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) 424.1.B, BCZR to permit a chain link fence in lieu of the required solid wood stocade/panel fence; to permit a fence height of 4 feet in lieu of the minimum required fence height of 5 feet and to permit a fence set back of 0 feet from the property line in lieu of the required fence set back of 20 feet from the property line.

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

RENE JAVIER

Name - Type or Print

Signature

ROSANNA JAVIER

Name - Type or Print

Signature

7915 HILLENDALE RD 410-882-4652

Address

Telephone No.

BALTIMORE

MD.

21234

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 10/30/02

ZONING DESCRIPTION FOR 7915 HILLENDALE ROAD

Beginning at a point on the East side of Hillendale Road, which is 40 feet wide at the distance of 349.70 feet North from TAYLOR AVENUE, North 14 degrees 42 minutes West 75 feet to a point, then leaving the east side of said road at right angles North 75 degrees 18 minutes East 180 feet to a point, then running parallel to said road South 14 degrees 42 minutes East 75 feet to a point, then South 75 degrees 18 minutes West 180 feet to the point of beginning.

Being Lot #'s 792, 793 & 794 on the Plat of the tract of land known as Hillendale Park which plat is recorded among the Plat records L.McL.M. of Baltimore County in Plat Book/ No. 9 folio 10 containing 13,500 square feet or 0.31 acre. Also known as 7915 Hillendale Road and located in the 9th Election District, 6th Councilmanic District.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 03-210-SPHA

Petitioner: RENE + ROSANNA JAVIER

Address or Location: 7915 HILLENDALE RD., 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS RENE JAVIER

Address: 7915 HILLENDALE RD.

BALTO. MD 21234

Telephone Number: 410-882-4652

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 18973

DATE 10/30/02 ACCOUNT 0010066150
AMOUNT \$ 100.00

RECEIVED FROM: MR. & MRS. JAVIER

FOR: ITEM #210 03-210-SPHA

7915 HILLENDALE RD. BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATA DELETED
FID RECEIPT
ENCLOSURE ACTUAL TIME
10/31/2002 10/30/2002 15:23:47
REG WALKIN DDOL DMD DRAWER
RECEIPT # 201032 10/30/2002 DFLN
DEPT 5 526 ZONING VERIFICATION
CR NO. 018973
Receipt Tot \$100.00
100.00 OK .00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #03-210-SPHA

7915 Hillendale Road

E/side Hillendale Road 349.70 feet north of Taylor Avenue

9th Election District - 6th Councilmanic District

Legal Owner(s): Rene and Rosanna Javier

Special Hearing: to approve a Class A Group Child Care Center in a residence for a maximum of 12 children. **Variance:** to permit a chain link fence in lieu of the required solid wood stockade/panel fence; to permit a fence height of 4 feet in lieu of the minimum required fence height of 5 feet and to permit a 0 feet setback from the property line in lieu of the required fence setback of 20 feet from the property line.

Hearing: Friday, December 20, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake 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.

12/005 Dec 5 C577153

CERTIFICATE OF PUBLICATION

12/5/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/5/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 03-210-SPHA

Petitioner/Developer O'KEE, ETAL

Date of Hearing/Closing. 12/20/02

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

Attention:

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 # 7915 HILLENDALE RD

The sign(s) were posted on 12/4/02
(Month, Day, Year)

Sincerely,

[Signature] 12/5/02
(Signature of Sign Poster and Date)

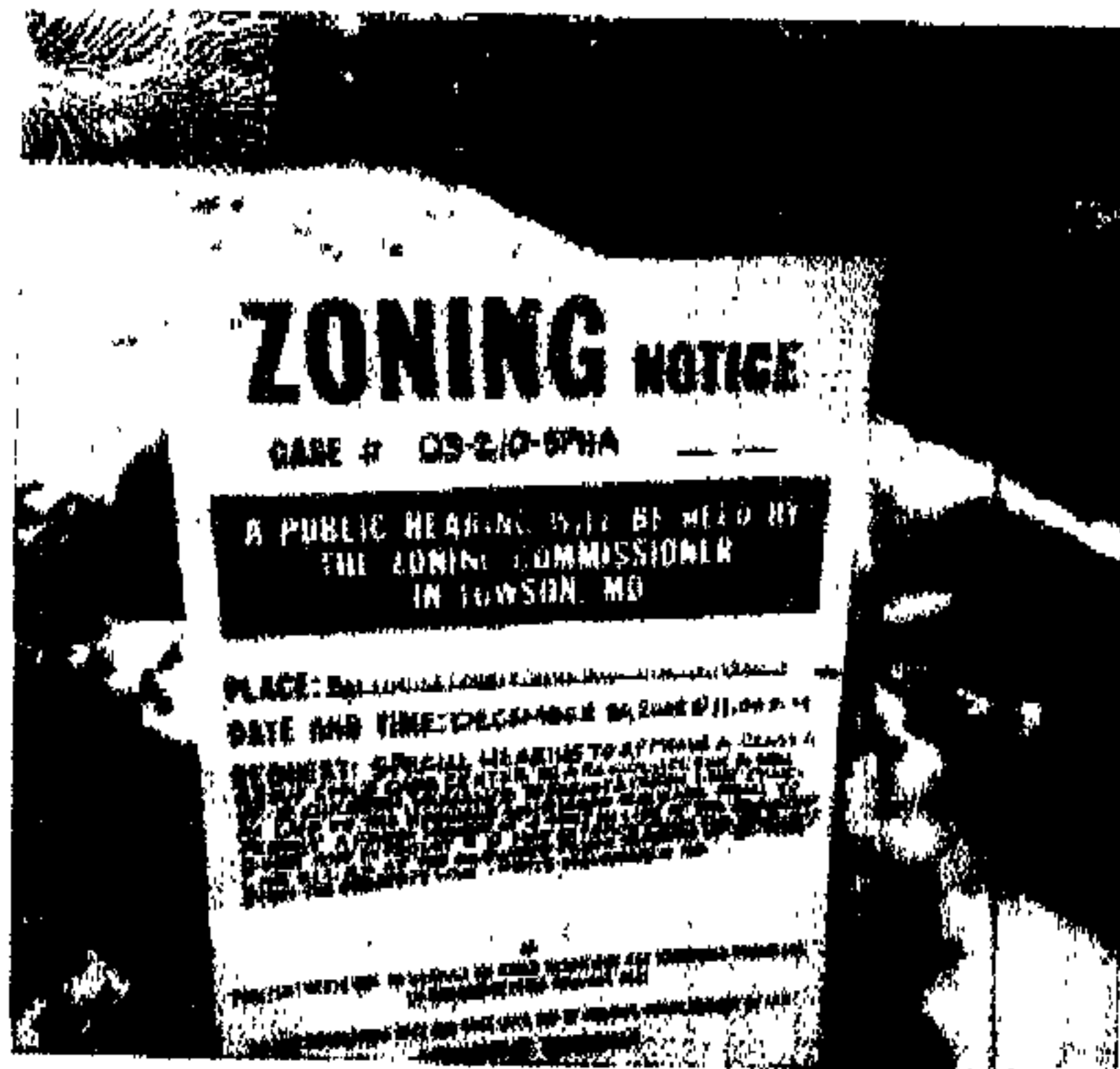
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

Post-It Fax Note	7671	Date	12/4/02	# of pages	1
To	BETTY / ROBIN	From	O'KEEFE		
Day	ZURING C.	Co.			
No.		Phone #			
	887-3468	Fax #	666-0929		



03-210-SPHA
7915-HILLENDALE

12/20/02



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 19, 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: 03-210-SPHA

7915 Hillendale Road
E/side Hillendale Road 349.70 feet north of Taylor Avenue
9th Election District – 6th Councilmanic District
Legal Owner: Rene and Rosanna Javier

Special Hearing to approve a Class A Group Child Care Center in a residence for a maximum of 12 children. Variance to permit a chain link fence in lieu of the required solid wood stockade/panel fence; to permit a fence height of 4 feet in lieu of the minimum required fence height of 5 feet and to permit a 0 feet setback from the property line in lieu of the required fence setback of 20 feet from the property line.

Hearings: Friday, December 20, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

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

Arnold Jablon
Director

AJ:rlh

C: Rene and Rosanna Javier, 7915 Hillendale Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 5, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 5, 2002 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. Rene Javier
7915 Hillendale Road
Baltimore, MD 21234

410-882-4652

NOTICE OF ZONING HEARING

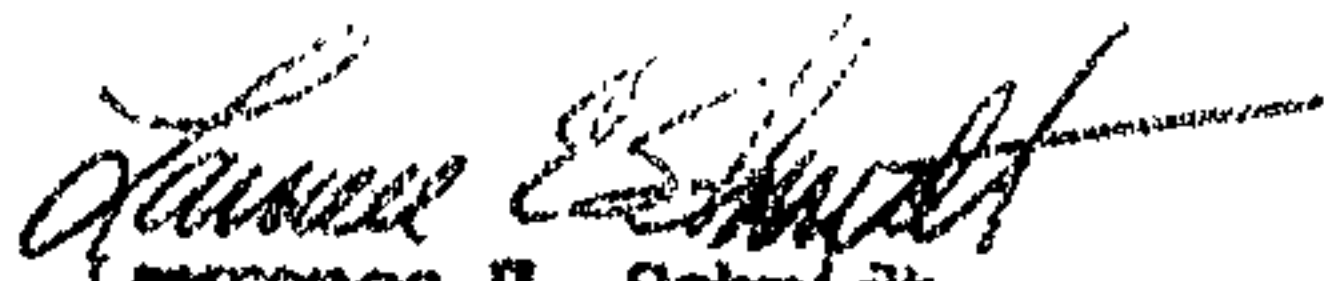
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-210-SPHA

7915 Hillendale Road
E/side Hillendale Road 349.70 feet north of Taylor Avenue
9th Election District – 6th Councilmanic District
Legal Owner: Rene and Rosanna Javier

Special Hearing to approve a Class A Group Child Care Center in a residence for a maximum of 12 children. Variance to permit a chain link fence in lieu of the required solid wood stockade/panel fence; to permit a fence height of 4 feet in lieu of the minimum required fence height of 5 feet and to permit a 0 feet setback from the property line in lieu of the required fence setback of 20 feet from the property line.

Hearings: Friday, December 20, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
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.



Baltimore County
Department of Permits and
Development Management

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

December 13, 2002

Mr. Rene Javier
Ms. Rosanna Javier
7915 Hillendale Road
Baltimore, MD 21234

Dear Mr. and Mrs. Javier:

RE: Case Number: 03-210-SPHA, 7915 Hillendale Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 30, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR.rlh

Enclosures

c: People's Counsel

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





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 11.20.02

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

RE: Baltimore County
Item No. 210 DT

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

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

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

November 20, 2002

ZAC Dist. Meeting of 11/18/2002

ATTENTION: George Zahner

Property Owner: Javier

Location: Hillendale Rd.

Item No.: 210

Dear Mr. Zahner:

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.

5. Site Plans are approved, as drawn.

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

cc: File



*12/20 hearing
granted 12/23/02*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 9, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-201, & 03-210

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:

Mark A. Cunningham

Section Chief:

Lynne Zashan

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: December 9, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 25, 2002
Item Nos. 203, 204, 205, 206, 207,
208, 209, 210, 211, 212, and 227

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

RWB:CEN:jrb

cc: File



Maryland Department of Planning

Parris N. Glendening
Governor

Kathleen Kennedy Townsend
I.L. Governor

Roy W. Kienitz
Secretary

Mary Abrams
Deputy Secretary

November 21, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, November 25, 2002 re: case numbers-03-2103-A, 03-204-SPHXA, 03-205-A, 03-206-A, 03-207-SPH, 03-208-A, 03-209-A, 03-210-SPHA, 03-211-A, 03-212-A, 03-213-A, 03-227-XA

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 11/20/02. The information has been submitted to Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

APPLICATION FOR CHILD CARE CENTER

USE PERMIT*Special Hearing instead*

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District 9
 Subdivision HILLENDALE PARK
 Street Address 7915 HILLENDALE ROAD
 Lot Number 792, 793 & 794 Block Number 9
 *If no lot or block number, give distance to nearest intersecting street 349.7 feet, north / south / east / west of TAYLOR Street / Road / Avenue
 Lot Size 75 FT. x 180 FT.

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

HILLENDALE CHILD DEVELOPMENT CENTER
CORNER OF TAYLOR AVENUE & HILLSWAY

General Information:

- A. Name and Address of Applicant/Operator
ROSANNA JAVIER
7915 HILLENDALE RD., BALTIMORE, M.D. 21234
 Telephone Number 410-882-4652
- B. Number of Employees 2 Hours of Operation 7:00 AM - 6:00 P.M.
 Days of Week MONDAYS THRU FRIDAYS
- C. Number of Children Enrolled 12
- D. Estimated Amount of Traffic Generated:
 Morning 13 Afternoon 13
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit
- F. Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising, and filing fees.

Rosanna O. Javier
 Applicant's Signature

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - 1/3 OF Hillendale Road, 400' N. of the c/l of Taylor Avenue (7915 Hillendale Road) 9th Election District 6th Councilmanic District BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 93-106-XA
Jean P. Fraunfelter (deceased) Legal Owner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed on behalf of the legal owner of the subject property, Jean P. Fraunfelter, by and through the Contract Purchaser, Rene D. Javier. The Petitioner requests a special exception to permit a Class B Child Care Center for up to twenty (20) children on the subject property, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 424.7A to permit 0.31 acres in area for a maximum of 20 children in lieu of the required 1.00 acres for 40 children; from Section 424.7B to permit side yard setbacks of 22 feet and 23 feet in lieu of the required 50 feet for each, a side vegetative buffer of 5 feet in lieu of the required 20 feet and a rear vegetative buffer of 10 feet in lieu of the required 20 feet; from Section 424.7C to determine that the proposed parking in the front yard and side yard drop-off will have no adverse impact and to permit such activity within the buffer area in lieu of outside the buffer area; and from Section 424.7E to permit an impervious surface area of 26% in lieu of the maximum permitted 25%, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Rene Javier, Contract Purchaser. Appearing and testifying in opposition to the Petitioner's

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request were numerous residents of the surrounding community, for whom Mark Boner, a nearby property owner, was the primary spokesperson.

Testimony indicated that the subject property, known as 7915 Hillendale Road, consists of 0.318 acres, more or less, zoned D.R. 5.5, and is improved with a 1.5 story single family dwelling and detached garage. Mr. Javier is desirous of locating a Class B Child Care Center for up to 20 children at the subject site. Testimony indicated that he has already purchased the subject property and seeks the zoning approval necessary in order for him and his fiancée to operate the center. Mr. Javier testified as to the improvements he intends to make to the property in the event the special exception is granted. Mr. Javier testified that he and his fiancée currently operate a child care center for 8 children in their present home. Testimony indicated the Petitioner has friends in this community who believe there is a need for day care in this area.

Appearing and testifying in opposition to the Petitioner's request were many members of the community surrounding the subject property. The cumulative testimony of the Protestants was that the subject property is not at all an appropriate location at which to operate a day care facility for the number of children proposed by the Petitioner. Testimony indicated that Hillendale Road is an extremely busy thoroughfare during morning and evening rush hours and that it is used as a short-cut by many of the residents in that area. In addition, the driveway to the subject property is situated at the crest of a hill on Hillendale Road and as a result, site distance is very poor for anyone exiting the subject property onto Hillendale Road. Many of the residents feared that the traffic generated by a child care center for 20 children would create a tremendous traffic hazard for the community. Additional testimony and photographs of Hillendale

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Road demonstrated that this road is very narrow with no sidewalks, curbs or gutters. Testimony indicated that there have been numerous accidents on Hillendale Road as a result of its narrow configuration.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. However, it is equally clear that the proposed use would be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In fact, the Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will be detrimental to the health, safety, or general welfare of the locality, and will tend to create congestion in roads, streets, or alleys therein. It will be inconsistent with the purposes of the property's zoning classification, and inconsistent with the spirit and intent of the B.C.Z.R.

In view of the fact that the special exception request has been denied, the variance relief requested shall also be denied.

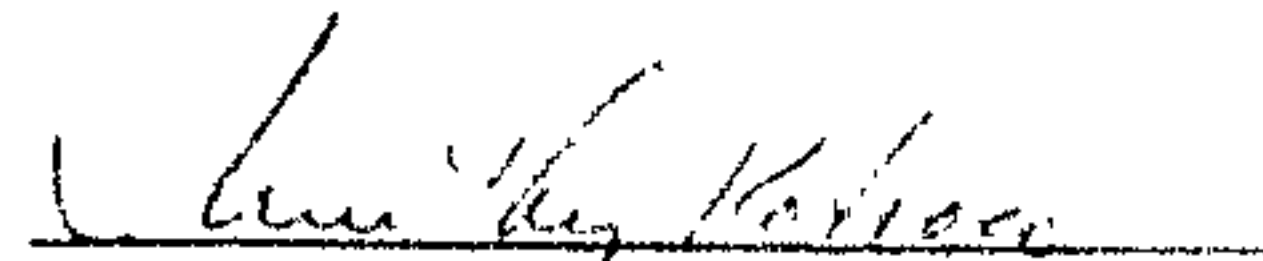
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Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception and variances shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of November, 1992 that the Petition for Special Exception to permit a Class B Child Care Center for up to twenty (20) children on the subject property, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: from Section 424.7A to permit 0.31 acres in area for a maximum of 20 children in lieu of the required 1.00 acres for 40 children; from Section 424.7B to permit side yard setbacks of 22 feet and 23 feet in lieu of the required 50 feet for each, a side vegetative buffer of 5 feet in lieu of the required 20 feet, and a rear vegetative buffer of 10 feet in lieu of the required 20 feet; from Section 424.7C to determine that the proposed parking in the front yard and side yard drop-off will have no adverse impact and to permit such activity within the buffer area in lieu of outside the buffer area; and from Section 424.7E to permit an impervious surface area of 26% in lieu of the maximum permitted 25%, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

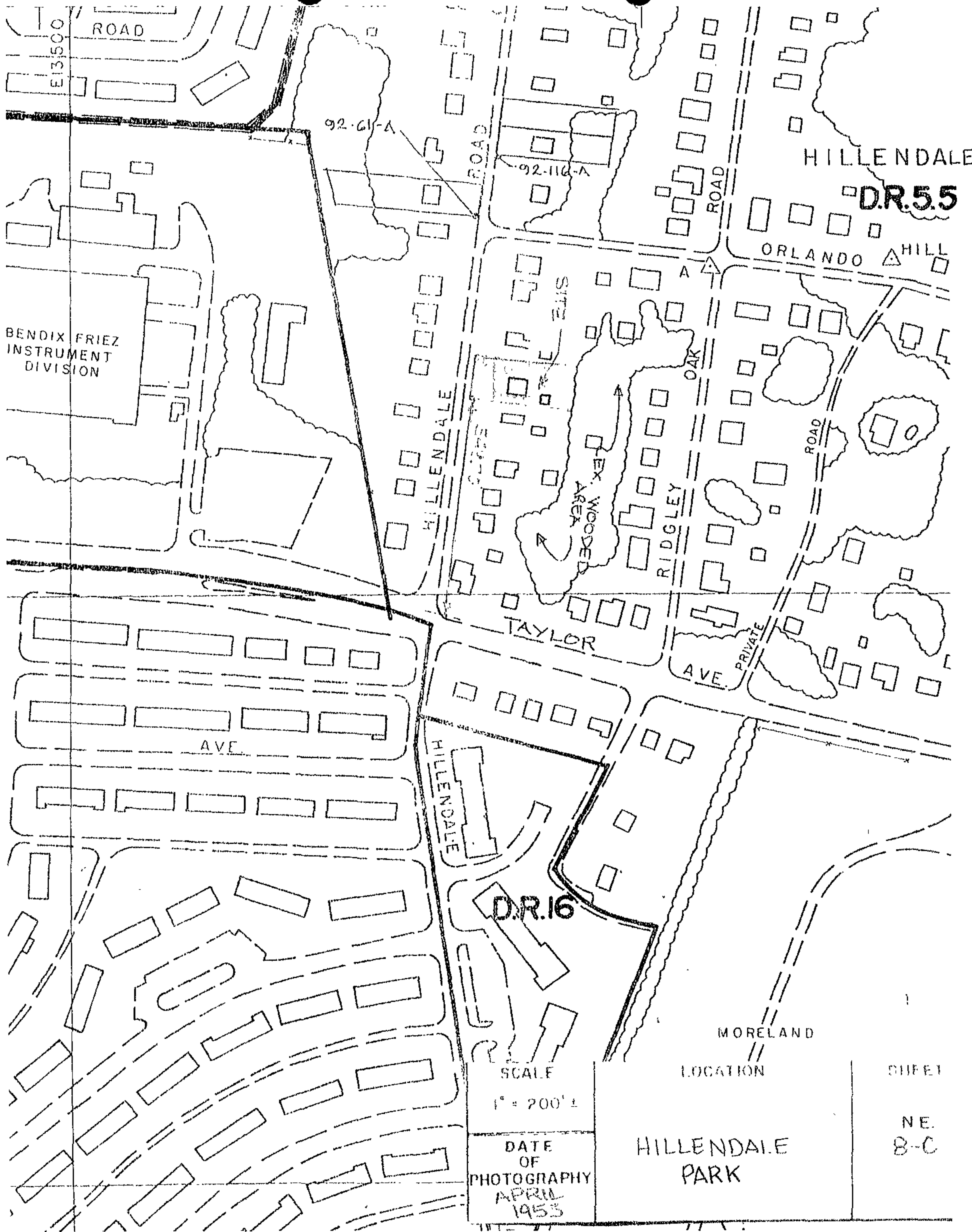

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:hjs

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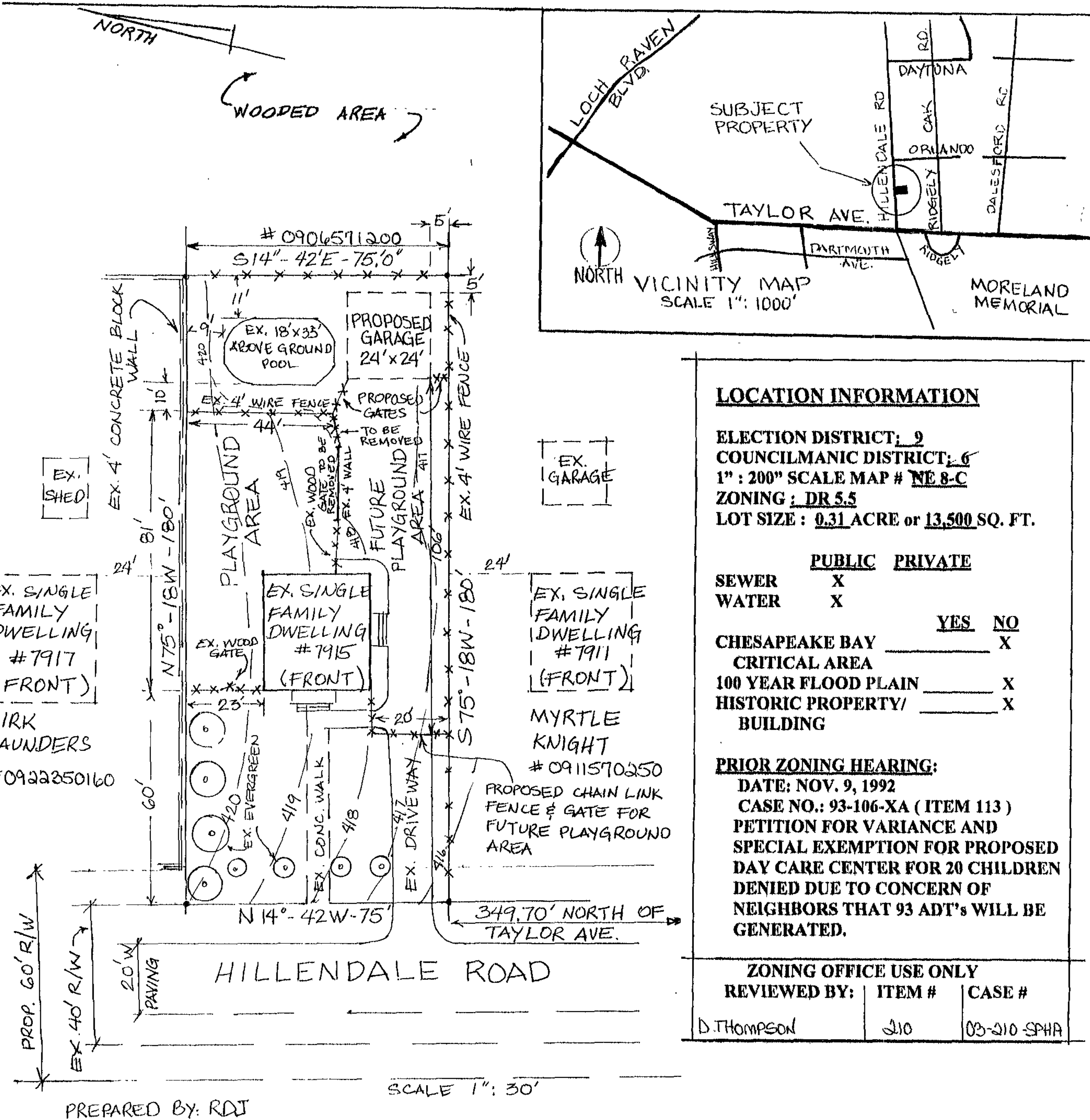
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PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE & SPECIAL HEARING

PROPERTY ADDRESS: 7915 HILLENDALE ROAD
SUBDIVISION NAME: HILLENDALE PARK
PLAT BOOK #: 9 FOLIO #: 10 LOT #'s: 792, 793 & 794
OWNERS: RENE & ROSANNA JAVIER



LOCATION INFORMATION

ELECTION DISTRICT: 9
COUNCILMANIC DISTRICT: 6
1" : 200" SCALE MAP # NE 8-C
ZONING : DR 5.5
LOT SIZE : 0.31 ACRE or 13,500 SQ. FT.

	PUBLIC	PRIVATE
SEWER	X	
WATER	X	
CHESAPEAKE BAY CRITICAL AREA		YES NO
100 YEAR FLOOD PLAIN		X
HISTORIC PROPERTY/ BUILDING		X

PRIOR ZONING HEARING:
DATE: NOV. 9, 1992
CASE NO.: 93-106-XA (ITEM 113)
PETITION FOR VARIANCE AND
SPECIAL EXEMPTION FOR PROPOSED
DAY CARE CENTER FOR 20 CHILDREN
DENIED DUE TO CONCERN OF
NEIGHBORS THAT 93 ADT's WILL BE
GENERATED.

ZONING OFFICE USE ONLY		
REVIEWED BY:	ITEM #	CASE #
D. THOMPSON	210	03-210-SPHA

- Notes:
1. Number of children currently enrolled = 8
Proposed number of children to be enrolled = 12
 2. Number of employees = 2 (Including Owner)
 3. Parking space required = 2
 4. Ave. Daily Trips (ADT) = 26 (Morning : 13 ; Afternoon: 13)
 5. Hours of Operation: 7:00 am. to 6:00 pm.; Monday thru Friday
 6. Applicants are aware that they are filing this site plant at their own risk without the benefit of an engineer or surveyor seal.
 7. There are no existing family child care homes or group child care centers or nursery schools adjoining this residentially used property/ dwelling unit.

Ret. Ex. #1