IN RE; PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

NW/Corner of Goodwood Road

and Hyde Park Road

15th Election District

7th Councilmanic District

(900 Hyde Park Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-679-XA

Bessie Johnson, Legal Owner and

Karen Davis, Contract Purchaser Petitioners

\* \* '\* \* \* \* \* \* \* \* \* \*

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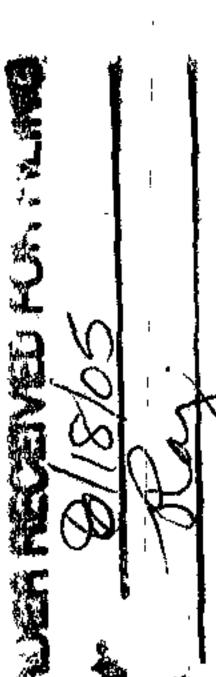
# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by the legal owner of the subject property, Bessie Johnson and Karen Davis, lessee. The Petitioners are requesting special exception and variance relief for property located at 900 Hyde Park Road in the eastern area of Baltimore County. The special exception requested from the Baltimore County Zoning Regulations (B.C.Z.R.) is to allow a Class B Group Childcare Center for up to 40 children in a Residential Transition Zone and to include a Principal Residential Dwelling use in a Group Child Care Class B. In addition, variance relief is requested from Section 424.7 of the B.C.Z.R., to permit a Group Child Care Center Class B on a lot with an area of 0.65 acres in lieu of the required 1.00 acre and to permit a front setback of 21 ft., side setback of 23 ft. with a 0 ft. Vegetative Buffer and a rear 0 ft. Vegetative Buffer in lieu of the required 25 ft., 50 ft. 20 ft. and 20 ft. respectively.

The property was posted with Notice of Hearing on July 28, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 2, 2005 to notify any interested persons of the scheduled hearing date.

# Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions



Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

# Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Fire Department dated July 5, 2005, a copy of which is attached hereto and made a part hereof. In addition a ZAC comment was received from the Bureau of Development Plans Review dated July 15, 2005, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received

from the Department of Environmental Protection & Resource Management (DEPRM) dated August 3, 2005, a copy of which is attached hereto and made a part hereof.

### Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Joseph Larson, of the firm of Spellman, Larson & Associates, and Karen Davis Petitioner. Herbert Burgunder, III, Esquire represented the Petitioner. Appearing as protestants and interested citizens at the hearing were Leona Wiley, Willie Russell, Ruby Gaines, Anna Russell, Willie Chambers, Geraldine Chambers, Roy Wiley, Jeanne Small, Russell Lauri and Vernon Lynch. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

# Testimony and Evidence

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Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.65 acres of land, more or less, zoned D.R.5.5. It is improved by an existing single-family dwelling in which the Petitioner resides and operates a child care service with 8 children. It is not clear whether the Petitioner has a use permit for a Class A Group Child Care Center.

The Petitioner indicated that she would like to expand her present service to allow up to 40 children in a Class B Center. The Petitioner's property is adjacent to a single-family dwelling, which triggers a Residential Transition Area (RTA). Thus the request for a special exception under Section 424.5 A.

The Petitioner clarified, after questioning by the Protestants, that the title owner of the property is Bessie Johnson, her grandmother, who died some time ago. It was never determined who signed the Petition for the late Ms. Johnson, although there was some allegation that the Petitioner's mother, Thelma Johnson, may have signed the Petition using Bessie Johnson's name.

The Petitioner summarized her education and training, which qualified her to operate the facility, her desire to help children, and to work with the children's parents. She indicated that she believes the proposed used would not adversely affect the adjacent neighborhood but rather would be a service to it. She admitted that many of the children she would care for would come from referrals from government agencies, and consequently would not necessarily live in the neighborhood. However, she indicated that the neighbors should feel benefited by any service to needy children. She presented a Petition of support signed by many neighbors for her child care service. She argued that even though this Petition was completed in December 2003, when questioned by the Protestants, she believed it applied to this case. See Petitioner's Exhibit 2.

She indicated several times that she was willing to change the site plan to accommodate the neighbors. For example, when the neighbors objected to using Goodwood Road for the access, as presently proposed, because it was narrow, she indicated she would be willing to change the access off Hyde Park Road.

She testified that she could handle 40 children with help from qualified assistants. She indicated that the existing home presently had one bathroom but she planned to add another one. She also noted that inside the home there was an existing kitchen and laundry area, which she thought was adequate for the task. She was not aware of how many square feet of room would be required per child.

Finally, she further testified that she would be licensed by the State, who would determine how many children will be allowed on the premises during the State licensing procedure. This case involved only the zoning aspect of the plan, which is the first step.

Mr. Larson, the Petitioner's engineer, testified that the lot was unique from a zoning standpoint due to its unique triangular shape, and extensive road frontage, which left little space for use of the property. This created a hardship and practical difficulty. He indicated that because of the existing home and structures along the rear property line, the Petitioner could not

THE PERSON

provide the 20 feet of vegetative buffer on the side and rear. Thus the variance requests. Again because of the existing home, the Petitioner could not meet the front or side yard setbacks required. The existing lot has 0.6 acres and can not meet the one-acre minimum required.

Mr. Larson testified that the plan provides adequate parking in the three spaces provided. He noted that because the Petitioner is both a resident of the home and employee, three spaces suffice instead of the normal four. As shown, one of these spaces will also serve as the on-site drop off and pick up location for parents with children in the center.

The Protestants generally opposed the special exception on the basis that the proposal was a commercial intrusion into this residential community. In addition, they noted that Goodwood Road has only 18 feet of paved surface and no shoulders on which parents can park their cars when picking up their children. Consequently, parents will have to park in the travel lanes of Goodwood Road, which could create a safety hazard for ordinary travelers and emergency equipment. In addition, several protestants noted that Hyde Park Road was the only entrance to the entire neighborhood, the property values would fall if the requests were granted, and that granting the requests would set a bad precedent for other such uses. They admitted that several other properties in the neighborhood already had child care centers operating.

### Findings of Fact and Conclusions of Law

### Special Exception

While there are many problems with the request for special exception, the primary difficulty is the Petitioner's understanding of the two-stage approval process. In the Petitioner's view, these zoning requests should be granted and then the State will review her application for a day care center. The State would then specify the number of children allowed, the facilities needed, etc. These will then fall within the prior County approvals.

My problem with this approach is that in her view the County and State look at the facility independently. While this will actually occur in two steps, the Petitioner has to know

and present how the two reviews will be satisfied. For example consider parking. The Petitioner specifies on Petitioner's Exhibit 1, that 2 spaces will be provided for the Petitioner and one assistant. However, the Petitioner wants to care for 40 children and candidly says she will hire sufficient qualified assistants to help her. She has no idea of how many assistants she needs but presumably the number would be specified by the State. The problem is that it is likely to drastically affect the number of parking spaces. Using her present experience as one example, she cares for 8 children presumably without help. If she had 40 children she would need 4 or 5 assistants to keep the same ratio of children to assistants. There has to be some management for this number of children, parents, agencies, etc. as well. But this would require 4 or 5 or 6 or more parking spaces, which are not set forth on the plan. While I assume her best intention, these employees would then park in the neighborhood or in the travel lanes of the adjacent roadways.

She has to know how many children the facility can handle to satisfy both the County and State requirements. She has to know how many bathrooms are required, what play area is needed per child, what investment in new building and play areas will be needed before applying either to the State or the County.

I agree with the protestants, that her plan to use one of the three parking spaces as the pick up and drop off area for parents of 40 children is not adequate. I think they are correct in predicting parents will simply park in the travel lanes of Goodwood Road, presenting a safety hazard in the community.

I can not imagine that the State would ever allow 40 children on this small site. It may well occur that it would allow a few more children than she presently has now. I suspect that much of the concern by the protestants and my anxiety would disappear if the proposal was scaled back to something realistic. I am confident of the Petitioner's good intentions and that

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perhaps in another location she can contribute to the community by operating a large child care center. This is not the location to do so. Consequently, I will deny the special exception.

# <u>Variance</u>

Having denied the special exception request for the reasons set forth above, I will deny the variances a moot.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' request for special exception and variance should be denied

THEREFORE, IT IS ORDERED, this <u>B</u> day of August, 2005, by the Deputy Zoning Commissioner, that the Petition for Special Exception requested from the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a Class B Group Childcare Center for up to 40 children in a Residential Transition Zone and to include a Principal Residential Dwelling use in a Group Child Care Class B, be and is hereby DENIED

IT IS FURTHER ORDERED, that the variance relief requested from Section 424.7 of the B.C.Z.R., to permit a Group Child Care Center Class B on a lot with an area of 0.65 acres in lieu of the required 1.00 acre and to permit a front setback of 21 ft., side setback of 23 ft. with a 0 ft. Vegetative Buffer and a rear 0 ft. Vegetative Buffer in lieu of the required 25 ft., 50 ft. 20 ft. and 20 ft. respectively, be and is hereby DENIED as moot.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 900 Hyde Park 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) 424.7 to permit a Group Child Care Center Class B on a lot with an area of 0.65 acres in lieu of the required 1 acre and to permit a front setback of 21', side setback of 23' with a 0' Vegetative Buffer, and a rear 0' Vegetative Buffer.... in lieu of the required 25, 50 and 20, and 20' respectively.

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

Reasons and credentiality for zoning relief to be presented at the Hearing.

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: <u>Legal Owner(s):</u> Ms. Bessie Johnson Ms. Karen Davis Name - Type or Print -Name - Type or Print Signature Signature 900 Hyde Park Road 410-687-9461 Address Telephone No. Name Type or Print Baltimore Maryland 21221-6023 Zip Code State Signature Hyde Park Road Attorney For Petitioner: 900 Address Telephone No. Herbert Burgunder III Baltimore, 21221-6023 Maryland Name - Type or Print City State Zip Code Representative to be Contacted: Signature Law Offices of Herbert Burgunder III Herbert Burgunder III Company Name 501 Sulgrave Avenue 1501 Sulgrave Avenue Suite 207 Suite 207 410-664-6500 <u>410-664-6500</u> Address Telephone No. Address Telephone No. Baltimore, 21209 Maryland 21209 Baltimore, Maryland City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_ Case No. 05 - 679 - 42Reviewed By D.T. Date 02205 REV 9/15/98



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 900 Hyde Park Road

Which is presently zoned <u>DR 5.5</u>

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Class B Group Child Care Center forup to 40 children in a

Residential Transition Zone to include a Principal Residential Dwelling use in a Group Child Care Center Class B.

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

i, or we, agree to pay expenses of above Special Exception, 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.

Contract Purchaser/Lessee: Ms. Karen Davis Name - Type or Print Signature 900 Hyde Park Road 410-687-9461 Address Telephone No. Baltimore, Maryland 21221-6023 City State Zip Code Attorney For Petitioner: Herbert Burgunder III Name - Type or Print Signature Law Offices of Herbert Burgunder III Company 4 501 Sulgrave Ave. **S**uite 207 410-664-6500 Address Telephone No. Baltimore, Maryland 21209 State Zip Code 05-679-XA EST 04/15/92

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.

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# Legal Owner(s):

Name - Type or Print

Ms. Bessie Johnson

Signature //.		<del></del>
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Name - Type or Print		<del></del>
Blace	Thomas	<u>-</u>
Signature	1016	
900 Hyde Park	Road	410-687-9461
Address		Telephone No.
Baltimore, City	Maryland	21221-6023
	State	Zip Code
Representative to t	e Contacted	
Herbert Burgui	ndow TIT	
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### 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: #05-679-XA

900 Hyde Park Road

N/west of corner of Goodwood Road and Hyde Park Road

15th Election District - 7th Councilmanic District
Legal Owner(s): Bessle Johnson
Contract Purchaser: Karen Davis

Special Exception: to allow a Glass B Group Childcare Center for up to 40 children in a Residential Transition Zone and to include a Principal Residential Dwelling use in a Group Child Care Class B. Variance: to permit a Group Child Care Class B. Variance: to permit a Group Child Care Class B. Variance: to permit a front setback of 21 feet, side setback of 21 23 feet with a width of 0 foot Vegetative Buffer and a rear of 0 foot Vegetative Buffer and a rear of 0 foot Vegetative Buffer in lieu of required 25 feet, 50 feet and 20 feet respectively.

Hearing: Tuesday, August 16, 2008 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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/8/601 Aug. 2

# CERTIFICATE OF PUBLICATION

8/3/, <sub>20</sub> 05
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 80,20 <u>05.</u>
The Jeffersonian  Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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# CERTIFICATE OF POSTING

	AT	TENTION: KRISTEN MATTHEWS Date: July 29, 2005
	RE:	Case Number 05-679-XA
		Petitioner/Developer: HERBERT BURGUNDER III/ BESSIE JOHN SON KAREN DA VIS
		Date of Hearing/Closing: AUGUST 16, 2005
	were	This is to certify under the penalties of perjury that the necessary sign(s) required by law posted conspicuously on the property located at $900HYDEPARKROAD$
		The sign(s) were posted on JULY 28, 2005 (Month, Day, Year)
!		Signature of Sign Poster)
1		LINDA O KEFF  (Printed Name of Sign Poster)
-		523 PENNY LANE  (Street Address of Sign Poster)
	- !	HUNT VALLEY MO 21030 (City, State, Zlp Code of Sign Poster)
	- · <del>-</del>	410-666-5366  (Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

900 Hyde Park Road; NW corner Goodwood\*

Road & Hyde Park Road

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts

Legal Owner(s): Bessie Johnson

Contract Purchaser(s): Karen Davis

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

05-679-XA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Dawlin Damilin

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 7<sup>th</sup> day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to Herbert Burgunder, III, 1501 Sulgrave Avenue, Suite 207, Baltimore, MD 21209, Attorney for Petitioner(s).

RECEIVED

JUL 07205

Per KM

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 2, 2005 Issue - Jeffersonian

Please forward billing to:

Herbert Burgunder, III 1501 Sulgrave Avenue, Ste. 207 Baltimore, MD 21209

410-664-6500

# 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: 05-679-XA

900 Hyde Park Road

N/west of corner of Goodwood Road and Hyde Park Road

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Bessie Johnson Contract Purchaser: Karen Davis

Special Exception to allow a Class B Group Childcare Center for up to 40 children in a Residential Transition Zone and to include a Principal Residential Dwelling use in a Group Child Care Class B. Variance to permit a Group Child Care Center Class B on a lot with an area of 0.65 acres in lieu of the required 1.00 acre and to permit a front setback of 21 feet, side setback of 21 23 feet with a width of 0 foot Vegetative Buffer and a rear of 0 foot Vegetative Buffer in lieu of required 25 feet, 50 feet and 20 feet respectively.

Hearing: Tuesday, August 16, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM'S WISEMAN III

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

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



# **Baltimore County**

James T Smith, Jr, County Executive Timothy M Kotroco, Director

June 29, 2005

# 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: 05-679-XA

900 Hyde Park Road

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Hearing: Tuesday, August 16, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Herbert Burgunder, III, 1501 Sulgrave Avenue, Ste. 207, Baltimore 21209 Bessie Johnson, 900 Hyde Park Road, Baltimore 21221-6023 Karen Davis, 900 Hyde Park Road, Baltimore 21221-6023

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 1 2005.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

# 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: 05-479-XA  Petitioner: MS. DESSIE LOHNSON
Address or Location: 900 HYDE PARK 20.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Ms. BESSIET JOHNSON  Address: 900 HYDE PARK RD.
BALTO. MD. 21221 Telephone Number: 410-664-6500 (Attorney)
Telephone Number: 410-664-6500 (Attorney)

# Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 8, 2005

Herbert Burgunder III 1501 Sulgrave Avenue Baltimore, Maryland 21209

Dear Mr. Burgunder:

RE: Case Number: 05-679-XA, 900 Hyde Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2005.

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.

U. Callibration Very truly yours, Callibration of the Callibration

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

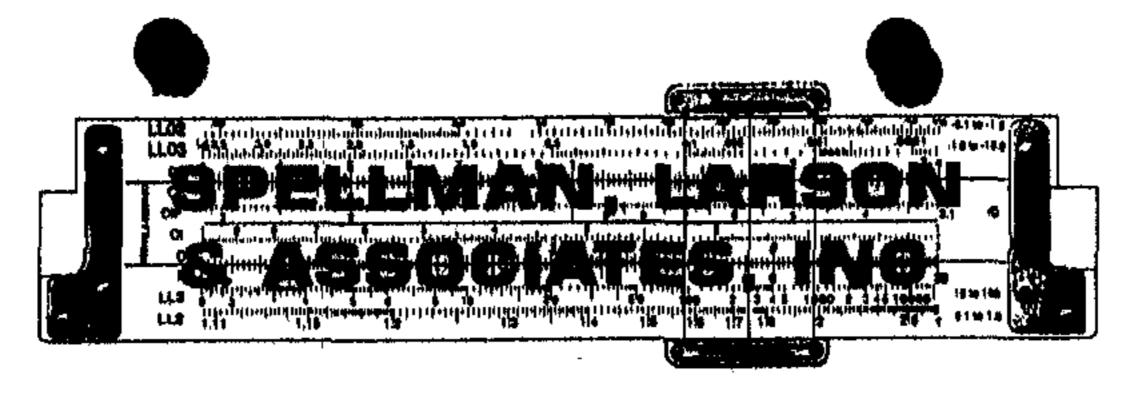
Enclosures

c: People's Counsel Bessie Johnson and Karen Davis 900 Hyde Park Road Baltimore 21221-6023



Visit the County's Website at www.baltimorecountyonline.info





ROBERT E. SPELLMAN, P.L. S JOSEPH L. LARSON

# CIVIL ENGINEERS AND LAND SURVEYORS 105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

# DESCRIPTION FOR ZONING PETITION, JOHNSON PROPERTY, 900 HYDE PARK ROAD, 15<sup>TH</sup> ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northwest corner of the intersection of Goodwood Road 40 feet wide and Hyde Park Road 40 feet wide and running thence northerly by a curve to the left a distance of 320 feet more or less to a point on the west side of Hyde Park Road thence leaving the west side of Hyde Park Road and running south 45 degrees 45 minutes west 270 feet more or less to a point on the north side of Goodwood Road and thence running along the north side of Goodwood Road south 44 degrees 15 minutes east 192.28 feet to the place of beginning.

BEING known as Lot 9 Goodwood Farms as recorded in Plat Book 9 Folio 46.

CONTAINING 0.65 acres of land more or less.

File#D07280401



# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

IO:		1 Im Kotroco		
FROM:		Bruce Seeley		Kilome & W. Land
DATE:		August 3, 200	)5	AUG - 3 2005
SUBJE	ECT:	Zoning Item Address	# 679 900 Hyde Park Rd Johnson Property	COMMISSION!
	Zoning	g Advisory Con	nmittee Meeting of	7-11-05
<del></del>		•	nvironmental Protection ve-referenced zoning ite	and Resource Management has no em.
<u>X</u>		<del>-</del>	nvironmental Protection nts on the above-referen	and Resource Management offers aced zoning item:
	' <del>'</del>	Protection of	~ ~ <del>~</del>	mply with the Regulations for the Wetlands and Floodplains (Sections timore County Code).
	·	<del></del>		mply with the Forest 6-6-101 through 33-6-122 of the
	<u>X</u>	Critical Area		mply with the Chesapeake Bay 3-2-101 through 33-2-1004, and ty Code).
	Additio	onal Comments	<u>s:</u>	

Reviewer:

Patricia Farr

Date: August 3, 2005

S:\Devcoord\ZAC SHELL 8-03-05.doc

# BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 15, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for July 18, 2005 Item No. 679

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have comments.

The proposed access width shall be reduced to 24-foot wide.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent floatation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 679-07152005.doc

# Baltimore County Government Fire Department



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

County Office Building, Room 111 Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 11, 2005

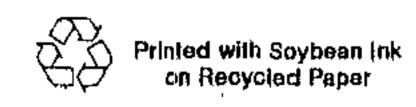
Item No.: 679

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

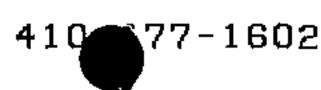
1. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Insp. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File







# 

GERALD RUTH 8001 WOOD AVE. BALTIMORE, MARYLAND 21219

PHONE: 410-477-1594 FAX: 410-477-1602

SEND TO: Baltimore County Zoning	FROM: Jerry
Attention: Donna Thompson	Date: 06-27-05
Office Location:	Office Location:
Fax Number: 410-887-5708	Phone Number: cell:443-829-8499

1.00

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"一点"。"我们是你的你的你。"

3, 1950 POLOV

in den inch bin te. C.

Total pages, including cover: 1

### Comments:

Ms. Thompson:

After conversation with my engineer, please insert the following hardship/practical difficulty:

EXISITNG LOT OF RECORD THAT DOES NOT MEET THE CURRENT ZONING LOT WIDTH REQUIREMENT.

Thank you, Jerry

# Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





# Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

August 18, 2005

Herbert Burgunder, III, Esquire Law Offices of Herbert Burgunder, III 1501 Sulgrave Avenue, Suite 207 Baltimore, Maryland 21209

Re: Petitions for Special Exception & Variance Case No. 05-679-XA
Property: 900 Hyde Park Road

Dear Mr. Burgunder:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special exception and variance have been denied 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.

Vėrv truly vours.

John V. Murphy

Deputy Zoning Commissioner

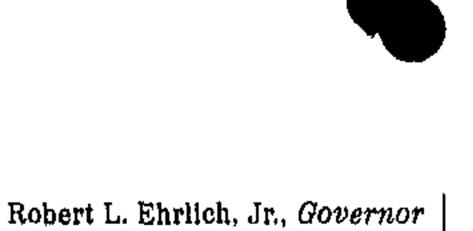
JVM:raj Enclosure

c: Joseph Larson, Spellman, Larson & Associates, 105 W. Chesapeake Ave., Towson, MD 21204 Karen Davis, 900 Hyde Park Road, Baltimore, MD 21221 Leona Wiley, 806 Cedar Ave., Baltimore, MD 21221 Willie Russell & Anna Russell, 1316 Goodwood Ave., Baltimore, MD 21221 Ruby Gaines, 811 Cedar Ave., Baltimore, MD 21221 Willie Chambers & Geraldine Chambers, 1325 Maple Ave., Baltimore, MD 21221 Roy Wiley, 1326 Goodwood Ave., Baltimore, MD 21221 Jeanne Small, 909 Hyde Park Road, Baltimore, MD 21221 Russell Lauri, 807 Cedar Road, Baltimore, MD 21221

Vernon Lynch, 1317 Goodwood Ave., Baltimore, MD 21221



Visit the County's Website at www.baltimorecountyonline.info





Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

7.11.05

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

Michael S. Steele, Lt. Governor

RE:

Baltimore County

Item No. 679

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

Engineering Access Permits Division

9/16

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: FROM:		Tim Kotroco							
		Bruce Seeley		Liferia V Land					
DATE:		August 3, 200	5	AUG - 3 2005					
SUBJE	CT:	Zoning Item Address	# 679 900 Hyde Park Rd Johnson Property	in Commission					
	Zoning	Advisory Con	nmittee Meeting of	7-11-05					
<del></del>		-	nvironmental Protection ve-referenced zoning it	n and Resource Management has no em.					
<u>X</u>		•	nvironmental Protection nts on the above-referen	n and Resource Management offers need zoning item:					
	<del></del>	Protection of	Water Quality, Streams	omply with the Regulations for the by the complex with the Regulations for the constant with the Regulation	3				
	<del>-,</del>	<b></b> -	T	nply with the Forest 5-101 through 33-6-122 of the					
<u>X</u>		Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).							
	Additio	onal Comment	<u>s:</u>						

Reviewer:

Patricia Farr

Date: August 3, 2005

S:\Devcoord\ZAC SHELL 8-03-05.doc

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 15, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

for July 18; 2005 Item No. 679

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Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

DAK:CEN:cab

cc: File

ZAC-COMMENTS-ITEM NO 679-07152005.doc

5/16

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 8, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL 1 3 2005

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-679- Variance and Special Exception

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

# Baltimore County Government Fire Department



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 11, 2005

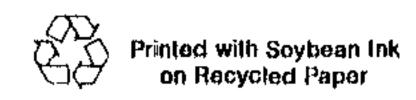
Item No.: 679

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. 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.

Insp. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 8, 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-679- Yariance and Special Exception

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For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

CASE NAME
CASE NUMBER 05-679-XA
DATE 8/16/65

# CITIZEN'S SIGN-IN SHEET

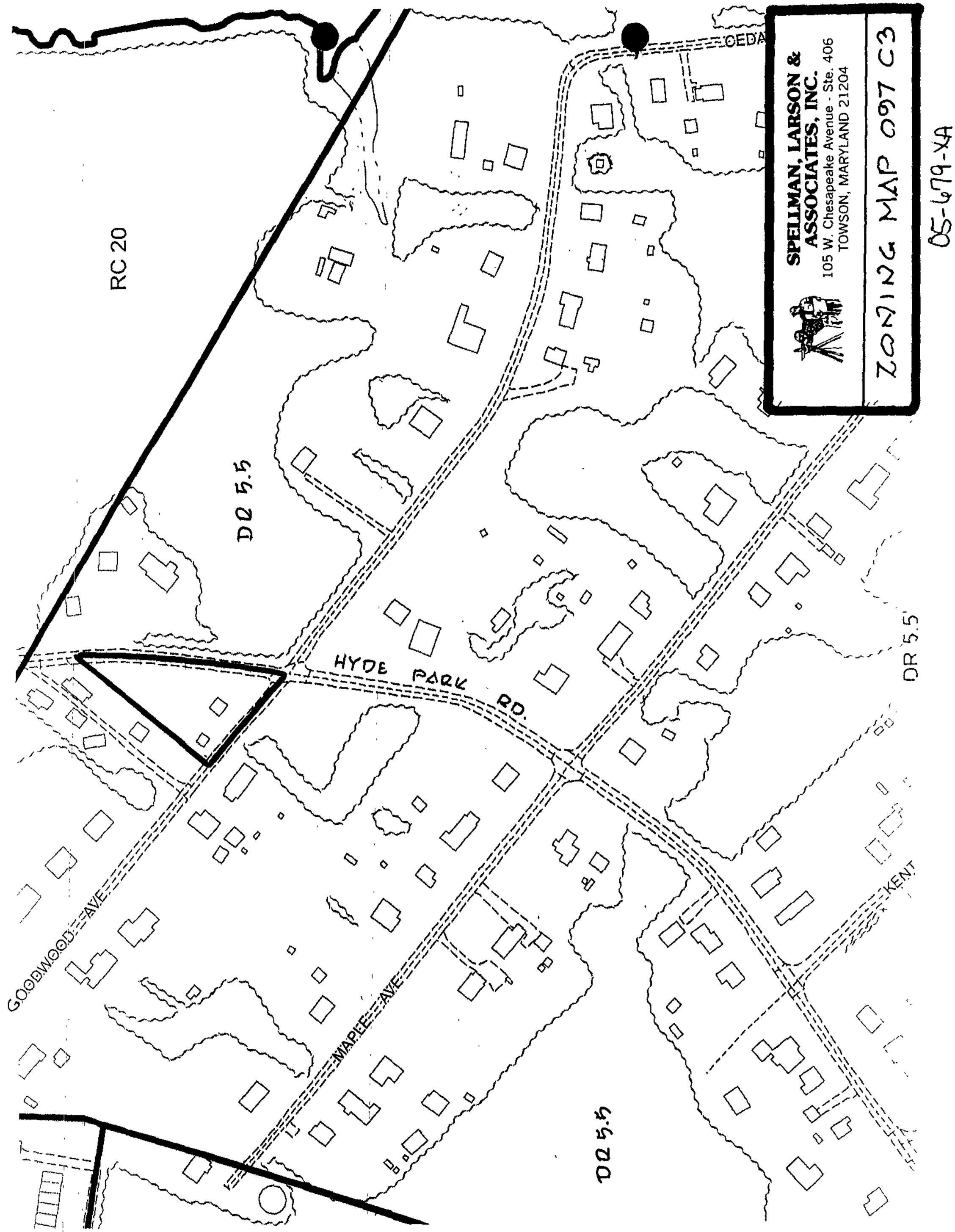
E- MAIL			
MA 21221 MA 21221 MA 21221 MY 21221	1, 19 mg 11, 11, 12, 11, 11, 11, 11, 11, 11, 11,	Baltimore md. 21221	
ADDRESS  800 Cedusod the 1316 George Are 1316 George Are	1325 May Williams 30, 1316 Hole parked and 1909 Hylde parked and 1800 Mills	1317 Hoodwood Ove.	
MAME NAME Wille Karellier  Kulle Karelli	Ray Wille Smell	Varan Lynch	

PLEASE PRINT CLEARLY

CASE NUMBER 05-675-XA

PETITIONER'S SIGN-IN SHEET

E- MAIL	453@ hb312w.com									
CITY, STATE, ZIP	Baltimere ms 2122	Jow Mel						-		
ADDRESS	Serve Are Serve 207	. Ujesa pealle Live								
NAME	Hersert Bursham I	LOSEPH LARSON								



This is a petition in order for Karen Davis to provide a day care center and a steady income for her family. means will this facility cause any disturbance, hurt, harm, or danger to the community. The people there of signing this petition, is in agreement with her on this ATTEMPTER CAULI. NO LISTED # .
UNDER KAREN DAVIS OR PUDDING December 2003.

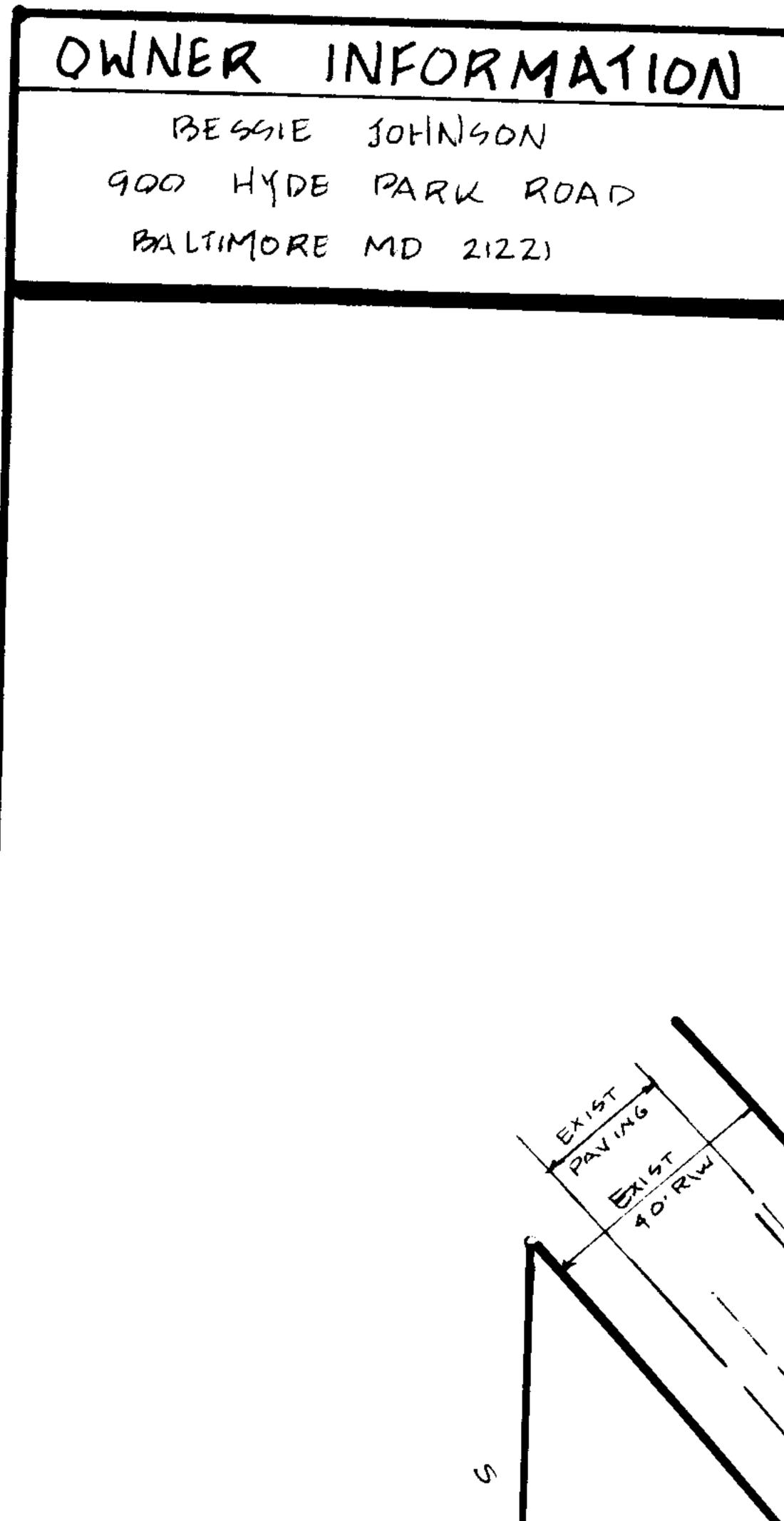
Special Exemples Con Punce Sin 8. 10. 18. 20. 23. 24.

25,

Sworn and subscribe this 33 kD day of STATE OF MARYI County of

26. 28. 29. 30. 31. 32. 33. 35. 36. 37. 38. ommission Expires 39. 40. 90 45 48. 49. STATE OF MARYLAND County of Ball 50.

Sworn and subscribed in due form before methis 3370, day of 900.2003aren



# PARKING EVAULTION

THERE WILL BE & PARCOLL STATE REQUIRED

FOR THIS PROJECT BASEL STATE FACT CHAT THE

FAY CARE WILL BE OPER TO BY THE RESIDENT ONNER

CH 900 HYDE PARK ROW AND AN ASSOCIATE.

THEREFORE SINCE THE WENT AND OPERATOR

ARE ONE AND THE SAME OF PARKING REQUIREMENT

WILL BE 3 SPACES

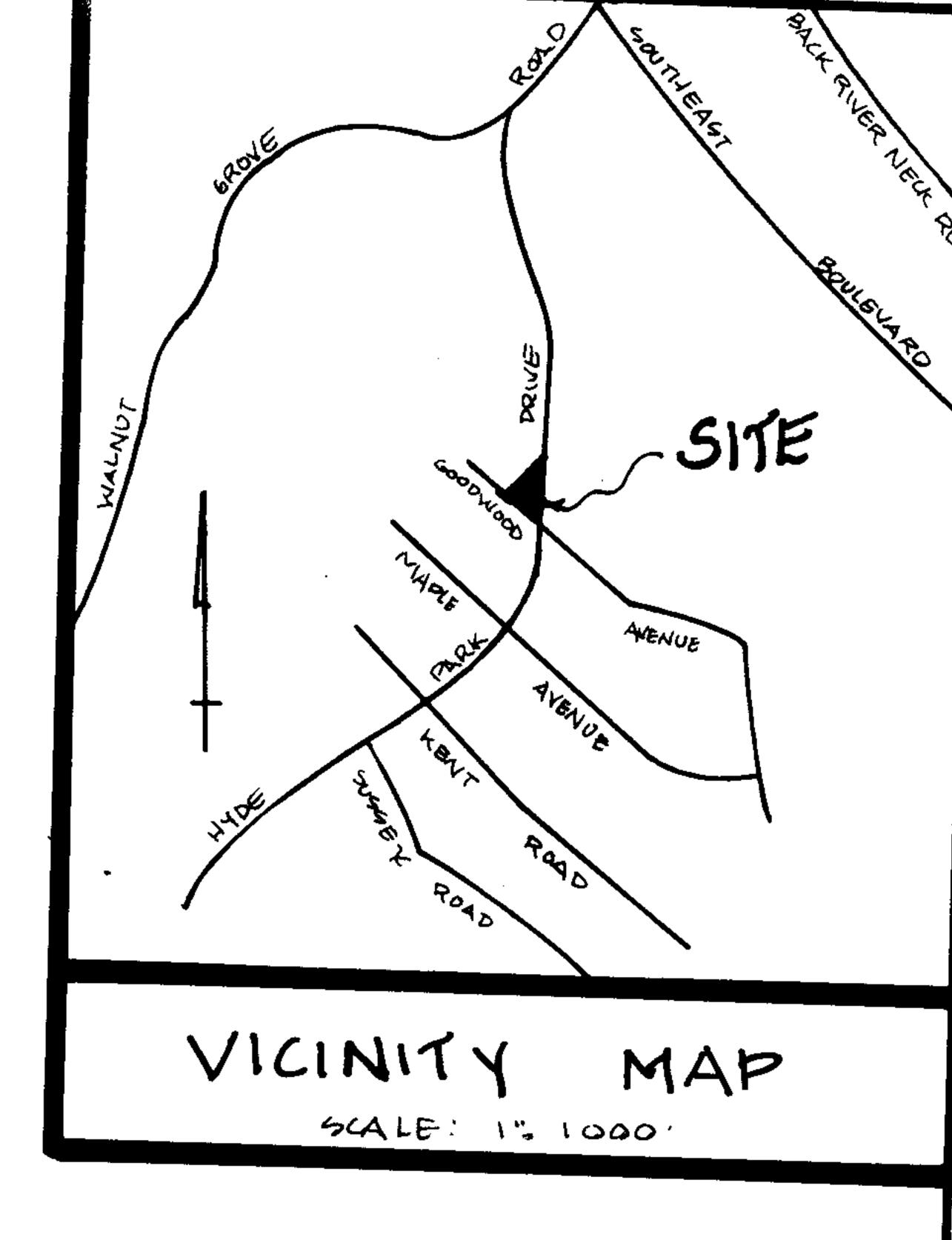
RESIDENICE PARKING REQUIRED

PARKING REQUIRED

2 SPACES 2 SPACES

SPACE IN EACH OF THE SAME PERSON

PARKING F. TIKED 3 SPACES



# SITE DATA

SITE AREA

28,320 GQ.FT. 0.65 ACH-

ET. ZONING

DR 5.5

ZONING MAP

SEII

TAY MAP/GRID/PARCEL

1510450070

COUNCIL MANIC DISTRICT

THEWER - PUBLIC

UTILITIES

EX. WATER - PUBLIC

PROPOSED USE

EVIST: UGE

REGIDENTIAL

GROUP CHIND CARE
CENTER - CLASS B

(NOT MORE THAN 40 CHILDREN)

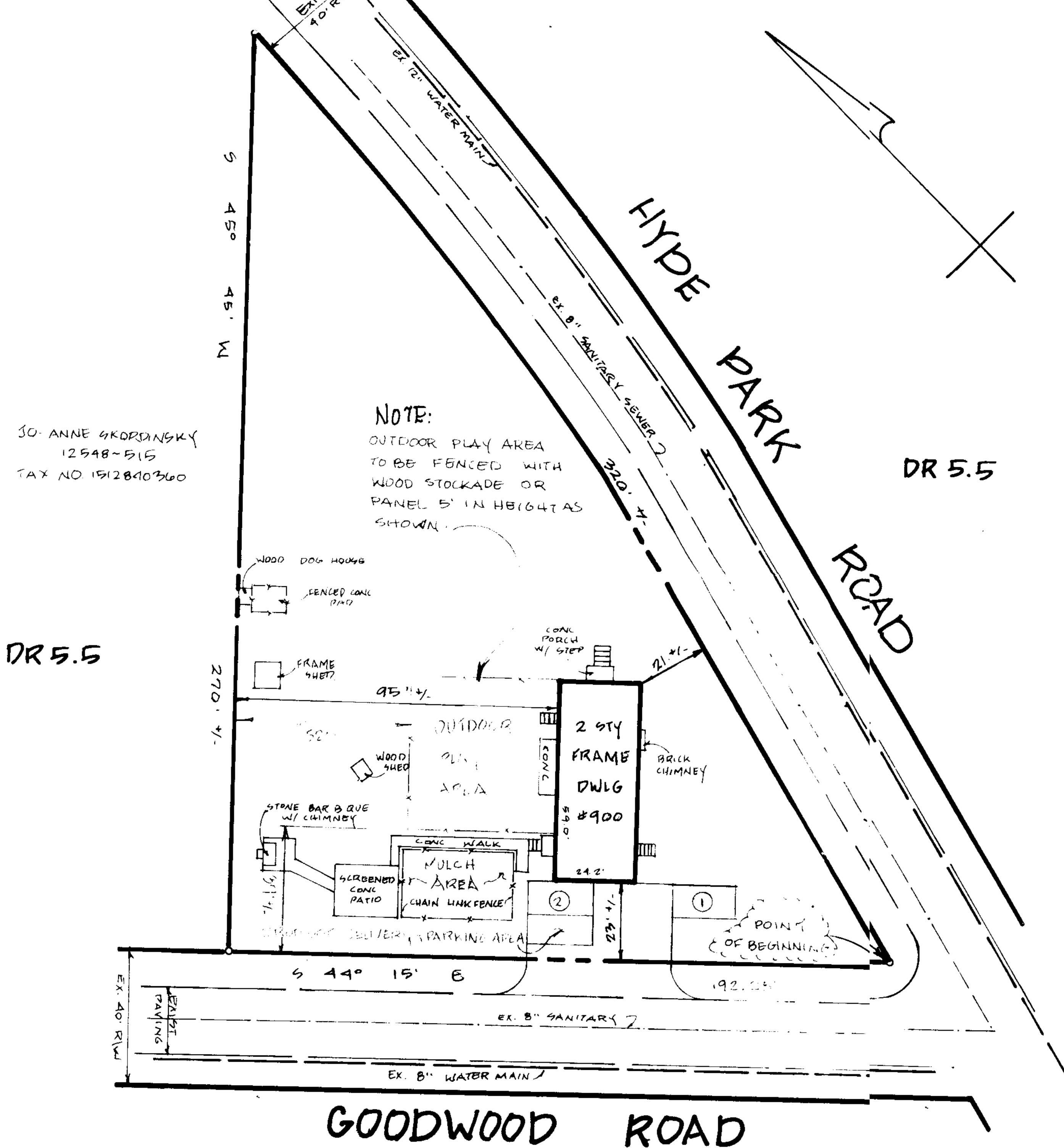
# CENERAL NOTES

- THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
- 2. THERE ARE NO HIGTORICAL BUILDINGS OR LANDMARKS ON THE GUBJECT SITE.
- 3. THERE ARE NO ZONING LINGS WITHIN 200 FEET OF THE GUBSELT PROPERTY.
- 4. THE GUBSELT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
- 5 THE GUBJECT PROPERTY LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA. (LDA)
- 6. THE SUBJECT PROPERTY DOBS NOT LIE WITHIN A 100 YEAR FLUOD PLAIN.

  7. ANY SIGNAGE PROPOSED WILL BE IN
- ACCORDANCE WITH BUZER SECTION 450

  8 THE EXISTING IMPERVIOUS SURFACE ON THE
  SUBJECT PROPERTY 15 12% OF THE
- 9. THERE ARE NO ADJACENT CHILD CARE CENTERS.

TOTAL SITE.



カアラ.ち

# PLAT TO ACCOMPANY ZONING PETITION 900 HYDE PARK ROAD

LOT 9

GOOD WOOD FARMS

9-40

1514 DISTRICT

BALTIMORE CO., MD

SCALE: 1". 30"

JULY 20,2004 REV. NOVEMBER 15,2004



SPELLMAN, LARSON
& ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BUILDING
TOWSON, MARYLAND 21204
PHONE: 410-823-3535
FAX: 410-825-5215