JAIDEH HECKIVED FUH FILING Jate 1022/05

IN RE: PETITION FOR SPECIAL EXCEPTION

W/S Falls Road, 1500' E of the c/l

Brick Stone Road

(18132 Falls Road)

8th Election District

3rd Council District

Marion Martin, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-084-X

*

* * * * * * * * *

FINDINGS OF FACS 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, Marion A. Martin, and his wife, Janet L. Martin, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special exception pursuant to Baltimore County Zoning Regulations (B.C.Z.R) Section 502.1 for the approval of a specifically delineated 1.0 acre \pm area of the property for a principal use pre-school and ancillary dance classes, together with any additional relief as may be necessary to approve the proposed uses shown graphically/textually on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Marion and Janet Martin, owners of the subject property, their son and daughter-in-law, Douglas and Terry Martin, who together with their family live next door at 18130 Falls Road. Accompanying the Martins was Vincent Moskunas, President of Site Rite Surveying, the consultant who prepared the site plan for this property. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. Also appearing in support of the Petitioners were Randy Kelsey and Deborah Groth. Garrett Shames, a second year law student at the University of Baltimore School of Law was present to observe, in connection with his course of study, an administrative proceeding. There were no

MEDFORMED FOR PLANS.

Protestants or others present and the file in this case does not contain any correspondence in opposition to the relief requested. The hearing proceeded, initially, by way of a proffer of the evidence by Mr. Alderman, with an opportunity for questioning Mr. Moskunas and the Martins thereafter.

Testimony and evidence offered, revealed that the overall subject property under consideration (including the area proposed for the special exception use) is an irregularly shaped parcel located on the west side of Falls Road in Hampstead, just south of the Carroll County line. The property is comprised of approximately 14.7 acres, zoned RC-2, and is improved with a one-story dwelling in which the Petitioners reside, and a small shed. In addition to these improvements, there are four outbuildings on the site, which are proposed for conversion to a preschool and accessory dance studio that will be operated by Douglas and Terry Martin. They include two farm storage buildings, one farm shop for maintenance of the farm equipment, and one storage building and are shown on the plan within a 1-acre area that will be dedicated to this special exception use. The farming operations conducted on the balance of the subject property include a Christmas tree farm that has been operating for approximately 30 years. These existing and proposed uses as well as the uses on adjoining properties also owned by the Martin family are more particularly described on the site plan.

It is also to be noted that in a prior zoning Case No. 03-149-SPHX, the Petitioners proposed utilizing 5 acres of the subject property for a wireless transmitting facility with continued agricultural use of the remainder of the site. To date, the proposed wireless transmitting facility has not yet been constructed. It is clear from Petitioners' Exhibit 1 that the area for the transmitting facility is located to the west of the proposed use area and does not create any conflict or danger to the proposed use.

The proffered testimony was that the storage building in the 1.0-acre special exception area (Building "B") is less than 20 feet in height and is of sufficient size to accommodate a school for pre-school age children, ages 2 to 5 years. There will be a maximum of 20 children enrolled at this pre-school. The proposed hours of operation will be from 9:00 a.m. to 11:30 a.m., together with drop-off and pick-up times, five days each week, from September through May. There is no weekend school activity proposed. There will be two paid school employees each day and an average of three volunteers each week. The ancillary dance classes will be offered in the afternoon/evening. Tuesday through Thursday with not more than twelve children in a class, with one teacher and one assistant/receptionist.

A Notice of Intent to Operate a new Child Care Facility was filed on May 22, 2005 with the Maryland Department of Human Resources, Child Care Administration. A corresponding application for license/letter of compliance was submitted for review and approval to the same agency on May 25, 2005. Those approvals are being held, pending the outcome of these proceedings.

The pre-school will be served by private water and sewerage systems. A well has been drilled as depicted on the site plan. The septic reserve area has been approved by DEPRM and written confirmation of that approval is to be mailed to the owners shortly.

As noted by counsel for the Petitioners, the proposed pre-school is permitted in the RC-2 zone pursuant to a Special Exception for a school (B.C.Z.R. Section 1A01.2C.23); or as a Special Exception for a principal use Group Child Care Center, Class B. (B.C.Z.R. Section 424.5A) subject to the additional conditions set forth in the B.C.Z.R. To ensure a safe environment for the students an compatibility with the neighborhood, the proposal has been designed to meet the requirements and additional conditions applicable to a principal use, Class B Group Child Care Center.

As noted above, the proffered testimony revealed that the proposed use will be licensed and certified by the Child Care Administration of the Maryland Department of Human Resources (B.C.Z.R. Section 424.1A). In addition, the outdoor play area shown on Petitioners' Exhibit 1 will be enclosed in a fence, not less than five feet in height and will be constructed of solid wood in a stockade or panel style (B.C.Z.R. Section 424.1B). The evidence presented was that there is no family child care home, group child care center or nursery school on any property adjacent to the subject property (B.C.Z.R. Section 424.1C).

Building "B" as noted above, is located within a 1-acre area proposed for Special Exception approval. That building is more than 50 feet from adjoining property lines and is set back from Falls Road consistent with the location of Mr. And Mrs. Marion Martin's home and Mr. And Mrs. Douglas Martin's home to the south. The building height will not exceed 20 feet and the impervious surface area of the subject property is far less than 25%.

Photographs of the subject and adjoining properties, taken on October 10, 2005 were introduced as Petitioners' Exhibit 2. The homes of each of the Martin families are depicted, respectively (Exhibits 2G and 2H). The drive that will provide access to the pre-school is depicted in Exhibit 2B. A review of Exhibit 2C, taken south of the entrance to Mr. And Mrs. Douglas Martin's drive, reveals that the proposed means of access to the subject property has excellent sight distance in both directions. The exterior of Building "B" as depicted in Exhibit 2D shows a well maintained building with three points of ingress and egress on the front side. The testimony revealed that there is an additional entrance/exit point on either rend of the existing building, which together with the three doors in front provide a safe means of access to and exit from the building. Photographs 2I, 2J and 2K show the outdoor play area to be fenced. Finally, photographs 2E and 2F, depict various views of the existing interior of the building.

阿斯斯

ORDER RECEIVED FOR FILMING

3y

about

Band

Ban

The Petition and Plan were submitted to County reviewing agencies comprising the Zoning Advisory Committee (ZAC), which has the opportunity to comment on all zoning petitions. In the instant case, the Bureau of Development Plans Review had no comment and the Maryland State Highway Administration expressed no objection to the proposed relief, provided that a State highway access permit to Falls Road is obtained.

With respect to the statutory requirements for approval of a special exception use, the proffered testimony of Mr. Moskunas was that given the size, location and layout of the proposed use, it will not be detrimental to the health, safety or general welfare of the community nor will the use overcrowd the land or create congestion on Falls Road. The proposed use will not have any adverse impact on public facilities or improvements. Moreover, Mr. Moskunas, who is familiar with the area of the subject property, the proposed use and other areas in the County zoned R.C.-2, could not testify that the proposed use at the subject property would have any greater adverse effects at this location than the adverse effects ordinarily associated with such use irrespective of its location in the R.C.-2 zone.

As to whether the proposed use should be approved as a school or a Group Child Care Center, I find that the B.C.Z.R. Section 424.5A conditions that can be attached to approval as a Group Child Care Center provide the better form of approval. Based on the testimony and evidence produced by the Petitioners, I am persuaded that the requested special exception relief should be granted, subject to the conditions set forth below. The undisputed testimony and evidence of the Petitioners has shown that the proposed use, as conditioned below, meets the requirements of B.C.Z.R. Sections 502.1, 424.1 and 424.5A and will not be detrimental to the health safety or general welfare of the public or the community

5

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 27 day of October 2005, that the Petition for Special Exception for a pre-school/Group Child Care Center, Class B, together with ancillary dance classes, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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) Before opening for operation, all required certifications, approvals a license shall be obtained and maintained from the Maryland Department of Human Resources, Child Care Administration.
- 3) The operation of the pre-school and dance classes shall be limited to the number of students, days and times discussed in detail in this Order and as shown on Petitioners' Exhibit 1.
- 4) The Petitioners shall obtain an access permit from the Maryland State Highway Administration for ingress/egress to the subject property from Falls Road.
- 5) Prior to opening for operation, the outdoor play area shall be enclosed in a solid wood fence of stockade or panel configuration, which shall be a minimum of five feet in height.
- 6) As shown on Petitioners' Exhibit 1, the parking area shall be striped.

7) When applying for a building permit, the site plan filed must reference this Case as set forth and address the conditions and restrictions of this Order.

WISEMAN, III

Zoning Commissioner For Baltimore County



JAMES T. SMITH, JR. County Executive

October 27, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION

W/S Falls Road, 1500' E of the c/l Brick Stone Road

(18132 Falls Road)

8th Election District – 3rd Council District Marion Martin, et ux - Petitioners Case No. 06-084-X

Dear Mr. Alderman:

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 touly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Marion A. Martin

18200 Falls Road, Hampstead, Md. 21074

Mr. Vincent Moskunas, Site Rite Surveying, Inc.

200 East Joppa Road, Suite 101, Towson, Md. 21204

Mr. Randy Kelsey, 1239 Rabe Drive, Hampstead, Md. 21074

Ms. Deborah Groth, 10 S. Houcksville Road, Hampstead, Md. 21074

Mr. Garrett Shemes, 2935 Neifeld Avenue, Parkville, Md. 21234

People's Counsel; Case File



STIB B

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

which is presently zoned RC-2

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

SEE ATTACHED

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.

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): Marion A. Martin Name - Type or Print Name - Type or Print Signature Signature Jazet L. Martin **Address** Telephone No. Name / Type or Print City State Zip Code Signature 410-374-2593 18200/Falls Road Attorney For Petitioner: Address Telephone No. Ħoward∕L. Alderman, Jr., Esquire MD 21074 Hampstead Name - Type or Print City State Zip Code Representative to be Contacted: **Signature** SiteRite Surveying, Inc. Atnn: Vincent Moskunas Levin & Gann, PA Nottingham Centre, 8th Floor Company Name 502 Washington Avenue 410-321-0600 200 East Joppa Road, Suite 101 410-828-9060 Address Address Telephone No. Telephone No MD Towson 21204 <u>Towson, MD 21204</u> City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 06-084X UNAVAILABLE FOR HEARING Date 8-8-06

ORDER RECEIVED FOR

ATTACHMENT

PETITION FOR SPECIAL EXCEPTION

CASE NO: 06-084-

Address:

18132 Falls Road

Legal Owner:

Marion A. & Janet L. Martin

Present Zoning:

RC-2

REQUESTED RELIEF:

touse Roberts Special Exception Uses Requested:

Pursuant to BCZR §1A01.2C.23, use of the specifically delineated area of the property \angle + acres] and the improvements constructed thereon as a preschool, together with an accessory dance studio, together with any additional reliefas may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this Petition.

Additional Information:

The subject property is located outside of the URDL and not within any historic district. All landscaping/screening will be provided in accordance with the Baltimore County Landscape Manual.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

ZONING DESCRIPTION FOR LITTLE FEET PRESCHOOL PART OF LOT 7B #18132 FALLS ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF FALLS ROAD
WHICH IS 80 FEET WIDE AT A DISTANCE OF 1,500 FEET SOUTH OF THE
CENTERLINE OF BRICK STONE ROAD WHICH IS 40 FEET WIDE. BEING
PART OF LOT 7B IN THE SUBDIVISION OF "MARLIN W. UTZ SUBDIVISION"
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 54, FOLIO 128,
BEING MORE PARTICULARLY DESCRIBED AS:

THENCE FROM THE POINT OF BEGINNING, SOUTHWESTERLY 265
FEET, MORE OR LESS; THENCE ALONG THE EAST SIDE OF THE
DRAINAGE AND UTILITY EASEMENT FOR A PART OF ITS DISTANCE, 62
FEET MORE OR LESS; THENCE SOUTHEASTERLY 148 FEET, MORE OR
LESS; THENCE ALONG THE LINE OF DIVISION BETWEEN LOT 7A AND 7B,
FOR A PART OF ITS DISTANCE, 205 FEET MORE OR LESS; THENCE
NORTHWESTERLY 115 FEET MORE OR LESS; THENCE NORTHEASTERLY
110 FEET MORE OR LESS TO THE RIGHT-OF-WAY LINE OF FALLS ROAD;
THENCE ALONG SAID RIGHT-OF-WAY 25 FEET MORE OR LESS TO THE
POINT OF BEGINNING. CONTAINING ONE ACRE OF LAND, MORE OR
LESS.

ALSO KNOWN AS #18132 FALLS ROAD AND LOCATED IN THE 5^{TH} ELECTION DISTRICT, 3^{RD} COUNCILMANIC DISTRICT.

MICHAEL V. MOSKUNAS REG. NO. 21175



084

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: #06-084-X

18132 Falls Road

W/side of Falls Road, 1,500 feet +/- east of Brick Stone Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Marion A. & Janet L. Martin

Special Exception: to approve use of the specifically delineated area of the property (1.00 acre) and the improvements constructed thereon as a pre-school together with an accessory dance studio, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this Petition.

Hearing: Wednesday, October 12, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostey 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 9/738 September 27

CERTIFICATE OF PUBLICATION

929,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 927 , 2005 .
1
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

2 2 2
A STATE OF THE PERSON OF THE P
Angeles for the second of the
こので
188 3 3 3
The state of the second of the
The second section of the second seco

MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY,

No.26€

DATE

ACCOUNT.

AMOUNT

RECEIVED FROM:

Vo num FOR

PINK - AGENCY

YELLOW . CUSTOMER

医二氯甲甲酚甲酚 男鱼性月后海甲 \$\$()*(B) A SACKER PARTIE があわれる。 ंति ।पित्र **网络附着 数6.66.44** Horist (13 11,599,31 4/37/20PP **飛門框3**5 ÿ 1:1 4

**** ****

\$30 OO

Baltrange Camby, youry mr.

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

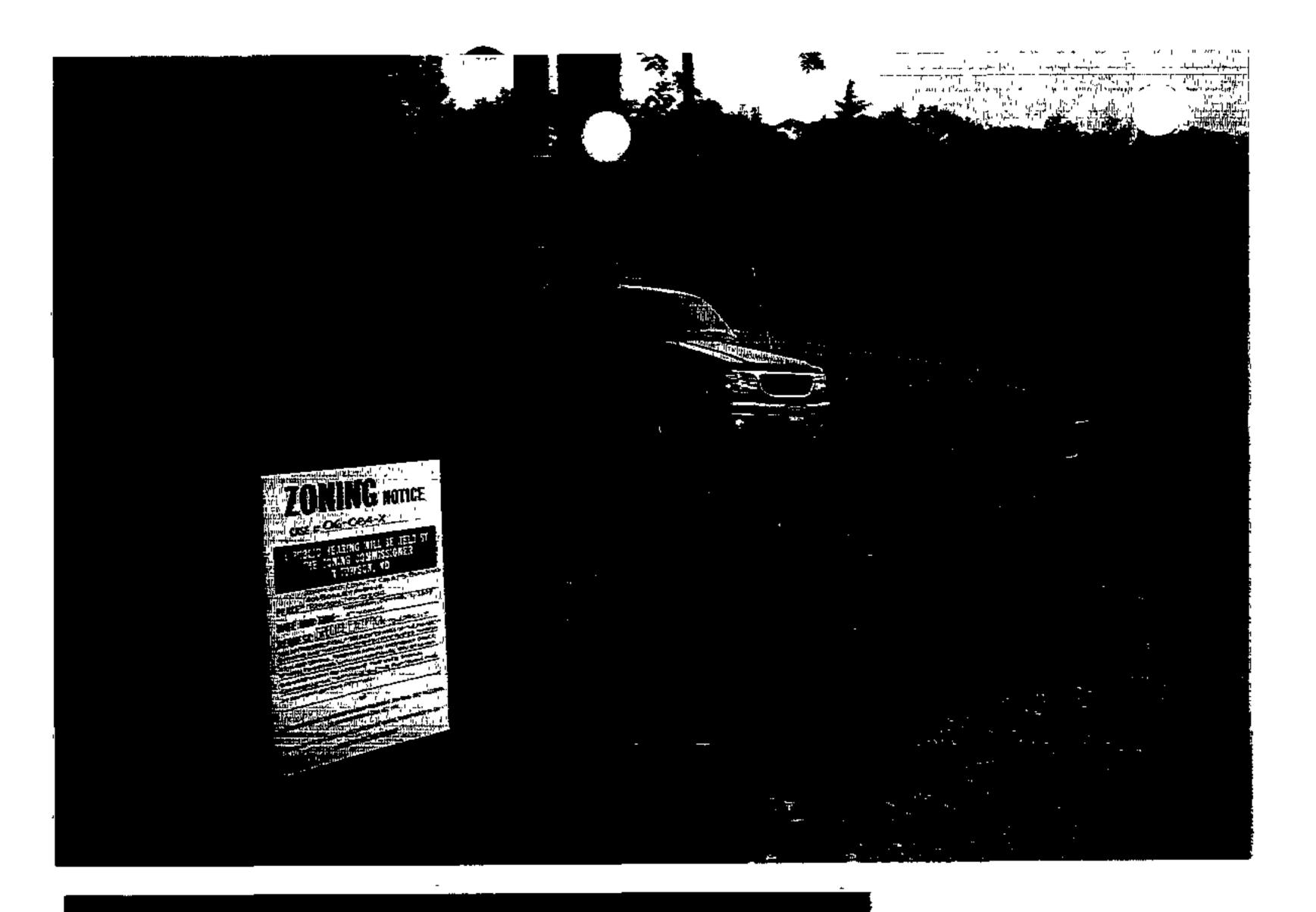
Permits and Development Management

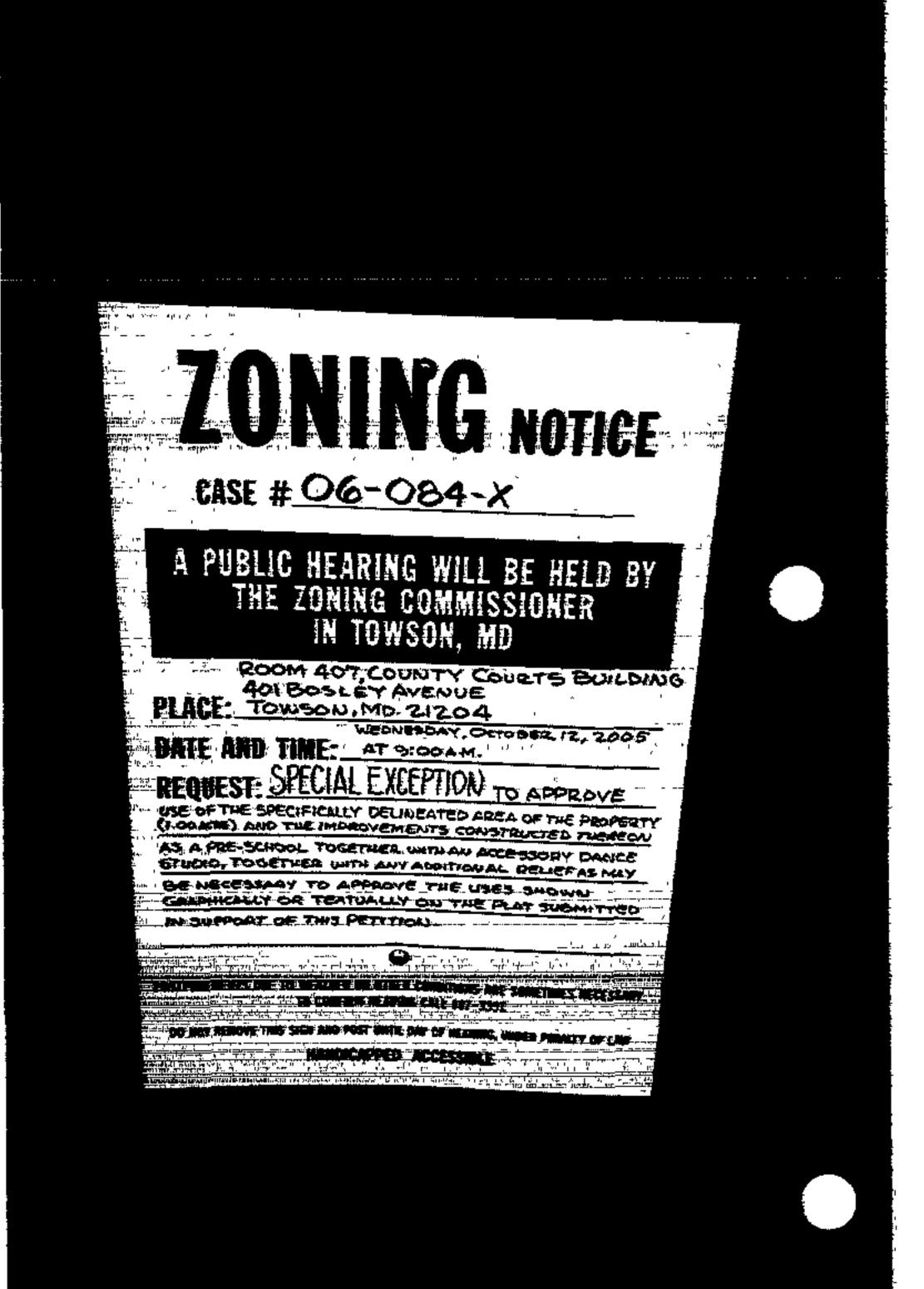
Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at _ # 180132 FALLS ROAD The sign(s) were posted on SEPT, 26, Sincerely, (Signature of Sign Poster and Date) CARLAGE E, MOORE 3225 RYERSON CIRCLE BAUTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 06-084-X

Petitioner/Developer: TERRY MARTIN

Date of Hearing/Closing: Oct, 12, 2005





SEP 27 2705

RE: PETITION FOR SPECIAL EXCEPTION
18132 Falls Road; W/side Falls Road,
1,500' E of Brick Stone Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Marion & Janet Martin
Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 06-084-X

* * * * * * * * *

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 documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 19th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 1 9 200F

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 27, 2005 Issue - Jeffersonian

Please forward billing to:

Marion & Janet Martin 18200 Falls Road Hampstead, MD 21074

410-374-2593

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: 06-084-X

18132 Falls Road

W/side of Falls Road, 1,500 feet +/- east of Brick Stone Road

8th Election District – 3rd Councilmanic District

Legal Owners: Marion A. & Janet L. Martin

Special Exception to approve use of the specifically delineated area of the property (1.00 acre) and the improvements constructed thereon as a pre-school together with an accessory dance studio, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this Petition.

Hearing: Wednesday, October 12, 2005 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

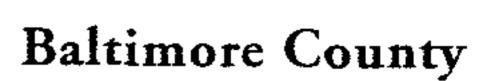
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(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





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

August 19, 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: 06-084-X

18132 Falls Road

W/side of Falls Road, 1,500 feet +/- east of Brick Stone Road

8th Election District – 3rd Councilmanic District

Legal Owners: Marion A. & Janet L. Martin

Special Exception to approve use of the specifically delineated area of the property (1.00 acre) and the improvements constructed thereon as a pre-school together with an accessory dance studio, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this Petition.

Hearing: Wednesday, October 12, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Esq., 502 Washington Avenue, 8th Floor, Towson 21204 Mr. & Mrs. Martin, 18200 Falls Road, Hampstead 21074 Site Rite Surveying, 200 East Joppa Rd., Rm. 101, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 27, 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 <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.

Item Number or 6	Case Number:
Petitioner: Ma	non and Janet Martin
	ion: 18132 Falls Poad
PLEASE FORWA	ARD ADVERTISING BILL TO:
PLEASE FORWARD Name:	Manon and Janet Martin
	Manon and Janet Martin
Name:	Manon and Janet Martin
Name:	

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

October 3, 2005

Howard L. Alderman, Jr. Esquire Levin & Gann, P.A. Nottingham Centre 8th Fl. 502 Washington Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 06-084-X, 18132 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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.

Very truly yours, U. Call Roll Della Della

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Marion A. and Janet L. Martin 18200 Falls Road Hampstead 21074 Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 24, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 29, 2005

Item Nos. 077, 078, 079, 080, 081, 082,

084, 985, 087, 088

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08242005.doc



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO:

Timothy M. Kotroco, Director

DATE: April 24, 2007

Department of Permits & Development Management

FROM:

William J. Wiseman, III

Zoning Commissioner

SUBJECT:

PETITION FOR SPECIAL EXCEPTION

W/S Falls Road, 1500' E of the c/l Brick Stone Road

(18132 Falls Road)

8th Election District – 3rd Council District

Marion Martin, et ux - Petitioners

Case No. 06-084-X

I discussed Bruce Doak's letter of April 12, 2007 with John Lewis. The special exception area is not changing nor is the operator of the pre-school/Group Child Care Center. This is family-owned property involving a father to son and daughter-in-law transfer.

If you have any questions, please do not hesitate to give me a call.

WJW:dlw

, , , , , , , , , , , , , , , , , , ,	v	>		
GERHOLD, CROSS & ETZEL, LTD	**************************************	> 4 5 A V X4	» « ».» » « »,	10784
* * * * * Poltimora Connty Maryland			4/20/2007	
			* * * * * * * * * * * * * * * * * * * *	
	Amending Zoning	Variance on Martin/Falls		
		***	~ : : : : : : : : : : : : : : : : : : :	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~
	· · · · · · · · · · · · · · · · · · ·			i o dan ang mang mang mang mang mang mang man
	*			
	* * * * * * * * * * * * * * * * * * *		· " * * * * * * * * * * * * * * * * * *	
			*** **** * ******* * *	

	* * * * * * * * * * * * * * * * * * * *			
	w		* * * * * * * * * * * * * * * * * * * *	
	v v			
	,		* * * * *	
	w <		* ^ } ^	
	*	· · · · · · · · · · · · · · · · · · ·	* *	* * * * * * * * * * * * * * * * * * * *
	·			
			· · · · · · · · · · · · · · · · ·	
	*			

· · ' \$~\$###\$#\$#\$#\$

~ 2000230000







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt Governor

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

Maryland Department of Transportation

Date:

August 25, 2005

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

RE:

Baltimore County Item No. 084 (JJS)

18132 Falls RD

Mile Post 20.21

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval of the Special Exception. However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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

f. f. Shedler

Engineering Access Permits Division



JAMES T. SMITH, JR County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

5/02/07

Gerhold, Cross & Etzel, LLC 320 East Towsontown Blvd. Baltimore, MD 21286

Re: Zoning S&I review 18132 Falls Rd. Case # 06-084-X 5th ED

Dear M. Marin:

This is a response to your letter dated April 20, 2007 to Timothy Kotroco, Director of Permits Development Management, who has authorized this reply.

Pursuant to your provided information and highlighted Zoning Hearing plan from the above referenced case; you propose that the current owners of the one (1) acre site area approved for child care/pre-school transfer this site to their son who owns an adjacent property while an additional area of approximately another acre will also be transferred to the son. You request a determination that a special hearing will not be necessary to amend the above referenced Special Exception in light of this change in ownership. You advise in your letter "Both of the revised properties will meet the current zoning regulations".

Based on the above information, the staff in discussion with the Zoning Commissioner has determined that a special hearing for the purpose of a transfer in ownership of the Special Exception area is not required. No other changes were stated nor are approved. Please be aware that this letter is limited to the question of amending the Special Exception only and is not intended for any other purpose.

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

Page 2, 18132 Falls Road

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

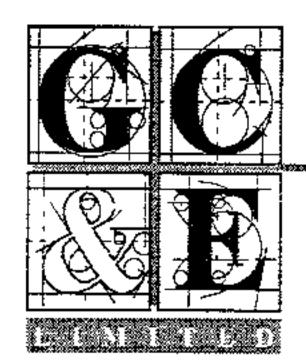
John Lewis

Planner II

Zoning Review

CC: 06-084-X

JL/# 07-655



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286 Phone: (410) 823-4470 • Fax. (410) 823-4473 • www gcelimited com

William Wiseman Baltimore County 401 Bosley Avenue, Suite 405 Towson. MD 21204

April 12, 2007

Subject: Request for an in fee conveyance.

Dear Mr. Wiseman,

Marian and Janet Martin are the owners of a parcel of land adjoining a land owned by their son, Douglas E. Martin. The properties are zoned R.C.-2. The son's property is improved with a dwelling.

Mr. Martin would like to convey the 2 Acres around the Day Care Center (including the Day Care Center) from his property to his son which property adjoins Mr. Martin's property.

Douglas E. Martin, Mr. Martin son run the Day Care Center. Do we need to go to a Special Hearing if we are amending the existing zoning case (06-084-X) considering that we are keeping the existing use of the area that will be transferred?

The two new lots will meet the current zoning regulations.

Thank you for consideration in this matter.

Sincerely, Cornelia L. Marin GERHOLD, CROSS & ETZEL, LTD. Registered Professional Land Surveyors

Carnela Mun

-121 William 18 2000

04/24/2007 10:44 410823447373 GERHOLD CROSS FIZEL PAGE 01/01

PROFILE BY DESCRIPTION PROFILE BY DESCRIPTION OF PAGE 01/01

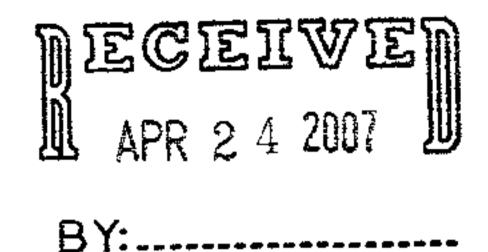


Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

Timothy M. Kotroco Director of Permits and Development Management **Baltimore County** 111 W. Chesapeake Avenue Towson, MD 21204



April 20, 2007

Subject: Request for an in fee conveyance.

Dear Mr. Kotroko,

Marian and Janet Martin are the owners of a parcel of land adjoining a land owned by their son, Douglas E. Martin. The properties are zoned R.C.-2. The son's property is improved with a dwelling.

Mr. Martin would like to convey the 2 acres around the pre-school/Group Child Care Center (including the pre-school/Group Child Care Center) to his son which property adjoins Mr. Martin's property.

Douglas E. Martin, Mr. Martin son, runs the pre-school/Group Child Care Center. Do we need to go to a Special Hearing if we are amending the existing zoning case (06-084-X) considering that we are keeping the existing use of the area that will be transferred? Both of the revised properties will meet the current zoning regulations.

William Wiseman heard the case previously and ruled to allow the pre-school/Group Child Care Center. We wrote Mr. Wiseman with this same inquiry. Mr. Wiseman told us that he saw no reason for an additional hearing, nor a special hearing for the conveyance of the 2 acre parcel.

Thank you for consideration in this matter.

Sincerely, Cornelia L. Marin GERHOLD, CROSS & ETZEL, LTD. Registered Professional Land Surveyors

Conela Marin

Bill,

(10/14/05 8:00 a.m. - Retrieved from voice mail)

Howard Alderman telephoned.

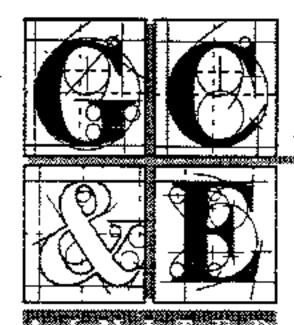
He received your voice mail message re: Mark property.

Yes, we did recite 35 ft. building height in the hearing because that is the building height limitation of the underlying zone, however this building is as high as it's going and it is not more than 20 ft.

In fact, I have the drawing with me and I just looked at it and the building (Exh. 1) says 19 ft. or less but that is depending on how it's measured so I think we go with 20 ft. (you can go with 35 ft. but nothing will change) -- but 20 ft. certainly works because it's not even 20 ft. tall.

I'll be in the office tomorrow, because it's not a holiday, on Friday.

Debbie



Gerhold, Cross & Etzel, Ltd. Registered Professional Land Surveyors • Established 1906

Suste 100 • 320 East Towsontown Boulevard • Towson, MD 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

ТО	•		FRO	M
M	r. Timothy M	I. Kotroco		Comelia Marin
	r. of The De evelopment	-	of Permits & nent	
COMPAI	D M		DAT	E. 04/25/07
RE:			тот	AL NO OF PAGES INCLUDING COVER 2
FAX NU	MBER		PHC	NE NUMBER 410-887-3335
WE A	RE TRANS	MITTING	•	
П атт	ACHED U	A MAIL	X VIA MESSENGER	☐ UNDER SEPARATE COVER ☐ FOR REVIEW
☐ PRINTS ☐ VIA FAX ☐ P			☐ PROPOSAL	☐ DESCRIPTIONS ☐ LOCATION DRAWING
□ PLE	ASE COMMEN	Τ	☐ PLEASE REPLY	□ F.Y.I.
QTY	DATE	ITEM	· · · · · · · · · · · · · · · · · · ·	DESCRIPTION
	04/25/07		The transmittal for	or the received check and documentation

NOTES/COMMENTS:

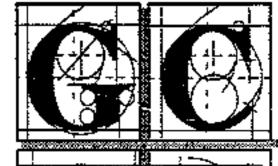
Thank you, and apologize for the mistake.

Sincerely,

Man

Cornelia Marin

cmarin@gcelimited.com



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906



Suite 100 ● 320 East Towsontown Boulevard ● Towson, MD 21286 Phone. (410) 823-4470 ● Fax (410) 823-4473 ● www.gcelimited.com

		TR	ANSMITTA	LSHEET				
Di	r. Timothy M ir. of The Dep evelopment N	partment (of Permits &	FROM Cornelia Marin				
COMPA	NY D M	"	DAT	E 04/20/07				
RÉ			тот	AL NO OF PAGES INCLUDING COVER				
FAX NU	MBER:		PHO	NE NUMBER 410-887-3335				
WE A	RE TRANSI	MITTING						
☐ ATT	ACHED VIA	MAIL	X via messenger	☐ UNDER SEPARATE COVER ☐ FOR REVIEW				
☐ PRI	NTS 🗆 VIA	FAX	PROPOSAL	☐ DESCRIPTIONS ☐ LOCATION DRAWING				
PLE	ASE COMMENT	Γ	☐ PLEASE REPLY	□ F.Y.I.				
QTY	DATE	ITEM	<u>:</u>	DESCRIPTION				
	04/20/07		Letter					
	04/20/07			Case No. 06-429-A				
	04/20/07	1		ty Case addressed correspondence				
	04/20/07	1	Architect plans	for the building				

NOTES/COMMENTS:

This is the content of the package for Bosley - Warnock Property

Sincerely,

Cornelia Marin
cmarin@gcelimited.com



Case No.:	6-08	4 X	
Case Ind.,		<u> </u>	

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	Aloto RAPKS Thru K	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LITTLE FEET PRESCHOOL 18132 FALLS ROAD CASE No. 06-084-X

PETITIONER'S EXHIBIT No. ______

Photo I.D.	Description
A	Sign on front of property
В	Northern entrance to property - Building "B" in background
C	Vehicle in Southern exit - sight distance along front of property
D	Building "B" exterior
E	Interior view #1 of Building "B" - radiant heat in floor
F_	Interior view #2 of Building "B" - rough in of walls and ceiling
G	View of Petitioner's home - Marion & Janet Martin - 18200 Falls Road
H	View of Douglas/Terry Martin Home - 18130 Falls Road
I	View #1 of proposed Play Area (not yet fenced)
J	View #2 of proposed Play Area (not yet fenced)
K	View #3 of proposed Play Area (not yet fenced)

[LITTLE FEET PRE-SCHOOL]

CASE NAME MARIN PROPERTY CASE NUMBER 06-084-X DATE 12 OCT 05

PLEASE PRINT CLEARLY

PETITIONER'S SIGN-IN SHEET

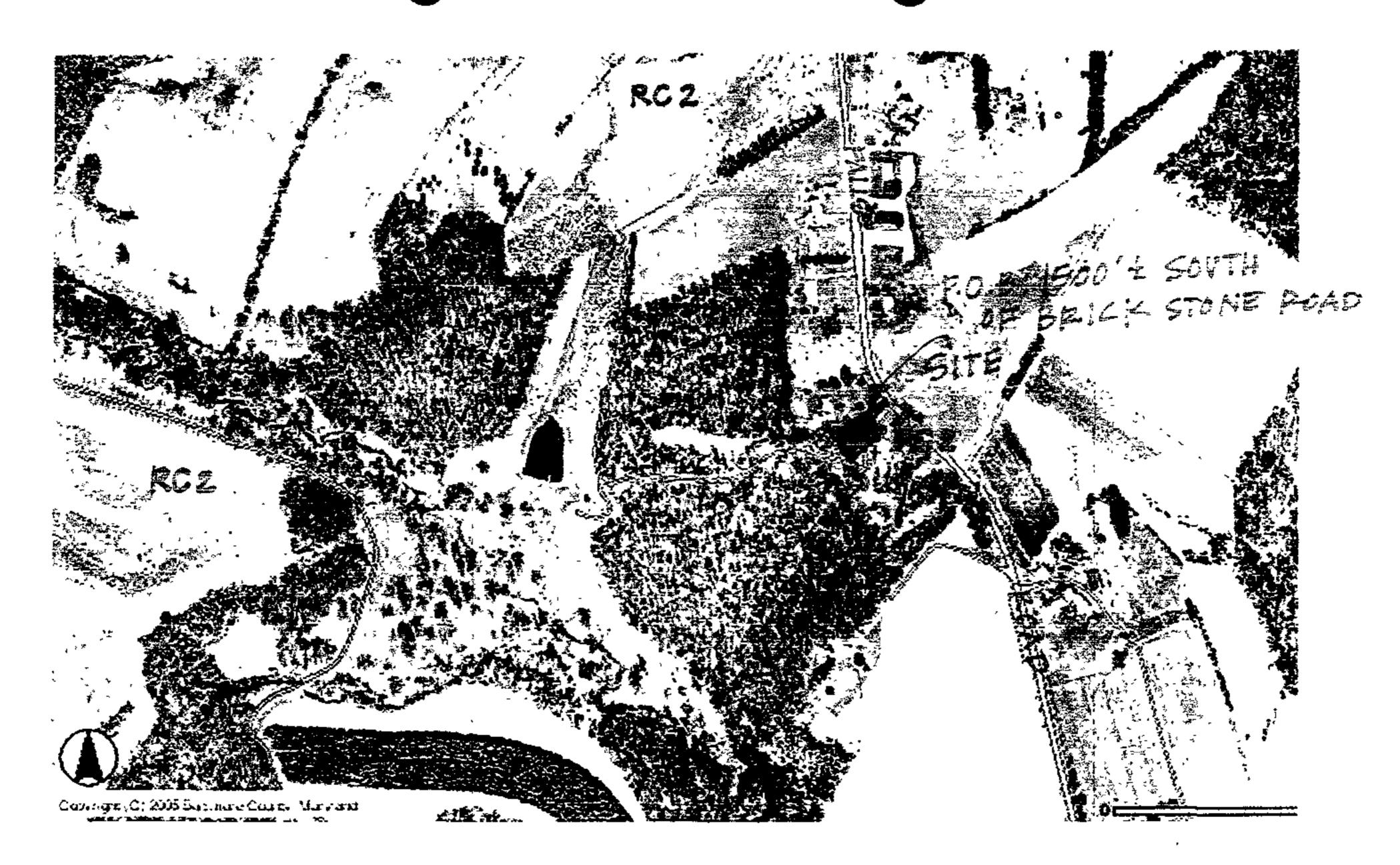
E- MAIL		VIR RVM @ AOL.CO	randy Kelsey Periton net					
CITY, STATE, ZIP	100 / A	MO. 21286	13 6 K					
Levin & Gann MA Subbon	102 h		1239 Rabe Dr. 10 S. Horkeille Rd	† 1				
Howard L. Adermant	Ture Market	SITE RIPE SURVEYING, IUC.	Randy The beng Deboath Gront					

>
RL
LEAR
ITC
PRIN
_
EASE
37c

NUMBER	
CASEN	しこうし

CITIZEN'S SIGN-IN SHEET

E- MAIL	gar (ett. shames @ubalt.edl)									
CITY, STATE, ZIP	Parkville MO 21234									
ADDRESS	2935 Neifeld Ala									
NAME	Gassett shames									



Louning Map: RCZ #18132 Falls Road 1500' South of Brock Store Road

08

ZONING NOTICE

的 如何是一个

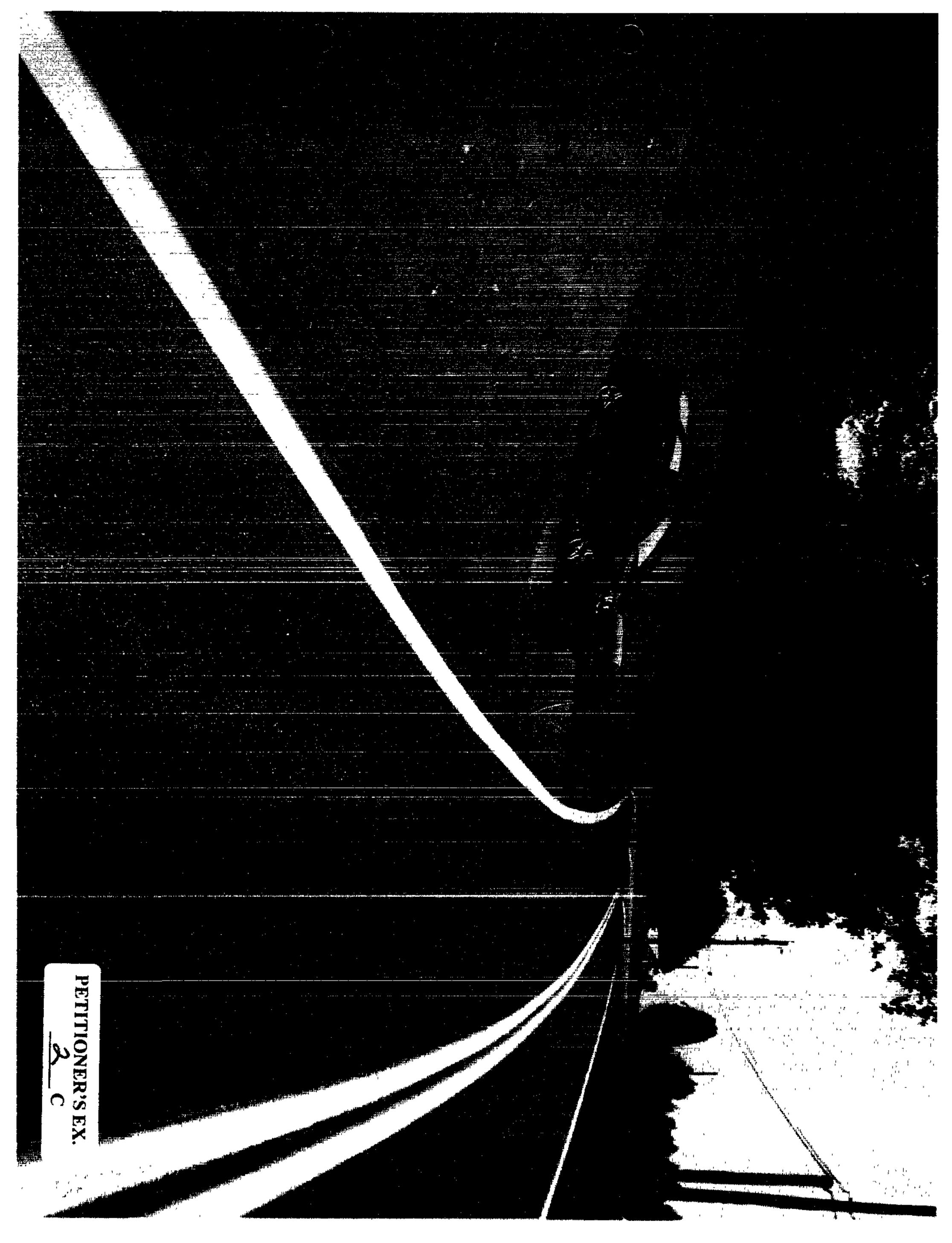
A PUBLIC REARING WILL BE HELD BY
THE LOWING COMMISSIONER
IN TOWSON, MO

Partie and the second of the s

MIDWST

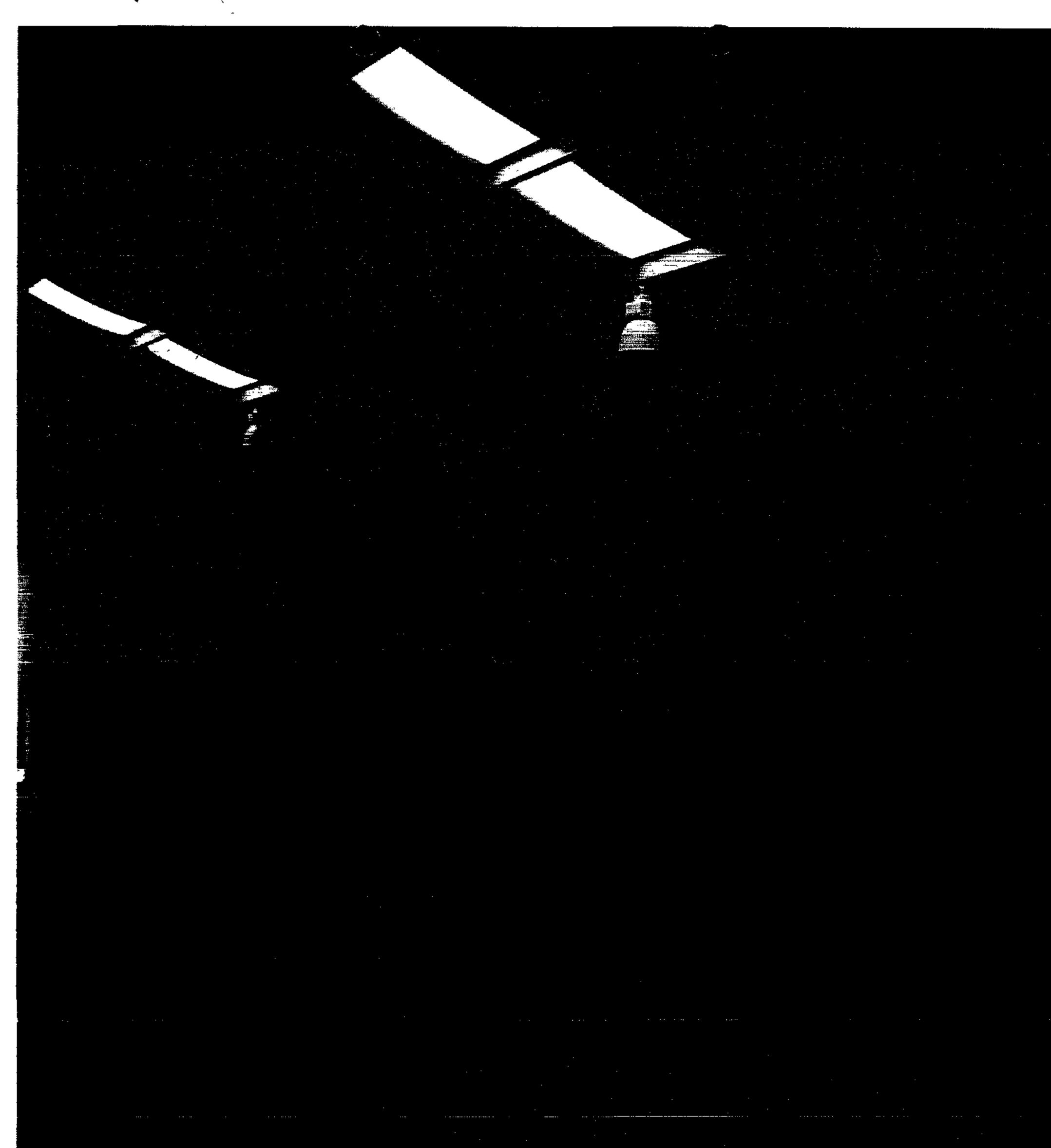
ور معلى المنظوم المنظم المنظم

PETITIONER'S EX.

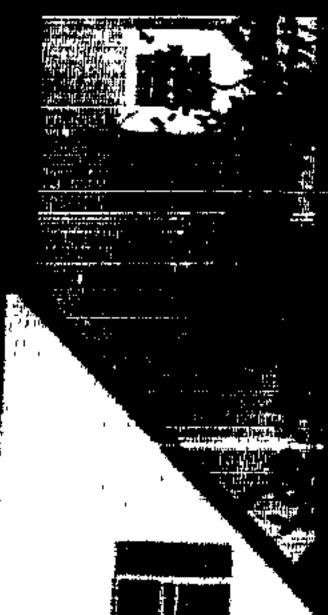




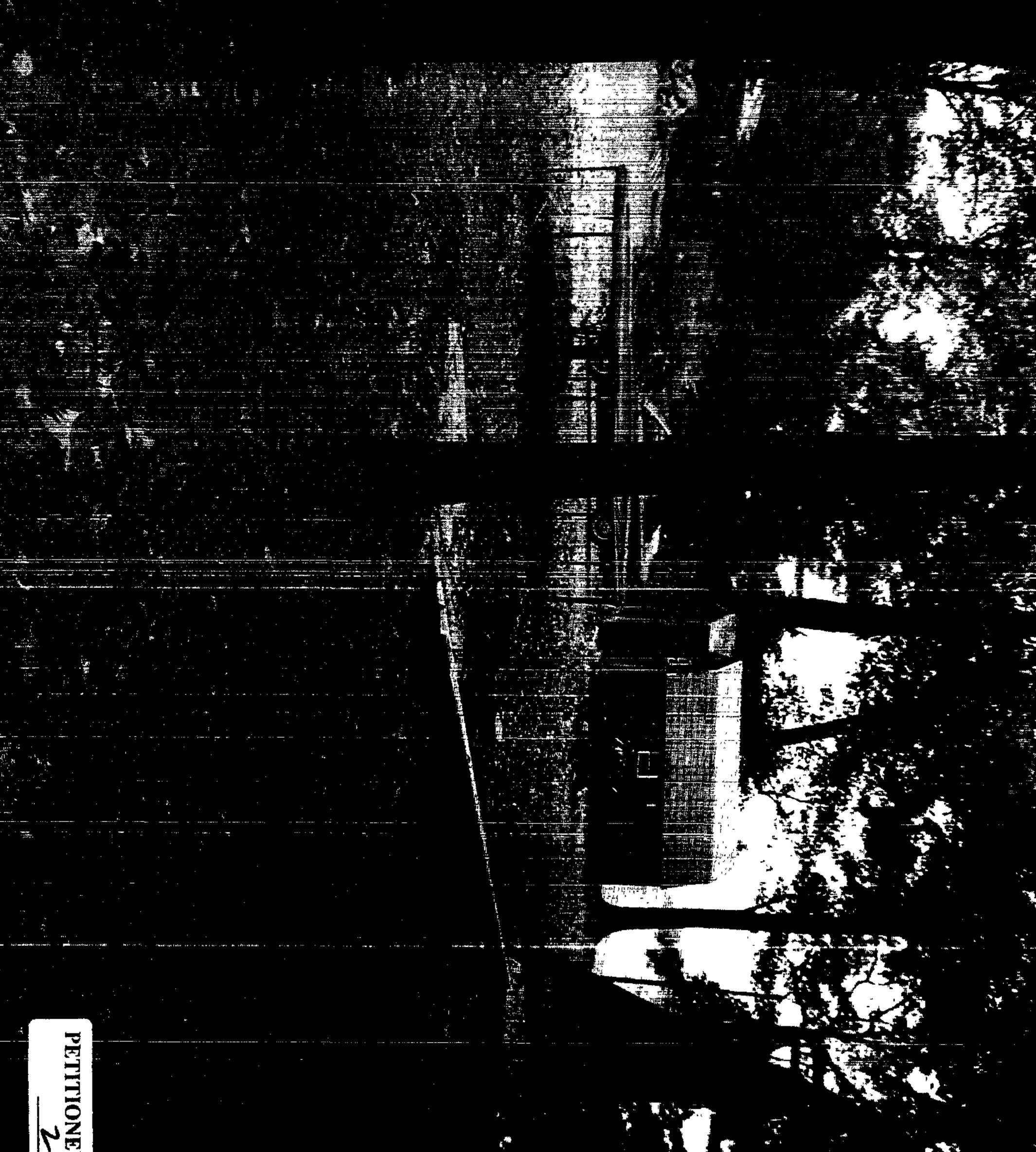
•











IONER'S EX.



