IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE S/side of Prestwood Road, 230 ft. east of Moorehead Road **(907 Prestwood Road)** 1st Election District 1st Councilmanic District Lynda A. and Thomas M. Davenport *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-099-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing and Variance for the property located at 907 Prestwood Road, in the western area of Baltimore County. The Petition was filed by Lynda A. and Thomas M. Davenport, the Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve (A Use Permit for) a Class A Group Child Care Center (Maximum of 12 Children).

In addition the Petitioners requested a variance from Sections 424.7.A & B and 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an outdoor play area with a fence setback of 0 feet in lieu of the minimum required setback of 20 feet; a lot area of 0.16 acre in lieu of the required one acre; a side yard setback of 0 feet & 15.5 feet to the side property line in lieu of the required 50 feet; a vegetative buffer of 0 feet in lieu of the required 20 feet and 0 feet rear setback in lieu of the required 50 feet.

The property was posted with Notice of Hearing on September 27, 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 September 27, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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 Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated September 13, 2005, requesting the relief be denied, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief was Lynda and Thomas Davenport, Petitioners. Steve Whisler, representing the Westview Park Improvement Association, appeared at the hearing in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property is the site of the Petitioner's home which she occupies with her husband and two children ages 14 and 16 in the Westview Park subdivision. She indicated that she has operated a Family Day Care Center with up to eight children successfully for the past thirteen years at that location. Her home is a split-level design with an addition in the rear, which she uses for the children when the weather is poor. There is a rear yard play area defined by a wooden privacy fence on the property line within which she has children's play equipment. See photographs (Petitioner's exhibit 2) and Plan to Accompany, exhibit 1. She indicated that one reason to request this designation was that State vouchers for childcare would increase and the parents co pay would reduce.

She would like to move up to a Class A Group Child Care Center with up to twelve children, again using the existing facilities in her home. However her property contains 0.16 acre while the regulations require one-acre minimum. She neither owns nor can she acquire additional acreage from adjoining property owners to meet the area requirements. As mentioned she has a wooden privacy fence on the property line while the regulations require such a fence to be located no closer than 20 feet from the property line. She indicated that while she could

move the fence in 20 feet that would greatly restrict the size of the play area, which she thought, was not a wise idea.

She is required to have 50 feet side and rear setback distances from the center operations but has zero or 15.5 feet instead. Finally she is required to have 20 feet of perimeter vegetative buffer but she has none. Consequently she requests variances for these items and cited several other child care facilities in the area which have similar size lots and facilities. She noted that the State who licenses childcare facilities does not require one acre of ground, etc. She provided letters of support, exhibit 3, from parents and neighbors, especially from her adjacent neighbors who will be most affected by the center.

Mr. Whisler, repesenting the community association, while praising the Petitioner's present day care center, expressed his reservations about the proposal to expand the operation into a Class A center. He noted neighbors across the street expressed concern about a business operating in this residential neighborhood and how that might affect the sale price of homes in the neighborhood. While he had no concerns about the Davenports' existing day care, he worried that granting the variances would set an unfortunate precedent for others to follow.

Findings of Fact and Conclusions of Law

Like Mr. Whisler, I have nothing but praise for the Davenports day care operation. It is clear from her letters of support that not only parents who have children in the facility support the expansion, but neighbors next door who would be most affected have no objection. I believe that like the Petitioners they see four more children being cared for without any great impact on the neighborhood.

However the Petitioner meets almost no requirements of the regulations. The differences between regulation requirements and the Petitioner's present facilities are extremely large. For

example the Petitioners property is 8 times smaller in area than required. They will provide no setback distance from the fence to property line and no required buffering. They propose no adjustments, no expansion and no alteration of the existing facilities so as to even attempt to better comply with the regulations. Essentially they ask simply to ignore the regulations in this case.

I am sure that in the neighbors and Petitioner's minds the required size, setbacks and buffers are absurd to increase the facility from eight to twelve children. I will admit the regulations take a huge jump in requirements going from Family Day Care Center to Group Child Care Center. Perhaps there should be some intermediate requirements for cases like the Petitioners. However that is not the present law.

I also think the neighbors do not realize that to meet the parking regulations the Petitioners will have to pave over a substantial part of their front lawn to provide four spaces on site. This would change the character of the neighborhood in a dramatic way.

At the hearing I recommended the Petitioner explore other sites that could meet the regulations as recommended by the County's Economic Development Office or explore with the Office of Planning other forms of day care. Apparently after some discussion the Petitioners were not convinced that looking at locations other than their present property or alternative day care were desirable. Consequently I must decide the case.

Considering all the testimony and evidence presented I find that the Petitioners home is not remotely close to the size required by the regulations. I am not able to simply ignore the law and approve the present facility for the Group Child Care Center. Consequently I will deny the requests for variance and special hearing.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31 day of October, 2005, that the Petitioners' request for a variance from Sections 424.7.A & B and 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an outdoor play area with a fence setback of 0 feet in lieu of the minimum required setback of 20 feet; a lot area of 0.16 acre in lieu of the required one acre; a side yard setback of 0 feet & 15.5 feet to the side property line in lieu of the required 50 feet; a vegetative buffer of 0 feet in lieu of the required 20 feet and 0 feet rear setback in lieu of the required 50 feet be and hereby are DENIED; and

IT IS FURTHER ORDERED that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve (A Use Permit for) a Class A Group Child Care Center (Maximum of 12 Children), be and is hereby DENIED.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 907 Prestwood 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 Use Permit for) a Class A Group Child Care Center (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

Legal Owner(s):

x MRS. Lynda A. Davenport
Name - Type or Print

x Lynda A. Davenport
Signature

x Thomas M. Davenport
Name - Type or Print

x Thomas M. Davenport
Signature

x 907 Prestwood Rd. (410) 719 8896
Address Telephone No.

x Baltimore x MD. x 21228
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1½ hr

UNAVAILABLE FOR HEARING

Reviewed By SPR Date 8-18-05

Case No. 06-098 SPHA

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 907 Prestwood 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, 424.7.A, B BCZR, to permit an outdoor play space area with a fence setback of 0 feet in lieu of the minimum required fence setback of 20 feet, a lot of .16 acre, 0 ft & 15.16 ft to side property lines & 0 vegatative buffer, & 0 ft rear setback in lieu of the required 20 ft, 1.0 acre, 50 ft each side setbacks, 20 ft buffer and 50 ft rear with 20 ft buffer, respectively of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) To open a Daycare center to Better serve my area small Group

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

Legal Owner(s):

MR. Thomas M. Davenport SR.
Name - Type or Print

Thomas M. Davenport
Signature

Lynda A. Davenport
Name - Type or Print

Lynda A. Davenport
Signature

907 Prestwood Rd. (410) 719-8806
Address Telephone No.

Baltimore MD. 21228
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

ORDER RECEIVED FOR FILING
Date 10-31-05
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See Var.

UNAVAILABLE FOR HEARING

Case No. 06-099 SPHA

Reviewed By TRA Date 24

REV 9/15/98

ZONING DESCRIPTION FOR 907 Prestwood Road
(address)

Beginning at a point on the South side of
(north, south, east or west)

Prestwood Road which is 50 feet
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 230 feet east of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street MOOREHEAD ROAD
(name of street)

which is 50 feet wide. *Being Lot # 22,
(number of feet of right-of-way width)

Block M, Section # 3B in the subdivision of Westview Park
(name of subdivision)

as recorded in Baltimore County Plat Book # 22, Folio # 23,

containing 7000 square feet. Also known as 907 Prestwood Road
(square feet or acres) (property address)

and located in the 1 Election District, 1 Councilmanic District.

#099

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 449112
06-099 SPHA

DATE 8-18-05 ACCOUNT R-001-006-6150

AMOUNT $ 130.00

RECEIVED FROM: MS. L. DAVENPORT

FOR: Residential Special Hearing and Variance at $65.00 each to 907 Prestwood RD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTION	TIME	DRW
8/18/2005	8/18/2005	11:19:00	5

[illegible] MEDIC WALKIN [illegible] MED
[illegible] 8/18/2005 OPLH
Dept 5 5M [illegible] VERIFICATION
[illegible] 449112
Recpt tot $130.00
L,OH CK $130.00 CA
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: #06-099-SPHA
907 Prestwood Road
S/side of Prestwood Road, 230 feet east of Moorehead Road
1st Election District — 1st Councilmanic District
Legal Owner(s): Lynda A. & Thomas M. Davenport

Special Hearing: to permit a Class A Group Childcare Center with a maximum of 12 children. **Variance:** to permit an outdoor play space area with a fence setback of 0 feet in lieu of the minimum required fence setback of 20 feet, a lot of 16 acres, 0 feet and 15 feet 6 inches to side property lines and 0 foot vegetative buffer and 0 foot rear setback in lieu of the required 20 feet, 1.0 acre, 50 feet each side setback 20 feet buffer and 50 foot rear with 30 foot buffer respectively.

Hearing: Wednesday, October 12, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake 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 9/733 September 27 68587

CERTIFICATE OF PUBLICATION

9/29/, 2005

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 9/27/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

RE: Case No.: 06-099-SPHA

Petitioner/Developer: MR. & MRS. DAVENPORT

Date of Hearing/Closing: 10/12/05

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

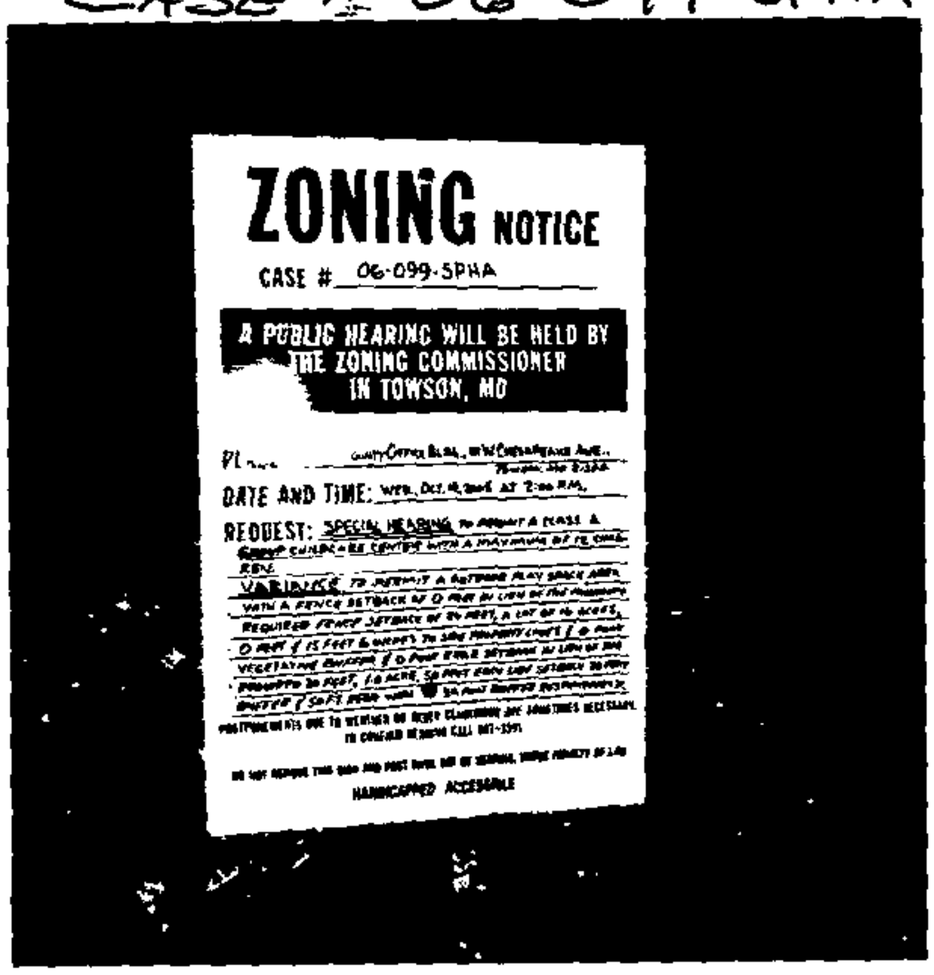
Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 907 PRESTWOOD RD.

The sign(s) were posted on 9/27/05
(Month, Day, Year)

CASE # 06-099-SPHA



907 PRESTWOOD RD.
POSTED 9/27/05
9/27/05

Sincerely,

9/27/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

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

August 26, 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: 06-099-SPHA
907 Prestwood Road
S/side of Prestwood Road, 230 feet east of Moorehead Road
1st Election District – 1st Councilmanic District
Legal Onwers: Lynda A. & Thomas M. Davenport

Special Hearing to permit a Class A Group Childcare Center with a maximum of 12 children. Variance to permit an outdoor play space area with a fence setback of 0 feet in lieu of the minimum required fence setback of 20 feet, a lot of 16 acres, 0 feet and 15 feet 6 inches to side property lines and 0 foot vegetative buffer and 0 foot rear setback in lieu of the required 20 feet, 1.0 acre, 50 feet each side setback 20 feet buffer and 50 foot rear with 30 foot buffer respectively.

Hearing: Wednesday, October 12, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Davenport, 907 Prestwood Road, Baltimore 21228

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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 27, 2005 Issue - Jeffersonian

Please forward billing to:
Lynda Davenport
907 Prestwood Road
Baltimore, MD 21228

410-719-8826

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: 06-099-SPHA
907 Prestwood Road
S/side of Prestwood Road, 230 feet east of Moorehead Road
1st Election District – 1st Councilmanic District
Legal Onwers: Lynda A. & Thomas M. Davenport

Special Hearing to permit a Class A Group Childcare Center with a maximum of 12 children. Variance to permit an outdoor play space area with a fence setback of 0 feet in lieu of the minimum required fence setback of 20 feet, a lot of 16 acres, 0 feet and 15 feet 6 inches to side property lines and 0 foot vegetative buffer and 0 foot rear setback in lieu of the required 20 feet, 1.0 acre, 50 feet each side setback 20 feet buffer and 50 foot rear with 30 foot buffer respectively.

Hearing: Wednesday, October 12, 2005 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake 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
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: # 099

Petitioner: LYNDA A. DAVENPORT

Address or Location: 907 Prestwood RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address:

BALTO, MD, 21228

Telephone Number: 410-719-8826

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

October 3, 2005

Lynda A. Davenport
Thomas M. Davenport
907 Prestwood Road
Baltimore, Maryland 21228

Dear Mr. and Mrs. Davenport:

RE: Case Number: 06-099-SPHA, 907 Prestwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 18, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

August 26, 2005

ATTENTION: Kristen Matthews

Distribution Meeting of: August 29,2005

Item No.: 091-094, ~~096~~ 099 102&104

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 fire marshal's office has no comments at this time.

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

cc: File

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 8-30-05

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

RE: Baltimore County
Item No. 795 JS

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: September 2, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2005
Item Nos. 091, 094, 095, 096, 097, 098, 099, 100, 101, 103, and 104

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-09022005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS

DATE: September 7, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 29, 2005

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

06-095
06-096
06-099

Reviewers: Sue Farinetti, Dave Lykens

10/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 13, 2005

RECEIVED

SEP 14 2005

ZONING COMMISSIONER

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

SUBJECT: 907 Prestwood Road

INFORMATION:

Item Number: 6-099

Petitioner: Lynda A. Davenport

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:
The Office of Planning is unable to support the petitioner's request. The site is a small residential lot located in a neighborhood of similar sized lots. The proposed use appears it be excessive for the lot and the neighborhood. The proposed Class A Group Child Care Center clearly does not comply with the following BCZR requirements: fencing (424.1.B), minimum lot size (424.7.A), setbacks (424.7.B), and location of parking, drop-off and delivery areas (424.7.C). There does not appear to be any legitimate practical difficulty or unreasonable hardship to justify the requested variances.

As an alternative, the petitioner should request the approval of a Family Child Care Home at this location, as that type of use would be more appropriate for the area.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Lynn Lanham

AFK/LL: CM

W:\DEVREV\ZAC\6-099.doc

RE: PETITION FOR SPECIAL HEARING 907 Prestwood Road; S/side Prestwood Road, 230' E of Moorehead Road 1st Election & 1st Councilmanic Districts Legal Owner(s): Lynda & Thomas Davenport Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-099-SPHA

* * * * * * * * * * * * *

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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 26th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to Thomas & Lynda Davenport, 907 Prestwood Road, Baltimore, MD 21228, Attorney for Petitioner(s).

RECEIVED
AUG 26 2005
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

August 15, 2005

To Whom It May Concern:

We are the Matthews. We live at 910 Prestwood Road, Catonsville, Maryland 21228. We are writing this note on the behalf of Linda Davenport.

Per our Conversation with Mrs. Davenport, it is ok with us that she adds four more extra children in her home. As long as it is ok with the other neighbors and no other problems occurs.

Thank you in this matter.

RECEIVED

OCT 19 2005

ZONING COMMISSIONER

Mr. & Mrs. David Matthews,

Mr. & Mrs. David Matthews

RONALD W. GREENE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 4, 2006

3D

BROWN'S BLESSED BUNGALOW
905 PRESTWOOD ROAD
CATONSVILLE, MARYLAND 21228-1223

August 5, 2005

Dept. of Licensing

Re: Mrs. Linda Davenport
907 Prestwood Road

To Whom It May Concern:

It is my understanding that Linda Davenport has requested a permit license to increase the number of children in her care. I have no objections to the increase. I have been a next-door neighbor since February, 2000 and have not been disturbed by the activities of her daycare. Children in her care receive excellent care.

As homeowner, I **Marion D. Brown**, give consent to the additional children in the care of Linda Davenport. Should you need to contact me, please feel free to call 410-869-4601.

Sincerely,

Marion D. Brown

RONALD W. GREENE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 4, 2006

RECEIVED

OCT 19 2005

ZONING COMMISSIONER

3C

Connie D. Betts

9335 Tulsemere Road
Randallstown, Maryland 21133
410 922-0231

October 12, 2005

To whom it may concern,

I have known Lynda Davenport for the past 13year. I visited her day care on a regular basis as her home visitor for the childcare food program. I have always found her to be an excellent provider and a very knowledgeable and caring person with everyone she comes in contact with.

Sincerely,

Connie D. Betts

10/11/05

To Zoning Council,

It would benefit me if mrs. Lynda Davenport would become a center. My Voucher's would increase a little more, and I wouldnt have to struggle with a co-pay. Im a single mom with 2 children. I need all the help I could get. Please grant us this one wish. It would be deeply appreciated. mrs. Davenport has a very clean and well managed daycare. Its been with her daycare for eight years now, so she must run an awsome daycare, for me to stay so dedicated.

Sincerely,
Ms. N. Wallace

RECEIVED

OCT 19 2005

ZONING COMMISSIONER

OCT 10, 2005

To zoning cancel,
I have 6
Children that attend Linda's Tender love
Daycare. Mrs. Davenport is well
known and spoken in nothing but good
and hard working, generous & loving. She
deserves to have a center for it would
be benefitting to herself and the parents.
I get assistance from Social Services
on daycare provided by Mrs. Davenport.
With a center she would not only
get an increase because of the space
a center can hold, but some of the
parents copay would be decreased also
which helps single or working parents
to keep day care. "Mrs. Davenport" when
the staff @ JohnnyCake heard her name
they recommended her to me, and honestly
I've been comfortable and @ peace of mind
when my children go to her. If you have
any further questions please feel
free to call me @443-830-DAN.

RECEIVED
OCT 19 2005
ZONING COMMISSIONER

THANK YOU,

Erica Williams

My name is Erica Jan Brooks, I was writting to tell why it would benefit me for Mrs Lynda Davenport to get her license for Center. If She would get her license, then the voucher for daycare; they would pay her more and I would then pay less for my Co-payment. Due to the type of job I have that would really make a difference. Also I believe it would give my son more of learning environment for him. There would be more Children around his age, were he could learn from.

Thank You,
Erica Jan Brooks

10/12/05

To whom it may concern
My name
is Krystle Pryor and I work for
Ms. Lynda. If you were to give
Ms. Lynda her licience for her
Day care center that would help
myself as well as everyone else
that is inclued with the center.
If Ms. Lynda had her center she
would be making more money
meaning that I would be to; also
she would be able to hire someone
else to come and work for her.
Plus Ms. Lynda already runs
her Day Care like a center if not
better so you should give her what
she needs so that we can call
ourselfs a center. Everyone that
Knows Ms. Lynda would tell you that
she is dedicated to what she has
done in the last 13 years. And she
wont stop until she has what she
has worked so hard for. If you
want a good Day care center in

the community that can do great things for the little one's than you would give ms. Lynda her center.

Kenneth Pryor

11-23-05

Dear office of appeal;

My name is Lynda Davenport I am applying for Class A Group Childcare Center. At my Home address 907 Prestwood Rd I was Denied by commisner. I would like to appeal the commisner diecision. I was told I need $400.00 for the appeal I do not have $400.00. And I had to pay by 11-25-05.

Thank you
Lynda Davenport
907 Prestwood Rd.
Catonsville MD. 21228

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
STEVE WHISLER	6124 MOOREFIELD ROAD	CATONSVILLE, MD. 21228	president@westviewpark.org
- PRESIDENT, WESTVIEW PARK IMPROVEMENT & CIVIC ASSOCIATION. (WPICA)			

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lynda Davenport	907 Prestwood Rd.	Catonsville MD. 21228	

Lynda's Tender Loving Care Daycare

This notice is to ensure that my neighbors do not have a problem with me running a small group center that has up to twelve children. My center currently has eight children as a family day care. This letter will show that their signatures are listed below to verify what is stated to be true. Lynda's Tender Loving Care Daycare is a very safe environment . The children receive great learning experiences, as well as nutritional meals.

RECEIVED

OCT 19 2005

ZONING COMMISSIONER

Name	Address
1. Michael C Juba	903 PRESTWOOD ROAD
2. Mr & Mrs. Raglan James	900 Prestwood Rd. 21228.
3. Shawn Francis	902 Prestwood Rd 21228
4. Harry Hildebrand	904 Prestwood RD 21228
5. Jeanna Sepkar	906 Prestwood Rd. 21228
6. [illegible]	908 Presdwood Rd 21228
7. Margaret Lucas Jesse J. Drayton	911 Prestwood Rd. 21228
8. Elizabeth N Kopple	909 Prestwood Rd 21228

RONALD W. GREENE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 4, 2006

Sincerely,
Lynda Davenport ID# 0317953
907 Presswood Rd.

MB

James L. Chapman	904 Bardswell Rd.
Anthony Nowo	908 Bardswell Rd.
Alexanna Ronder	914 Bardswell Rd
	~~910 Bedf~~
Janice Dunn	906 Bardswell Rd
Karen Moon 410-719-2644	910-Sedgley Rd. Catonsville Md 21228
Sharon Cole Ronder	923 Prestwood Rd Balto MD 21228


Road

PLAT TO ACCOMPANY PETITION FOR ZONING ☑ VARIANCE ☑ SPECIAL HEARING

PROPERTY ADDRESS 907 Prestwood Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

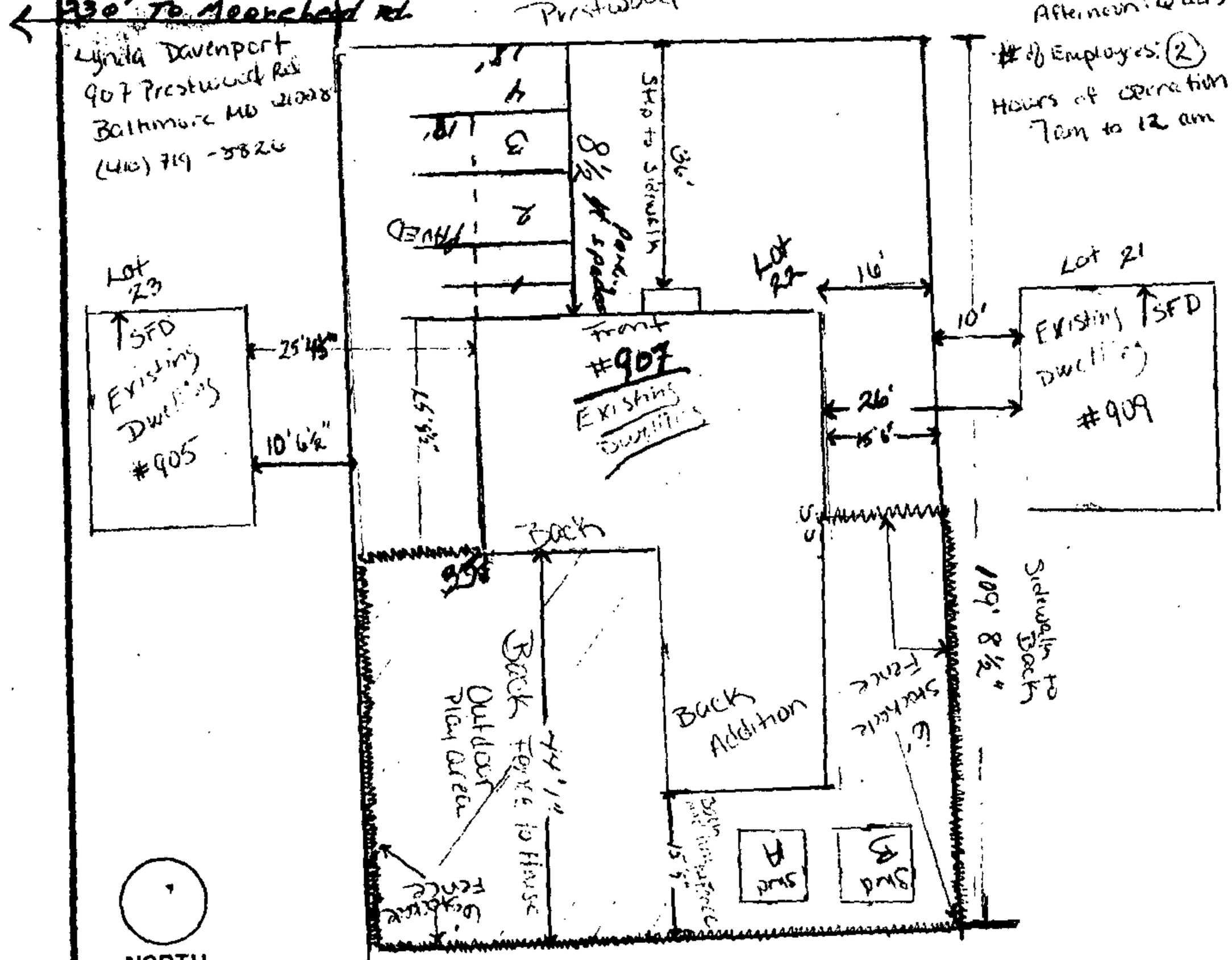
SUBDIVISION NAME Westview Park

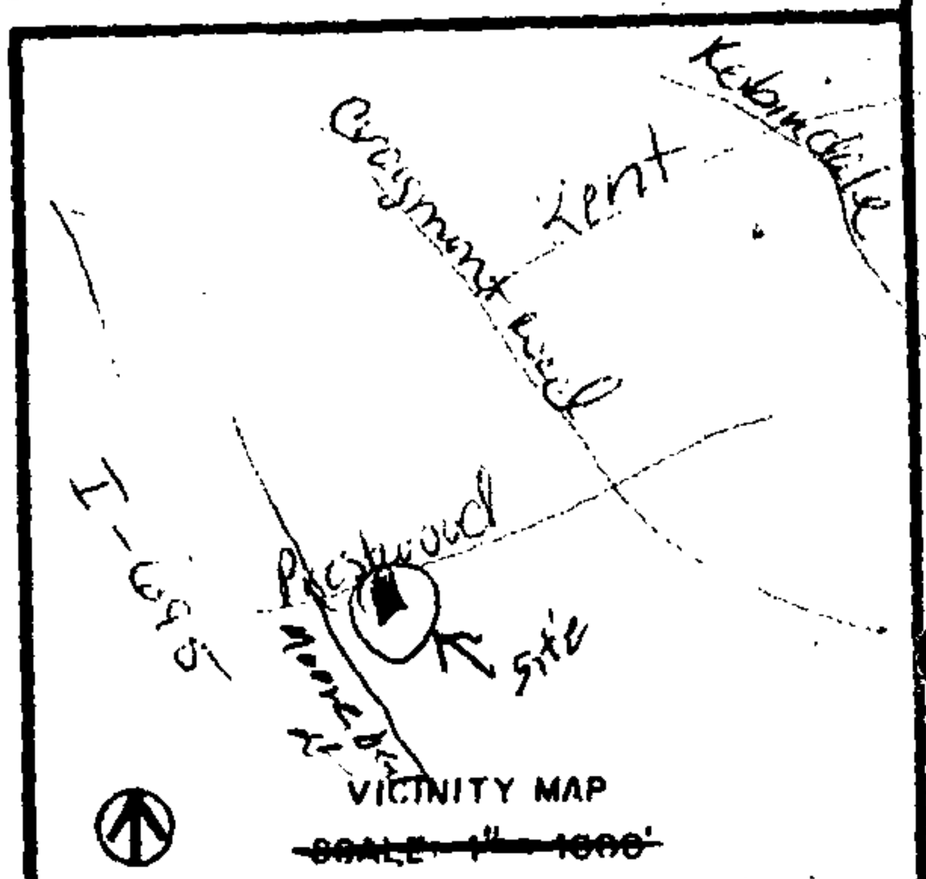
PLAT BOOK # 22 FOLIO # 23 LOT # 22 SECTION # 3B Block M

OWNER Thomas & Lynda Davenport

410-719-8826 Prestwood RD.

Days/wk: 5 days
# of Children enrolled: 12
Estimated amount of Traffic Generated: 8 cars
Morning: 10 cars
Afternoon: 10 cars
# of Employees: (2)
Hours of operation 7am to 12 am





LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # SW1F

ZONING DR5.5

LOT SIZE 0.16 ACREAGE 7000 ☑ SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
	099	

PREPARED BY Olivia Singleton

SCALE OF DRAWING: 1" = 20'

JRA

-15-

#099

1-1-2000

3 DE

(SHEET S.W.-I-G)