IN RE: **PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE** – N/S Putty Hill Avenue, 295' W of the Belair Road **(4104 Putty Hill Avenue)** 14th Election District 6th Council District Veronica Burnette Petitioner	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-409-XA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Veronica Burnette. The Petitioner requests a special exception for a Class A Group Childcare Center[1] on the subject property at a distance of 25 feet to the nearest residential zone in lieu of the required 100 feet. In addition, variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 424.7.A to permit a proposed Class A Group Childcare Center on a lot area of 12,197 sq. ft. in lieu of the minimum required 43,560 sq. ft.; from Section 424.7.B to permit a side yard setback of as close as 15 feet and a rear yard setback of 21 feet in lieu of the minimum required 50 feet each, and a vegetative buffer of 0 feet in lieu of the required 20 feet; from Section 424.7.E to permit maximum impervious surface area greater than the permitted 25% of the gross area; from Section 424.7.C to permit drop-off and pick-up of children in the front yard in lieu of the required side or rear yard; and from Section 424.1.B to permit a chain link fence of 4 feet in lieu of the required solid panel fence of 5 feet, and a setback of the fence from the property line of 0 feet in lieu of the required 20 feet. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Date 4-13-06
By Deborah Dopkin

[1] BCZR Section 101 (Definitions) designates a "Class A" Child Care Center as providing for no more than 12 children and a "Class B" for more than 12 children. For reasons discussed in this Order the Petitions, as filed, were amended *in open hearing* to reflect the subject facility as a "Class B Group Child Care Center".

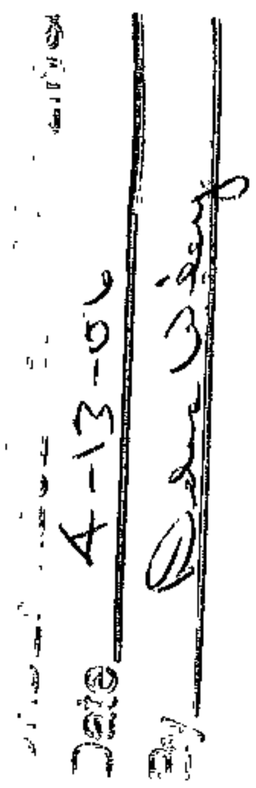
Appearing at the requisite public hearing in support of the request were Veronica Burnette, property owner, Bruce Doak and Scott Hodgkins, with Gerhold, Cross & Etzel, the Surveyors who prepared the site plan of this property, and J. Neil Lanzi, Esquire, attorney for the Petitioner. Appearing as interested citizens/ Protestants were Stanley Janowitz, Deirdre Hammaker and Vicki Hardin, nearby residents of the area. Mr. Janowitz was represented by J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Putty Hill Avenue, just west of Belair Road, in Parkville. The property contains a gross area of 0.284 acres (12,371 sq. ft.), more or less, zoned D.R.5.5 and is improved with a two and one-half story single-family dwelling, and a two-car garage. Other improvements on the property include a 1,683 sq. ft. play area in the side yard, and a macadam driveway that leads into the property from Putty Hill Avenue and extends to the garage and large parking pad to the rear of the property.

The Petitioner has owned the property since December 2005 and is desirous of opening a Class A Childcare Center at this location. Ms. Burnette testified that she is a licensed day care provider and that she has operated a day care center at her home for the past nine years. She indicated that she had been looking for another location when she found the subject property and has made a number of improvements and upgrades to the home, which was built in 1917. Mr. Burnette anticipates that the proposed facility will be open year-round from 6:00AM to 6:00 PM, Monday through Friday, and will be closed on weekends and holidays. Children will be brought to the site by parents or guardians and dropped off. In this regard, the site plan shows the parking and drop-off/pick-up areas will be located in the front portion of the site. It was also indicated that the drop-off/pick-up of children will be staggered, owing to the fact that some of the children will be brought there before and after school. Ms. Burnette indicated that 12 to 15 of the children would be dropped off between 6:30 AM and 7:30 AM and picked up by 4:00 PM. The other 15 children would arrive around 4:15 PM and would be transported, by her, to their

respective homes. She also stated that two of her employees would arrive at 6:00 AM and would leave at 1:00 PM when the other two employees would arrive.

As noted above, several residents from the surrounding community appeared in opposition to the request and were represented by J. Carroll Holzer, Esquire. Most of their concerns related to traffic impacts and the commercialization of the subject property. In this regard, testimony disclosed that the Petitioner will not reside on the property and that it will be used solely as a day care center. Mr. Janowitz testified that he has lived immediately adjacent (west) to the subject property since 1973 and is a retired Baltimore City Police Officer. He believes that the subject site is unsuitable for a day care center and that two many variances are being requested. He also testified that the driveway that will be utilized by the Petitioner is a common driveway shared with him and that the Petitioner's use of that driveway as proposed will adversely impact his use. Ms. Hardin testified that the property immediately east of the subject site has been in her family for many years and that her son currently plans on residing there. She expressed concerns about the commercialization of this adjacent property, increased traffic congestion and the impacts that noise related to the proposed use will have on her family's property. Ms. Hammaker has resided on the other side of the street for the past 13 years. She believes that cars entering and exiting out of the driveway will cause congestion during peak traffic hours and that the staggered drop-off/pick-up times will not resolve these concerns with the addition of three new homes being built directly across from the subject site. She submitted into evidence a photograph taken from in front of the property along Putty Hill Avenue which shows the grade of this two-way road as it slopes downward towards Belair Road. She also submitted a Petition signed by 21 other residents of the area which indicates their strong opposition to the proposal. Concerns were also expressed about the number of children proposed for this site.



In response to Mr. Janowitz' concerns, Mr. Doak argued that sufficient parking exists on-site to minimize traffic impacts. He noted that there are four parking spaces designated for employees to the rear of the property and two spaces within the existing garage. He also noted

that because of staggered drop-off/pick-up times, there should be no traffic congestion. He also stated that the Office of Planning had indicated that the Petitioner could include the two spaces within the garage for parking purposes.

After further discussion on these issues, the Petitioner agreed to reduce the number of children to be served at this location from 40 to 30 and to relocate the drop-off/pick-up area to the rear of the property. Ms. Burnette also testified that only 15 of the children will be transported to and from the site by their parents/caregivers. She indicated that she will use her Nissan Quest Mini-van to transport the other 15 children from school to the daycare center and then to their respective homes. She indicated that because schools let out at different times, she will make two or three runs to pick up those children. She also indicated that if her request is approved, she would install a 15-foot high board-on-board fence between her driveway and the Janowitz property to reduce the visual impact of the proposed use. In this regard, a review of the site plan shows that a combination of both a 6-foot high board fence and a 4-foot high chain link fence encloses the rear playground area. There is currently no fencing along the common property line shared with Mr. Janowitz.

Sections 1B01.1 and 424 of the B.C.Z.R. establish under what circumstances a Group Childcare Center is permitted by right or by special exception. A "Group Childcare Center" is defined as "A building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week to at least 9 children, including children of the adult provider." A "Group Childcare Center, Class A" is "A Group Childcare Center wherein group childcare is provided for no more than 12 children at any one time." A "Group Childcare Center, Class B" is "A Group Childcare Center wherein group childcare is provided for more than 12 children." As noted previously, the Petitioner in this case seeks approval of a Class B Group Childcare Center for 30 children on the subject D.R.5.5 zoned site.

A Class B Group Childcare Center for 40 or fewer children is permitted by right in the D.R. zone, if the requirements of Section 424 are met. A Class B Group Childcare Center for 40 or fewer children located in the D.R. zone where Residential Transition Area (RTA)

neighboring properties and the surrounding locale. The subject property is simply too small to accommodate the size of day care center proposed by the applicant.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of April 2006 that the Petition for Special Exception to approve a Class B Child Care Center on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 424.7.A to permit a proposed Class B Group Childcare Center on a lot area of 12,197 sq. ft. in lieu of the minimum required 43,560 sq. ft.; from Section 424.7.B to permit a side yard setback of as close as 15 feet and a rear yard setback of 21 feet in lieu of the minimum required 50 feet each, and a vegetative buffer of 0 feet in lieu of the required 20 feet; from Section 424.7.E to permit maximum impervious surface area greater than 25% of the gross area; from Section 424.7.C to permit drop-off and pick-up of children in the front yard in lieu of the required side or rear yard; and from Section 424.1.B to permit a chain link fence of 4 feet in lieu of the required solid panel fence of 5 feet, and a setback of the fence from the property line of 0 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days of the date hereof and in accordance with the applicable provisions of law.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 13, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N/S Putty Hill Avenue, 295' W of the c/l Belair Road
(4104 Putty Hill Avenue)
14th Election District – 6th Council District
Veronica Burnette - Petitioner
Case No. 06-409-XA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Veronica Burnette, 7806 Rolling Vista Court, Baltimore, Md. 21236
Messrs. Bruce Doak & Scott Hodgkins, Gerhold Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286
Ms. Deirdre Hammaker, 4021 Putty Hill Avenue, Baltimore, Md. 21236
Mr. Stanley Janowitz, 4102 Putty Hill Avenue, Baltimore, Md. 21236
Ms. Vicki Hardin, 8306 Stillmeadow Road, Baltimore, Md. 21236
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
People's Counsel; Case File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4104 Putty Hill Ave.

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A CLASS A GROUP CHILD CARE FACILITY IN A D.R. ZONE AT A DISTANCE OF 25 FEET IN LIEU OF REQUIRED 100' TO THE NEAREST RESIDENTIAL ZONE.

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:

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):

VERONICA BURNETTE
Name - Type or Print

Veronica Burnette
Signature

Name - Type or Print

Signature

4104 PUTTY HILL AVE. 410-665-6812
Address Telephone No.

BALTIMORE MD 21236
City State Zip Code

Representative to be Contacted:

BRUCE DOAK @ G.C.&E.
Name

320 E. TOWSONTOWN BLVD 823-4470
Address Telephone No.

TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. **Date** 2/21/06

RECEIVED FOR FILING
Date 4-13-06
By

Case No. 06-409-XA

REV 09/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4104 Putty Hill Ave

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)

SEE ATTACHED

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

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

VERONICA BURNETTE
Name - Type or Print

Signature

Name - Type or Print

Signature

4104 PUTTY HILL AVE 410-665-6812
Address Telephone No.

BALTIMORE MD 21236
City State Zip Code

Representative to be Contacted:

BRUCE DOAK
Name

320 E. TOWSONTOWN BLVD 823-4470
Address Telephone No.

TOWSON, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By DT Date 12/21/06

ORDER RECEIVED FOR FILING
Date 4-13-09
By

Case No. 06-409-XA

REV 9/15/98

VARIANCES FROM:

1. SECTION 424.7.A TO PERMIT A LOT SIZE OF 12,197 SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT.
2. SECTION 424.7.B TO PERMIT:
   A SIDE YARD SETBACK OF AS CLOSE AS 15' IN LIEU OF THE REQUIRED 50';
   0' OF VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20';
   A REAR YARD SETBACK OF 21' IN LIEU OF THE REQUIRED 50'
3. SECTION 424.7.E TO PERMIT MAXIMUM IMPERVIOUS SURFACE AREA GREATER THAN 25% OF THE GROSS AREA.
4. SECTION 424.7.C TO PERMIT DROP OFF AND PICK UP OF CHILDREN IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE YARD OR REAR YARD.
5. SECTION 424.1.B TO PERMIT:
   A 4' HIGH CHAIN LINK FENCE IN LIEU OF THE REQUIRED 5' HIGH SOLID PANEL FENCE.
   A 0' SETBACK OF THE FENCE FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20'.

06-409-XA

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

January 3, 2006

ZONING DESCRIPTION
Burnette property
4104 Putty Hill Avenue
Baltimore County, Maryland

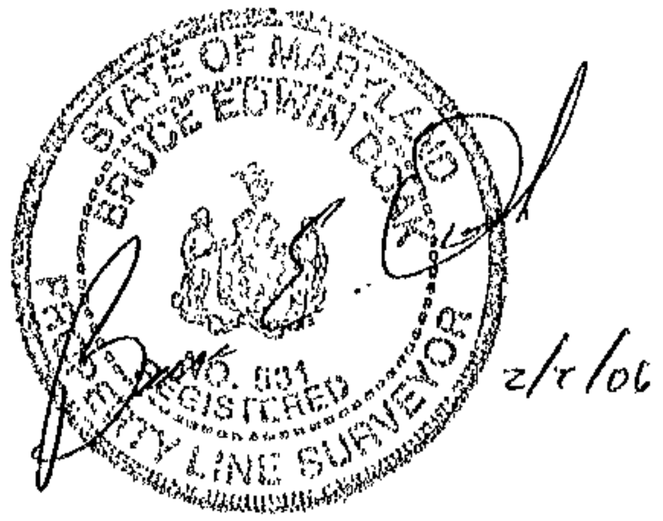
All that piece or parcel of land situate, lying and being in the Fourteenth Election District, Sixth Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point in the centerline of Putty Hill Avenue, 295 feet west along the centerline of aforesaid road from the intersection of the centerline of Bel Air Road, thence binding on the centerline of said Putty Hill Avenue,

1) North 81 degrees 13 minutes West 70 feet 3 inches,
2) North 13 degrees 3 minutes East 173 feet 6 inches,
3) South 69 degrees 30 minutes East 79 feet 2 inches,
4) South 16 degrees 29 minutes West 158 feet 3.5 inches, to the point of beginning.

Containing 12,371 sq. ft. or 0.284 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



2/1/06

06-409-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0485

DATE 2/21/06 ACCOUNT 001006150

AMOUNT $ 705.00

RECEIVED FROM: VERONICA L. BURNETTE

FOR: ITEM #409 06-409-XA

7104 PUTTY HILL AVE D.T.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

Rcpt Tot $705.00
$705.00 CK $.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: #06-409-XA
4104 Putty Hill Avenue
North side of Putty Hill Avenue, 295 feet west centerline of Belair Road
14th Election District - 6th Councilmanic District
Legal Owner(s): Veronica Burnette

Special Exception: to permit a Class A Group Child Care Facility in a D.R. zone at a distance of 25 feet in lieu of the required 100 feet to the nearest residential zone.

Variance: to permit a lot size of 12,197 square feet in lieu of the required 43,560 square feet, and to permit a side yard setback of as close as 15 feet in lieu of the required 50 feet; 0 feet to a vegetative buffer in lieu of the required 20 feet; a rear yard setback of 21 feet in lieu of the required 50 feet, and to permit maximum impervious surface area greater than 25% of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a 4 foot high chain link fence in lieu of the required 5-foot high solid panel fence and a 0-foot setback of the fence from the property line in lieu of the required 20 feet.

Hearing: Wednesday, March 29, 2006 @ 9:00 a.m., 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) 887-3868.

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

JT 3/700 March 14

CERTIFICATE OF PUBLICATION

3/16, 2006

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 3/14, 2006.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

P. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE# 06-409-XA
PETITIONER/DEVELOPER:
Veronica Burnette
DATE OF HEARING: March 29, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
4104 Putty Hill Avenue

(see page 2 for full size photo)

POSTED ON: 3/13/06

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE # :06-409-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

9:00 am Wednesday, March 29, 2006

Special Exception: to permit a Class A Group Child Care Facility in a D.R. zone at a distance of 25 feet in lieu of the required 100 feet to the perimeter of a residential zone.

Variance: to permit a lot size of 12,197 square feet in lieu of the required 43,560 square feet, and to permit a side yard setback of as close as 15 feet in lieu of the required 50 feet; 0 feet to a vegetative buffer in lieu of the required 25 feet; a rear yard setback of 21 feet in lieu of the required 50 feet; and to permit impervious surface area greater than 25% of the gross area in lieu of the maximum permitted; all for the purpose of building an addition to the front and to the existing [illegible] for the purpose of operating a Class A Group Child Care Facility for up to [illegible] children and to permit a [illegible] foot setback of the fence from the edge of the [illegible]

03 13 2006 19:48

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

March 6, 2006

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: 06-409-XA
4104 Putty Hill Avenue
North side of Putty Hill Avenue, 295 feet west centerline of Belair Road
14th Election District—6th Councilmanic District
Legal Owner: Veronica Burnette

SPECIAL EXCEPTION to permit a Class A Group Child Care Facility in a D.R. zone at a distance of 25 feet in lieu of the required 100 feet to the nearest residential zone.

VARIANCE to permit a lot size of 12,197 square feet in lieu of the required 43,560 square feet, and to permit a side yard setback of as close as 15 feet in lieu of the required 50 feet; 0 feet to a vegetative buffer in lieu of the required 20 feet; a rear yard setback of 21 feet in lieu of the required 50 feet, and to permit maximum impervious surface area greater than 25% of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a 4 foot high chain link fence in lieu of the required 5-foot high solid panel fence and a 0 -foot setback of the fence from the property line in lieu of the required 20 feet.

Hearing: Wednesday, March 29, 2006 @ 9:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco
Director

TK:raj

C: Veronica Burnette, 4104 Putty Hill Avenue, Baltimore, MD 21236
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 14, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) 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

March 6, 2006

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4104 Putty Hill Avenue
North side of Putty Hill Avenue, 295 feet west centerline of Belair Road
14th Election District—6th Councilmanic District
Legal Owner: Veronica Burnette

SPECIAL EXCEPTION to permit a Class A Group Child Care Facility in a D.R. zone at a distance of 25 feet in lieu of the required 100 feet to the nearest residential zone.

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Timothy Kotroco
Director

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C: Veronica Burnette, 4104 Putty Hill Avenue, Baltimore, MD 21236
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 14, 2006 Issue - Jeffersonian

Please forward billing to:
Veronica Burnette (410-665-6812)
4104 Putty Hill Avenue
Baltimore, MD 21236

NOTICE OF ZONING HEARING

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VARIANCE to permit a lot size of 12,197 square feet in lieu of the required 43,560 square feet, and to permit a side yard setback of as close as 15 feet in lieu of the required 50 feet; 0 feet to a vegetative buffer in lieu of the required 20 feet; a rear yard setback of 21 feet in lieu of the required 50 feet, and to permit maximum impervious surface area greater than 25% of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a 4 foot high chain link fence in lieu of the required 5-foot high solid panel fence and a 0 -foot setback of the fence from the property line in lieu of the required 20 feet.

Hearing: Wednesday, March 29, 2006 @ 9:00 a.m., 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 410-887-3868.
(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: 06-409-XA

Petitioner: BURNETTE

Address or Location: H104 PUTTY HILL AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. VERONICA BURNETTE

Address: 4104 PUTTY HILL AVE.
BALTO. MD 21236

Telephone Number: 410-665-6812

Revised 7/11/05 - 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

March 22, 2006

Veronica Burnette
4104 Putty Hill Avenue
Baltimore, MD 21236

Dear Ms. Burnette:

RE: Case Number: 06-409-XA, 4104 Putty Hill Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 2006.

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:amf

Enclosures

c: People's Counsel
Bruce Doak Gerhold, Cross & Etzel, LTD 320 E. Towsontowne Boulevard Towson 21286

Baltimore County
Fire Department

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

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

March 7, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 6, 2006

Item No.: Item Numbers 409 through 417 and 425

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.

6. The Fire Marshal's Office has no comments at this time.

LT. Roland P. Bosley Jr.
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 3.7.06

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

RE: Baltimore County
Item No. 409 DT

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

INTER-OFFICE CORRESPONDENCE

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

DATE: March 27, 2006

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

SUBJECT: 4104 Putty Hill Road

INFORMATION:

Item Number: 6-409

Petitioner: Veronica Burnette c/o Bruce Doak

Zoning: DR 5.5

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:
The Office of Planning has reviewed the subject requests for special exception and variances from Section 424 of the BCZR governing Family Child Care Center, Group Child Care centers and Nursery Schools. After review of the petitioner's request and accompanying information the Office of Planning recommends that the special exception for use as a group child care facility and associated variances be **denied**.

The subject site brings to light numerous issues of concern for the use of the site itself and the potential clients as well as for the adjacent properties:

1. The small size of the lot makes it difficult to provide adequate parking and drop off area and circulation for both employees and potential daycare clients. This is further aggravated by the steep topography approaching the proposed point of access to the site and could pose a potential traffic safety issue.

2. The paved drop off area proposed in front of the dwelling detracts from the residential character of the property and the adjacent residences, and provides the appearance of business in a residential community.

3. The lack of required setback and landscape buffer from the adjacent residences is not adequate given the number of potential clients using the facility, and could adversely affect the neighboring residential properties.

In sum, the amount of relief requested from BCZR Section 424.7 which governs the bulk standards for group childcare centers in the DR zone, indicates that this site does not have enough space to insure adequate separation from the adjacent residential community or function efficiently for the proposed use.

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

Prepared by: _____

Division Chief: _____

AFK/LL: CM

W:\DEVREV\ZAC\6-409.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
for March 13, 2006
Item Nos. 401, 408, 409, 410, 413, 416, 417, 418 and 425

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-03132006.doc

RE:	PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
	4104 Putty Hill Avenue; N/S Putty Hill Avenue, 295' W c/line Belair Road	*	ZONING COMMISSIONER
	14th Election & 6th Councilmanic Districts	*	FOR
	Legal Owner(s): Veronica Burnette Petitioner(s)	*	BALTIMORE COUNTY
		*	06-409-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
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 9th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED
MAR 0 9 2006
Per .....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 14 **Account Number -** 1408080075

Owner Information

Owner Name:	BURNETTE VERONICA L	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	4104 PUTTY HILL AVE BALTIMORE MD 21236-3634	**Deed Reference:**	1) /23004/ 472 2)

Location & Structure Information

Premises Address
4104 PUTTY HILL AVE

Legal Description
.284 AC
4104 PUTTY HILL AVE
270 W OF BELAIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
81	5	242						3	

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1917	2,492 SF	12,210.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	33,300	81,050		
Improvements:	96,510	135,970		
Total:	129,810	217,020	129,810	158,880
Preferential Land:	0	0	0	0

Transfer Information

Seller:	HAYES FREDERICK E,JR	**Date:**	12/05/2005	**Price:**	$265,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/23004/ 472	**Deed2:**	
Seller:	HAYES BEATRICE ELEANOR	**Date:**	06/28/1988	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 7902/ 560	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Group Child Care Centers	Class A	Class B	Nursery Schools
R.C.2	SE	SE	SE
R.C.3	SE	SE	SE
R.C.4	N	N	N
R.C.5	SE	SE	SE
D.R.(all zones) More than 40 children 40 or fewer children 40 or fewer children and RTA is applicable	N/A C SE	SE C SE	SE C SE
R.A.E.1, R.A.E.2 Within apartment buildings of 50 or more units and subject to supplemental regulations of Sections 200.2.B and 201.2.B.	R	R	R
Freestanding	SE	SE	SE

R = Permitted as of right
SE = Permitted by special exception
N = Not permitted
C = Permitted subject to additional conditions

B. Group child care centers in business and manufacturing zones are permitted as a noncommercial accessory or principal use in accordance with the following schedule:

Group Child Care Centers	Class A	Class B	Nursery Schools
R-O More than 40 children 40 or fewer children	N/A C	SE C	SE C
OR-1, OR-2	R	R	R
O.T.	R	R	R
Business Zones	R	R	R
M.R., M.H., M.L. and M.L.R. Zones	R	R	R

R = Permitted as of right
SE = Permitted by special exception
N = Not permitted
C = Permitted subject to additional conditions

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – N/S West Timonium Road,
602' E of the c/l Hunters Ridge Court * ZONING COMMISSIONER
(206 W. Timonium Road)
7th Election District * OF BALTIMORE COUNTY
3rd Council District

* Case No. 04-123-XA

Michael L. Sabracos
Petitioner *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Michael L. Sabracos, through his attorney, Robert A. Hoffman, Esquire. The Petitioner requests a special exception to permit a Class B Child Care Center on the subject site, pursuant to Sections 1B01.1.C.6 and 424 of the Baltimore County Zoning Regulations (B.C.Z.R.). It is to be noted that variance relief was also requested from Section 424.7.A of the B.C.Z.R. to permit 185 children in lieu of the maximum allowed 154, if necessary; however, that Petition was withdrawn in open hearing. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Michael Sabracos, property owner, his attorneys, Robert A. Hoffman, Esquire and David Karceski, Esquire, and Donald Moore and Elaine Hamrick, representatives of Kindercare, Inc., the proposed operators of the day care center. Testimony was also offered in support of the Petition from several expert witnesses. These included Paul Lee, the Professional Engineer who prepared the site plan for this property, Wes Guckert, Traffic Engineer and principal with The Traffic Group, and Mitchell Kellman, a Planner/Zoning Consultant with Daft-McCune-Walker, Inc.

The issues presented in this case generated significant public interest and a large number of individuals from surrounding communities appeared and/or testified in opposition to the request. Due to limitations of time and space, a listing of all of those individuals cannot be set out

here; however, it need be noted that Francis X. Borgerding, Jr., Esquire, represented the Pine Valley/Valleywood Community Associations and the Hunt Ridge Community Association. The subject property is located adjacent to homes in these communities. Additionally, Louis Miller and Eric Rockel appeared and participated at the hearings on behalf of the Greater Timonium Council, an umbrella organization of community associations in the area.

INTRODUCTION

A significant amount of testimony and evidence was submitted at the public hearing held in this case, which consumed four days, and numerous photographs, plats, maps, studies, etc. were submitted as documentary evidence.[1] Testimony was also received from two witnesses employed by Baltimore County, namely William Hughey, who is employed in the Office of Planning and is the Area Planner for this locale, and Rahii Famili, a traffic engineer employed with the Department of Permits and Development Management.

THE PROPERTY & PROPOSAL

Testimony was offered describing the subject property and proposed use under the Petition for Special Exception by Donald Moore, Elaine Hamrick, and Paul Lee, the engineer who prepared the site plan. The subject property is an irregularly shaped parcel located on the north side of West Timonium Road, just west of York Road and the Baltimore-Harrisburg Expressway (I-83) interchange in Timonium. In fact, the exit ramp from southbound I-83 abuts the west side of the subject property. The property contains a gross area of 2.316 acres, more or less, zoned D.R.2, and is presently improved with a two-story dwelling and several outbuildings that will be removed to make way for the proposed development. As noted above, the Petitioner proposes developing the site with a Kindercare Class B childcare center. The proposed building will be a one-story structure, less than 35 feet in height, in observance of the 35-foot height limitation for non-residential dwellings in the D.R.2 zone. The building will be 76 feet wide and 121 feet deep (or 9,196 sq.ft. in area), and designed with the intent of capturing a residential type appearance so as to

[1] There were 19 exhibits submitted by the Petitioner and 20 submitted by the Protestants.

be consistent with the residential dwellings nearby. Building elevation drawings of the proposed structure were submitted into evidence as Petitioner's Exhibit 3.

Mr. Moore and Ms. Hamrick testified on behalf of Kindercare. Mr. Moore testified that Kindercare is a national corporation that engages in the business of providing day care for children. He noted that there are approximately 1250 Kindercare childcare centers across the United States, with 26 such centers in Maryland, including at least two in Baltimore County; one in Perry Hall and one in Owings Mills. The proposed child care center at the subject location will be a medium-sized operation, at least in the context of the Kindercare operation. As noted above, the maximum number of children allowed at the subject location is 154. The centers operate Monday through Friday, from approximately 6:30AM to 6:30PM, and are closed on weekends and holidays.

Ms. Hamrick is the manager for Kindercare operations in Maryland and more fully described the nature of the proposed operation. She testified that the children who will be cared for at this facility would range in age from 6 weeks to 12 years. She indicated that most children will arrive between 7:00AM and 9:00AM and will be dropped off by parents. School-age children will be transported to the appropriate elementary school and returned to the site after school hours. Typically, children will be picked up by their parents from between 3:30PM to 6:30PM.

As noted above, 154 children are proposed at this facility. It is anticipated that 24 will range in age from infants to 2 years, 24 will be between the ages of 2 and 3, 76 will be pre-school children between the ages of 4 and 5, and 30 will be school-age children, between the ages of 6 and 12. Ms. Hamrick also described in some detail the operation of the day care center in terms of staffing. Obviously, the day care center is regulated by the relevant COMAR (Code of Maryland Regulations) provisions, which govern all day care operations in the State of Maryland. These regulations require a specific number of teachers/staff depending on the number of children and their ages. Ms. Hamrick also explained in some detail the proposal from an operational standpoint. Parents are required to bring the children into the building. Thus, there is no outside drop-off. She also indicated that there are occasional deliveries to the site, such as food, toys, equipment and

other supplies. She also indicated that there would be an outside dumpster which would be emptied no less than three times per week.

APPLICABLE LAW

Governmental regulation of land use is largely a local function. In Baltimore County, zoning requirements are set out in the B.C.Z.R. The Baltimore County Council adopts zoning maps in Baltimore County every four years, pursuant to the comprehensive zoning process, and under those maps, every property in Baltimore County is assigned one of the nearly 40 zoning classifications listed in the B.C.Z.R. These classifications range from R.C. (Resource Conservation zones) to the M.H. (Manufacturing-Heavy zones). Each zone contains its own specific regulations governing use of a property so zoned. For example, the restrictive R.C. zones promote agricultural and low-density residential use. There are no commercial, retail and/or industrial uses allowed in the R.C. zone. At the other end of the spectrum, the M.H. (Manufacturing-Heavy) zone encourages manufacturing and heavy industrial use. As noted above, the subject property is zoned D.R.2, which means "density, residential." The numeric suffix thereafter establishes the intensity of the use; that is, the number of houses permitted per acre. There are six D.R. zones established in the B.C.Z.R.

It has been noted that the D.R. zones provide three classifications of land use. The first classification identifies those uses permitted by right. For example, single-family detached dwellings, churches, and farms are uses permitted by right in the D.R. zone. These uses are allowed automatically for so long as the property owner meets the appropriate building, height and bulk area regulations.[2] At the other end of the spectrum, the zoning regulations prohibit certain uses in the D.R. zones under any circumstances. For example, fuel service stations, restaurants and similar commercial/industrial uses are always prohibited in the D.R. zones.

As a middle ground, the B.C.Z.R. identify special exception uses. The term "special exception" is a misnomer, as the uses listed thereunder are neither special nor exceptional. In other

[2] A property owner need not Petition the Zoning Commissioner and endure a public hearing in order to build a single-family dwelling on a lot zoned D.R.

jurisdictions in Maryland, special exception uses are labeled "conditional" uses. This is a better description of such uses. Special Exception uses are those uses which may be permitted in the D.R. zone; however, prior to establishing a special exception use, the property owner/applicant must Petition the Zoning Commissioner for approval of the proposed use.

The B.C.Z.R. identifies a number of special exception uses permitted in the D.R. zone. They include, for example, camps, volunteer fire company stations, assisted living facilities for the elderly, etc. Most relevant here is that the D.R. zoning regulations permit by special exception only, Class B group childcare centers for more than 40 children (see Section 1B01.1.C.6).

In addition to the above noted Sections of the B.C.Z.R. relating to the D.R. zone, Section 101 of the B.C.Z.R. sets out the definitions used throughout the regulations. A "Group Childcare Center" is defined as "A building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week to at least 9 children, including children of the adult provider." A "Group Childcare Center, Class A" is "A Group Childcare Center wherein group childcare is provided for no more than 12 children at any one time." A "Group Childcare Center, Class B" is "A Group Childcare Center wherein group childcare is provided for more than 12 children." As noted above, the Petitioner in this case seeks approval of a Class B Group Childcare Center for 154 children on the subject D.R.2 zoned site.

The B.C.Z.R. also contains specific regulations that govern particular land uses. Applicable in this case is Section 424 of the B.C.Z.R. That Section establishes specific rules and regulations for group childcare centers. Section 424.5 thereof establishes specific criteria for childcare centers as ***principal*** uses. This is to be distinguished from childcare centers which are ***accessory*** to another use, for example to a church or school. Clearly, the Kindercare operation proposed in this instance is the principal and not accessory use for this property. Additionally, certain bulk standards for group childcare centers in D.R. zones are set out in Section 424.7 of the B.C.Z.R. Paul Lee, the engineer who prepared the site plan, offered testimony regarding these standards. Section 424.7 of the B.C.Z.R. provides that a group childcare center in the D.R. zone must be on a lot containing a minimum of 1.0 acre for the first 40 children, plus 500 sq.ft. for every

child beyond 40 children. Additionally, the building must be setback a certain distance from the property lines and cannot exceed 35 feet in height. There are other specific requirements set out therein regarding parking, drop-off and delivery areas, and the maximum impervious surface area of the lot. In this regard, the Petitioner originally sought variance relief to allow more than 154 children; however, as noted above, this variance was withdrawn. The variance was initially requested because the acreage of the subject property (2.316 acres) would not permit more than 154 children under the bulk standards set out in Section 424.7. Mr. Lee testified that based on the reduction in the number of children requested at this location, as well as the size and location of the building on the lot, the proposal was fully in compliance with the bulk standards set forth in Section 424.7 of the B.C.Z.R. That is, the proposal meets all of those standards.

Although the proposal meets all of the "bulk" standards, i.e., size, height, distance, etc., the issues generated in this case are driven by the actual use. As noted above, this is a special exception use and is not permitted by right. Special exception uses are regulated in the B.C.Z.R. under Section 502.1 thereof. Due to the importance of that Section, it will be recited here:

"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 spirit 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)."

The highest courts of this State have reviewed the treatment of proposed special exception and conditional uses by various local zoning boards and commissions. The seminal case regarding special exceptions is Shultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981). In that case, the Court noted that a special exception use is part of the comprehensive zoning plan and thus, shares the legal presumption that it is in the interest of the general welfare and therefore valid. The Court noted that a special exception use is a valid zoning mechanism that delegates to an administrative board or body a limited authority to allow certain enumerated uses which the legislature (in this case, the Baltimore County Council) has determined to be permissible, absent any facts or circumstances which negate that presumption.

The Court further noted that the applicant for a proposed special exception use does not have the burden of establishing affirmatively that the proposal would be of benefit to the community. Moreover, the test is not whether another use is more preferable or whether the property could be used for a higher or better purpose. Rather, the test to be considered by the local administrative body is whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purposes and intent of the underlying zoning scheme.

The Court of Appeals of Maryland further explained the special exception test in Mossberg v. Montgomery Co., 329 Md. 494, 620 A2d 886 (1993). In that case, an applicant sought approval for a solid waste transfer station in Montgomery County. That use was a conditional/ special exception use under the relevant Montgomery County ordinance. In its written opinion, the Court noted that there were certain inherent negative uses associated with any solid waste transfer station. For example, such a station would be expected to produce traffic, noise, dust, etc. Moreover, it could be presumed that such impacts would negatively affect surrounding properties.

However, although such presumptions are valid, the Court emphasized that the existence of these impacts did not provide a sufficient basis for the local administrative body to deny the Petition for Special Exception. Instead, the Court reasoned that the local body must show that those impacts are greater at the subject location than would normally be associated with such use. That is, the criteria is not whether the proposed use carries with it adverse impacts (such adverse impacts are assumed in the first instance by designating the use a special exception rather than by right). Rather, the test is whether that impact at the subject property will produce effects above and beyond those normally inherent with such a use if located anywhere else within the same zoning district. Therefore, in considering the present application, it is not enough to simply conclude the proposed Kindercare application will produce traffic that could adversely affect the neighborhood. It most certainly will, and such an effect is inherent in any day care operation. The real test is whether the traffic produced by the proposed operation will cause an adverse impact at this location above and beyond such impact if proposed elsewhere in the D.R.2 zone.

TRAFFIC IMPACTS (Section 502.1.B of the B.C.Z.R.)

The primary objection voiced by most of the witnesses who testified in opposition to the request relates to traffic impacts. There was a substantial volume of testimony and evidence presented on this subject by both sides at the hearing. On behalf of the Petitioner, the testimony of Wes Guckert was produced. Mr. Guckert is a recognized traffic expert and is principal of The Traffic Group. He submitted two written studies (Exhibits Nos. 4 and 14) during his testimony. These studies indicate that Mr. Guckert's firm undertook an analysis and study of the adjacent road system on several occasions, including the production of traffic counts and analysis of nearby intersections.

As to the opponents, they produced their own studies. Two lay witnesses (Mark Mooney and Stacy Brunner) took their own traffic counts. Additionally, a traffic engineer who resides in the neighborhood (Jeffrey Lawrence) offered his analysis of Mr. Guckert's studies and reports.

Let it first be noted that I find Mr. Guckert's analysis to be professionally undertaken

and thorough. His first study (taken in April 2003) monitored traffic conditions while road construction improvements at the Timonium Road/I-83 interchange were ongoing. That construction has since been completed. Several witnesses questioned whether additional studies were warranted given that traffic conditions could change as a result of the new traffic patterns that were improved by that construction. Indeed, that thought crossed the mind of the undersigned Zoning Commissioner during the pendancy of these proceedings. On the last day of hearing, however, Mr. Guckert produced an updated report. Indeed, his firm revisited the scene and performed additional studies and counts after the construction. These additional studies allayed my concerns about the accuracy of the original data. Indeed, the actual traffic counts and observations produced by both sides are consistent with one another.

As noted above, Mr. Guckert's conclusions are summarized in the two written studies submitted (Exhibits 4 and 14). Essentially, he opined that the proposed Kindercare childcare center would not detrimentally impact traffic in the area; however, in order to reach this conclusion, he does recommend certain road improvements be completed. Specifically, he opined that Timonium Road should be widened so as to allow the construction of a fifth lane. Presently, Timonium Rod operates with two westbound and two eastbound lanes. Mr. Guckert opined that a fifth lane should be added which would allow left-turn lanes for traffic proceeding in both directions. With this construction, Mr. Guckert opined that the proposed use would not "tend to create congestion in roads, streets or alleys" as stated in Section 502.1.B of the B.C.Z.R. Apparently, Baltimore County's Bureau of Traffic Engineering does not dispute this conclusion. That agency initially provided the undersigned Zoning Commissioner with a written recommendation that the proposal be denied (Protestant's Exhibit 14). However, upon receipt of Mr. Guckert's recommendation to require the construction of a fifth lane, the Bureau of Traffic Engineering revoked its original opinion and now takes no position on this Petition (Petitioner's Exhibit 12). That is, they neither support nor oppose the Petitioner's proposal.

As noted in the discussion above regarding the law of special exceptions, the undersigned is required to focus upon the impacts of the proposed use and how they particularly

affect the locality involved. The undersigned has reviewed the proposal in that light and I find that the special exception request has failed to meet the test set out in Section 502.1.B of the B.C.Z.R. There are three factors that justify this conclusion. I explain.

First, it is acknowledged that the undersigned Zoning Commissioner, in considering other Petitions for day care centers, has remarked that a special exception day care use is most appropriately located on the fringes of a residential community as opposed to its interior. That is, traditional wisdom would support the conclusion that the location of the day care center near the fringe of a residential community is more appropriate then a location embedded in the interior of a residential community. For example, one would conclude that the proposed operation is better at the subject location (206 W. Timonium Road) than at a location on Deepdale Drive, Sandee Road, or other residential streets in the surrounding D.R. 2 zone.

Although this property is on the fringe of the residential community, it's close proximity to I-83 is problematic. As noted above, the site is located immediately adjacent to the exit ramp for southbound I-83. Also nearby is the entrance ramp from Timonium Road to southbound I-83. I find that the traffic to be generated by the proposed day care center will indeed tend to cause congestion on Timonium Road due to the property's close proximity to the entrance and exit ramps of a major interstate highway. Although Mr. Guckert opined that modifications could be made to the exit ramp from southbound I-83, it is likewise apparent that the State Highway Administration (SHA) has no intention of making such modifications at the present time. Indeed, the State, and more accurately its taxpayers, should not be required to expend public funds to accommodate this use. Moreover, traffic traveling on eastbound Timonium Road wishing to enter the ramp to southbound I-83 will likewise be affected. In sum, the proximity of the proposed day care center to that interstate highway is a factor unique to this site that will cause a disproportionate adverse impact.

Second, the proposed traffic patterns that will be generated by the use are problematic. Mr. Guckert's report acknowledges that nearly every potential client of the proposed daycare center would turn left on Timonium Road when leaving the site after dropping off their children in

the morning. A left turn on Timonium Road from this site would take the traveler to both north and southbound I-83 ramps, York Road, the commercial employment centers to the east, and ultimately the Baltimore Beltway (I-695). It was indicated that few of these morning motorists would be expected to turn right from this site and proceed westbound onto Timonium Road. This fact is particularly problematic at this site. Admittedly, the traffic signal located at the exit ramp from I-83 and Timonium Road will allow for certain gaps and breaks in traffic on Timonium Road. However, once a motorist negotiates the two westbound lanes, he or she will be required to merge into the left-turn only lane, and then potentially cross two eastbound lanes in order to merge onto I-83 south. All of this must occur within a relatively short distance. Moreover, the testimony and evidence presented was abundantly clear that eastbound Timonium Road is already highly congested in the morning. This factor further complicates that potential traffic movement. Indeed, I find this to be the most troubling aspect of this proposal from a traffic standpoint. Even with the proposed addition of a fifth lane, I predict that those clients of the Kindercare center who wish to then access southbound I-83 and the Baltimore Beltway would find it both difficult and unsafe to exit from the site and merge onto Timonium Road and ultimately the southbound ramp.

The third factor that is compelling from a traffic standpoint relates to the future community of Holly Ridge, a recently approved development of 19 single-family homes, which is proposed to be built on the south side of Timonium Road, also west of I-83. As Mr. Guckert acknowledged during his cross-examination, the access road for those new residences is but 80 feet from the location of the potential curb cut for the proposed Kindercare facility. Mr. Guckert acknowledged that this was a substandard distance. Given the already existing "busyness" of this area, I have significant concerns over the introduction of an additional means of access onto Timonium Road in such close proximity. Potential residents of Holly Ridge will have a far easier means of access to I-83 (right turn from their community) than potential clients of Kindercare.

In sum, I find that the proposed use does not meet the applicable criteria set forth in Section 502.1.B of the B.C.Z.R., pursuant to Schultz and Mossberg, infra. Specifically, a 154-child day care center will generate traffic volumes and certain congestion no matter where located

in the D.R.2 zone. However, the impacts are particularly severe here, due to the proximity of I-83, the anticipated and difficult left turn exit movement from the site and access to I-83 south, and the anticipated construction of the Holly Ridge Community. These factors warrant a denial of the plan, even with the proposed road improvements.

Section 502.1G - Inconsistent with Zoning Classification

Although the proposal must be denied based on the traffic issue, the undersigned feels compelled to at least address the criteria set out in Section 502.1G of the B.C.Z.R., given the attention paid to this test at the hearing. Testimony was offered by both sides regarding this issue. The Petitioner offered the testimony of both Mr. Lee and Mr. Kellman in support of their assertion that the proposed use is indeed compatible with the D.R.2 zone. The Protestants offered lay testimony on this subject and also offered the Zoning Advisory Committee (ZAC) comment and testimony presented by William Hughey from the Office of Planning.

The not so simple answer to this issue is that a day care center would be appropriate for this property; however, not of the size proposed by Kindercare. The parties disagree over the nature of the use. The Protestants contend that it is a commercial intrusion while the applicant argues that it is an institutional use. The applicant argues that it is similar to the nearby Timonium Presbyterian Church and Pinewood Elementary School. Additionally, the parties differ over the "compatibility" of the proposed use. That issue is generated in this case by the residential transition area requirements established in the B.C.Z.R. for the D.R. zones. Specifically, Section 1B01.1.B.1.G11 of the B.C.Z.R. requires that the Zoning Commissioner find, "That the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises." Upon such a finding, a childcare center is exempt from the RTA requirements. The property's relatively large size (when compared to lots in the nearby residential community) as well as its location on the fringe of a residential community (as described above) are persuasive factors that a day care center would be appropriate here. This location would allow residents of the nearby community to drop off and pick up their children at a location outside the interior of the residential community. That being said, however, the number of

children proposed in this case is persuasive and does, in my judgment, tilt the character of the operation from an institutional type use to a commercial type use.

I decline to establish a specific number of children that would be permitted at this location. The question presented under the Petition for Special Exception was on the proposal as offered. Whether a day care center of 16, 60 or 130 children is appropriate is not before me. In answer to the specific question presented, I find that the proposal as submitted is inconsistent with the property's zoning classification. A scaled down version might, however, be permitted.

MISCELLANEOUS

There were certain other narrow issues that were raised during the course of the hearing. Certain of the neighbors to the rear of the property were concerned about storm water runoff, the location and monitoring of the dumpster, noise generated by children and vehicles, etc. Mr. Rockel on behalf of the GTCC also questioned the veracity of the site plan and potential existence of a stream or wetlands on the property. Other neighbors fear an adverse impact on the nearby Pinewood Elementary School. I do not find any of these issues compelling to warrant a denial of the plan. Although the plan appears to have a minor inconsistency with prior State Highway Administration (SHA) plats, verification of the location of streams and wetlands, etc. is easy enough. Moreover, an appropriate storm water management system can be installed to eliminate any flooding problem. The noise "pollution" caused by young children playing simply pales in comparison to the decibels generated by traffic on I-83. The community hysteria about the impacts on Pinewood Elementary School is based on half-truths. A reading of the relevant rules of Baltimore County's Board of Education is persuasive to a finding that there is little likelihood that there would be mass transfers of Kindercare clients into Pinewood Elementary School. It is the traffic impacts and scale of the project that warrants a denial of this plan and nothing else.

CONCLUSION

Based upon the testimony and evidence presented, I am persuaded to deny this plan. In my judgment, the proposal does not meet the criteria set out in Section 502.1.B and 502.1.G of the B.C.Z.R. and thus, the Petition for Special Exception must be denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of February 2004 that the Petition for Special Exception to permit a Class B Child Care Center on the subject site, pursuant to Sections 1B01.1.C.6 and 424 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.7.A of the B.C.Z.R. to permit 185 children in lieu of the maximum allowed 154, be and is hereby DISMISSED AS MOOT.

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

PLEASE PRINT CLEARLY

CASE NAME____________
CASE NUMBER____________
DATE____________

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce Doak	320 E. Towsontown Blvd	Towson MD 21286	
Gordon Cross & Ezzel			
Veronica Burnette	2806 Rolling Vista Court	Baltimore, Md. 21236	
Neil Lanzi	409 Washington Ave #617	Towson MD 21204	
Deirdre Hammaker	4021 Putty Hill Ave	Baltimore MD 21236	
on citizens sheet			
Signed wrong sheet.			

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
STANLEY JANOWICZ	4102 PUTTY HILL	BA MD 21236	
Scott Hodgkins	320 TOWSONTOWN BLVD	TOWSON	
Vicki Hardin	8306 Stillmeadow Rd	21236	
J. Carlton Holzer - Atty			

Case No.: 06-409-XA

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	M'S HAM MAKER PHOTO
No. 2	PLAN to ACCOMPANY PHOTOS	PETITION - 21 NAMES Collectively
No. 3	Collectively 3A - 3M	Aerial PHOTO Objection as to authentic Property lines
No. 4	Collectively 4A - 4I	Collectively NO 4A -
No. 5	4104 — Md. Dept. of Assessment + taxation - Property History	
No. 6	4102 — Md. Dept. of ASSESSMENT + TAXATION	
No. 7	4106 — Md Dept of ASSESSMENT + TAXation.	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____request for the property at _____ .

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this_____. Where do you live? How long have you lived there? What is it about the _____that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER. THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.

PETITIONER'S

EXHIBIT NO. 3

Collectively

A

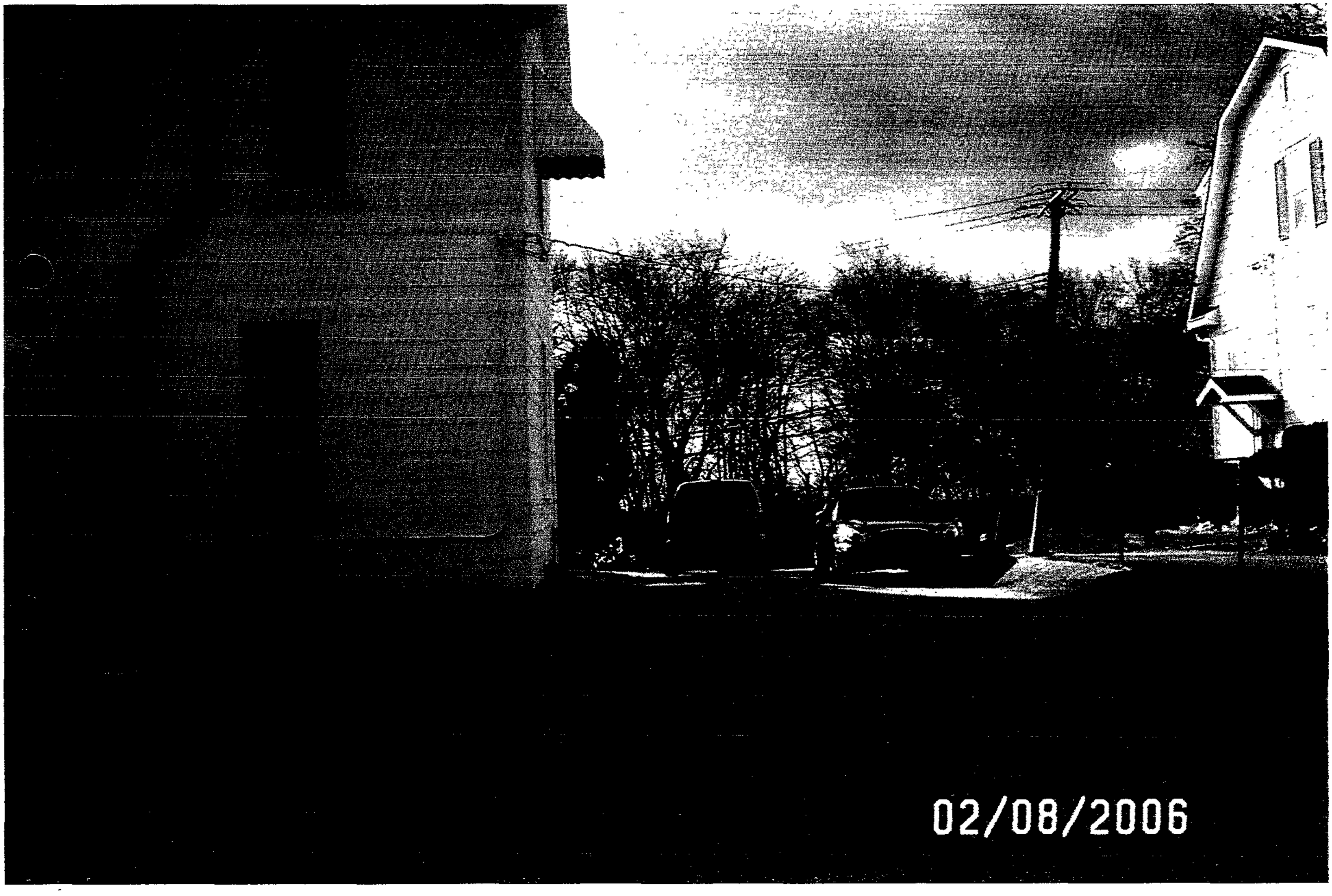

02/08/2006

C

D

F

H


02/08/2006


02/08/2006

K

L

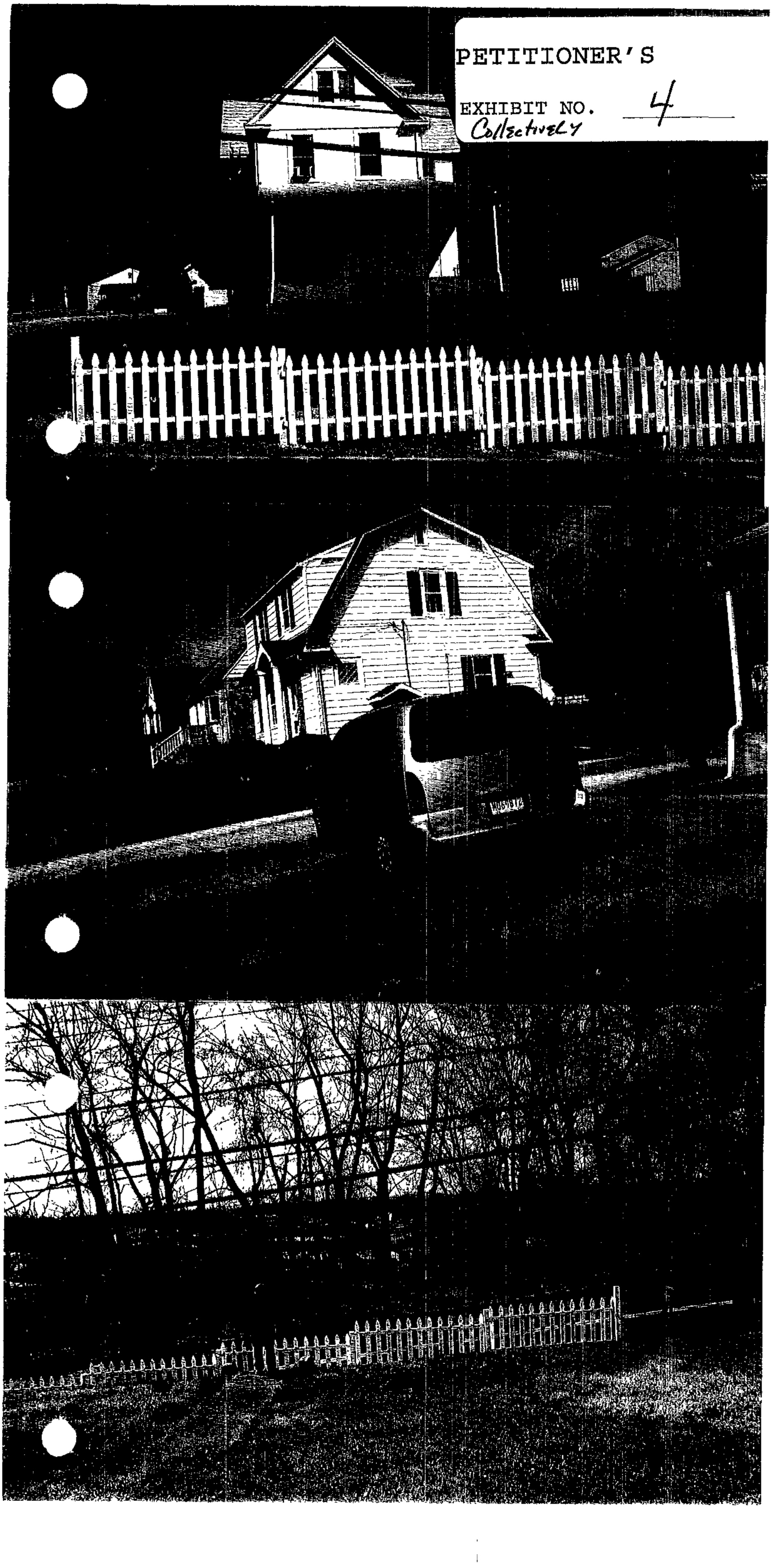

02/08/2006

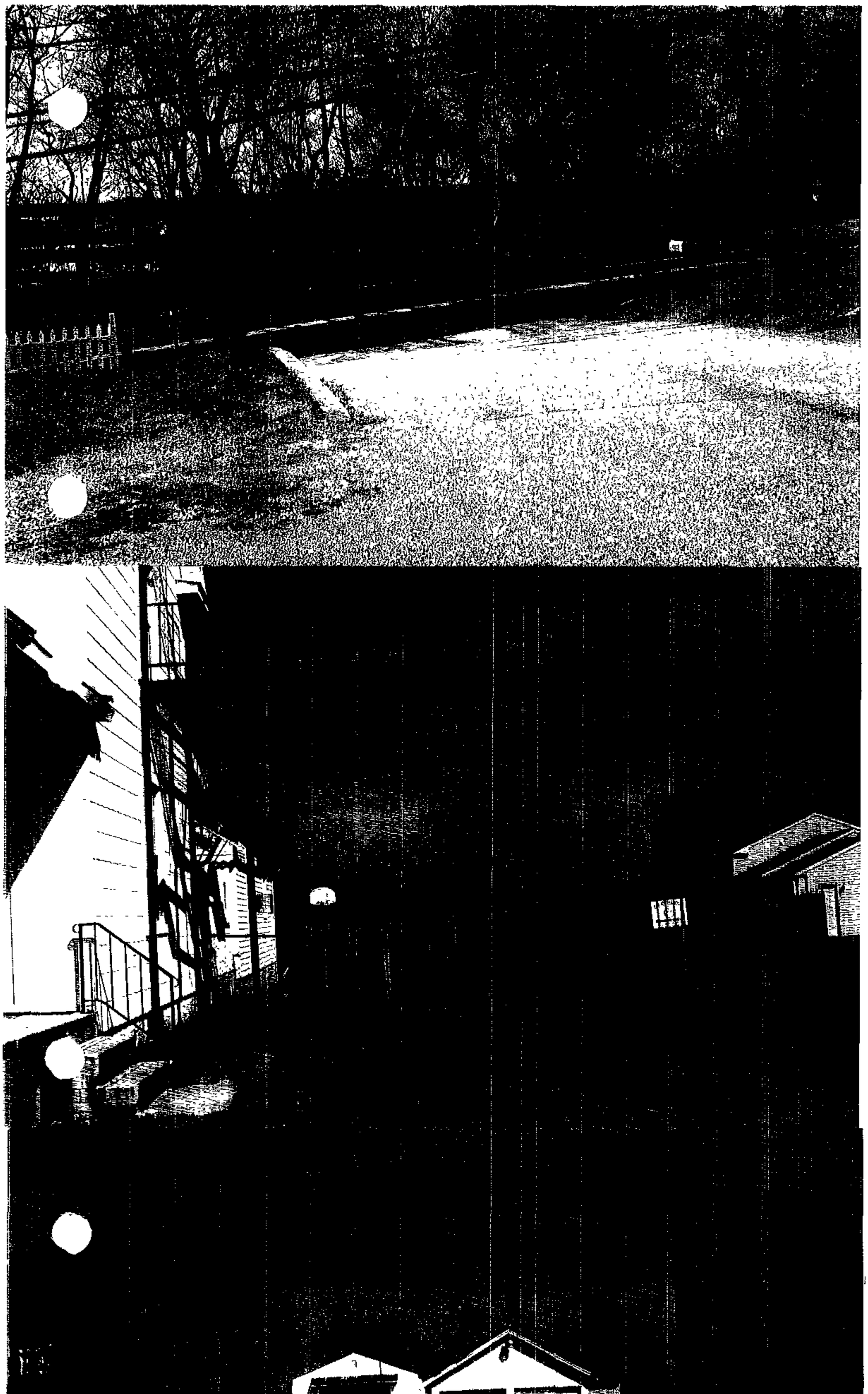
E

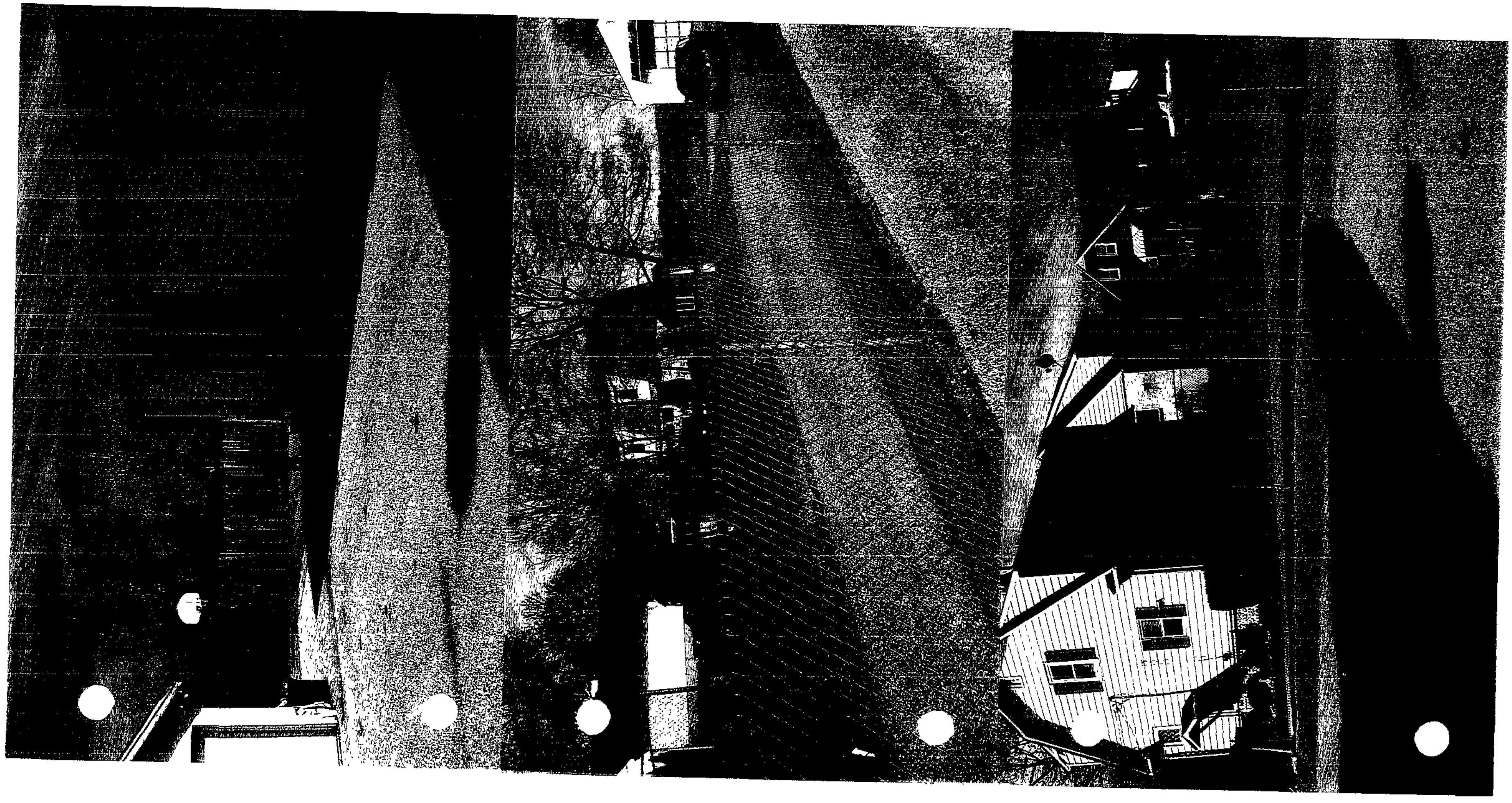

02/08/2006

PETITIONER'S

EXHIBIT NO. 4
Collectively







Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 14 **Account Number -** 1408080075

Owner Information

Owner Name: BURNETTE VERONICA L

Mailing Address: 4104 PUTTY HILL AVE
BALTIMORE MD 21236-3634

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /23004/ 472
2)

Location & Structure Information

Premises Address
4104 PUTTY HILL AVE

Legal Description
.284 AC
4104 PUTTY HILL AVE
270 W OF BELAIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
81	5	242						3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1917	2,492 SF	12,210.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	33,300	81,050		
Improvements:	96,510	135,970		
Total:	129,810	217,020	129,810	158,880
Preferential Land:	0	0	0	0

Transfer Information

Seller: HAYES FREDERICK E,JR	**Date:** 12/05/2005	**Price:** $265,000
Type: IMPROVED ARMS-LENGTH	**Deed1:** /23004/ 472	**Deed2:**
Seller: HAYES BEATRICE ELEANOR	**Date:** 06/28/1988	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** / 7902/ 560	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

PETITIONER'S
EXHIBIT NO. 5

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 14 **Account Number -** 1423078080

Owner Information

Owner Name: JANOWITZ STANLEY,JR
JANOWITZ NANCY E

Mailing Address: 4102 PUTTY HILL AVE
BALTIMORE MD 21236-3634

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 5444/ 209
2)

Location & Structure Information

Premises Address
4102 PUTTY HILL AVE

Legal Description
.205 AC NS
PUTTY HILL AVE
350 W FR BELAIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
81	5	651						3	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1938	1,264 SF	8,836.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value Phase-in Assessments As Of 01/01/2006	As Of 07/01/2005	As Of 07/01/2006
Land:	32,450	80,200		
Improvements:	71,960	86,430		
Total:	104,410	166,630	104,410	125,150
Preferential Land:	0	0	0	0

Transfer Information

Seller: BAUERS HENRY R,JR	**Date:** 05/08/1974	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** / 5444/ 209	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

PETITIONER'S
EXHIBIT NO. 6

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 14 **Account Number -** 1413058570

Owner Information

Owner Name: HARDIN JOSHUA ANDREW JOSEPH

Mailing Address: 4106 PUTTY HILL AVE
BALTIMORE MD 21236-3634

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) /17508/ 367
2)

Location & Structure Information

Premises Address
4106 PUTTY HILL AVE

Legal Description
LT NS PUTTY HILL AV
4106 PUTTY HILL AVE
NR BELAIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
81	5	243						3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1928	1,534 SF	13,311.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	33,570	81,320		
Improvements:	77,750	91,140		
Total:	111,320	172,460	111,320	131,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: MILESKIE JUDY T	**Date:** 03/07/2006	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /17508/ 367	**Deed2:**
Seller: MILESKIE JUDY T	**Date:** 02/06/2003	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /17508/ 367	**Deed2:**
Seller: MILESKIE JOHN J	**Date:** 11/25/1997	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /12516/ 54	**Deed2:**

Exemption Information

PETITIONER'S

EXHIBIT NO. 7

7

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

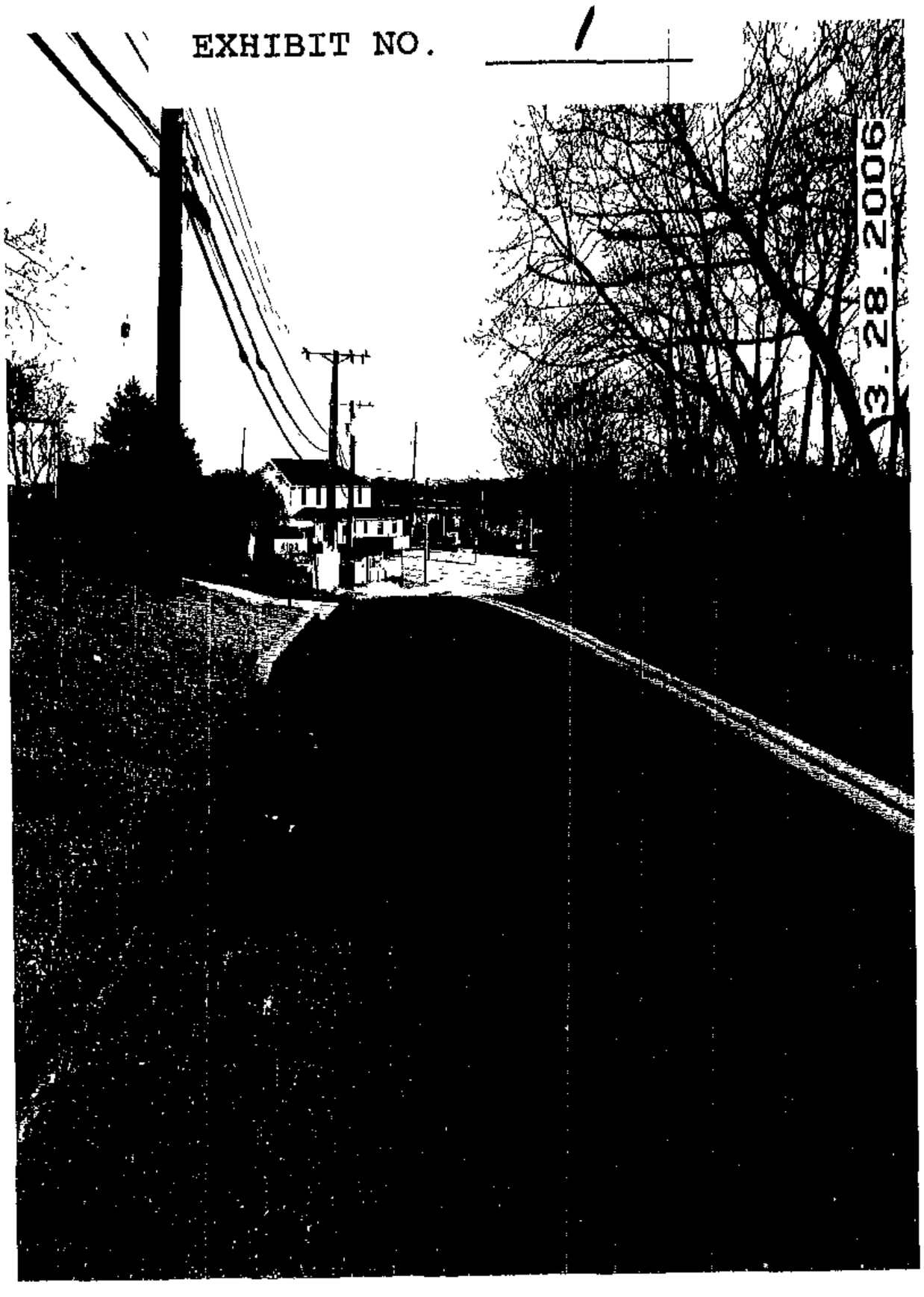
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PROTESTANT'S

EXHIBIT NO. 1



21

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D. R. zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone.

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet); Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet.

THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: STANLEY JANOWITZ JR
ADDRESS: 4102 PUTTY HILL AVE
SIGNATURE: Stanley Janowitz Jr PH-410-665-0896

NAME: DAVID C KLINGELHUFER
ADDRESS: 4108 PUTTY HILL AVE 410-663-7914
SIGNATURE: D C Klingelhufer

NAME: Vicki Hardin 4106 Putty Hill Ave.
ADDRESS: 8306 Hillmeadow Ave
SIGNATURE: Victoria Hardin

NAME: SAM & DEIRDRE HAMMAKER
ADDRESS: 4021 Putty Hill Ave Baltimore MD 21236
SIGNATURE: Deirdre Hammaker

PROTESTANT'S
EXHIBIT NO. 2

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D. R. zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone.

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet); Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet.

THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: Jim Lewis
ADDRESS: 4100 Putty Hill Ave
SIGNATURE: Jim Lewis

NAME: Michael David
ADDRESS: 4022 Putty Hill
SIGNATURE: Michael D. David

NAME: Joanne M Gurley
ADDRESS: 4090 Putty Hill Ave 21236
SIGNATURE: Joanne M Gurley

NAME: Amy Tsuji
ADDRESS: 4019 Putty Hill Ave, 21236
SIGNATURE: Amy Ann Tsuji

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D. R. zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet); Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet.

THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: JEAN & TIM DYER
ADDRESS: 4006 PUTTY HILL AVE
SIGNATURE: Jean & Tim Dyer

NAME: ED & CLARA DYER
ADDRESS: 4009 PUTTY HILL AVE
SIGNATURE: Ethel C Dyer

NAME: Darlen Brown
ADDRESS: 4016 Putty Hill Ave
SIGNATURE: Darlen Brown

NAME: DORTHY BEAMER
ADDRESS: 4018 PUTTY HILL
SIGNATURE: Dorthy Beamer

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D R zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet); Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet

THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: FRED A. HESS
ADDRESS: 4017 PUTTY HILL AVE. NOTTINGHAM, MD. 21236
SIGNATURE: F. A. Hess

NAME: VERNON STEELBERG
ADDRESS: 4015 PUTTY HILL AVE 21236
SIGNATURE: Vernon Steelberg

NAME: JOSEPH HECKER JR
ADDRESS: 4013 PUTTY HILL AVE
SIGNATURE: Joseph Hecker Jr

NAME: Steve Hudak
ADDRESS: 4010 Putty Hill Ave
SIGNATURE: Steve Hudak

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D. R. zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone.

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet), Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet.

THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: Woodrow A Wilson
ADDRESS: 3924 Putty Hill Ave.
SIGNATURE: Woodrow A Wilson

NAME: Woodrow W. Wilson
ADDRESS: 4005 Putty Hill Ave
SIGNATURE: Woodrow W Wilson

NAME: Ronald L Hornberger
ADDRESS: 3925 Putty Hill Ave
SIGNATURE: Ronald L Hornberger

NAME: Charles Boardman
ADDRESS: 3929 Putty Hill
SIGNATURE: Charles Boardman

Petition In Opposition To Child Care Facility

CASE #06-409 XA

Room 407 - 401 Bosley Avenue
9:00 AM, Wednesday, March 29, 2006

SPECIAL EXEMPTION:

To permit a Class A Group Child Care Facility in a D R. zone at a distance of twenty-five (25) feet in lieu of the required one hundred (100) feet to the nearest residential zone

VARIANCE:

To permit a lot size of twelve thousand one hundred ninety-seven (12,197) square feet in lieu of the required forty-three thousand five hundred sixty (43,560) square feet, and to permit a side yard setback of as close as fifteen (15) feet in lieu of the required fifty (feet), Zero (0) feet to a vegetative buffer in lieu of the required twenty (20) feet; A rear yard setback of twenty-one (21) feet in lieu of the required fifty (50) feet, and to permit the maximum impervious surface area greater than twenty-five (25) percent of the gross area, and to permit drop-off and pick-up of children in the front yard in lieu of the required side yard or rear yard and to permit a four (4) foot high chain link fence in lieu of the required five (5) foot solid panel fence and a zero (0) foot setback of the fence from the property line in lieu of the required twenty (20) feet.

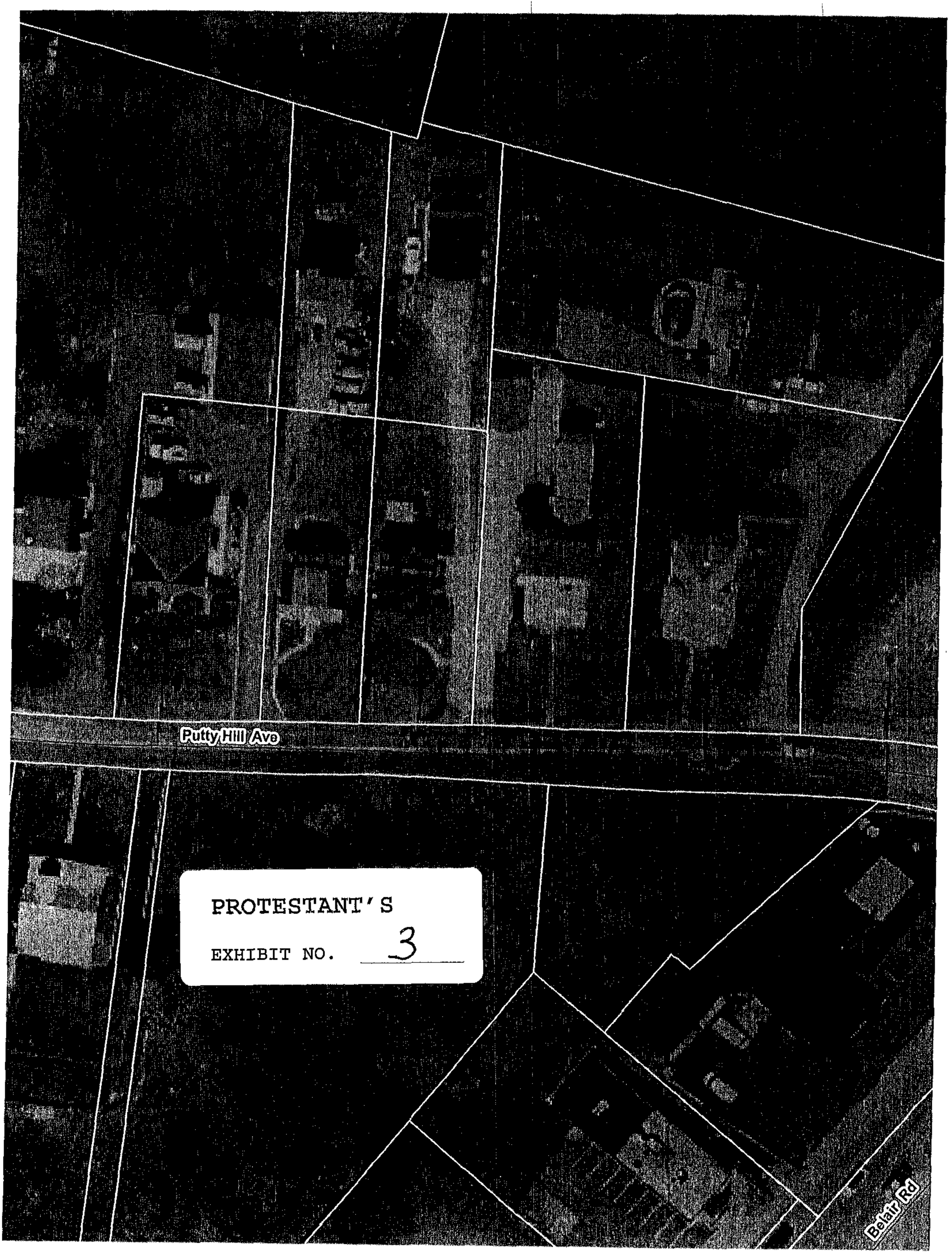
THE BELOW LISTED ARE PROPERTY OWNERS WHOSE PROPERT(IES)Y WILL BE DIRECTLY IMPACTED BY THE PROPOSED CHILD CARE FACILITY AND THEIR SIGNATURES AFFIXED INDICATE OPPOSITION TO THE AFOREMENTIONED CHILD CARE FACILITY.

NAME: EDWARD Burton
ADDRESS: 3927 Ruth Hill Ave
SIGNATURE: Edward Burton

NAME:
ADDRESS:
SIGNATURE:

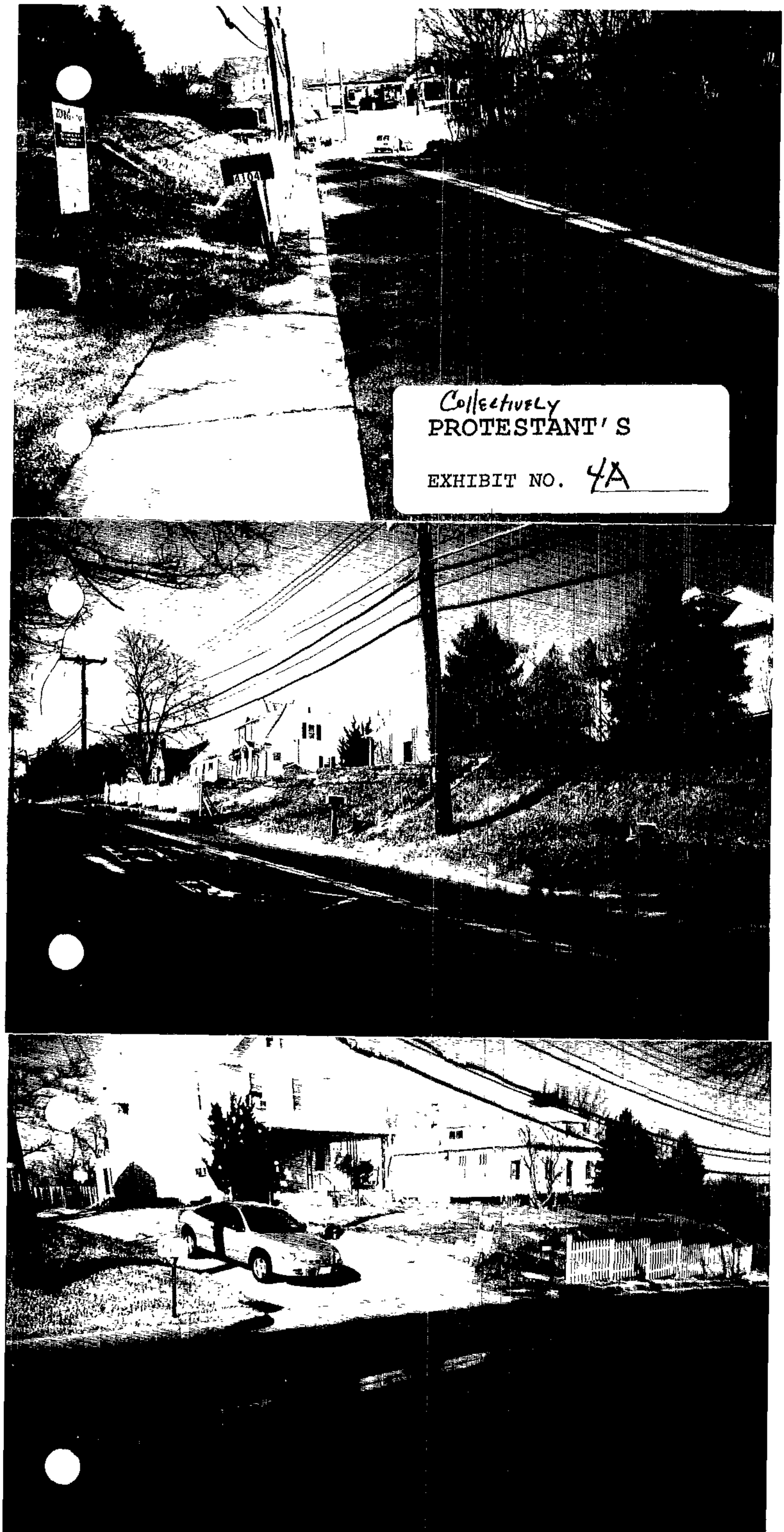
NAME:
ADDRESS:
SIGNATURE:

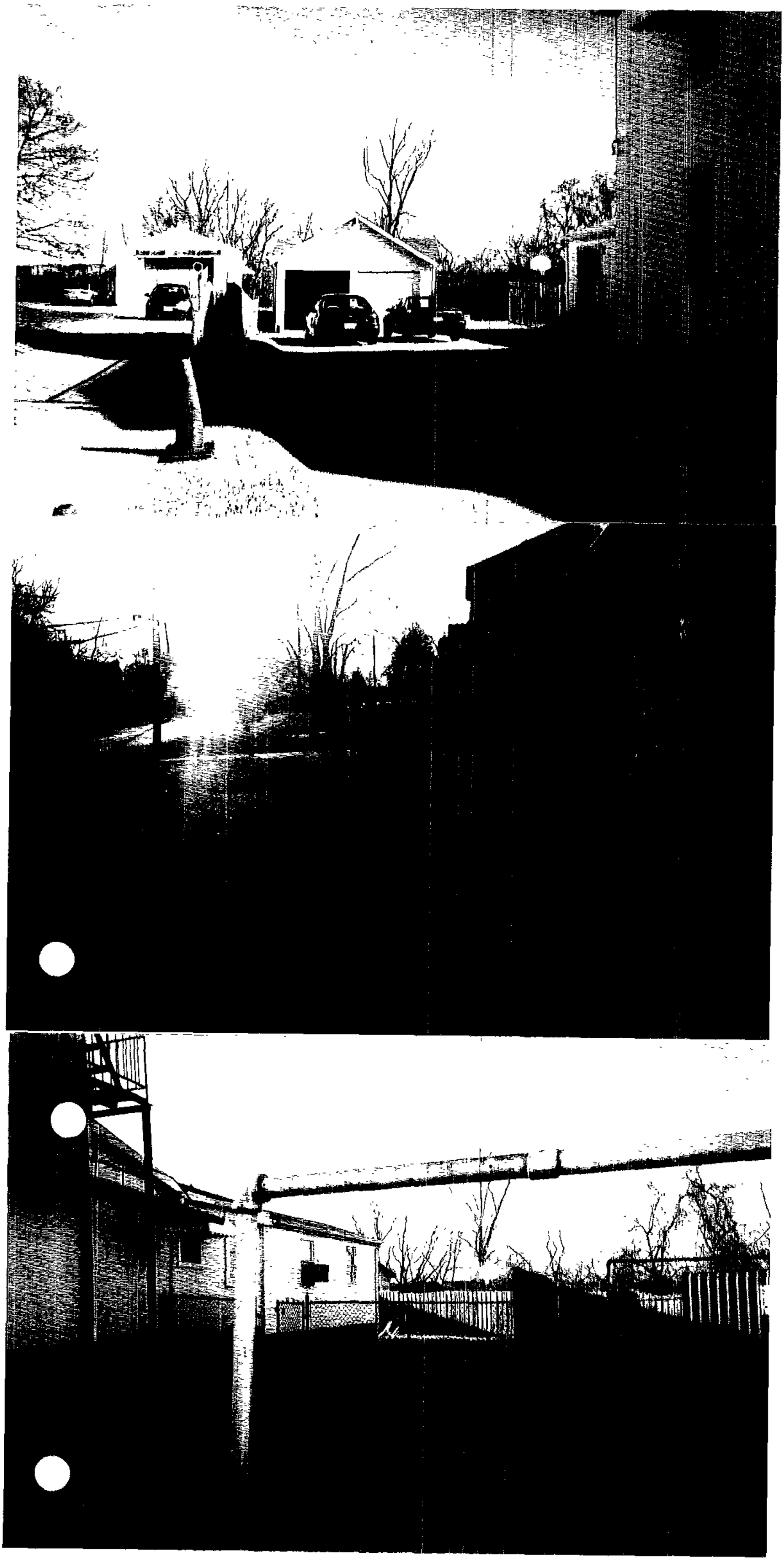
NAME:
ADDRESS:
SIGNATURE:

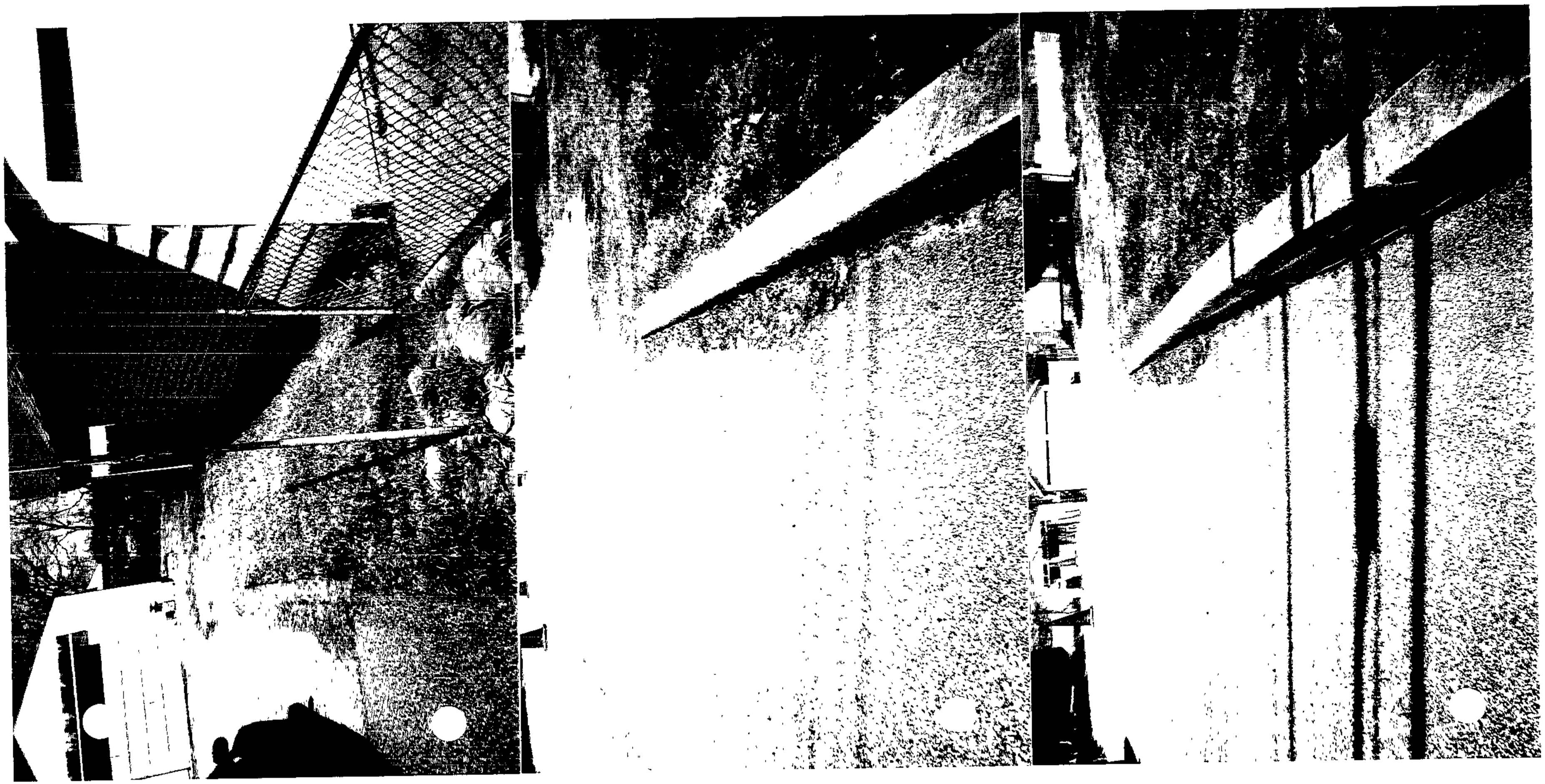


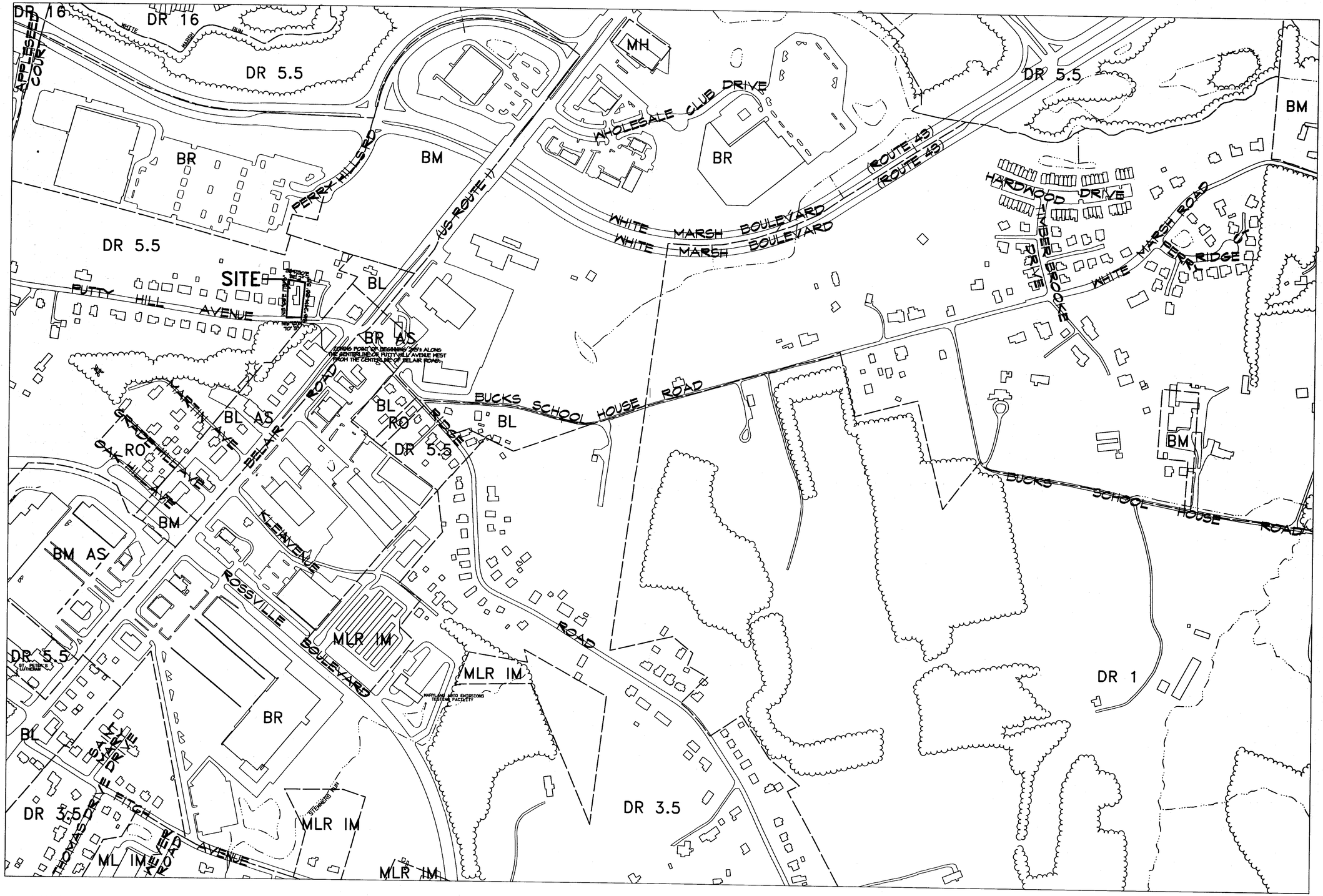
PROTESTANT'S

EXHIBIT NO. 3


4104
Collectively
PROTESTANT'S
EXHIBIT NO. 4A







ZONING MAP

GIS TILE: 81C1

SCALE: 1" = 200'

06-409-XA

LEGEND

EXISTING BUILDING
SOIL LINE
WOODS LINE
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS

PETITION

EXCEPTION

1. TO ALLOW A GROUP CHILD CARE CENTER FOR UP TO 40 CHILDREN AS PRINCIPAL USE IN A RESIDENTIAL ZONE.

VARIANCES

1. VARIANCE FROM SECTION 424.7.A TO PERMIT A LOT SIZE OF 12,147± SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT.
2. VARIANCE FROM SECTION 424.7.B TO PERMIT:
   A SIDE YARD SETBACK OF AS CLOSE AS 15' IN LIEU OF THE REQUIRED 50';
   0' OF VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20';
   A REAR YARD SETBACK OF 21' IN LIEU OF THE REQUIRED 50'
3. VARIANCE FROM SECTION 424.7.E TO PERMIT MAXIMUM IMPERVIOUS SURFACE AREA GREATER THAN 25% OF THE GROSS AREA.
4. VARIANCE FROM SECTION 424.7.C TO PERMIT DROP OFF AND PICK UP OF CHILDREN IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE YARD OR REAR YARD.
5. VARIANCE FROM SECTION 424.1.B TO PERMIT:
   A 4' HIGH CHAIN LINK FENCE IN LIEU OF THE REQUIRED 5' HIGH SOLID PANEL FENCE.
   A 0' SETBACK OF THE FENCE FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20'.

PARKING CALCULATIONS

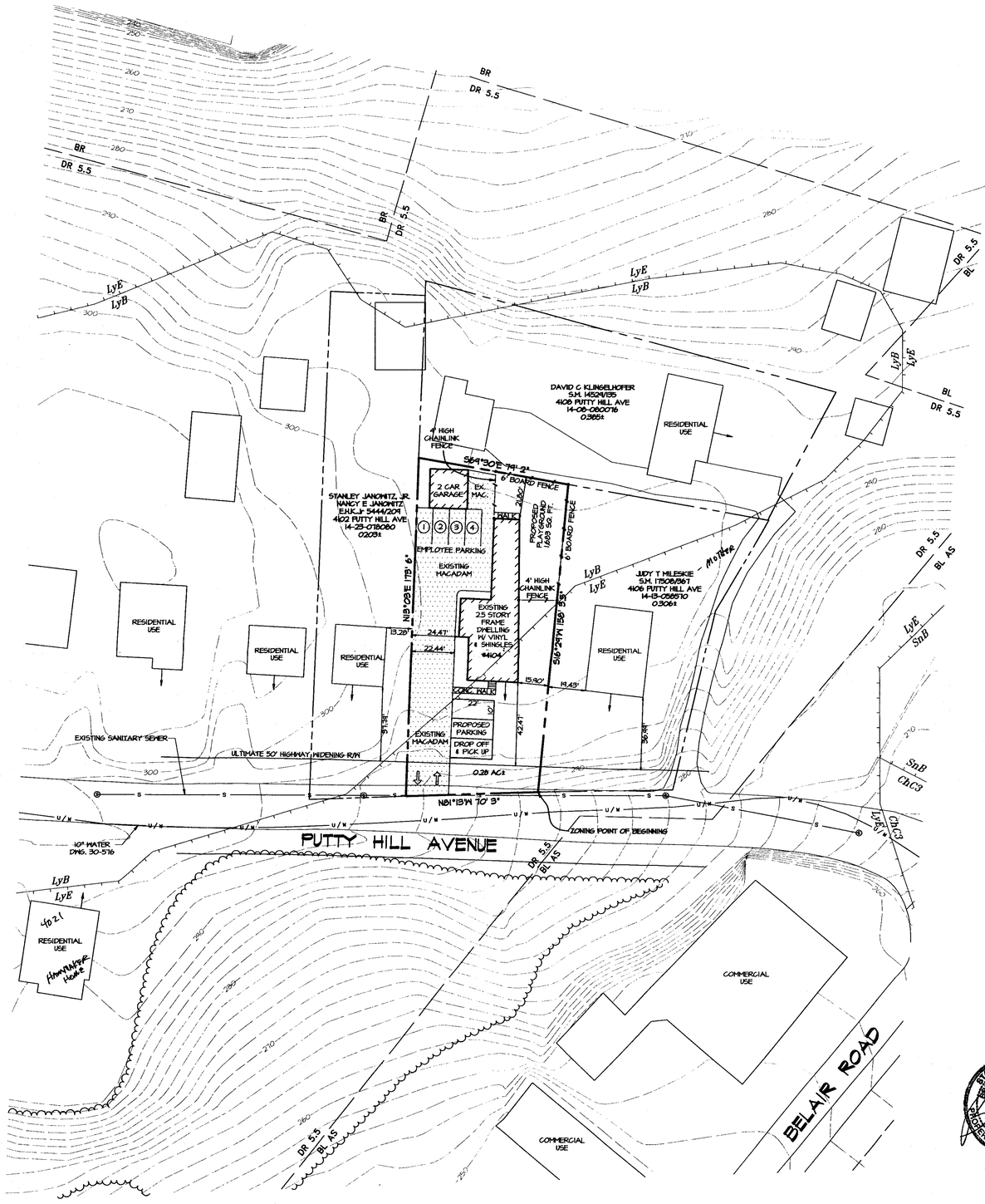
MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR GROUP CHILD CARE CENTER OR NURSERY SCHOOL:

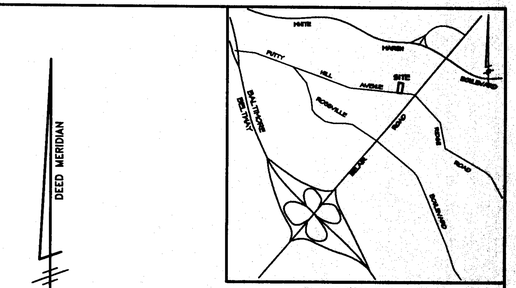
1 PER EMPLOYEE ON THE LARGEST SHIFT, BUT NO LESS THAN 2.

MAXIMUM NUMBER OF EMPLOYEES PER SHIFT = 4
TOTAL PARKING SPACES REQUIRED = 4
PARKING SPACES PROVIDED = 4

FRONT AVG. SETBACK CALCULATIONS

(136.99' + 97.79') / 2 = 97.39'





VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 81C1
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 56.
4. CENSUS TRACT 440300 REGIONAL PLANNING DISTRICT 516
   WATERSHED Back River SUBDIVISHED 9
   SCHOOL DISTRICT: ELEMENTARY - Fullerton E.S., MIDDLE - Parkville M.S., HIGH - Parkville H.S.
   A.D.C. MAP & GRID 28 H10
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
11. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SANITARY SYSTEMS.
12. PER SECTION 424.4.1 (B.C.Z.R.).
    a). NUMBER OF EMPLOYEES: MAXIMUM OF 6
    b). NUMBER OF CHILDREN TO BE ENROLLED: MAXIMUM OF 40
    c). HOURS OF OPERATION: 6 A.M. TO 6 P.M.
13. GROUP CHILD CARE CENTER WILL BE LICENSED BY THE STATE OF MARYLAND.
14. NO FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS OR NURSERY SCHOOLS ARE ADJOINING THE SUBJECT PROPERTY.
15. ALL SIGNS WILL COMPLY WITH SECTION 450 (B.C.Z.R.).

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
LyB	Severe: slow permeability	Severe: subsoil shrinkage and instability	Severe: subsoil shrinkage and instability
LyE	Severe: slow permeability slope	Severe: subsoil shrinkage and instability slope	Severe: subsoil shrinkage and instability slope
SnB	Slight	Slight	Moderate: slope
ChC3	Slight to moderate: moderate permeability	Slight	Severe: slope

OWNER\DEVELOPER
BURNETTE VERONICA L
4104 PUTTY HILL AVE
BALTIMORE, MARYLAND 21236-3634
(410) 665-6812

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND VARIANCE REQUESTS

FOR THE

BURNETTE PROPERTY

4104 PUTTY HILL AVE.
Deed Ref: S.M. No. 23004 folio 472
Tax Account No.: 14-1408080075
Zoned DR 5.5; GIS Tile 81C1
Tax Map 81; Grid 5; Parcel 242
14th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND BRUCE EDWIN ROSS NO. 541 REGISTERED PROPERTY LINE SURVEYOR 2/21/06

Scale: 1"=30' Date: JAN 24, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: CLM	CHEC	/bpro

PETITIONER'S
EXHIBIT NO. 1 6-409-XA

LEGEND

EXISTING BUILDING
SOIL LINE
WOODS LINE
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS

PETITION

EXCEPTION

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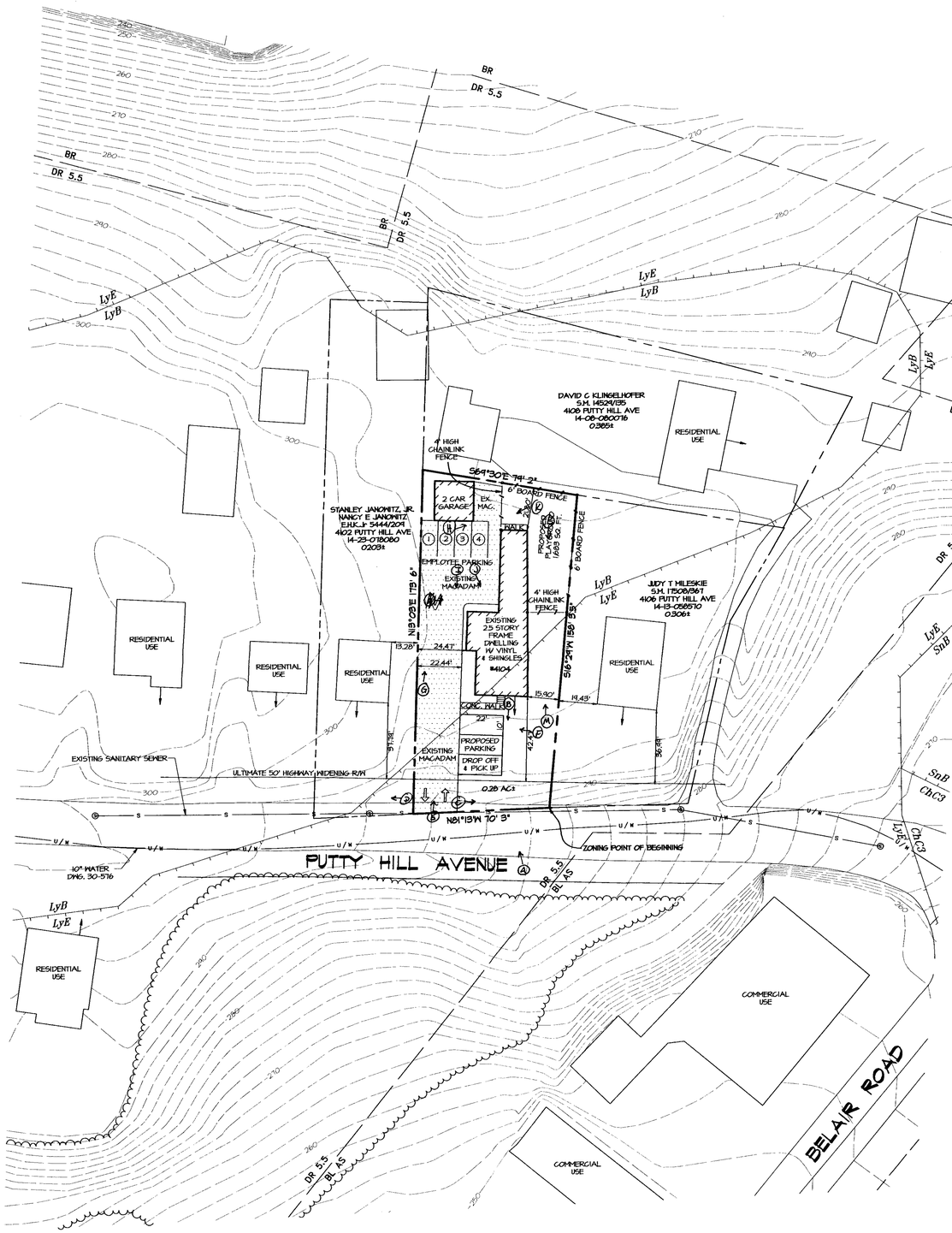
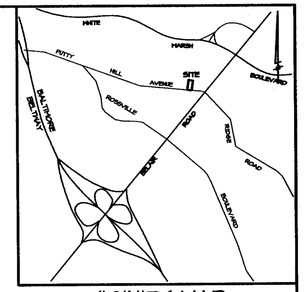
PARKING SPACES PROVIDED = 4

FRONT AVG. SETBACK CALCULATIONS

(36.44' + 37.74') / 2 = 37.34'



DEED MERIDIAN



VICINITY MAP
1" = 1000'

GENERAL NOTES

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4. CENSUS TRACT 4402300 REGIONAL PLANNING DISTRICT 316
   WATERSHED Back River SUBSEWERSHED 3
   SCHOOL DISTRICT: ELEMENTARY - Fullerton E.S., MIDDLE - Parkville M.S., HIGH - Parkville H.S.
   A.D.C. MAP & GRID 22 H10
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LyE	Severe: slow permeability slope	Severe: subsoil shrinkage and instability; slope	Severe: subsoil shrinkage and instability; slope
SnB	Slight	Slight	Moderate: slope
ChC3	Slight to moderate: moderate permeability	Slight	Severe: slope

OWNER\DEVELOPER
BURNETTE VERONICA L
4104 PUTTY HILL AVE
BALTIMORE, MARYLAND 21236-3634
(410) 665-6912

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND VARIANCE REQUESTS

FOR THE

BURNETTE PROPERTY

4104 PUTTY HILL AVE.
Deed Ref: S.M. No. 23004 folio 472
Tax Account No.: 14-1408080075
Zoned DR 5.5; GIS Tile 81C1
Tax Map 81; Grid 5; Parcel 242
14th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND · BRUCE EDWIN GERHOLD · NO. 531 · REGISTERED PROPERTY LINE SURVEYOR
2/21/06

Scale: 1"=30' Date: JAN 24, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: CLM	CHECKED:

PETITIONER'S EXHIBIT NO. 2

requirements are applicable is permitted only by special exception. The RTA regulations are set out in Section 1B01.1.B of the B.C.Z.R. RTA is generated if the property to be developed lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5, or R.C., which contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the boundary. Thus, RTA is generated in this case due to the neighboring single-family dwelling lots and adjacent D.R.5.5 zone. Moreover, Section 424.1 of the B.C.Z.R. requires that the outdoor play area be enclosed within a solid wood stockade or panel fence, a minimum of 5 feet in height and no closer to the property line than 20 feet.

A special exception can be granted only if the requirements of Section 502.1 of the B.C.Z.R. have been met. Essentially, the Petitioner must adduce testimony and evidence which show that the proposed use will not be detrimental to the health, safety or general welfare of the locale. In this regard, I do not find that the Petitioner has met the burden imposed on her. The testimony of the Protestants was persuasive to a finding that the subject property is simply too small to accommodate a childcare center of the size proposed. Additionally, a series of variances are requested from the setback and buffer requirements set forth in Section 424 of the B.C.Z.R., in large part due to the small size of the property and the location of existing improvements thereon. Finally, I find the Petitioner's proposal to use the property solely for commercial purposes to be inappropriate. While the property is located in an area of mixed uses, the immediate vicinity is clearly a residential neighborhood.

It is also to be noted that a lengthy Zoning Advisory Committee (ZAC) comment was received from the Office of Planning expressing concerns about the proposed use of the property and vehicular access thereto. Essentially, they recommend a denial of the request, finding that the subject property does not have enough space for the proposed use to function safely and efficiently or to insure adequate separation from the adjacent residential community.

After due consideration of all of the testimony and evidence presented, I am persuaded to deny the request. I find that the Petitioner has not met the burden imposed upon her by Section 502.1 of the B.C.Z.R. and that the relief requested, if granted, would adversely impact

● Class A- NO MORE THAN ● 12 - PLAN = 40??

(SIGN IN SHEETS – OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number number 06-409-XA _____. This is a Petition for ___✓___ ***Variance***
___✓___ ***Special Hearing***
_____ ***Special Exception***

filed by VERONICA BURNETTE for property located at 4104 PUTTY HILL AVE and zoned DR 5.5.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 3-13-06 by Bruce DOAK, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. _____, since there is no opposition, if you want to make **AN INFORMAL PROFFER** of the ***testimony*** and ***evidence,*** you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

HRS of Operation - ? Traffic to be generated ?

Variance #4 - 424.7.C - - Recommendation from Director of Planning needed

Closed - well permit in a SFD allowed by