

6/30/09

IN THE MATTER OF:
LYNN ROCHE-LEGAL OWNER
S/S WINDSOR MILL ROAD, 315' W OF
RICES LANE
(8007 & 8009 WINDSOR MILL ROAD)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

RE: Special Hearing to amend the prior zoning case, number 65-86-X, to include the adjoining property at 8009 Windsor Mill Rd

* * * * *

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 06-447-SPH

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated June 30, 2006 from the decision of the Zoning Commissioner dated May 1, 2006, wherein the Petition for Special Hearing to amend prior zoning case, number 65-86-X, to include adjoining property was GRANTED and Ruling of the Zoning Commissioner on Motion for Reconsideration dated June 15, 2006, wherein the a Motion for Reconsideration was DENIED

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since August 3, 2006. and no further action has occurred in this matter;

WHEREAS, the Board received a letter from Deborah Dopkin, Esquire on behalf of Ms. Roche, dated June 18, 2009, indicating that this matter is moot and the appeal has been resolved. A copy of the letter has been attached hereto and made part of; and

IT IS THEREFORE ORDERED, this 30th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 06-447-SPH. be and is hereby **DISMISSED FOR LACK OF PROSECUTION.**

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**

Maureen E. Murphy
Maureen E. Murphy, Chairman

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 1000

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200

FACSIMILE 410-823-8509

e-mail ddopkin@dopkinlaw.com

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS

DEBORAH C. DOPKIN

June 18, 2009

Theresa Shelton, Administrator
County Board of Appeals
for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: Case No. 06-447-SPHA
8007 & 8009 Windsor Mill Road

Dear Theresa:

At the request of People's Counsel, I am writing to advise you that the above captioned case is moot. Though the case was the subject of an appeal filed by People's Counsel, it was not pursued. A subsequent case was filed (Case No. 07-347-SPH) which was granted and which was not the subject of the appeal, thereby mooting Case No. 06-447-SPHA.

With this information, I hope you are able to close your file with regard to Case No. 06-447-SPHA.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: People's Counsel

C:\docs\KMCKMC\DCD\Letters 2009\shelton theresa 06 18 09.wpd

From: Linda Fliegel
To: Kathleen Bianco
Date: 2/27/2007 2:24:11 PM
Subject: CASE NO. 06-447

KATHI,

MS. DOPKIN CALLED TO ASK THAT WE NOT DO ANYTHING WITH 06-447. APPARENTLY, SHE AND HER CLIENTS WILL HAVE A HEARING BEFORE THE Z.C. ON 4/4/07 AND PERHAPS THIS CASE WILL GO AWAY.

Please note above before scheduling

give copy to Pete

2/2/07
K.
D. Dopkin called to say that this case not be set for hearing. Apparently the law has changed and she will be referring
L.

Dopkin will send letter as per 6/18/09

APPEAL

Petition for Special Hearing
8007 & 8009 Windsor Mill Road
S/S Windsor Mill Road, 315' W of Rices Lane
2nd Election District – 4th Councilmanic District
Legal Owners: Lynn Roche

Case No.: 06-447-SPH

- ✓ Petition for Special Hearing (March 15, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (March 24, 2006)
- ✓ Certification of Publication (The Jeffersonian – April 6, 2006)
- ✓ Certificate of Posting (April 1, 2006) by
- ✓ Entry of Appearance by People's Counsel (March 27, 2006)
- Petitioner(s) Sign-In Sheet – None
- Protestant(s) Sign-In Sheet - None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED

AUG 03 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

Petitioners' Exhibit

- 1. ✓ Documents referencing 65-86X
- 2. ✓ (A) Plan to accompany Petition for Special Hearing
- ✓ (B) Plan to accompany Petition for Special Hearing
- 3. • Not located in file
- 4. • Not located in file
- 5. ✓ Photographs (A thru M)

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

- 1. ✓ Letter dated April 5, 2006 including Resolution 23-06
- 2. ✓ Zoning Regulations - 1963

- ✓ Deputy Zoning Commissioner's Order (GRANTED – May 1, 2006)
- ✓ Notice of Appeal received on June 30, 2006 from Office of People's Counsel

*(Not included -
retrieval from
Rebecca P. [initials])*

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin
Golden Roche
Lynne Roche
Richard Matz

date sent August 1, 2006, klm

APPEAL

Petition for Special Hearing
8007 & 8009 Windsor Mill Road
S/S Windsor Mill Road, 315' W of Rices Lane
2nd Election District – 4th Councilmanic District
Legal Owners: Lynn Roche

Case No.: 06-447-SPH

Petition for Special Hearing (March 15, 2006)

Zoning Description of Property

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Entry of Appearance by People's Counsel (March 27, 2006)

Petitioner(s) Sign-In Sheet – None

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Documents referencing 65-86X
2. (A) Plan to accompany Petition for Special Hearing
(B) Plan to accompany Petition for Special Hearing
3. Not located in file
4. Not located in file
5. Photographs (A thru M)

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

1. Letter dated April 5, 2006 including Resolution 23-06
2. Zoning Regulations - 1963

Deputy Zoning Commissioner's Order (GRANTED – May 1, 2006)

Notice of Appeal received on June 30, 2006 from Office of People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin
Golden Roche
Lynne Roche
Richard Matz

date sent August 1, 2006, klm

**Department of Permits
Development Management**



Baltimore County

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

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

August 1, 2006

Deborah Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

Dear Mrs. Dopkin:

RE: Case: 06-447-SPH, 8007 & 8009 Windsor Mill Road

Please be advised that an appeal of the above-referenced case was filed in this office on June 30, 2006 by Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Golden Roche, 3721 Nortonia Road, Baltimore 21216
Lynn Roche, 4 Saddlestone Court, Owings Mills 21117
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

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





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

June 30, 2006

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
S/S Windsor Mill Road, 315' W Rices Lane
(8007 & 8009 Windsor Mill Road)
2nd Election District; 4th Council District
Lynn Roche - Petitioners
Case No.: 06-447-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the final Order on Motion for Reconsideration dated June 15, 2006 and the incorporated Findings of Fact and Conclusions of Law dated May 1, 2006, as amended, filed by the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

JUN 30 2006

Per.....

PMZ/CSD/imw

cc: Deborah C. Dopkin, Esquire

G/9/06

IN RE: PETITION FOR SPECIAL EXCEPTION
South side of Windsor Mill Road,
315 feet west of Rices Lane
2nd Election District
4th Councilmanic District
(8007 and 8009 Windsor Mill Road)

Lynn Roche, *Legal Owner*
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-447-SPH

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Deborah C. Dopkin, Esquire, representing the legal owners of the subject property, Lynn Roche.

Original Case

The Petitioner originally filed a Special Hearing for relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road. This Commission approved the request with conditions in its May 1, 2006 Order.

Motion for Reconsideration

On May 11, 1006, Counsel filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order requesting that the Petitioner be allowed to use the property at 8009 Windsor Mill Road for a nursery school or group child care center on an interim basis.

The Petitioner requests to be able to use 8009 for a nursery school or group child care center before connecting to public water and sewer if suitable private sewer and water can be attained. This would entail relocating or modifying existing systems in the interim. Specifically the Petitioner asks to modify Restriction No. 3 as follows:

“The Petition may not use 8009 Windsor Mill Road for any nursery school or group child care center until the pick up/drop off area is reconstituted

pursuant to the reconfiguration in 2 above, AND both properties are connected to public water and public sewer; provided that until the properties are connected to public water and sewer, if the existing septic reserve area on 8009 Windsor Mill Road is relocated and the driveway improvements made, Petitioner may commence the approved use on an interim basis at that location.”

Findings of Fact and Conclusions of Law

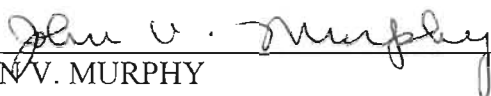
I have no objection to the Petitioner using 8009 Windsor Mill Road as a nursery school or group day care center if they modify the private water and septic system to have adequate capacity to handle the new children and staff. However the safety issue involving the pick up /drop off area is a great concern. This must be reconfigured before 8009 may be used for children. This can not be done as long as the private septic reserve area is located in front of the building. Consequently it is not sufficient to simply increase the capacity of the private systems to accommodate the new children. The septic reserve area must be relocated away from their present location. The pick up and drop off areas must be reconfigured before 8009 can be used for any children.

THEREFORE IT IS ORDERED this 15th day of June 2006 that the Petitioner’s request to modify condition 3 is GRANTED such that condition 3 is replaced in full as follows:

3. The Petition may not use 8009 Windsor Mill Road for any nursery school or group child care center until the pick up/drop off area is reconstituted pursuant to the reconfiguration in 2 above, AND both properties are connected to public water and public sewer; provided that until the properties are connected to public water and sewer, if the existing septic reserve area on 8009 Windsor Mill Road is relocated and the driveway improvements made to the satisfaction of the cognizant County agencies including but not limited to the Department of Environmental

Protection and Resource Management and the Department of Public Works, Petitioner may commence the approved use on an interim basis at that location.”

Any appeal of this decision shall be made within thirty days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

SHARED\2006\06-447-SPH ORDER MOTION FOR RECONSID



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 9, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

DEBORAH C. DOPKIN
ATTORNEY AT LAW
409 WASHINGTON AVENUE
SUITE 1000
TOWSON MD 21204

Re: Order on Motion for Reconsideration
Case No. 06-447-SPHA
Property: 8007 and 8009 Windsor Mill Road

Dear Ms. Dopkin:

Please find enclosed the above-referenced document.

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Peoples Counsel

5/11/06

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 S/S of Windsor Mill Road, *
 315 feet West of Rices Lane * DEPUTY ZONING COMMISSIONER
 2nd Election District *
 4th Councilmanic District * OF BALTIMORE COUNTY
 (8007 & 8009 Windsor Mil Road) *
 * CASE NO. 06-447-SPH

* * * * *

MOTION FOR RECONSIDERATION

Deborah C. Dopkin, and Deborah C. Dopkin, P.A., attorney for
 Petitioner, Lynn Roche, pursuant to the Code of Baltimore County
 Regulations Title 2, Chapter 1, Rules of Practice and Procedure
 Before the Zoning Commissioner, /Hearing Officer of Baltimore
 County, Rule 4(K), files this Motion to Reconsider the decision of
 the Deputy Zoning Commissioner of Baltimore County dated May 1,
 2006 granting Petition for Special Hearing. The basis for the
 Motion is as follows:

1. The Order of the Deputy Zoning Commissioner is subject to certain conditions, namely that Petitioner may not use 8009 Windsor Mill Road for a nursery school or group child care center until both 8007 and 8009 Windsor Mill Road are connected to public water and sewer.
2. Petitioner has made application to Baltimore County and, if approved, will connect to public water and sewer as soon as the same becomes available, but would like to be able to utilize 8009 Windsor Mill Road in the interim provided the pick-up/drop-off area can be reconfigured.

3. Until Petitioner is able to connect to public water and sewer, Petitioner wishes to obtain approval from the appropriate agencies of Baltimore County to relocate or modify the existing septic reserve area on 8009 Windsor Mill Road in order to reconfigure the pick-up/drop-off area pursuant to Restriction No. 2 of the Order and thereafter utilize 8009 Windsor Mill Road for the approved uses.

WHEREFORE, Petitioner requests that:

1. Restriction No. 3 of the Order of the Deputy Zoning Commissioner be amended to provide:

"The Petitioner may not use 8009 Windsor Mill Road for any nursery school or group child care center until the pick up/drop off area is reconstructed pursuant to the reconfiguration in 2 above, AND both properties are connected to public water and public sewer; provided that until the properties are connected to public water and sewer, if the existing septic reserve area on 8009 Windsor Mill Road is relocated and the driveway improvements made, Petitioner may commence the approved uses on an interim basis at that location."

Respectfully submitted,



Deborah C. DOPKIN, P.A.
409 Washington Avenue, Suite 1000
Towson, Maryland 21204
(410) 821-0200
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of May, 2006 a copy of the foregoing Motion to Reconsider was mailed, postage prepaid to People's Counsel for Baltimore County, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and to Baltimore County Law Office, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.


Deborah C. Dopkin

C:\docs\DCD\ZONING\Roche\motion reconsider.wpd

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

May 11, 2006

John V. Murphy, Esquire
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

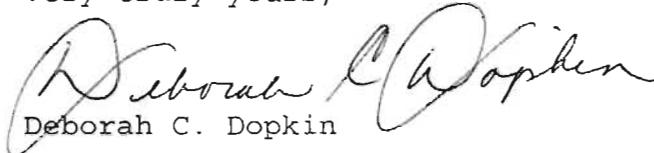
**RE: Petition for Special Hearing
8007 and 8009 Windsor Mill Road
Case No. 06-447-SPH**

Dear Mr. Murphy:

Pursuant to our conversation of today, please find enclosed for filing please find a Motion for Reconsideration in the above captioned matter.

Thank you for your assistance.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

Enclosure

cc: People's Counsel for Baltimore County
Baltimore County Law Office
Colbert, Matz & Rosenfeld
Mrs. Lynn Roche

C:\docs\KMC\DCD\Letters 2006\murphy john-roche.wpd

5/1/06

IN RE: PETITION FOR SPECIAL HEARING
South side of Windsor Mill Road,
315 feet West of Rices Lane
2nd Election District
4th Councilmanic District
(8007 & 8009 Windsor Mill Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-447-SPH

Lynn Roche, *Legal Owner*
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 8007 and 8009 Windsor Mill Road in the western area of Baltimore County. The Petition was filed by Lynn Roche, the Legal Owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road.

The property was posted with Notice of Hearing on April 1, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 6, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

ORDER RECEIVED FOR FILING
Date 5-1-06
By [Signature]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Golden Roche, Lynn Roche, Petitioner and Deborah C. Dopkin, Esquire, her attorney. Also in attendance was Richard E. Matz of Colbert, Matz, Rosenfelt, Inc., the firm that prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Ms. Dopkin proffered that this property operates a Class B group child center at 8007 Windsor Mill Road. The center has children presently with a staff of 15 employees. The site is improved by a converted single family dwelling, in which the Petitioner's staff provide day care and nursery school services for area families. In addition to classrooms, kitchen facilities and the like in the building, there is an extensive play area in the rear yard as shown on exhibit 2 A. This center was approved in a prior case no. 65-86 X when the site was zoned R-20. The Petitioner indicated that she has operated the center successfully since 1965 at this location, is licensed by the State and now has former children for whom she cared bringing back their children for her services. There are 55 children on the waiting list. The Petitioner is a County employee who supervises a Police Athletic Club in Lansdowne and so comes to this center in the mornings to oversee operations.

The Petitioner recently purchase the single family dwelling next door at 8009 Windsor Mill Road. This property had previously been used as a service garage in support of a bus

ORDER RECEIVED FOR FILING
Date 5-1-08
By Deborah Dopkin

company and consequently has large garage on the first floor/basement level. The Petitioner proposes to use the second floor, which has direct access to Windsor Mill Road, for twenty children ages 2 to 4 years bring the total capacity of the school to 105. No physical changes are proposed for the building but the play areas in the rear would be reconfigured and combined. If this property were in a DR zone the new and existing facilities would meet all applicable county regulations for a child care center as well as State licensing regulations.

Children are brought to the center now by parents and County bus services. While there are no sidewalks along Windsor Mill Road, there are no children being walked to school. All children must be accompanied by an adult who must sign in and out. Ms. Roche indicated that there is more than adequate parking on site behind 8009 as shown on the Plat to Accompany.

Ms. Dopkin indicated that problem in this case is that the zoning on this property has been changed from R-20 to RC -5 and now to RC 6. Unfortunately while the Council imposed RC 6 on this property, they did not change the table in Section 424.5 to include RC 6 along with the other resource conservation zones in which such centers are allowed by right or special exception.

As the result the Petitioner submitted two alternative plans at the hearing. Exhibit 2 A is a non conforming plan in which the Petitioner recognizes that RC 6 does not allow such centers. However the Petitioner indicates that a nursery school/child care center has been operating continuously since 1969 on this site at 8007 Windsor Mill Road. Ms. Dopkin opined that this was a legal use in 1969 under the R-20 zone. Mr. Matz then indicated that a legal non conforming use could be intensified up to 25 % of the floor area of the non conforming use which in this case is 1130 sq. feet. He then designated 1130 sq. feet of space on the second floor

ORDER RECEIVED FOR FILING

Date 5-1-06
By Doreen Walsh

of 8009 as shown in the red cross hatch of exhibit 2 A. Consequently Ms. Dopkin opined that the combined properties could be approved under the non conforming provisions of the BCZR.

In the alternative, Mr. Matz presented exhibit 2 B which assumes that the nursery school was allowed by right. In this case the whole second floor of 8009 is used for the nursery school. Ms. Dopkin opined that schools are allowed by right in RC 6 zones and so the Petitioner's nursery school should be allowed as well.

Mr. Matz indicated that neither property is connected to public water and sewer. However he indicated that a large new development was approved across Windsor Mill Road for which public water and sewer are being brought down the Windsor Mill. He indicated that the Petitioner intended to hook up immediately when the public water and sewer were available to the property. This also has a effect on the front yards of both properties because the septic reserve areas for each private sewer system is located in the front yards as shown on exhibit 2 A and 2 B. This greatly limits improvements to the pick up and drop off area on 8009.

Findings of Fact and Conclusions of Law

I have no doubt that the Council would approve having nursery schools and group B child care centers in RC 6 zones. These are allowed by special exception in the "old" resource conservation zones such as RC 2, RC 3 and RC 5 as shown in the chart of Section 424.5. They are not allowed in RC 4 which is intended to protect the metropolitan water supply. RC 6 was intended to replace RC 3 which was the temporary zone established in this part of the County to allow limit development until a permanent plan could be developed. RC 6 has the title of rural conservation and residential zone so that child care centers and nursery schools would be compatible with this zone. While the RC 6 zone does not list these uses under those allowed by special exception, neither do the RC 2, RC 3 or RC 5 regulations. The reason for this apparent

ORDER RECEIVED FOR FILING

Date 5-1-99
BY [Signature]

oversight is that group child care centers and nursery schools are controlled by the Regulations for certain uses section again which specifically allow these uses in these zones. It is apparent to me that Ms. Dopkin is quite correct that RC 6 zone was imposed on this property and the table of Section 424.5 was not updated. This is simply an oversight which I hope the Council will address. I also note there are now several other "new" RC zones which have similar problems. Again I state that I believe that group b child care centers and nursery schools should be allowed by special exception in RC 6 zones but for a drafting oversight.

That said, the problem is how to resolve this case? The Petitioner presented alternative solutions both of which have certain problems. Clearly the property at 8007 is now non conforming as a child care center and nursery school. This was a legal use that has continued uninterruptedly from before the zoning changed to RC 6. However in practice allowing 1130 sq. feet of extension seems more than impractical. I can imagine a white zoning use division line painted on the floor of a room at 8009 which the 2 to 4 year old children would not cross so as not to trigger a zoning violation.

On the other hand Ms. Dopkin's well intended argument that only 2 to 4 year olds will be using 8009 and so I should consider this a school within the meaning of that term. Since schools are allowed by right, then this use is allowed by right. Unfortunately it is clear to me that nursery schools are not considered "schools" in the zoning regulations. For example in RC 5 zones the terms "schools" are illustrated by private preparatory schools, colleges, conservatories and other fine arts schools. It is clear to me these do not include programs for 2 to 4 year olds.

Rather the zoning regulations lump nursery schools together with group A and B child care centers. Perhaps it would be more accurate to describe these as nursery programs. In any case I

ORDER RECEIVED FOR FILING

Date

BY

would not want to establish a precedent whereby nursery schools are pulled out of Section 424.5 to stand alone as a "school" in the zoning regulations.

Again I hope that the Council will update Section 424.5 to include these uses as allowed by special exception in the new RC zones. I note that the chart in Section 424.5 A makes a special category for freestanding facilities which is separate from any particular zone. I find the Petitioner's proposed use to be a freestanding facility. Freestanding facilities are allowed in the chart by special exception. I also note that the Petitioner already has a special exception for a day nursery through case no. 65-86-X. What the Petitioner asks is simply to update the site plan for the day nursery to include 8009 as well as 8007. I find that as a freestanding facility that such a request would be permitted and will grant the expansion of the site plan for the 1965 special exception to 8009 Windsor Mill Road with conditions;

I am very concerned about the safety of the children at the pick up and drop off location on 8007. I imagine what chaos there must be in the morning when 85 (much less 105) children arrive for programs by private car and public school bus. There are only three parking spaces at this location although hopefully some parents will use the other 12 spaces provided at 8009. But clearly the pick up drop off area needs to be reconfigured for more area, better sight distance and more parking. The Petitioner is most willing to do this but can not until the septic reserve area in front of both facilities can be done away with or said another way until the Petitioner can hook up to public sewer. While this improvement is apparently coming down Windsor Mill Road it is not there now. Therefore I will condition my approval of the modification of the site plan as requested to open the facilities at 8009 only after the pick up and drop off area is reconfigured which in turn will be only when the public sewer line is actually operable for this property.

ORDER RECEIVED FOR FILING

Date 5-1-08

By Delene [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's request for special hearing should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1st day of May 2006, that the Petitioner's request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall reconfigure the pick up/ drop off area of the facility for improved safety, access and parking and shall submit a plan for such to the Office of Planning for its review and approval in consultation with other appropriate County agencies prior to any permit being issued by the County.
3. The Petitioner may not use 8009 Windsor Mill Road for any nursery school or group child care center until the pick up / drop off area is reconstructed pursuant to the reconfiguration in 2 above and both buildings are hooked up to public water and public sewer.
4. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

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

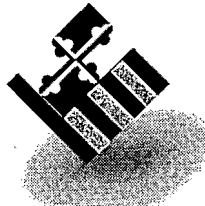
ORDER RECEIVED FOR FILING

Date 5-1-06

By [Signature]

JVM:raj

[Signature]
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 1, 2006

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Case No. 06-447-SPH
Property: 8007 & 8009 Windsor Mill Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing has been granted with restrictions in accordance with the enclosed Order.

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

Very truly yours,

Handwritten signature of John V. Murphy in black ink.

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Golden Roche, 3721 Nortonia Road, Baltimore, Md. 21216
Lynn Roche, President, Child Care Academy of Baltimore County, Inc.,
4 Saddlestone Court, Owings Mills, Md. 21117
Richard E. Matz, Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, Md. 21209
People's Counsel; Office of Planning, Case File

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 6, 2006 Issue - Jeffersonian

Please forward billing to:

Lynne Roche (410-902-8999)
4 Saddlestone Court
Owings Mills, MD 21117

NOTICE OF ZONING HEARING

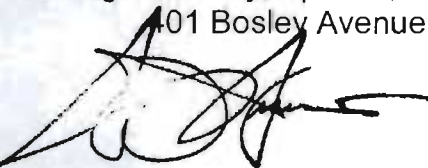
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-447-SPH

8007 and 8009 Windsor Mill Road
South side of Windsor Mill Road, 315 feet west of Rices Lane
2nd Election District – 4th Councilmanic District
Legal Owner: Lynn Roche

Special Hearing to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road.

Hearing: Monday, April 24, 2006 at 2:00 p.m. in Room 407, County Courts Building,
101 Bosley Avenue, Towson, MD 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.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 8007 and 8009 Windsor Mill Road
which is presently zoned RC-6

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

See Attached.

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esq.

Name - Type or Print

Signature

Law Offices of Deborah C. Dopkin, P.A.

Company

409 Washington Avenue 410-821-0200

Address Telephone No.

Baltimore MD 21204

City State Zip Code

Legal Owner(s):

Lynn Roche, Owner Roche LLC

Name - Type or Print

Signature
Lynn Roche Lynn Roche

Lynn Roche, President

Child Care Academy of Baltimore County, Inc.

Name - Type or Print

Signature
Lynn Roche

4 Saddlestone Court 410-902-8999

Address Telephone No.

Owings Mills MD 21117

City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838

Address Telephone No.

Baltimore MD 21209

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 3/15/06

ORDER RECEIVED
Date
By

Case No. 06-447-SPH

Special Hearing to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road.

06-447-SPH

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

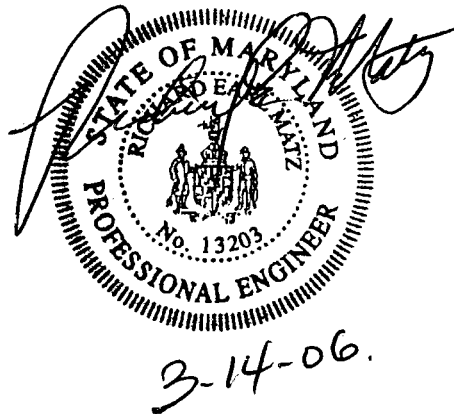


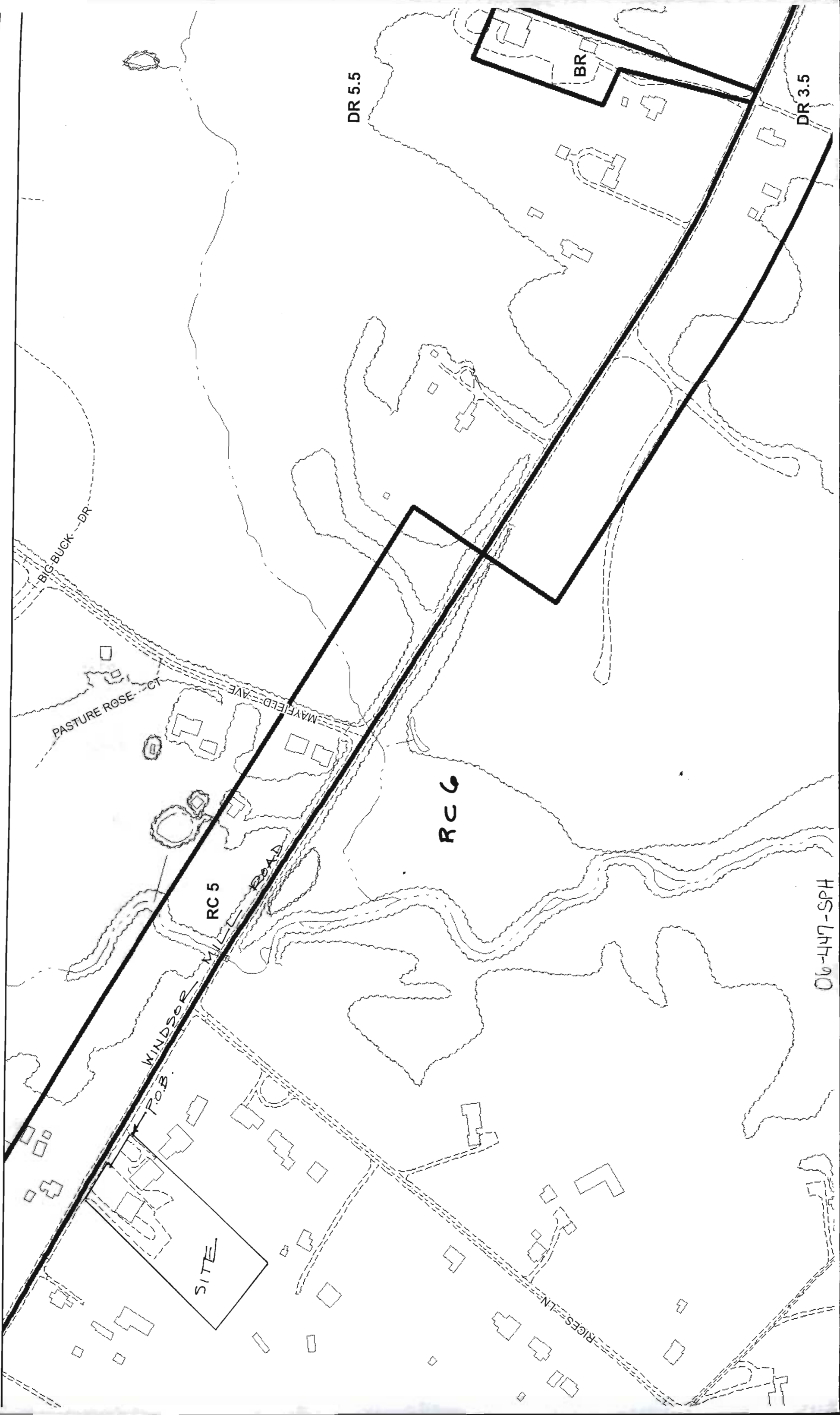
ZONING DESCRIPTION 8007 AND 8009 WINDSOR MILL ROAD

Beginning at a point on the south side of Windsor Mill Road, which is of varying width, at a distance of 315 feet west of Rices Lane, which is of varying width, thence the following courses and distances:

S 45°15'04" W, 454.63 ft.;
N 51°19'03" W, 200.00 ft.;
N 45°59'50" E, 440.86 ft.;
S 59°53'41"E, 100.00 ft.;
S 45°37'19" W, 15.57 ft., thence
S 59°53'41"E, 100.00 ft. to the Point of Beginning

As recorded in Deed Liber 16549, folio 408 and Deed Liber 22943, folio 684, and containing 2.07 acres. Also known as #8007 and #8009 Windsor Mill Road and located in the 2nd Election District.





DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-447-SPH
Petitioner: CHILD CARE ACADEMY OF BALTIMORE COUNTY, INC
Address or Location: 8007-8009 WINDSOR MILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: LYNN ROCHE
Address: 4 SADDLESTONE CT.
OWINGS MILLS, MD 21117
Telephone Number: 410-902-8999

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4953

DATE 3/15/06 ACCOUNT 0010066150

AMOUNT \$ 325.00

RECEIVED FROM: CHILD CARE ACADEMY

FOR: ITEM # 447 06-447-SP4

8007-8009 WINDSOR MILL RD. D.T.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	AM
3/16/2006	3/15/2006	10:30:46	1
REG MSDS	WALCH	UNCH	ICCH
RECEIPT # 455145	3/15/2006		OFLH
Dept	5	SD	ZARMS VERIFICATION
CP NO.	004953		
Recpt Tot		4325.00	
4325.00	CR	9.00	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: #06-447-SPH
8007 and 8009 Windsor Mill Road
South Side of Windsor Mill Road, 315 feet west of Rices Lane
2nd Election District
4th Councilmanic District
Legal Owner: Lynn Roche
Special Hearing: to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road.

Hearing: Monday, April 24, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

4/038 Apr. 6 90413

CERTIFICATE OF PUBLICATION

_____ 4/6 _____, 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 4/6, 2006.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/4/06

Case Number: 06-447-SPH

Petitioner/Developer: Deborah Dopkin Esq.--Lynne Roche--Richard E. Matz of Colbert, Matz & Rosenfelt, Inc.

Date of Hearing (Closing): 04/24/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8007 and 8009 Windsor Mill Road

The sign(s) were posted on: 4/1/06



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

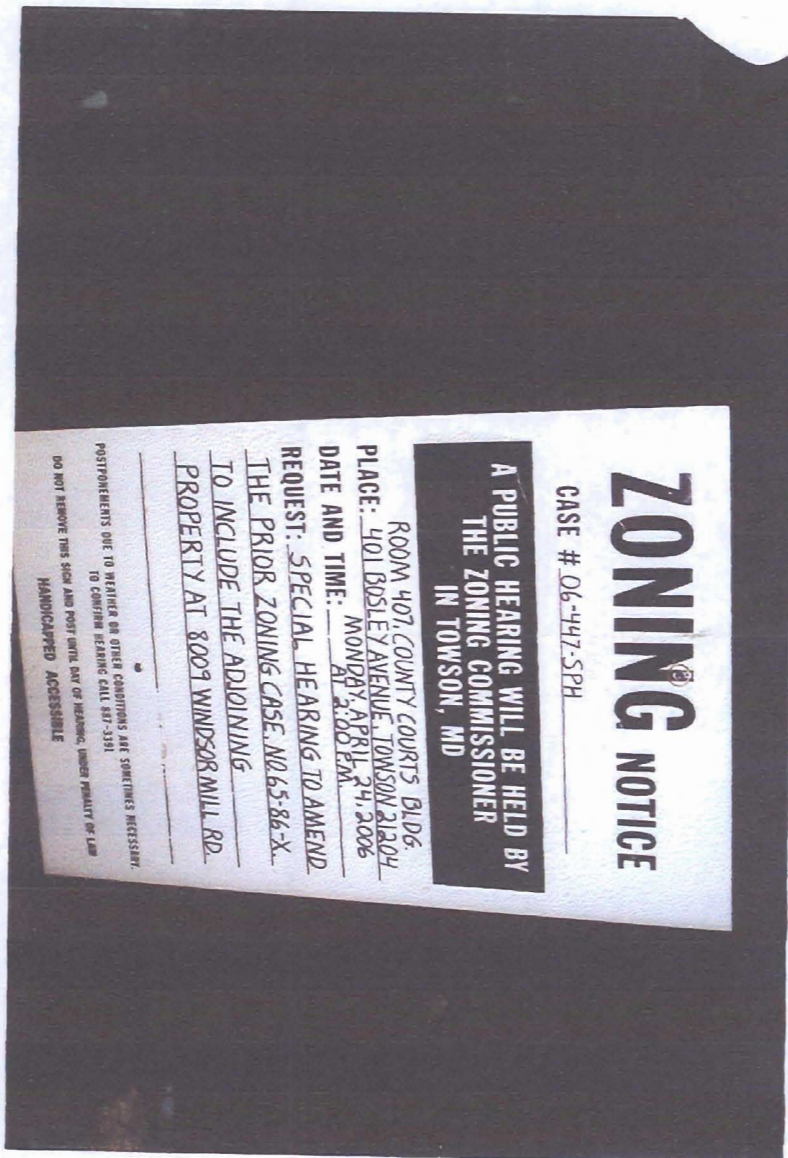
(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



32-143

APPEAL SIGN POSTING REQUEST

CASE NO. 06-447-SPH

8007 & 8009 WINDSOR MILL ROAD

2ND ELECTION DISTRICT

APPEALED: 6/30/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner’s Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

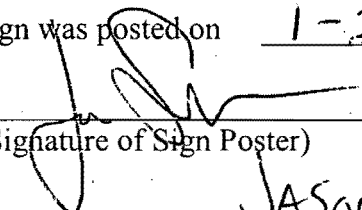
CASE NO.: 06-447-SPH

LEGAL OWNER: LYNN ROCHE

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

8007 & 8009 WINDSOR MILL ROAD

The sign was posted on 1-25-07, 2006.

By: 
(Signature of Sign Poster)

JASON SEIDEMAN
(Print Name)



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

March 24, 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: 06-447-SPH

8007 and 8009 Windsor Mill Road
South side of Windsor Mill Road, 315 feet west of Rices Lane
2nd Election District – 4th Councilmanic District
Legal Owner: Lynn Roche

Special Hearing to amend the prior zoning case, No. 65-86-X, to include the adjoining property at 8009 Windsor Mill Road.

Hearing: Monday, April 24, 2006 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:raj

C: Deborah C. Dopkin, Esq., 409 Washington Avenue, Towson, MD 21204
Lynne Roche, Roche LLC, 4 Saddlestone Court, Owings Mills, MD 21117
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Ave., Ste. G, Baltimore, MD 21209

- NOTES: (1) **THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 8, 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**

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



Baltimore County

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

April 20, 2006

Deborah C. Dopkin, Esquire
Law Offices of Deborah C. Dopkin, P.A.
409 Washington Avenue
Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 06-447-SPH, 8007 and 8009 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Lynn Roche, President Child Care Academy of Baltimore County, Inc. 4 Saddlestone Ct
Owings Mills 21117

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





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

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

Maryland Department of Transportation

Date: 3.24.06

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

RE: Baltimore County
Item No. 447 D.T

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division



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

March 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442, 443, 444, 445, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 3, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2006
Item Nos. 442, 443, 444, 445, 447, 448,
449, 450, 452, 453, 454, 455, and 456

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-04032006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2006

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

SUBJECT: 8007 & 8009 Windsor Mill Road

INFORMATION:

Item Number: 6-447

Petitioner: Lynn Roche, Roche LLC

Zoning: RC 6

Requested Action: Special Hearing

RECEIVED

MAY - 1 2006

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The petitioner seeks to add an additional lot and house to the existing daycare center to accommodate 105 students and 15 employees. The Office of Planning does not oppose the petitioner's request however; in order to accommodate the additional traffic the Office of Planning recommends the petitioner shall:

1. Improve the frontage of the property with curb, gutter and sidewalk to accommodate pedestrian traffic.
2. Place all employee parking in the rear of the property, including the three spaces shown at 8700 Windsor Mill Road.
3. Increase the size of the enclosed children's play area.

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

Prepared by: *Curtis L. Murray*

Division Chief:
AFK/LL: CM

Lynn Roche

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 8007 & 8009 Windsor Mill Road; * ZONING COMMISSIONER
 S/S Windsor Mill Road, 315' W Rices Lane *
 2nd Election & 4th Councilmanic Districts *
 Legal Owner(s): Lynn Roche * FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 06-447-SPH

* * * * *

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 27th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

MAR 27 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County



County Council
of
Baltimore County

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

jm 4/24
RECEIVED

APR 06 2006

ZONING COMMISSIONER

April 5, 2006

William J. Wiseman, Esquire
Baltimore County Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Wiseman:

Attached please find a copy of Resolution 23-06 concerning the public disclosure of Lynn Roche, an employee of the Baltimore County Police Department. Ms. Roche has applied for a special hearing before the Zoning Commissioner to expand an existing day care center at her property at 8007 Windsor Mill Road, Baltimore, Maryland 21244.

This Resolution was approved by the County Council at its April 3, 2006 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 7

Resolution No. 23-06

Mr. Kenneth N. Oliver, Councilman

By the County Council, April 3, 2006

A RESOLUTION concerning the public disclosure of Lynn Roche, an employee of Baltimore County.

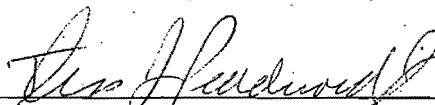
WHEREAS, Lynn Roche, an employee of the Baltimore County Police Department, has applied for a special hearing before the Zoning Commissioner to expand an existing day care center at her property at 8007 Windsor Mill Road, Baltimore, Maryland 21244; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a special hearing filed by Lynn Roche does not contravene the public welfare and is hereby authorized.

READ AND PASSED this 3RD day of APRIL, 2006.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: RESOLUTION 23-06

2006031

RE: PETITION FOR SPECIAL EXCEPTION
for a Day Nursery
54/5 of Windsor Hill Road
2981 from Rice's Lane
2nd District
Guy O. Hull-Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 65-86-X

65-86-X
MMP
2-12
WESTERN
APR 11
X

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location and the petitioner having met the requirements of Section 502.1 of the Baltimore County Zoning Regulations, a Special Exception for a Day Nursery should be granted, subject, however, to the following restrictions:

- (1) Recreational facilities are to be erected in the rear of the premises and should be enclosed with a chain-link type fence at least five feet high.
- (2) Children are not to be permitted outside before 9 a.m. or after 6 p.m.
- (3) The Day Nursery shall not be operated on Sundays or legal holidays.
- (4) The petitioner must provide transportation to and from the Day Nursery in no more than two vehicles.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 14 day of October, 1964, that a Special Exception for a Day Nursery should be and the same is granted from and after the date of this Order, subject, however, to the conditions set forth above and subject to compliance with the regulations of the Baltimore County Health Department and the Bureau of Fire Prevention governing the operation of Day Nurseries.

Edward D. Anicheta
Deputy Zoning Commissioner of
Baltimore County

65-86-X

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

65-86-X
WESTERN
APR 11
X
9/1/64

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Guy O. Hull, legal owner 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 (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone; for the following reasons:

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address _____
Petitioner's Attorney
Address _____

Legal Owner
Address _____
Professional's Attorney
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1964, that the subject matter of this petition on be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building, Towson, Baltimore County, on the _____ day of _____, 1964, at 11:00 o'clock A. M.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

From: Zoning Commissioner Date: September 10, 1964

To: Special Application for a Day Nursery, Southwest corner of Windsor Hill Road from Rice's Lane, property of Guy O. Hull.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District _____ Date of Posting _____
Postal for _____
Petitioner _____
Location of property _____
Location of sign _____
Remarks _____

Pet # 1

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search Ground Rent
---	---

Account Identifier: District - 02 **Account Number -** 0211350001

Owner Information

Owner Name:	CHILD CARE ACADEMY OF BALTIMORE COUNTY INC	Use:	RESIDENTIAL
Mailing Address:	4 SADDLESTONE CT OWINGS MILLS MD 21117-4958	Principal Residence:	NO
		Deed Reference:	1) /22943/ 684 2)

Location & Structure Information

Premises Address 8009 WINDSOR MILL RD	Legal Description LT SWS WINDSOR MILL 475 NW RICES LA
---	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
87	3	399						1	

Special Tax Areas	Town Ad Valorem Tax Class
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	2,560 SF	1.03 AC	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2004	07/01/2005	07/01/2006
Land:	45,130	45,130		
Improvements:	155,990	167,330		
Total:	201,120	212,460	208,680	212,460
Preferential Land:	0	0	0	0

Transfer Information

Seller: KIRK R DONALD	Date: 11/22/2005	Price: \$260,000
Type: IMPROVED ARMS-LENGTH	Deed1: /22943/ 684	Deed2:
Seller: KIRK R DONALD	Date: 02/21/2001	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14991/ 293	Deed2:
Seller: SCHAFER LEWIS F & MARTHA	Date: 05/07/1965	Price: \$23,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 4454/ 403	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 **Special Tax Recapture:**
Exempt Class: * NONE *



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

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground](#)
[Rent](#)

Account Identifier: District - 02 Account Number - 0208800090

Owner Information

Owner Name: ROCHE LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: C/O LYNN M ROCHE **Deed Reference:** 1) /16549/ 408
 8007 WINDSOR MILL RD 2)
 BALTIMORE MD 21244-1306

Location & Structure Information

Premises Address 8007 WINDSOR MILL RD **Legal Description** 8007 WINDSOR MILL RD
 GREEN HILL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
87	3	31					1	1	Plat Ref: 19/ 35

Special Tax Areas	Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	2,552 SF	1.04 AC	04
Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	1/2 BRICK FRAME

Value Information

	Base Value	Value As Of	Phase-in Assessments	
			As Of	As Of
Land:	45,180	01/01/2004	07/01/2005	07/01/2006
Improvements:	121,040	142,660		
Total:	166,220	187,840	180,632	187,840
Preferential Land:	0	0	0	0

Transfer Information

Seller: FEHSENFELD RICHARD E **Date:** 06/24/2002 **Price:** \$250,000
Type: NOT ARMS-LENGTH **Deed1:** /16549/ 408 **Deed2:**
Seller: TAG NANJI-ANN V **Date:** 10/22/1992 **Price:** \$210,000
Type: IMPROVED ARMS-LENGTH **Deed1:** / 9423/ 343 **Deed2:**
Seller: NAYAK RAMESH K **Date:** 09/20/1989 **Price:** \$275,000
Type: IMPROVED ARMS-LENGTH **Deed1:** / 8278/ 510 **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 *

RE: PETITION FOR SPECIAL EXCEPTION

for a Do, Nursery
SW/5 of Windsor Mill Road
798' from Rice's Lane
2nd District
Guy O. Hull - Petitioner
65-86-X

65-86-X
WINDSOR MILL
ROAD
X

AMENDED ORDER

It is this 15 day of July, 1965, by the Deputy Zoning Commissioner of Baltimore County, Ordered that restriction (4) contained in the original order dated October 14, 1964, be and the same is hereby deleted, annulled and voided.

Edward D. Hardesty
EDWARD D. HARDESTY
DEPUTY ZONING COMMISSIONER

65-86-X
WINDSOR MILL ROAD
RICE'S LANE
2ND DISTRICT
GUY O. HULL
PETITIONER

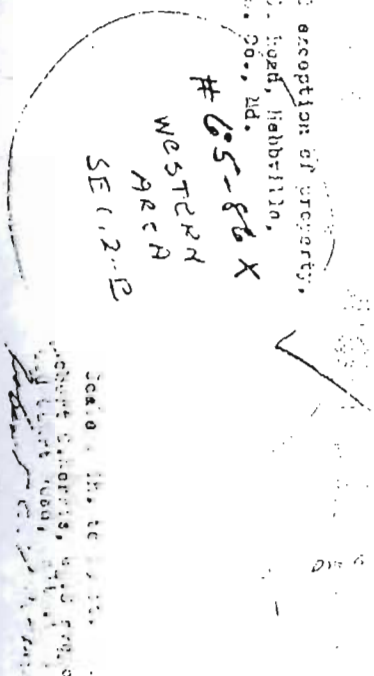
PLANS TO BE PREPARED BY THE ARCHITECT FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL BUILDING ON THE ABOVE DESCRIBED PROPERTY.

PLANS TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION OF PROPERTY.

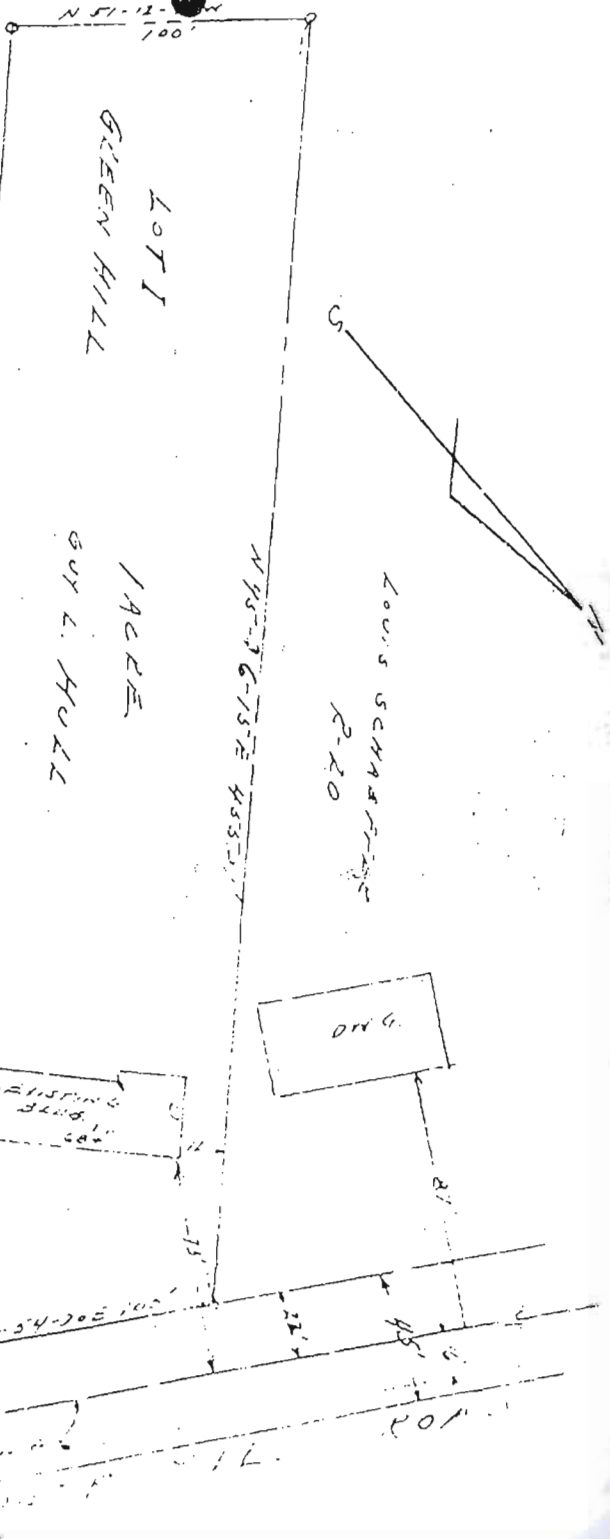
EDWIN WILSON, ARCHITECT, 1000 BROADWAY, NEW YORK, N.Y.

65-86 X

WESTERN AREA
SE (1, 2, B)



SEE PLAN TO BE PREPARED BY THE ARCHITECT FOR THE PROPOSED CONSTRUCTION OF A RESIDENTIAL BUILDING ON THE ABOVE DESCRIBED PROPERTY.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO John G. Rose, Zoning Commissioner Date September 10, 1964

FROM George E. Gavralis, Director

SUBJECT #65-86-X Special Exception for a Day Nursery. Southwest side of Windsor Mill Road 298 feet from Rice's Lane. Being property of Guy O. Hull.

2nd District

HEARING: Monday, September 21, 1964 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a Special Exception for a Day Nursery. The staff is in a difficult position to make definitive comment on the Day Nursery; it raises the following questions and issues:

1. How many children will the proposed Day Nursery serve?
2. What provision for parking, access and so forth will be made on the site?
3. Are utilities adequate to serve the proposed use?
4. Will a Day Nursery here constitute an incongruous and unharmonious land use?
5. Will a Day Nursery here interfere with the use and enjoyment of their properties by adjacent lot owners?

In order to warrant granting of the Special Exception, the petitioner should show clearly that he complies completely with the requirements of Section 502.1 of the Zoning Regulations.

GEG:bms

**BALTIMORE COUNTY
ZONING REGULATIONS**

1963

BOOK No 453

This is the property of:

Name ROBERT A. MORTON

Address 1511 NORMAN AVENUE

LUTHERVILLE, MD. 21093

Phone CL 2-2987

PROVISIONS

General

R-40 Zone

R. 40 ZONE

- c. Conduits, cables; gas, sewer, storm drain, and water mains—all located underground.
- d. Railroad.

200.12—Farming, as defined in Section 101 and as conditioned in Section 404.

200.13—Signs in accordance with the provisions of Section 413.

200.14—Excavations, uncontrolled.

200.15—Special Exceptions; The following uses when permitted as Special Exceptions (see Sections 270 and 502):

- Airport;
- Boarding or rooming houses;
- Boat yard;
- Cemetery (see Section 401);
- Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental;
- Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities; off-street parking areas shall be provided to such extent and be so located as the Zoning Commissioner or County Board of Appeals, on appeal, shall agree to be needed in relation to their surroundings;
- Conservatory, music and the arts;
- Convalescent home;
- Conversion of a dwelling into a tea room or restaurant as conditioned in Section 402;
- Excavations, controlled (see Section 403);
- Funeral establishment;
- Golf course, country club or other outdoor recreation clubs; also quasi-public camps including day camps, but no such uses shall be located on less than five

R. 40 ZONE

acres, and no building, parking lot, or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line;

Golf driving range, miniature golf, and baseball batting range;

Hospital, Class B (see Section 407);

Kennel, but not on a lot of less than 3 acres, and not closer than 50 feet to a property line;

Laboratory;

Marina;

Poultry, commercial killing of, but only on a farm (see Section 404);

Private colleges, nursery or dancing schools, dormitories, and fraternity and sorority houses, but excluding business and trade schools;

Public utility uses other than those noted in Section 200.11 (see Section 411);

Race track, commercial;

Radio studio;

Riding stable, commercial;

Sanitary landfill (see Section 412);

Shooting range;

Television studio;

Theatre, drive-in;

Tourist home;

Trailer park;

Volunteer fire company;

Wireless transmitting and receiving structure.

200.16—Junk yards and open dumps as defined in Section 101. Any existing junk yards in this or any other residential zone, and any existing open dumps in any zone shall be completely eliminated not later than two years after the date of effectuation of this amendment (November 17, 1962).

Section 201—HEIGHT REGULATIONS

No building shall exceed a height of 35 feet or 3 stories, except as provided in ARTICLE 3.

R. 40 Zone

R. 10 Zone

R. 10 Zone

R-20 Zone

R-10 Zone

R-6 Zone

R. 20 Zone—Residence, One-Family

Section 203—USE REGULATIONS

The following uses only are permitted:

203.1—Uses permitted and as limited in R. 40 Zone.

203.2—Special Exceptions—Same as in R. 40 Zone, Section 200.15, except airports and laboratories which are not permitted (see Sections 270 and 502).

Section 204—HEIGHT REGULATIONS

Same as R. 40 Zone.

Section 205—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

205.1—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 20,000 square feet, and a width at the front building line of not less than 100 feet, except that for four or more lots in the same ownership, and in the same tract, a minimum lot area of 15,000 square feet is permitted if an average of all the lot sizes in the same ownership and in the same tract equals 20,000 square feet or more, but not more than thirty per cent of the lots may have an area less than 20,000 square feet (see Section 304).

205.1.1—In a cluster subdivision a minimum lot area of 13,000 square feet is permitted, provided that the average area of all lots in the subdivision equals at least 16,000 square feet and that the total area in residential lots plus the area of the local open space tract(s) equals or exceeds the number of lots multiplied by 20,000 square feet. In such subdivision, not more than 75 per cent of the lots may be less than 16,000 square feet in area and the minimum permitted width at the front building line is 80 feet.

205.2—Front Yard—For dwellings, the front building line shall be not less than 40 feet from the

R. 20 Zone

R. 40 Zone

R. 10 Zone

R. 15 Zone

R-10 Zone

R-5 Zone

PHOTOS

Lynn Roche

Case No.: 06-447-SPH

8007 & 8009 Windsor Mill Home

Photos (A thru M)



69

1907 40 24 21 100 1 10 5 1 95

1



5B



29

*5690 #1 04/21/26 1.78



D S

*1699 05 04/21/80 R. de A. - P. 111



For Sale
Call [Phone Number]

5E

45690 W6 04/21/06 P. 10 Rio Piedra



+5698 17 24/2100 = a Kid Photo

S.F



*5698 1R 04-21/06 R 10 R 11 Photo

SG



*5690 011 P4/21000 to Aid Photo

54



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*9690 614 04/21/06 Rita A. F. Photo

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10590 015 104/21106 R/FB L. A. P.



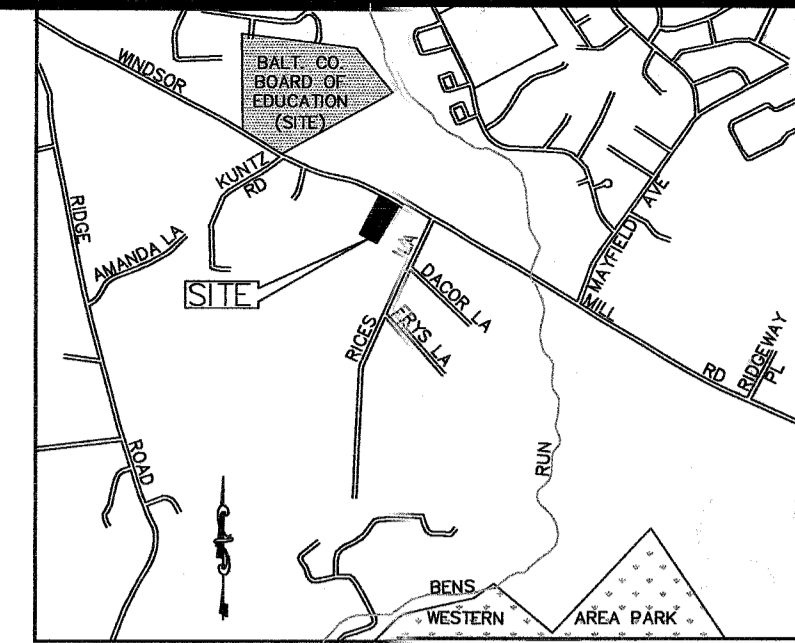
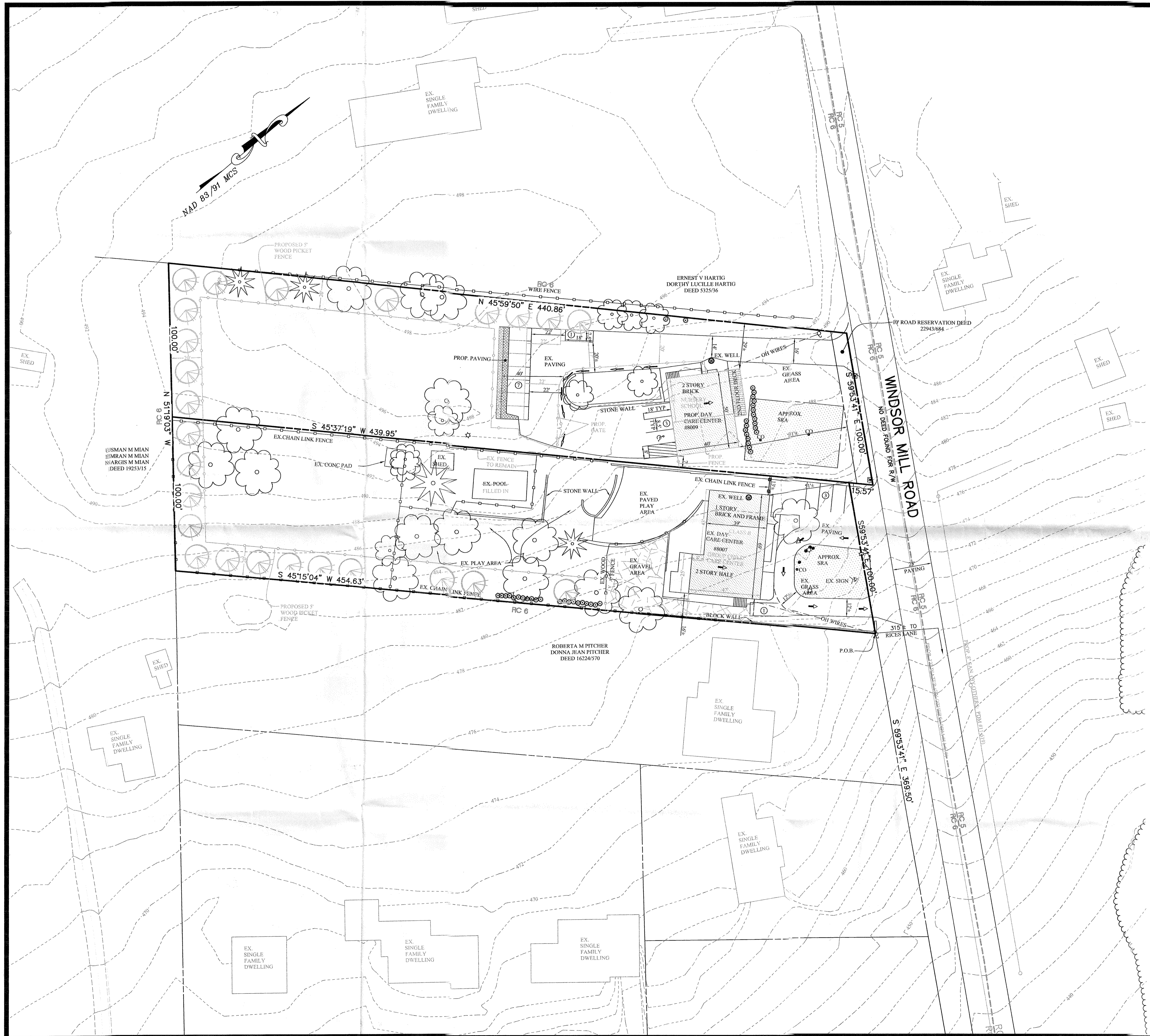
75

10/10/2020 10:10:10 AM



WS

10-00 101 91 1010 P. 15 R



VICINITY MAP
SCALE: 1"=2000'

- ZONING NOTES
- OWNER:
PARCEL 31 (#8007) - ROCHE LLC
C/O LYNN M. ROCHE
8007 WINDSOR MILL RD.
BALTIMORE, MD 21244
PARCEL 399 (#8009) - CHILD CARE ACADEMY OF BALTIMORE COUNTY, INC.
4 SADDLESTONE COURT
OWINGS MILLS, MD 21117
 - SITE DATA:
P. 31 P. 399
SITE AREA: 1.04 AC. 1.03 AC.
TAX ACCOUNT NO.: 0208800090 0213500011
DEED REFERENCE: 16549/408 22943/6/84
PLAT REFERENCE: 19/35
ELECTION DISTRICT 2, COUNCIL DISTRICT 4
 - ZONED RC-6, ZONING MAP NO. 78B1
 - ZONING HISTORY:
ON OCTOBER 14, 1964 (CASE NO. 65-86X), THE ZONING COMMISSIONER APPROVED A SPECIAL EXCEPTION TO PERMIT A SPECIAL EXCEPTION FOR A DAY NURSERY, SUBJECT TO THE FOLLOWING RESTRICTIONS:
(1) RECREATIONAL FACILITIES ARE TO BE ERECTED IN THE REAR OF THE PREMISES AND SHOULD BE ENCLOSED WITH A CHAIN LINK TYPE FENCE AT LEAST FIVE FEET HIGH.
(2) CHILDREN ARE NOT PERMITTED TO BE OUTSIDE BEFORE 9 AM OR AFTER 6 PM.
(3) THE DAY NURSERY SHALL NOT BE OPERATED ON SUNDAYS OR LEGAL HOLIDAYS.
(4) THE PETITIONER MUST PROVIDE TRANSPORTATION TO AND FROM THE DAY NURSERY IN NO MORE THAN TWO VEHICLES.
ON JULY 25, 1965, IN AN AMENDED ORDER, THE DEPUTY ZONING COMMISSIONER REMOVED RESTRICTION #4.
 - THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100-YEAR FLOODPLAIN.
 - THERE ARE NO HISTORIC BUILDINGS ON THIS SITE.
 - EXISTING AND PROPOSED USE: CLASS "B" GROUP CHILD CARE CENTER AND NURSERY SCHOOL.
PROPOSED: 105 CHILDREN, 15 STAFF
 - OFF-STREET PARKING CALCULATIONS
REQUIRED: 15 SPACES @ 1 SPACE/EMPLOYEE
PROPOSED: 15 SPACES INCLUDING 1 HC SPACE

ADDITIONAL NOTES

REQUIRED LOT AREA:
1 ACRE/40 CHILDREN + 500 SF/ADD'L. CHLD
105 CHILDREN: 43,580 SF + 32,500 SF = 76,080 SF
76,080 SQ. FT. REQUIRED
90,169 SQ. FT. PROVIDED

MAXIMUM IMPERVIOUS SURFACE AREA:
25% OF SITE AREA = 90,169 SF X 0.25 = 22,542 SF
EXISTING IMPERVIOUS SURFACE AREA: 22,374 SF (24.8%)
MAXIMUM PERMITTED: 22,542 SF (25%)

AREA OF EXISTING BUILDING (#8007) = 4,521 SF
PROPOSED AREA OF NON-CONFORMING USE EXPANSION (#8009) = 1,130 SF (24.9%)

NON-CONFORMING USE PLAN
4-21-2006

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING
8007-8009
WINDSOR MILL ROAD
TAX MAP 87 GRID 3 PARCELS 31 & 399
2nd ELECTION DISTRICT 4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

GRAPHIC SCALE (IN FEET)
1 inch = 30 ft.

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1
1	4/21/06	REDLINE REVISIONS FOR HEARING	REM	

N:\d21\project\2006\2006031\Project Directories\CMR\Concept-Prelim\COURENT\REDLINES\2006031_REDLINE25.dwg 4/24/2006 9:23:09 AM EDT

