

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

N/S of Forest Green Road, 840 ft SE
Of Chippewa Drive
3rd Election District
2nd Councilmanic District
(2442 Forest Green Road)

Sophia Richer and Igor Braun and
Alla Braun

Petitioners

Eleonora Pustilnikova

Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 07-048-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Sophia Richer and Igor Braun and Alla Braun. The Petitioners are requesting special hearing relief for property owned at 2442 Forest Green Road. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a Class A group child care for a maximum of 12 children and 1 employee as an accessory use in a dwelling with hours of operation 8:00 a.m. - 6:00 p.m., Monday through Friday (Pursuant to Section 424 BCZR). The Variance is to permit no 5 foot high stockade type fence in lieu of that required and to permit outdoor play space with no above required fencing at 0 feet from property line in lieu of the minimum of 20 feet

The property was posted with Notice of Hearing on September 18, 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 September 19, 2006, to notify any interested persons of the scheduled hearing date.

10-11-06
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Applicable Law

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

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

Section 307 of the B.C.Z.R. *Variances*

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated August 16, 2006 which recommends denial of the request.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Eleonora Pustilnikova, lessee and Olga Braun, translator. Marsha Layton, Irwin Layton, Irina Polyakov, Bluma Saks, Lori Sears, and Lynne Sears appeared at the hearing in opposition

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[Signature]

to the requests. Ronni Monaghan and Micel Carden attended the hearing as interested persons. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 6,670 square feet zoned DR 5.5 and is improved by a semi-detached single family dwelling. The Petitioner indicated through her translator, Ms. Braun, that she presently operates a family child care center at the subject property. She lives elsewhere but rents the basement and back yard of the property for her child care operation which has 8 children presently enrolled. She indicated that Petitioners Sophia Richer, Igor and Alla Braun own the property and rent the first floor to someone not part of this case. While the Petitioner has children in her program from the growing Russian community in the area, she also has American children as well. She indicated she has a good reputation, runs a very clean and safe day care center with educational opportunities. As a result, there is a waiting list for parents to have their children attend the present child care center. She proposes to expand the existing program to 12 children in a Class A Group Child Care Center.

In regard to the Planning Office comments concerning the safety of drop off/pick up process she indicated that there is no on site parking, but that she staggers the arrival and departure of children and parents to avoid any traffic congestion. In addition several parents car pool reducing traffic further.

In regard to the request for variance, she indicated that she had no problem with the existing chain link fence and saw no need to replace it with a stockade fence. The existing fence is installed along the perimeter of the rear yard. She noted that given the small size of the rear yard which is 45 feet wide, if she moved the fence back 20 feet from the property line there would be no practical play area for the children.

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In regard to questions from the neighbors, she indicated that the children are sometimes outside as well as inside the house. She has one employee. However she noted that her husband comes over regularly and provides additional supervision. She indicated that she has a good system now for staggering the arrival and departure of parents and children. She denied that she has had more than eight children at one time enrolled but admitted that children in her program might bring their friends occasionally.

Mr. and Mrs. Layton who live in the adjoining property opposed the requests fearing loss of market value of their home in that the play yard in the rear of the subject house is cluttered with children's toys and play equipment. See protestant's exhibit 1. They indicated they are embarrassed to invite friends to their home because of noise and condition of the play area in the rear yard. In addition Mr. Layton noted loss of privacy in use of his back yard given the children in the adjoining yard, which he tried to solve by building a deck on the side of his house and planting trees along the boundary between the houses. Finally he objected to the traffic generated by the center, worried about the children in case of fire and denied the Petitioner has an effective system for staggering pick up and drop off. He asserted the Petitioner refuses to pick up the toys each night as the Laytons had suggested.

In response the Petitioner indicated that the back yard is hidden from the street, the child care center is constantly being cleaned and that children make noise occasionally by their very nature. She noted that the children go out for only one hour in the back yard in the morning and afternoon when he is not home.

Ms. Polyakov testified that Forest Green Road is a narrow street with parking on both sides, the present day care causes parking problems and that up to 12 cars could come to the site with the proposed day care center and residents of the subject property. See protestant's exhibit 5 and 6. She particularly complained about the Petitioner parking in front of the Polyakov home.

The Petitioner indicated in response that cars from her day care center are there only a few moments each day, the street does not belong to the neighbors and no one can be sure where people parked on the street go when they use the public street.

Lori Sears indicated that people from the existing center park in front of her house, there has been trash associated with those from the day care on the streets, and that her guests have no place to park on the street due to the day care center.

Lynne Sears expressed her opposition to the request because of traffic, parking and that the present day care center requires that the operator of a day care actually live in the building.

Findings of Fact and Conclusions of Law

In regard to the variance requested, there is an obvious problem that the back yard is 45 feet wide. Clearly this yard can not support 20 foot side yard setback for the fence. This would leave only a five foot wide strip of back yard in which the children can play. Many of the neighbors' complaints might go away if the Petitioner had a stockade fence which would block the neighbors' view of the play area rather than a chain link fence. I have no problem finding that the property is unique from a zoning perspective considering its narrow shape and the impact of the regulations. I also find the Petitioner would suffer practical difficulty if the regulations were strictly enforced. A five foot wide play area is clearly impractical.

An issue in this case is whether the proposed use is within the spirit and intent of the regulations and whether it would adversely affect the neighborhood. This is also the standard against which I must decide the request for special hearing. The protestants strongly argue against the request citing traffic, parking and safety issues. While these are valid concerns my problem with this request is more technical in nature.

The request is for a Class A Group Child Care Center as an accessory use in a dwelling. Testimony in this case indicates that unlike the ordinary case, the Petitioner does not live in this

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dwelling but resides some distance away. She rents the basement and back yard of this semi detached home for her Family Child Care Home. Someone else rents the first floor as a dwelling. There is an assumption in the regulations that the Child Care operator will live on site and since it is the operator's home, will care for the premises in a very personal way. Admittedly there is nothing in the regulations which specifically requires the operator to live on site but again this is an underlying assumption based on the idea of accessory use.

The regulations define an Accessory Use as:

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

In this case the principal use is a dwelling and the accessory use the Child Care Center. The proposed Child Care Center does not meet the definition of an accessory use in that it is a commercial operation separate and apart from the dwelling. This Child Care Center is not customarily incident to, nor is it subordinate to, or does it serve the rented dwelling. In addition the Center is not subordinate in area, extent or purpose to the principal use. Evidence indicates that the basement and first floor have the same footprint area. This means the Center is substantially larger than the principal use occupying the basement and the back yard. The dwelling only occupies the first floor. Finally the Center does not contribute to the comfort, convenience or necessity of the people renting the dwelling. They have nothing to do with this Child Care Center to my knowledge. The proposed Center is not an accessory use to the dwelling and does not qualify for a use permit under these circumstances.

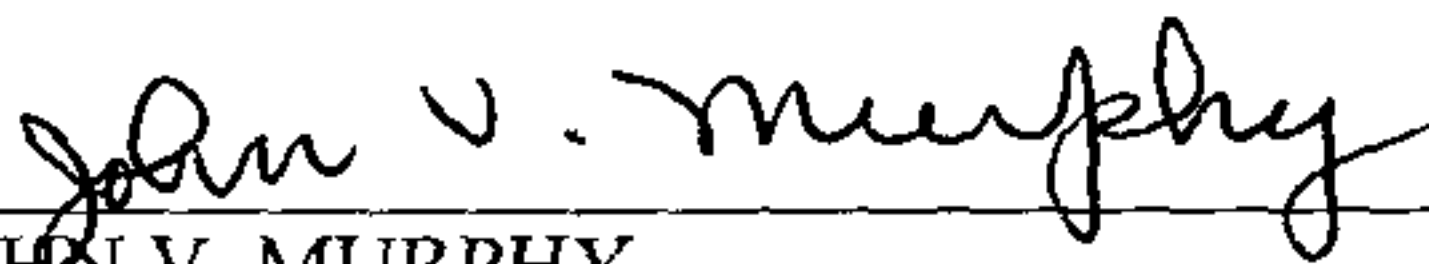
Finally I note that Class A Group Child Care Centers are allowed as accessory uses pursuant to Section 424.4 of the BCZR. Subsection A limits these Centers to single family detached dwellings. The Petitioner presents a Center in a semi detached dwelling and again does not qualify for this use permit. As an aside I also note that Section 424.7 gives bulk regulations for group centers such as requiring one acre minimum lot size, etc. It does not exempt Class A Group Centers from these regulations although I understand the Zoning Office regards Class A centers which are accessory uses as being exempt.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11th day of October, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a Class A group child care for a maximum of 12 children and 1 employee as an accessory use in a dwelling with hours of operation 8:00 a.m. - 6:00 p.m., Monday through Friday (Pursuant to Section 424 BCZR) is hereby DENIED; and

IT IS FURTHER ORDERED, that the Variance request is to permit no 5 foot high stockade type fence in lieu of that required and to permit outdoor play space with no above required fencing at 0 feet from property line in lieu of the minimum of 20 feet is hereby DENIED as moot, as the Petitioner's request does not qualify as an accessory use.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

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10-11-06
JPM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

SOPHIA RICHER AND IGOR AND
ALLA BRAUN
2726 MOORES VALLEY DRIVE
BALTIMORE MD 21209

Re: Petition for Special Hearing and Variance
Case No. 07-048-SPHA
Property: 2442 Forest Green Road

Dear Ms. Richer, Mr. and Mrs. Braun:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

- c:
- Olga Braun, 2420 Sylvale Road, Baltimore MD 21209
 - Eleonora Pustilnikova, 2442 Forest Green Road, Baltimore MD 21209
 - Marsha and Irwin Layton, 2440 Forest Green Road, Baltimore MD 21209
 - Irina Polyakov, 2441 Forest Green Road, Baltimore MD 21209
 - Bluma Saks, 2445 Forest Green Road, Baltimore MD 21209
 - Lori Sears and Lynn Sears, 2443 Forest Green Road, Baltimore MD 21209
 - Ronni A. Monaghan, 512 South Moutford Avenue, Baltimore MD 21224
 - Micel Carden, 3004 Old Court Road, Baltimore MD 21208

ORDER RECEIVED FOR FILING
10-11-2006
PJ



Original Keep in File Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2442 Forest Green Rd.
which is presently zoned _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 424.1, B. TO PERMIT NO 5 FT HIGH

STOCKADE TYPE FENCE IN LIEU OF THAT REQUIRED. AND TO PERMIT
OUTDOOR PLAY SPACE WITH NO ^{ABOVE REQUIRED} FENCING AT 0 FT. FROM PROPERTY LINE
IN LIEU OF THE MINIMUM OF 20 FT. E.P.

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:

ELEONORA PUSTILNIKOVA

Name - Type or Print

El. Pustilnikova

Signature

2442 FOREST GREEN Rd.

Address

Telephone No.

Baltimore

City

MD

State

21209

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Richer Sophia

Name - Type or Print

Sophie Richer

Signature

BRAUN Igor / ALLA

Name - Type or Print

I. Braun

Signature

A. Braun

2726 MOORES VALLEY Dr.

Address

Telephone No.

Baltimore

City

MD

State

21209

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING —

Case No. 07 048 SPHA

REV 9/15/08

RECEIVED FOR FILING

Reviewed By JL

Date 8/03/06

10-11-06

ms



ORIGINAL KEEP IN FILE

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2442 Forest Green Rd.
which is presently zoned _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TO APPROVE A CLASS
A GROUP CHILD CARE ~~REUSE~~ FOR A MAXIMUM OF 12 CHILDREN AND EMPLOYEES
AS AN ACCESSORY USE IN A DWELLING. WITH HOURS OF OPERATION
8AM - 6 PM, MONDAY THROUGH FRIDAY (PERSUANT TO SECTION 424 B.C.Z.R.)
E.P. 08/03/06

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:

ELEONORA PUSTILNIKOVA
Name - Type or Print

E. Pustilnikova
Signature

2442 Forest Green Rd. 410.486.6547
Address Telephone No.

Baltimore MD 21209
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

LAST NAME

Richer, Sophia
Name - Type or Print

Sophia Richer
Signature

Braun Igor / Alla
Name - Type or Print

I. Braun A. Braun
Signature

2726 Moores Valley Dr. 410.653.58
Address Telephone No.

Baltimore MD 21209
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 8/03/06

Case No. 07-048-SPHA

REV 9/15/98 WITH REVISIONS FOR FILING

Jan 10-11-06

prb

#048

ZONING DESCRIPTION FOR 2442 Forest Green Rd.
(address)

Beginning at a point on the NORTH 3822291201m 145100 side of
(north, south, east or west)
Forest Green Rd which is 60 FT.
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 40 FT ± N 76° 30' 40" W 48 12' S E. of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street CHIPPEWA DR.
(name of street)
which is 50 FT ± N 02° 30' 40" W 137 20 wide. *Being Lot # 37
(number of feet of right-of-way width)
Block B., Section # — in the subdivision of FOREST GREEN
(name of subdivision)
as recorded in Baltimore County Plat Book # 24, Folio # 23,
containing 6670.00 Also known as 2442 Forest Green Rd.
(square feet or acres) (property address)
and located in the 3RD Election District, 2ND Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number,
then DO NOT attempt to use the Lot, Block and Subdivision
description as shown, instead state: "As recorded in Deed
Liber — Folio —" and include the measurements and
directions (metes and bounds only) here and on the plat in the
correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft. S. 18°
27' 03" E. 87.2 ft. S. 62° 19' 00" W. 318 ft. and N. 08° 15'
22" W. 80 ft. to the place of beginning

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 8/23/06 No. 7183

ACCOUNT 001 006 6150

RECEIVED FROM: Public Works AMOUNT \$ 130.00

FOR: Rep. Warren, Jr. & SPLT

2442 Forest Green Rd

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
THIS RECEIPT IS VALID ONLY WHEN
MAILED TO THE BALTIMORE COUNTY
TREASURER'S OFFICE
IN THE OFFICE OF THE
TREASURER
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: # 07-048-SPHA

2442 Forest Green Road

N/side of Forest Green Road, 840 ft. s/east of Chipewa Drive

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Sophia Richier & Igor Braun & Alla Braun

Contract Purchaser: Eleonora Pustilnikova

Special Hearing: to approve a Class A group child care for a maximum of 12 children and 1 employee as an accessory use in a dwelling with hours of operation 8:00 a.m. - 6:00 p.m., Monday thru Friday. **Variance:** to permit no 5 foot high stockade fence in lieu of the required and to permit outdoor play space with no above required fencing at 0 feet from property line in lieu of the minimum of 20 feet.

Hearing: Tuesday, October 3, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 9/690 Sept. 19

109792

CERTIFICATE OF PUBLICATION

9/21/2006

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 9/19/2006.

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

S. Wilkinson

LEGAL ADVERTISING

TIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 7700

DATE 5-18-06 ACCOUNT 001 006 6150

AMOUNT \$ 50.00

RECEIVED
FROM:

Sharon Proctor

FOR:

Monthly Day Care (Furnish) Pl.

16-928 JKH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5944

DATE 5-18-06 ACCOUNT 001 DUB 6150

AMOUNT \$ 50.00

RECEIVED FROM: Eleonore Rustelmeier

FOR: Family Day Care
2442 Forest Lawn Rd.

06-928 JRA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TIME DRW
5/19/2006 5:13 PM 10:29:59 2
REG WSD2 RATE TOTAL
D>RECEIPT # 455724 5/19/2006 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 005944
Recpt tot \$50.00
\$50.00 00 \$1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-048-SPHA

Petitioner/Developer: ELANORA

POSTLINIKOVA

Date of Hearing/Closing: OCT 3, 2006

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

2442 FOREST GREEN RD

The sign(s) were posted on 4-18-06
(Month, Day, Year)

Sincerely,

Robert Black 9-19-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

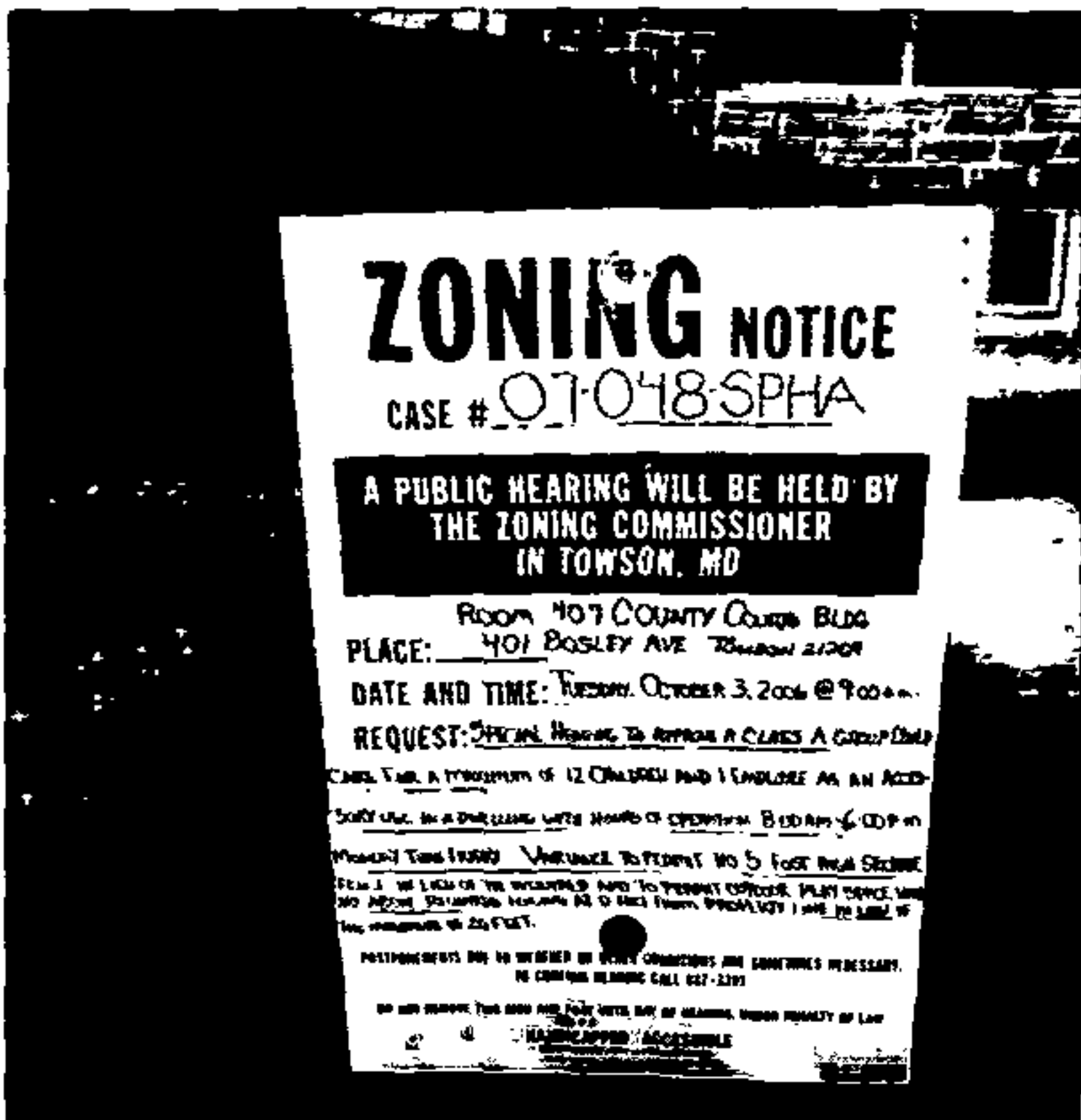
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





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

August 23, 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: 07-048-SPHA

2442 Forest Green Road

N/side of Forest Green Road, 840 ft. s/east of Chippewa Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Sophia Richer & Igor Braun & Alla Braun

Contract Purchaser: Eleonora Pustilnikova

Special Hearing to approve a Class A group child care for a maximum of 12 children and 1 employee as an accessory use in a dwelling with hours of operation 8:00 a.m. – 6:00 p.m., Monday thru Friday. Variance to permit no 5 foot high stockade fence in lieu of the required and to permit outdoor play space with no above required fencing at 0 feet from property line in lieu of the minimum of 20 feet.

Hearing: Tuesday, October 3, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Richer/Braun Residence, 2726 Moores Valley Drive, Baltimore 21209
Eleonora Pustilnikova, 2442 Forest Green Road, Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 18, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 19, 2006 Issue - Jeffersonian

Please forward billing to:

Eleonora Pustilnikova
2442 Forest Green Road
Baltimore, MD 21209

410-486-6547

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: 07-048-SPHA

2442 Forest Green Road

N/side of Forest Green Road, 840 ft. s/east of Chippewa Drive

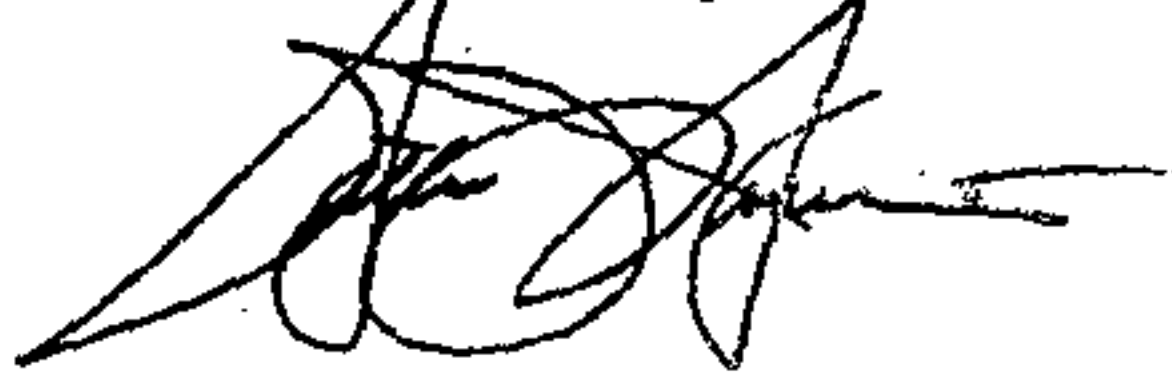
3rd Election District – 2nd Councilmanic District

Legal Owners: Sophia Richer & Igor Braun & Alla Braun

Contract Purchaser: Eleonora Pustilnikova

Special Hearing to approve a Class A group child care for a maximum of 12 children and 1 employee as an accessory use in a dwelling with hours of operation 8:00 a.m. – 6:00 p.m., Monday thru Friday. Variance to permit no 5 foot high stockade fence in lieu of the required and to permit outdoor play space with no above required fencing at 0 feet from property line in lieu of the minimum of 20 feet.

Hearing: Tuesday, October 3, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 07 048 SPHA
Petitioner: RICHER AND BRAUN
Address or Location: 2442 FOREST GREEN RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELEN PUSTILNIKOVA
Address: 2442 FOREST GREEN RD
BALTO MD 21209
Telephone Number: 410 486 6547



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 26, 2006

Sophia Richer
Igor and Alla Braun
2726 Moores Valley Drive
Baltimore, MD 21209

To Whom It May Concern:

RE: Case Number: 07-048-SPHA, 2442 Forest Green Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Eleonora Pustilnikova 2442 Forest Green Road Baltimore 21209

Jm 10/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 16, 2006

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

SUBJECT: 2442 Forest Green Road

INFORMATION:

Item Number: 7-048

Petitioner: Sophia Richer, Igor and Alla Braun

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

Currently the petitioner is licensed by the Baltimore County Health Department for a family childcare home where the provider must live on site and eight children may be cared for in the home. By right, this use is permitted in the DR 5.5 zone.

The petitioner seeks to expand to the capacity of a 12-child center and requests approval for a Class "A" status Group Child Care facility as an accessory use in a semi-detached dwelling approximately 1234 square feet in area.

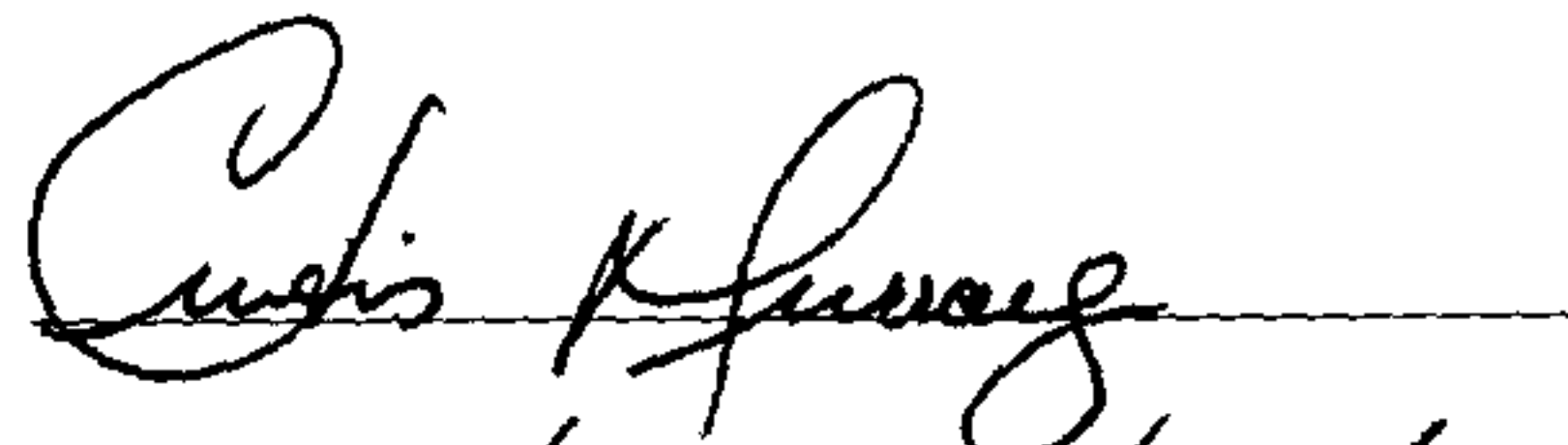
While an attachment to the site plan indicates the number of employees, hours of operation, enrollment numbers, that information must be on the actual site plan. The site plan does not show provisions for employee parking or for the safe drop off and pick up of children. The petitioners also request a variance for the required fence. They request that no fence should be provided in lieu of the required stockade type fence, 20 feet from the property line. To ~~add~~ the subject lot is only 45 feet wide.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the special hearing and use permit for a 12 child Class A Group Child Care center be denied because it does not appear to meet the requirements of Section 424. A.6. The lack of adequate provisions for drop off and pick up of children and lack of fencing and/or screening is also a concern. The fencing would provide privacy for the neighboring property owners and safety for the children during outdoor play.

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

Prepared by:



Division Chief:
AFK/LL: CM





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 8.15.06

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

RE: Baltimore County
Item No. 048 JLL

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 16, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2006
Item Nos. 045, 046, 047, 048, 050, 051, 052,
053, 054, 055, and 056

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-08162006.doc

Fire Department

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



Baltimore County

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

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

August 17, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 14, 2006

Item No.: 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055 and 056.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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

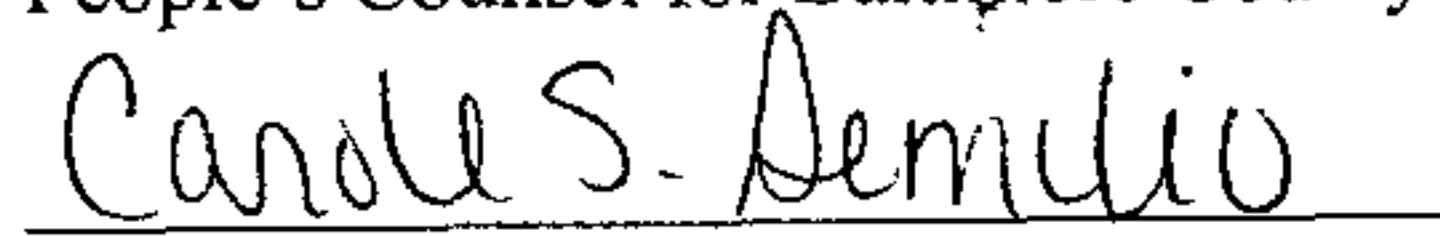


RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
2442 Forest Green Road; N/S Forest Green	*	ZONING COMMISSIONER
Road, 840' SE Chippewa Drive		
3 rd Election & 2 nd Councilmanic Districts	*	FOR
Legal Owner(s): Sophia Richer & Igor		
and Alla Braun	*	BALTIMORE COUNTY
Contract Purchaser(s): Eleonora Pustilnikova		
Petitioner(s)	*	07-048-SPHA

* * * * *

ENTRY OF APPEARANCE

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


 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Old Courthouse, Room 47
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of August, 2006, a copy of the foregoing Entry of Appearance was mailed Sophia Richer & Igor & Alla Braun, 2726 Moores Valley Drive, Baltimore, MD 21209 and Eleonora Pustilnikova, 2442 Forest Green Road, Baltimore, MD 21209, Petitioner(s).

RECEIVED

AUG 21 2006

Per.....


 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

CASE NAME	CASE NUMBER	DATE

PETITIONER'S SIGN-IN SHEET

[illegible]

DATE _____

E-MAIL

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 2442 Forest Green Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Pikeville Forest Green

PLAT BOOK # 24 FOLIO # 23 LOT # 37 BLOCK B SECTION # B

OWNER Richer Sophia, Braun Igo/Alta

SEE SHEET 2
FOR SITE PLAN

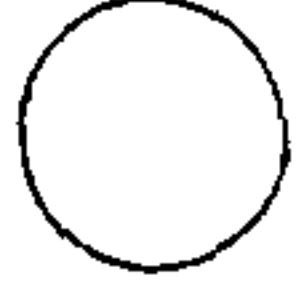
SHEET 3 FOR

424 BCZR (CLASS A GROUP CHILD CARE)

INFORMATION

I ACCEPT RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION WRITTEN AND DRAWN BY BALTIMORE COUNTY, REGARDING THIS ZONING HEARING APPLICATION

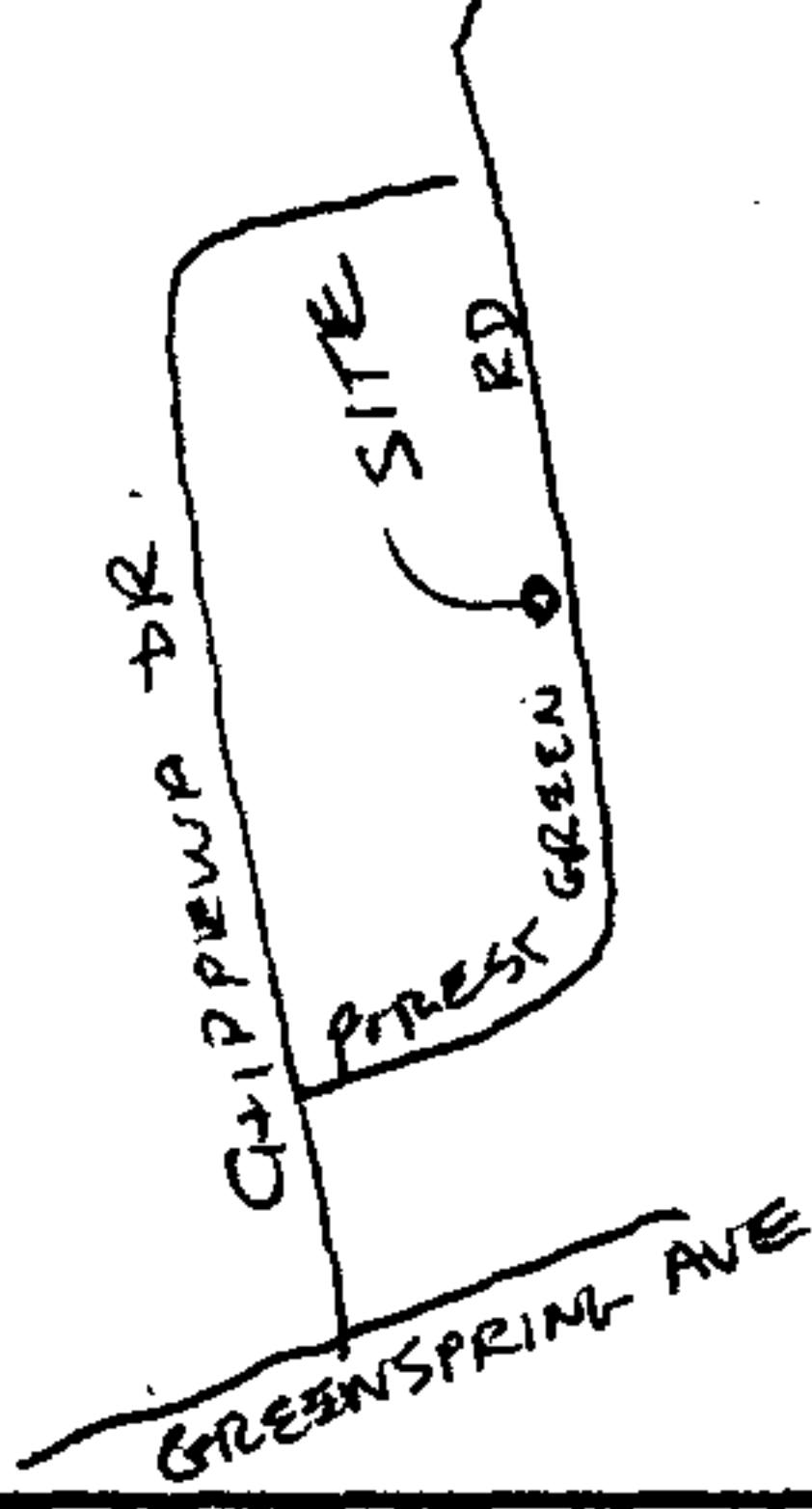
CONTRACT PURCHASER Bl. Pashlup's 08/03/06



NORTH

PREPARED BY

SCALE OF DRAWING: 1" =



VICINITY MAP

SCALE: 1" = 100' NTS

LOCATION INFORMATION

ELECTION DISTRICT 38D Baltimore Co.

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP #

ZONING OR 5.5

LOT SIZE 6,670.00 SQ. FEET

ACREAGE

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒

CHESAPEAKE BAY CRITICAL AREA

YES ☐ NO ☒

100 YEAR FLOOD PLAIN

YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING

YES ☐ NO ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

CASE #

107-048-SPHA

COMMUNITY PANEL NO. 240010 45D
ZONE "C"

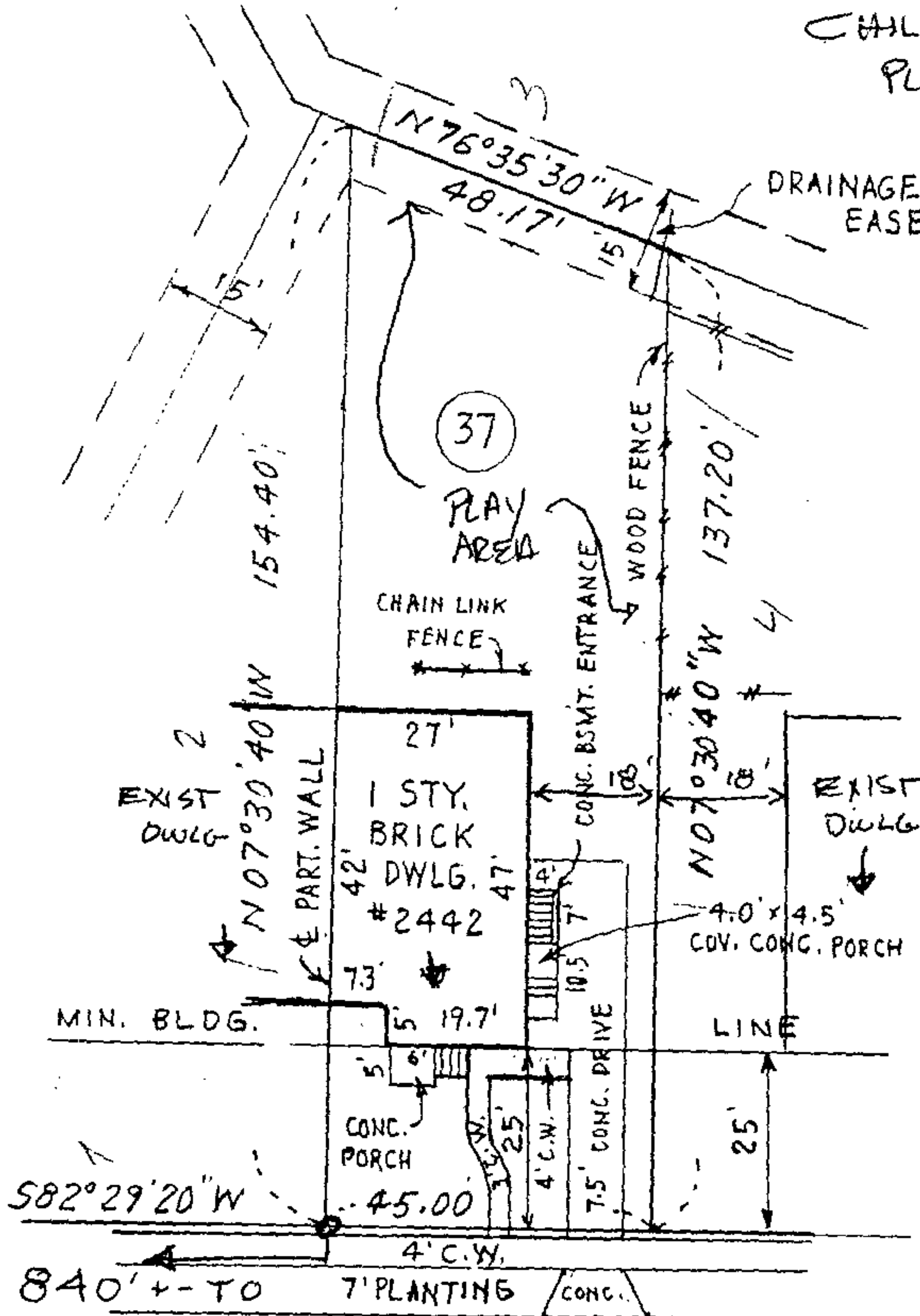
THIS PROPERTY IS NOT LOCATED
IN A FLOOD HAZARD ZONE

SHEET 2 OF 3

07.048 SPHA

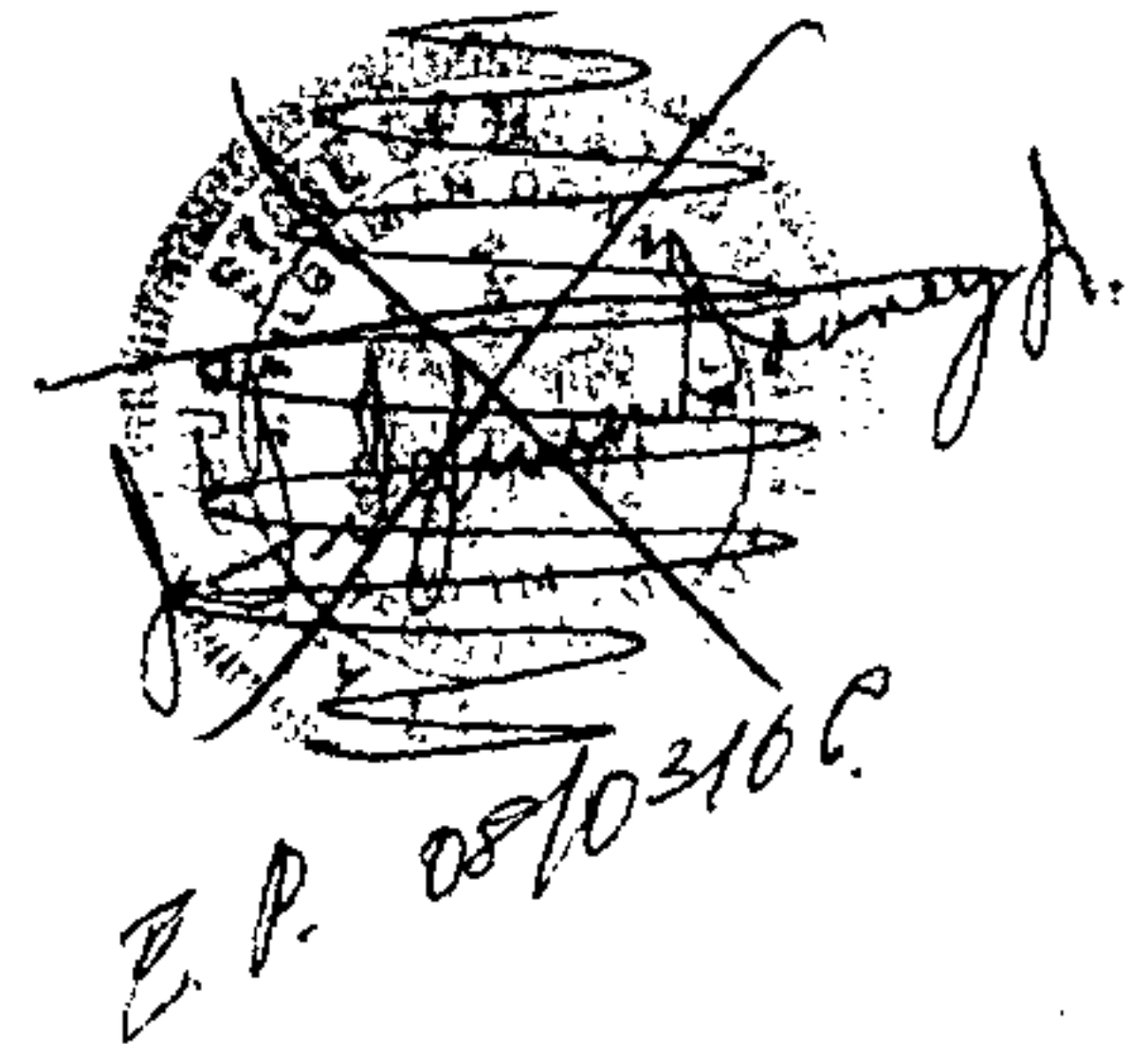
PROPOSED CLASS A GROUP
CHILD CARE WITH
PLAY AREA LOCATION AND
FENCE/VARIANCE

SCALE 1" = 30'



ZONING HEARING PLAN
SPECIAL HEARING & VARIANCE
~~LOCATIONAL SURVEY~~
NO. 2442 FOREST GREEN RD.
LOT 37 BLOCK B
FOREST GREEN
G.L.B. 24/23
3RD. ELECTION DISTRICT
BALTIMORE COUNTY, MD.
DEED REF. 13450/395
NOT FLOOD PLAIN, CBCA, OR HISTORIC

ED 3, CD 2
PUBLIC WATER IN SEWER
PARKING AS SHOWN



FTC 8733

THE PLAT IS A BENEFIT TO THE CONSUMER ONLY, INsofar AS IT IS
REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS
AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING
OR REFINANCING. THE PLAT IS NOT TO BE RELIED UPON FOR THE
ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS
OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THE PLAT DOES
NOT PROVIDE FOR ACCURATE IDENTIFICATION OF PROPERTY
BOUNDARY LINES. SUCH IDENTIFICATION MAY NOT BE REQUIRED
FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR
REFINANCING. I HEREBY CERTIFY THAT THE LOT SHOWN HEREBY HAS
BEEN SURVEYED FOR THE PURPOSE OF LOCATING ALL IMPROVEMENTS ONLY.

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SHELL BUILDING, ROOM 101
TOWSON, MD 21286
(410) 828-9060

DRAWN BY	SURVEYED BY	CHECKED BY	SCALE	DATE
GBD	WGB	WGB	1" = 30'	5/22/2006

APPLICATION FOR CHILD CARE CENTER

SHEET 3 OF 3

07-048-SPHA

~~USE PREVIOUS EDITION~~

^{INFORMATION}
This ~~Use Permit~~ is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District Baltimore County MD 3RD ED
Subdivision PIKESVILLE FOREST GREEN A 2A/23
Street Address 2442 FOREST GREEN RD
Lot Number 37 Block Number B
*If no lot or block number, give distance to nearest intersecting street _____ feet, north / south / east / west of _____ Street / Road / Avenue
Lot Size SEE PLAN x _____

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

NONE KNOWN IN AREA

General Information:

A. Name and Address of Applicant/Operator

ELEONORA RUSTILINIKOVA
2442 FOREST GREEN RD

Baltimore MD 21209

Telephone Number 410.486.6592

B. Number of Employees 3

Hours of Operation 8-6

Days of Week 5

C. Number of Children Enrolled 12

D. Estimated Amount of Traffic Generated:

Morning 8

Afternoon 9

NUMBER FLATS BUT

E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit

NOT > 12 AT ANY ONE TIME.

F. ✓ Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of ~~thirty (30)~~ ^{thirty (30)} days prior to the Zoning Commissioners ~~taking any action~~ ^{hearing}, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising, and filing fees.

E. Rustilnikova

Applicant's Signature



INVOICE

Page: 1 of 1
Sales Office: 1309

Acct. Number	Invoice Number	Invoice Date	Due Date	Amount Due
703953	98077597	10/21/2005	UPON RECEIPT	595.00

Previous Balance	Payments Received	Other Charges/Credits	Current Charges	New Balance
.00	.00	.00	595.00	595.00

Service Location Service Rendered	Service Date	Service Order or Contract Number	Cost of Service
--------------------------------------	--------------	-------------------------------------	--------------------

IRWIN LAYTON
2440 FOREST GREEN RD, BALTIMORE, MD, 21209
Tree Pruning

10/12/2005

0503737922

595.00

FALL PLANTING IS A GOOD IDEA.

Fall is ideal for planting, because plants grow best when the soil is cool and doesn't dry out as quickly. Roots established now will give your new plants a head start against the stress they will face next summer.

Please allow 7 days for any payments or charges to post to your account.

~~PLEASE SEND YOUR CORRESPONDENCE TO THE FOLLOWING ADDRESS ONLY:~~

The Davey Tree Expert Company @ 6101 Falls Rd Baltimore MD 2109-2205 Tel: (410) 377-4002

PLEASE DETACH THIS PORTION OF THE INVOICE AND RETURN WITH YOUR REMITTANCE. YOUR CANCELED CHECK IS YOUR RECEIPT.



Acct. Number
703953

Invoice Number	Invoice Date
98077597	10/21/2005
Due Date	Amount Due
UPON RECEIPT	595.00

Card Type	☐ VISA ☐ MasterCard ☐ Discover
Bankcard Number	Expiration Date
Dollar Amount	Date
Signature	

BILLING ADDRESS:

***** MIXED AADC 442
IRWIN LAYTON
2440 FOREST GREEN RD
BALTIMORE MD 21209-1543
|||

PLEASE REMIT PAYMENT TO:

THE DAVEY TREE EXPERT COMPANY
P.O. BOX 94532
CLEVELAND OH 44101-4532
|||

000070395300098077597710152005400000005950092

Baltimore County Zoning Review Request

To: Timothy Kotroco, Director
Permits & Development
Management
Room 111, Co. Office Bldg.
111 West Chesapeake Avenue
Towson, Maryland 21204
Telephone - 410-887-3391

NOTICE TO APPLICANT. Please be aware
Section 424 Balto. Co. Zoning Regulations
controls these uses. If you are not certain
of the requirements necessary for complying
with these regulations, please contact the
P.D.M. Office before submitting this form.

F:JRA
5/17/06

Appointment?

Received
5-18-06

A NEW CHILD CARE CENTER LICENSE has been requested for the following facility:

NAME OF CENTER: Family Day Care Center / Child Care

ADDRESS OF CENTER: 2442 Forest Green Rd.

NAME OF APPLICANT/LICENSEE: ELEONORA Pustilnikova

TELEPHONE: 410.486.6547

EXISTING USE OF BUILDING: _____

IF NEW BUILDING, PROPOSED USE _____

COUNTY BUILDING AND/OR CHANGE OF USE/OCCUPANCY PERMIT NUMBER _____
(non-residential only)

PROPOSED CHILD CARE USE: CHECK ONE

Class A Group Child Care (9-12 Children) ✓

Class B Group Child Care (13 or More Children) _____

Nursery School _____

Along with this form the following information is required for zoning review. Completing this form does not guarantee zoning approval. Other information or particular requirements may be necessary.

1. IF ANY, list zoning history/zoning hearing case numbers or prior zoning approval actions relating to the child care use: _____

Provide photocopies of the latest zoning public hearing order, use permit or letter. _____

2. Provide an as-built scaled site plan (1 inch = 30 FT or larger) with existing and proposed uses shown and street vicinity map showing the location and outline of the site. Show all fence requirements to comply with Section 424.1.B (BCZR) for fences abutting residential property.

3. Provide a copy of the 1" = 200' scale official zoning map* with the adjacent street names, site, and building outlines and all uses and play areas drawn to scale and properly identified. Also identify all existing and proposed uses on adjacent properties and note if any child care uses exist on these adjacent properties. *Copy available at the P.D.M. (Zoning Review) information counter during normal working hours.

4. Provide a \$50 review fee (money order or check, fee subject to change without notice) made payable to Baltimore County, Maryland.

After review, please complete the following and send to the Office of Child Care at the address listed below:

OCC, Region III
409 Washington Avenue
Suite LL8
Towson, Maryland 21204

Mail Stop 64

A CHILD CARE CENTER MAY OPERATE AT THE ABOVE-NAMED ADDRESS:

Yes ✓ No _____ (If No, please specify the grounds for disapproval and additional action required of the applicant.)

NAME/TITLE ELEONORA Pustilnikova

(Please print)

SIGNATURE El. Pustilnikova

DATE: 05/12/06

CASE #
07-048-SPHA

Hearing Date
OCT. 3, 06.

John Lewis - 2:PM

June 15, 2006

Application for

SPEC. FARM

to determine

variances to

set-backs, etc.

Aug. 3 - 2 PM. Time

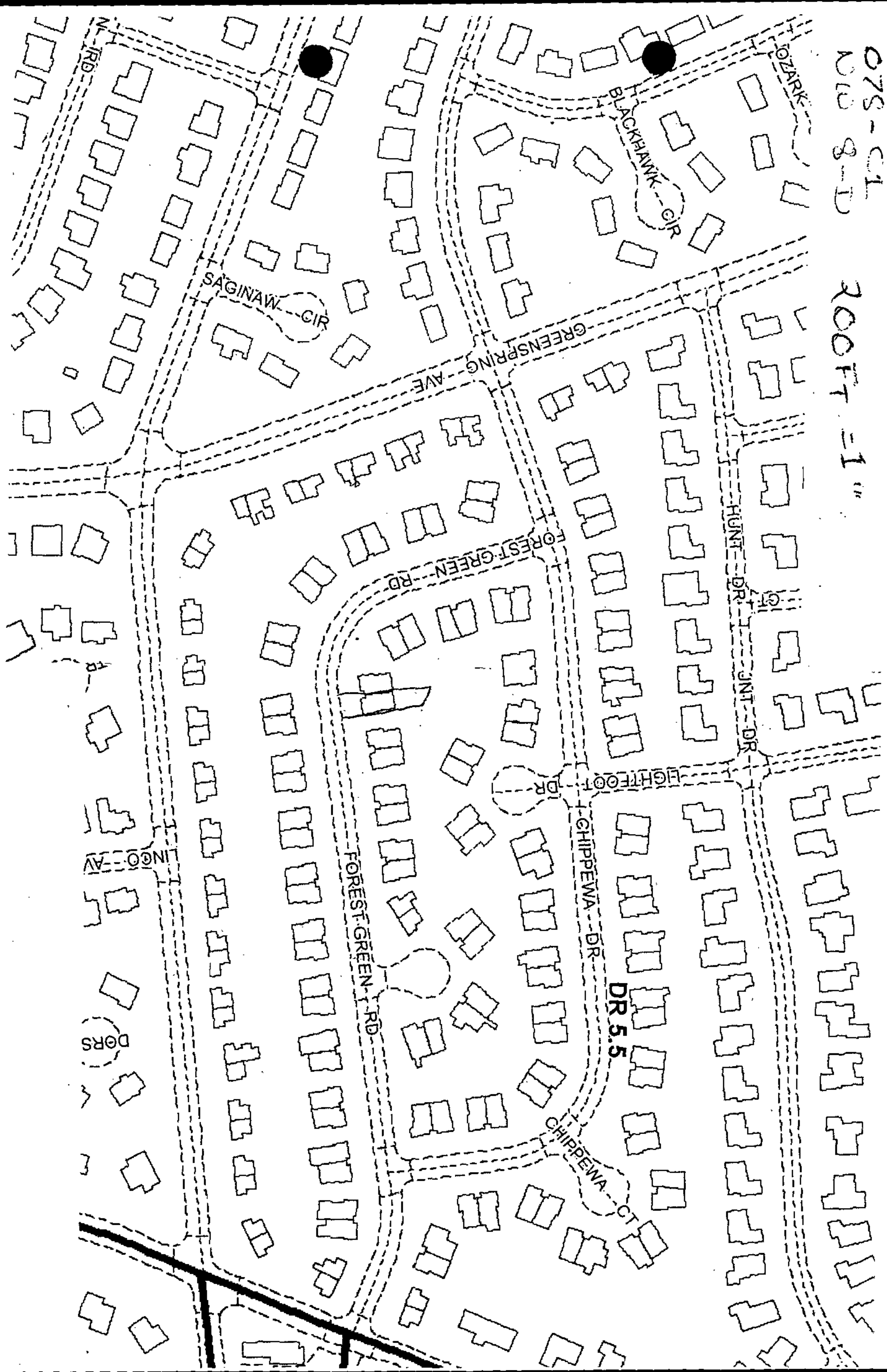
7:PM.

REC'D MAY 16 2006

MAY 17 2006
06-928

078-C1
NOV 8-10

200 FT = 1"



079-A-1

078-04-079-44

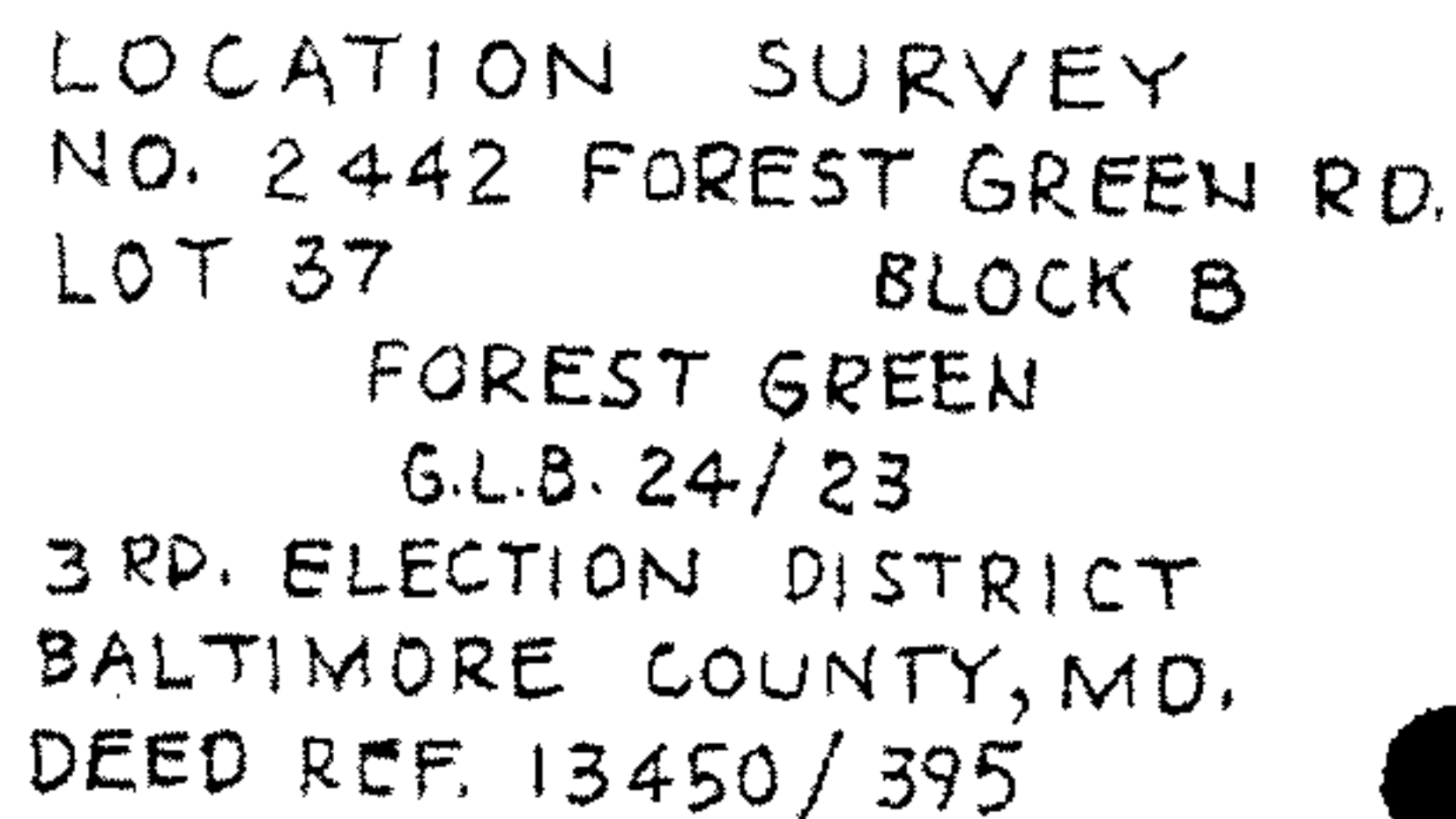


©2006 Europa Technologies

Pointer: 39°22'33.96" N 76°40'49.59" W elev 436 ft
Streaming 100%
Eye alt 1724 ft

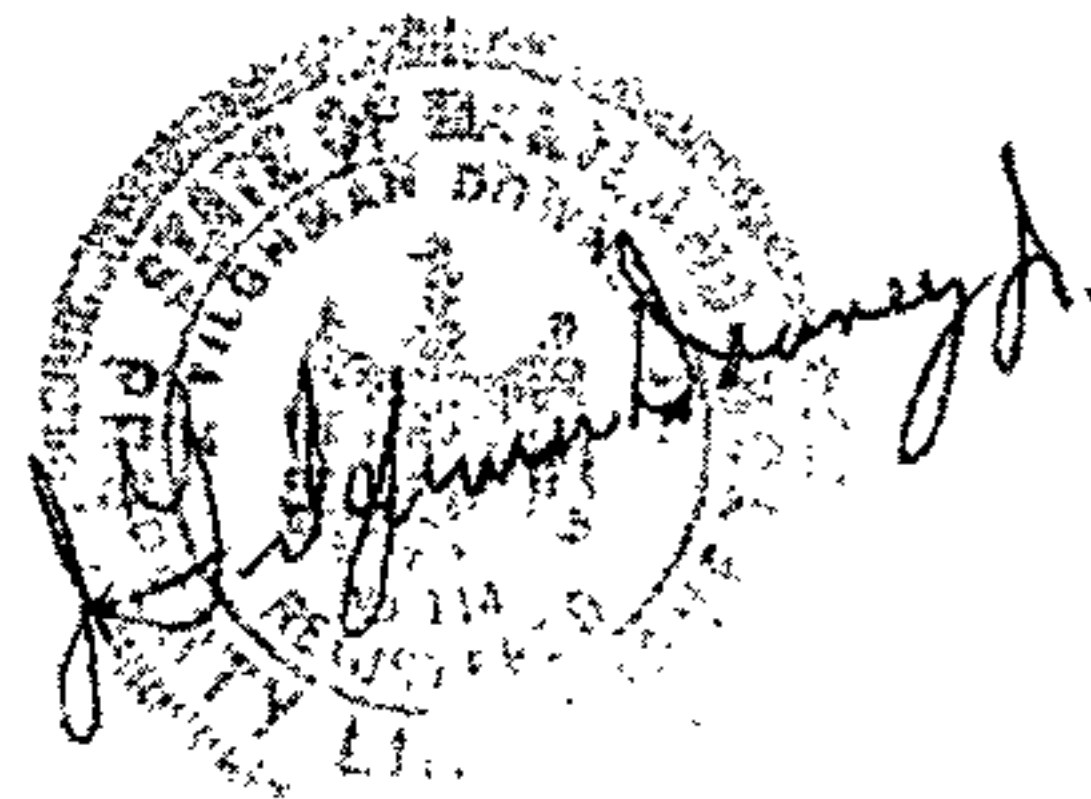


THIS PROPERTY IS NOT LOCATED
IN A FLOOD HAZARD ZONE



FOREST GREEN RD.
60' R/W
36' PAVING

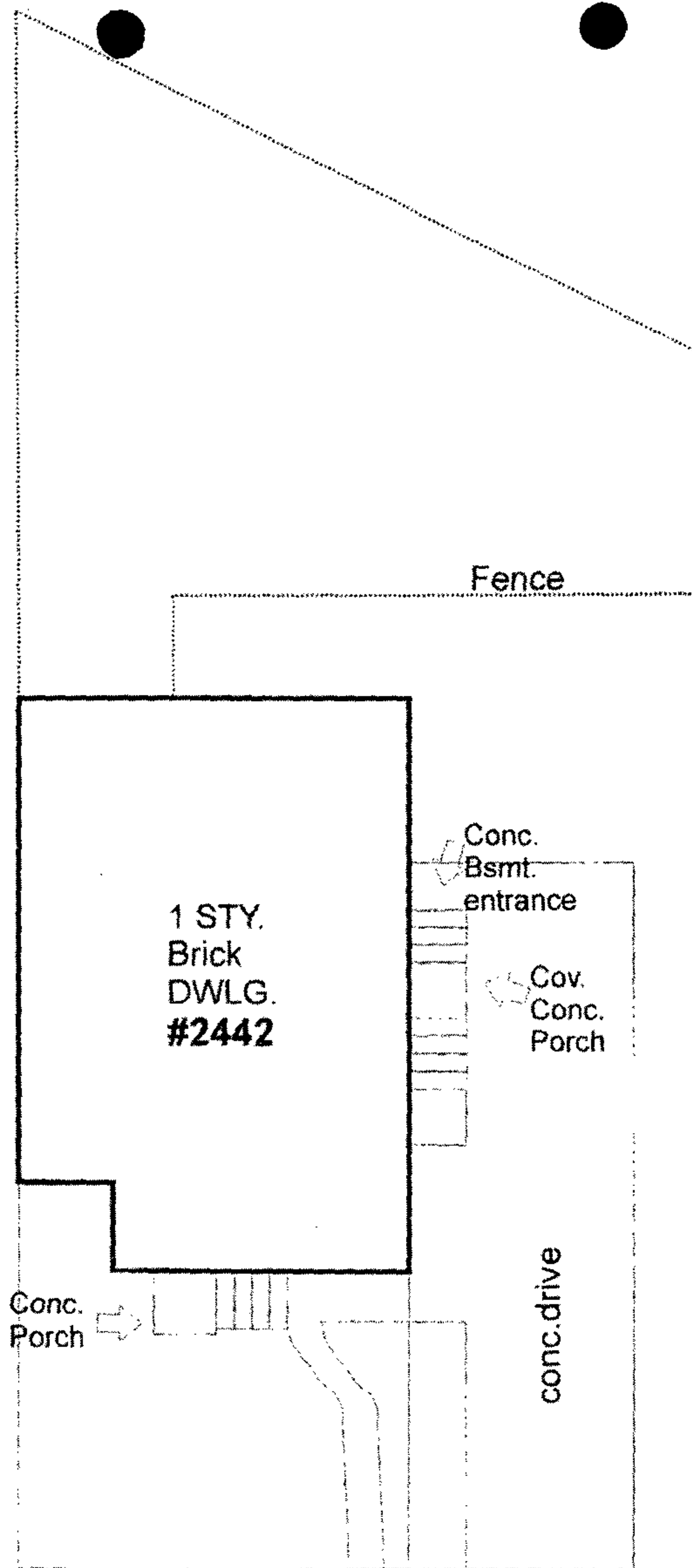
THE PLAT IS A BENEFIT TO THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS. THE PLAT DOES NOT PROVIDE FOR ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. I HEREBY CERTIFY THAT THE LOT SHOWN HEREBY HAS BEEN SURVEYED FOR THE PURPOSE OF LOCATING ALL IMPROVEMENTS ONLY.



FTC 8733

SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
SHELL BUILDING, ROOM 101
TOWSON, MD 21286

RAWN BY	SURVEYED BY	CHECKED BY	SCALE	DATE
---------	-------------	------------	-------	------



Forest Green Rd.

Eleonora Pustilnikova
2442 *Forest Green* Rd.
Baltimore, MD 21209

Greenspring Ave.

Forest Green Rd.

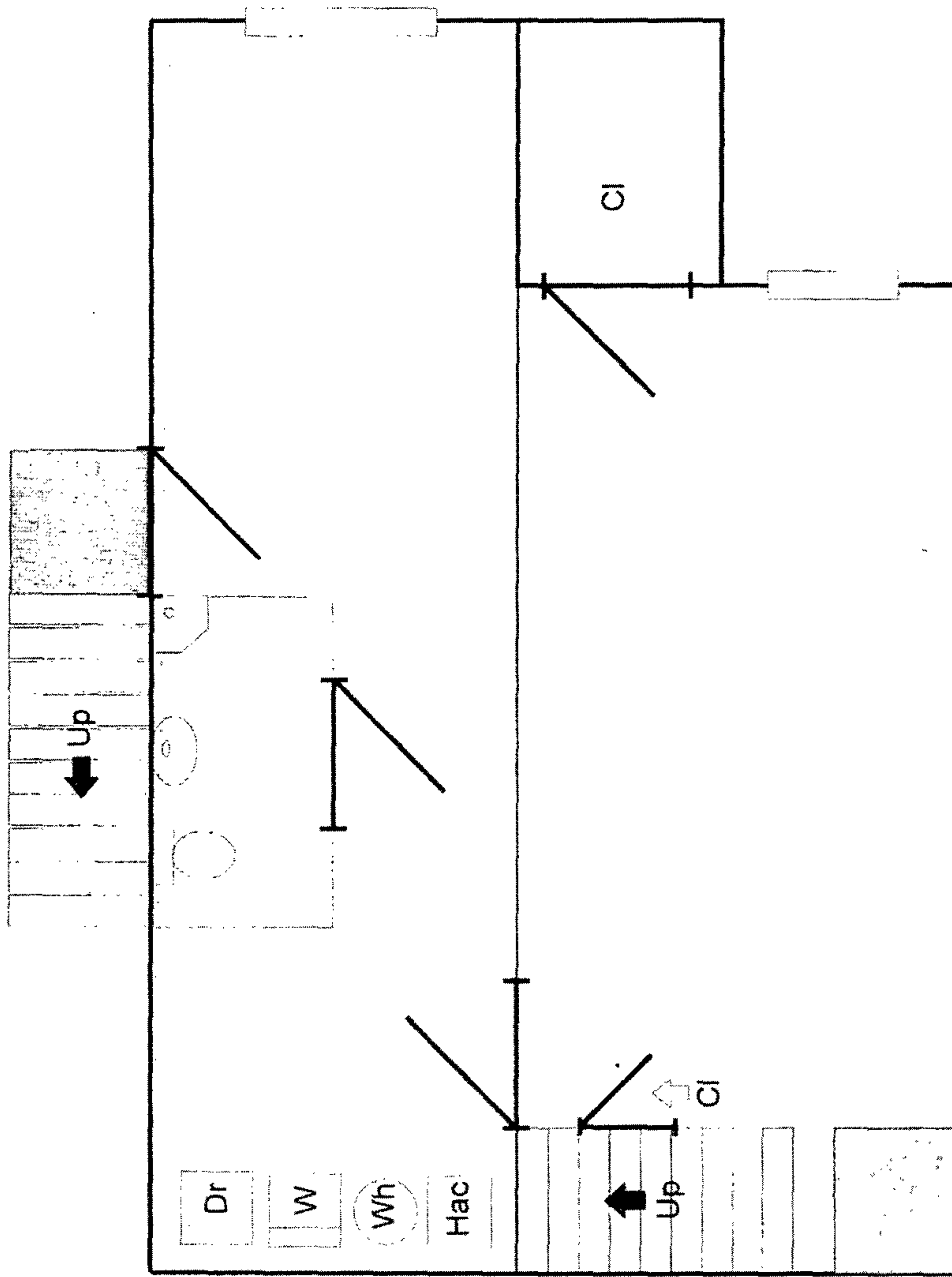
1 STY.
Brick
DWLG.
#2442

Chippewa Dr.

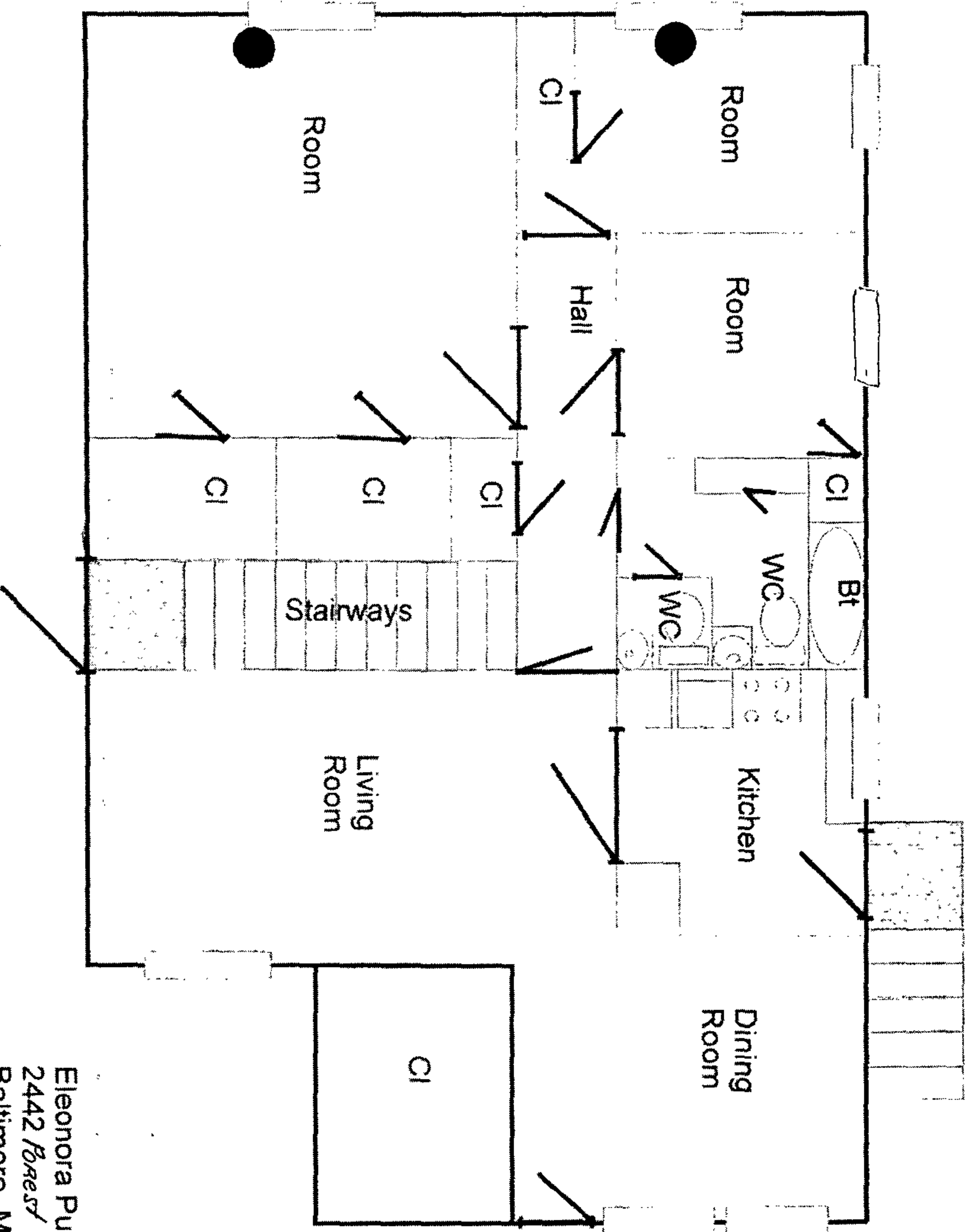
Smith Ave.

Old Fimlico Rd.

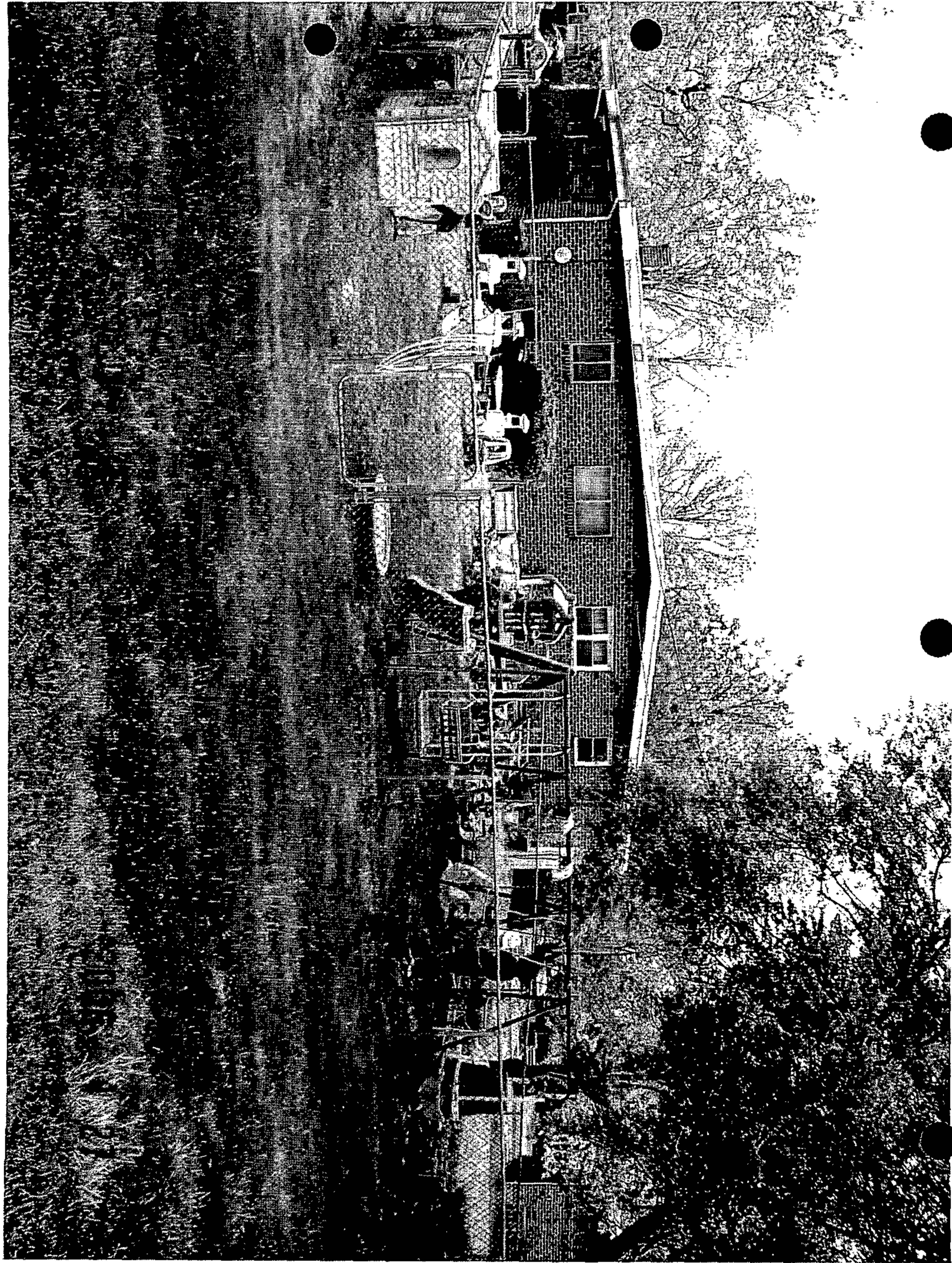
Eleonora Pustilnikova
2442 Forest Green Rd.
Baltimore, MD 21209



Eleonora Pustilnikova
2442 Forest Green Rd.
Baltimore, MD 21209



Eleonora Pustilnikova
 2442 Forest Green Rd.
 Baltimore, MD 21209





2008 - 4 27

APPLICATION FOR CHILD CARE CENTER

USE PERMIT

This Use Permit is requested in accordance with Sections 424.5 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

Election District _____
Subdivision _____
Street Address _____
Lot Number _____ Block Number _____
*If no lot or block number, give distance to nearest intersecting
street _____ feet, north / south / east / west of
_____ Street / Road / Avenue
Lot Size _____ x _____

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

General Information:

A. Name and Address of Applicant/Operator

B. Number of Employees _____ Telephone Number _____
Hours of Operation _____
Days of Week _____

C. Number of Children Enrolled _____

D. Estimated Amount of Traffic Generated:
Morning _____ Afternoon _____

E. Site Plan, drawn to scale, indicating location and type of
structure on lot in question, location and dimensions of play
parking area(s) arrangement, and proximity of dwellings on adjacent
lots must accompany this Use Permit

F. Snapshot of the Structure

I am aware that the zoning regulations require that the above property be posted for a period of thirty (30) days prior to the Zoning Commissioner taking any action, that said posting (sign) shall include information relative to the number of children, hours of operation, and number of employees, and that I am responsible for, and hereby agree, to pay expenses for all posting, advertising, and filing fees.

Applicant's Signature

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A CLASS A CHILD CARE CENTER USE PERMIT

The application for your proposed Class A Child Care Center has been reviewed and is accepted for filing by _____ on _____
DATE (A)

A sign indicating the proposed Child Care Center must be posted on the property for thirty (30) days before a decision can be rendered. Total cost, which includes application fee and posting, is \$75.00.

In the absence of a request for a public hearing during the 30-day posting period, a decision can be expected within approximately five weeks.

*SUGGESTED POSTING DATE _____
B (A + 7 DAYS OR NEXT FRIDAY)

DATE POSTED _____
C (CERTIFIED BELOW)

HEARING REQUESTED - YES _____ NO _____ - DATE _____

LAST DAY FOR HEARING REQUESTS _____
D (C + 30 DAYS)

APPROXIMATE DECISION DATE _____
E (A + 40 DAYS OR D + 5 WORK DAYS)

*Within 14 days of filing

=====

C E R T I F I C A T E O F P O S T I N G

District _____

Location of Property: _____

Number of Signs: _____ Date of Posting: _____

Posted by: _____

424.4--A. Group child care centers, Class A are permitted as an accessory use within single-family detached dwellings in all residential zones except R.C.4, in all industrial zones, and in R.O. and O.T. Zones if the Zoning Commissioner grants a use permit under the following procedure:

1. Upon application for a use permit, the owner or agent shall provide the following information:
 - a. number of employees;
 - b. number of children to be enrolled;
 - c. Hours of operation;
 - d. Estimated amount of traffic generated;
 - e. A site plan indicating location and type of structure on the lot in question, location and dimensions of play area(s), parking arrangement, and proximity of dwellings on adjacent lots;
 - f. A snapshot of the structure. [Bill No. 47, 1985.]
2. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of thirty days following the filing of the application. [Bill No. 47, 1985.]
3. Within the thirty day posting period, any occupant or owner within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7. [Bill No. 47, 1985.]
4. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a child care center if the proposed use meets all the requirements of this subsection and any other applicable requirements. Such use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of 424.4.A.6.c below and to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community. [Bill No. 47, 1985.]
5. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the requests for public hearing. [Bill No. 47, 1985.]
6. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:
 - a. his findings following the public hearing;
 - b. the character of the surrounding community and the anticipated impact of the proposed use on that community;
 - c. the manner in which the requirements of subsection 424.1 and other applicable requirements are met; and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations. [Bill No. 47, 1985.]
 - d. Section 1B01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.b.3 as it pertains to such use in D.R. Zones. [Bill No. 47, 1985.]
- B. Group child care centers, Class A are permitted as an accessory use within single-family detached dwellings in O-1 and O-2 Zones and in all business zones, by right. [Bill No. 47, 1985.]

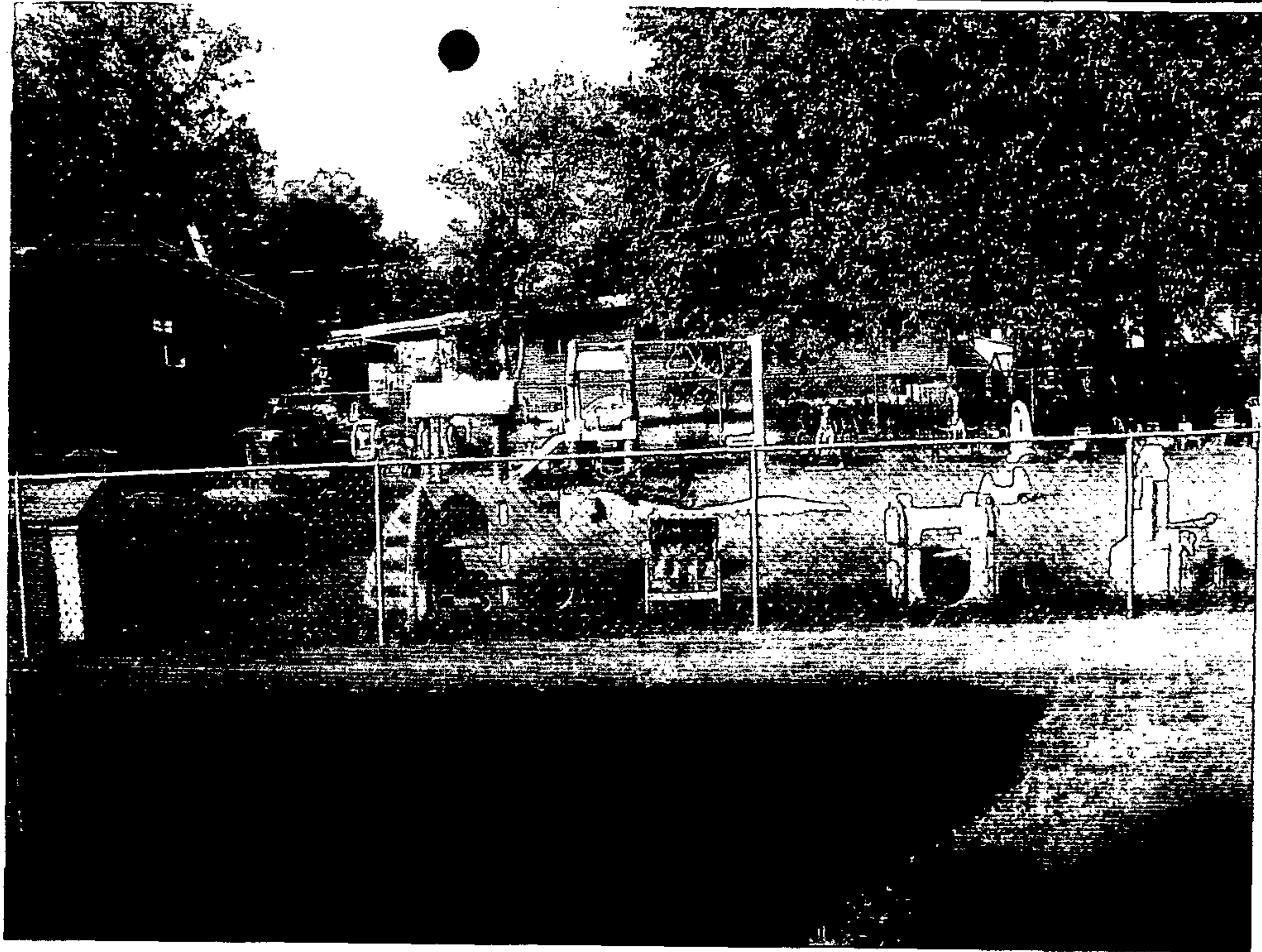
3. the arcade is clearly subordinate in area, extent, and purpose to the principal use;
4. the zoning commissioner specifies the maximum number of amusement devices to be maintained in the arcade; and
5. in the resource conservation, density residential, elevator-apartment residence, residential-office, and office zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use and the use of the arcade is restricted to such members and their guests and is not open to the general public or to lessees of said private club. [Bill No. 66, 1983.]

Section 424--FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS,
Policy A-B AND NURSERY SCHOOLS [Bills No. 47, 1985; No. 66, 1985;
No. 300-90.]

Family child care homes, group child care centers, and nursery schools are permitted in all zones in accordance with this section. If a conflict arises between this section and other specific provisions of these zoning regulations, this section shall govern. [Bill No. 47, 1985.]

424.1--General. Family child care homes, group child care centers, and nursery schools shall meet the following requirements:

- A. Any such use shall be registered, licensed, or certified as required by the applicable state or local agency. [Bill No. 47, 1985.]
- B. In addition, with respect to group child care centers and nursery schools, outdoor play space abutting residential property shall be fenced. Fences shall be solid wood stockade or panel, a minimum height of five (5) feet, and no closer to the property line than twenty (20) feet. [Bills No. 47, 1985; No. 26, 1988, No. 200, 1990.]
- C. On or after April 15, 1985, no family child care home, group child care center or nursery school shall be permitted adjoining a residentially used property or dwelling unit in a D.R. or R.C. zone that has an existing family child care home or group child care center or nursery school adjoining such residentially used property or dwelling unit. [Bills No. 47, 1985; No. 66, 1985.]



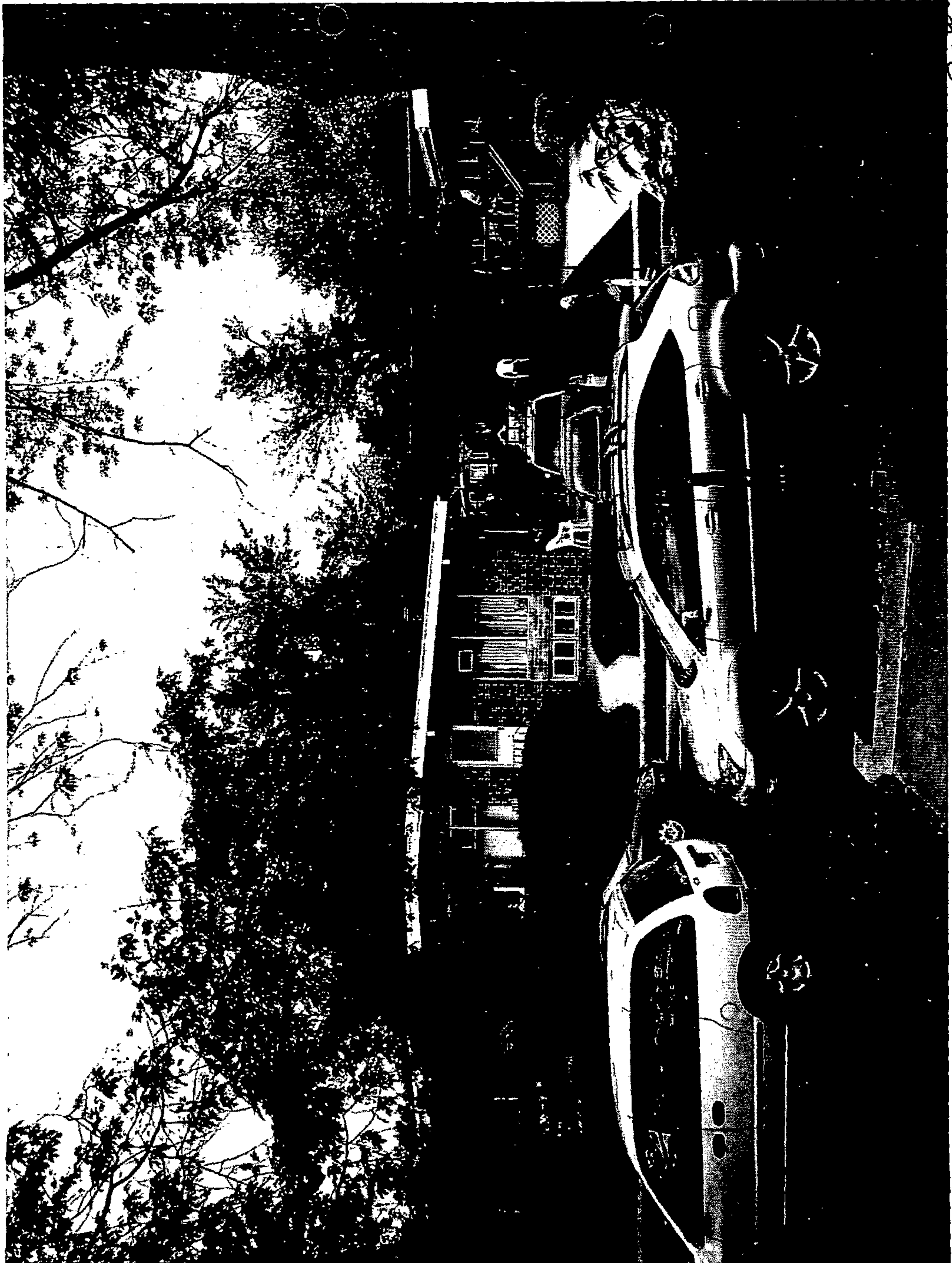
Pro #1



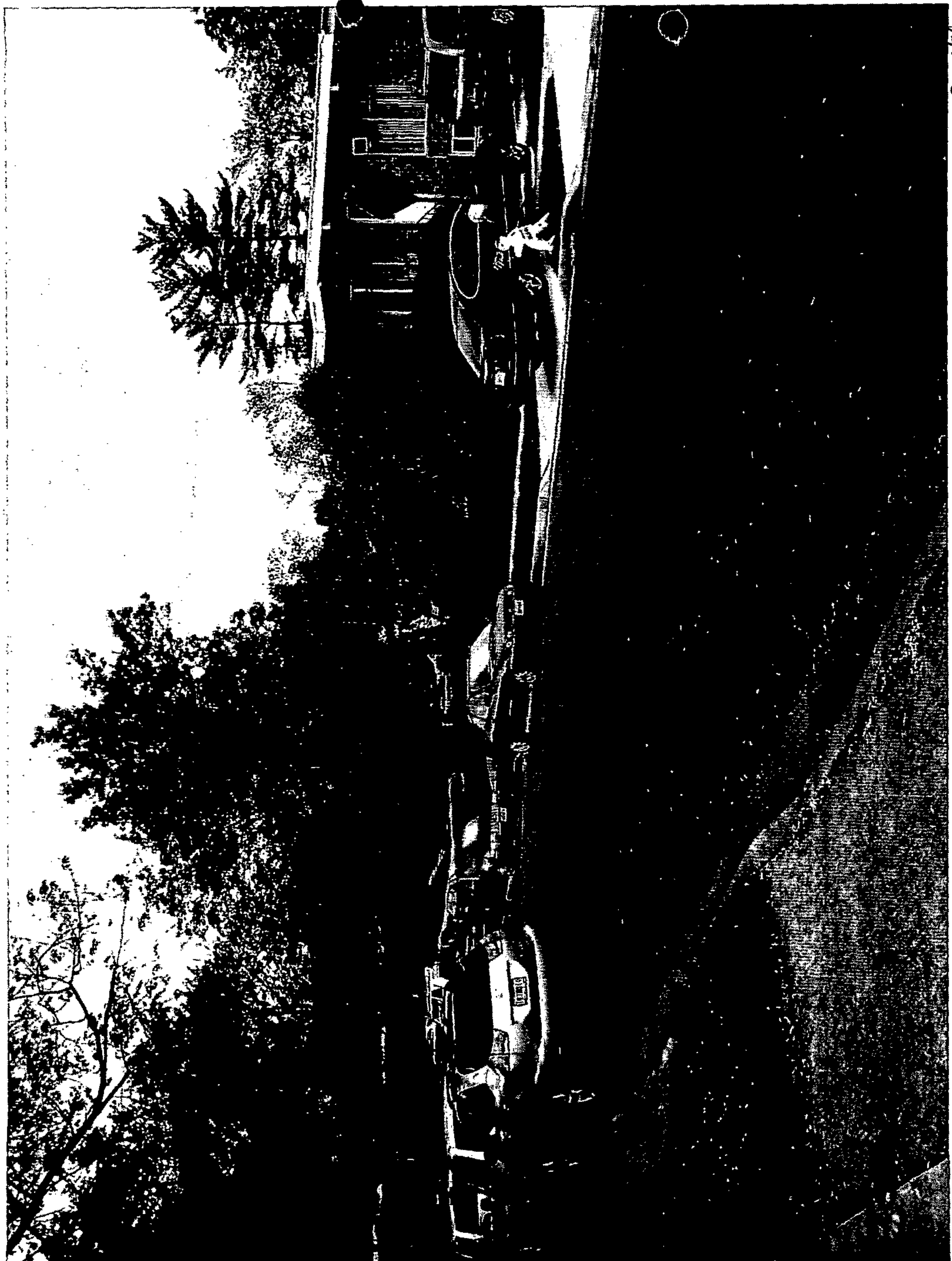
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P 20 # 4



8/10/8



Q20 #6

I own at RD
2445 FOREST GREEN

~~DR #1~~
I oppose the increase
of the number of children
at the daycare across
the street from my house.

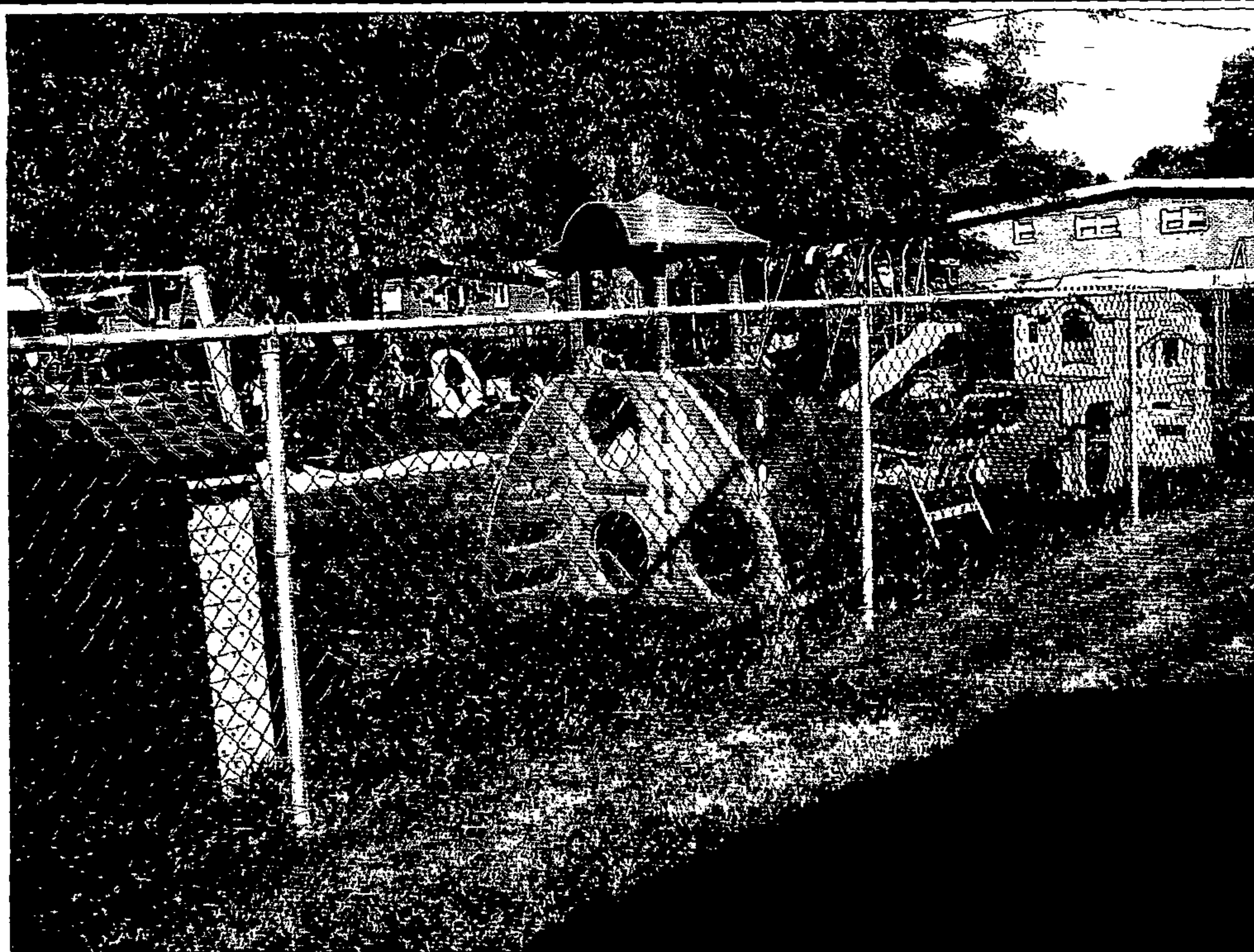
We have too much traffic
and too many parking
places being taken up
now from the current
amount of cars dropping
off and picking up their
children. Also, the daycare
provider doesn't even live there.

Please do not grant an increase.

Bluma Sorkis



Pro 8A



Pro
8B



8C

REC'D MAY 1 6 2006

REC'D MAY 16 2006

REC'D MAY 16 2006

REC'D MAY 16 2006

REC'D MAY 16 2006

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