IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCE	*	BEFORE THE
S side Liberty Road, 0 feet S of c/l Blair Avenue	*	DEPUTY ZONING COMMISSIONER
2nd Election District	*	OF BALTIMORE COUNTY
4th Councilmanic District		
(8807 Liberty Road)	*	
Dennis and Elizabeth Agboh *Legal Owner*	*	CASE NO. 07-300-SPHXA

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, Dennis and Elizabeth Agboh for property located at 8807 Liberty Road.

The Special Hearing is to remove a prior special exception, Case #89-336-SPHX, that permitted a publishing business on this property.

The Special Exception is to allow a Class B group child care facility.

The Variance request is from Section 424.1.A to permit a lot size of 21,780 square feet in lieu of the required 43,560 square feet; from Section 424.7.B to permit a side yard setback of as close as 11 feet in lieu of the required 50 feet; 0 feet of vegetative buffer in lieu of the required 20 feet; from Section 424.7.E to permit maximum impervious surface area of 29% in lieu of the maximum allowable 25% of the gross area; from Section 424.7.C to permit drop off and pick up of children in the front yard in lieu of the required side yard or rear yard; from Section 424.1.B to permit a 0 setback of the fence from the property line in lieu of the required 20 feet.

The property was posted with Notice of Hearing on February 8, 2007, 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 February 8, 2007, to notify any interested persons of the scheduled hearing date.

ORDER RECEIVED FOR FILING
3-7-07

Applicable Law

Section 502.1 of the B.C.Z.R. *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

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."

RECEIVED FOR FILING
3-7-07

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) 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 February 12, 2007. That Office believes that a Class B child care center could generate an unsafe traffic situation with respect to ingress and egress, resulting in a negative impact for vehicles traveling on Liberty Road. This hazard could also potentially affect adjacent residential properties. The size of the proposed lot is too small to accommodate 40 or more children. Adjacent residential properties may experience noises and other conditions not normally associated with residential uses if a commercial operation of this magnitude is permitted. The Office of Planning recommends that the request for variance be denied, and recommends that the special hearing request be granted.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Dennis and Elizabeth Agboh, Petitioners, as well as Bruce Doak, with Gerhold Cross & Etzel, Ltd., who prepared the site plan. J. Carroll Holzer, Esquire, represented the Petitioners. Dennis Carter appeared in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The property contains 21,780 square feet zoned ROA and is improved by a two story residential building for which a special exception/special hearing for a publishing company was granted in Case No. 89-336-SPHX. Mr. Doak indicated that the Petitioners would like to convert the existing structure for use as a Group Child Care Center, Class B as shown in Petitioner's exhibit 1. In this design, children would be picked up and dropped off in a circular driveway in the front of the building with two entrances from Liberty Road as shown. Employee parking

RECEIVED FOR FILING
Date 3-7-07
By

would be located in the rear, and the playground area would have a 5 foot high privacy fence around its perimeter

He noted that the subject property serves as a transition between the heavy commercial uses along Liberty Road to the east, apartments to the south and the single family communities to the west. See aerial photo of the area in exhibit 2. He noted that residential uses such as being proposed in this ROA zone are treated as DR 3.5 zones and therefore require a special exception. He pointed out that both this Commission and the Board of Appeals approved the special exception for the publishing business after considering the neighborhood.

Mr. Doak indicated that he received the ZAC comments from the Planning Office on the day of the hearing and disagreed with their conclusions. However being aware of the issue of pick up and drop off on Liberty Road, Mr. Doak prepared an alternative site layout, exhibit 5, which provides a circulating driveway around the building allowing parking for employees and pick up drop off of the children in the rear of the building. He noted that this arrangement reduced the number of curb cuts on Liberty Road to one, the location of the existing driveway, which is opposite to Blair Avenue. In addition it consolidates parking, moves all noise and commotion to the rear, requires less grading and retains the residential look of the building. While this removes one of the objections from the Planning Office, it increases the impervious surfaces from 29% to 36 % because of the additional driveway. The regulations allow 25% coverage. The special hearing is simply to amend the site plan previously approved in Case No. 89-386-SPHX.

He opined that the proposed use meets the criteria of Section 502.1 of the BCZR, was within the spirit and intent of the regulations and would not adversely affect the community. In particular the noted that the site plan shown in exhibit 5 with parking and pick up in the rear would alleviate several concerns expressed by the Planning Office in their ZAC comments. In

3-7-07

regard to variances requested he opined the property was unique from a zoning perspective given that this lot and building are existing conditions, the use provides a good transition between the commercial uses to the east, apartments to the south and residential communities to the west. He indicated that it was not fair to require one acre of land for such child care uses, that the existing building is 11 feet from the side property line and the existing hedgerow between the subject property and the Carter property would mitigate sound and sight of the proposed use.

Ms. Agboh indicated that the Petitioners operate similar child care centers in the area without complaints hours would be 7 AM to 6 PM Monday through Friday. Actual drop off times are 7:30 to 9:30 AM and pick up limited from 3:00 to 5:30 PM.

Mr. Carter, a neighbor, indicated that the property had been used as a dwelling, then a small church and finally a small printing company. He indicated that in addition to owning the adjacent property, he represents the Fieldstone Community Association who oppose the request as a commercial intrusion into this residential zone. He noted that the printing business had only one employee and no impact on the residential community from noise or traffic. On the contrary this use will generate objectionable noise and traffic.

On questioning he opined that 25 children on this site is still too many, that a small office would be welcome and that such a use would be better located in the several unoccupied commercial buildings to the west.

In rebuttal Ms. Agboh indicated that when the children are inside the building, there is no noise, the children are outside only one hour in the morning and afternoon and parents pick up and drop off over several hours and not all at one time. Considering the heavy traffic on Liberty Road this use will not increase it in any significant way. She agreed to limit the number of children to 25 and opined that the privacy fence will reduce the noise and commotion of the

3-7-07

children playing in the rear yard. The building will be air conditioned, and only two employees will be on site during drop off/pick up, and that 12 children would not be economically viable.

Findings of Fact and Conclusions of Law

Perhaps an overview of the child care facility regulations would help. There are family child care homes in private residences as accessory uses with up to 8 children which are allowed by right in all zones. Next we have Group Child Care Center, Class A, for up to 12 children, again as accessory uses which are allowed administratively by use permit assuming no objections are raised. Then there are Group Child Care Centers, Class B, where there are more than 12 children and the use is the principal use of the building. These are allowed generally by special exception and have different regulations depending on whether there are 40 or more children.

As I mentioned at the hearing, the regulations specify that bulk standards of Section 424.7 apply to "group centers". These regulations require one acre of property for the first 40 children and a sliding scale of 500 square feet for each child over 40. The Zoning Office contends that these regulations were intended to apply only to group centers over 12 children.

One way to look at the regulations is to observe that there is a step function (at least over 12 children) requiring one acre or roughly 40,000 square feet up to 40 children. Meeting this requirement means not having to ask for an area variance. For properties less than one acre and centers less than 40 children there appears to be a rough scale of 1,000 square feet per child, i.e. 40,000 sq. feet for 40 children. This Petitioner has 21,000 square feet which would imply 21 children would be the most allowed under a variance if all else were equal. The Petitioner agreed to limit the number of children to 25.

3-7-07
BB

At the other extreme, as long as the use was accessory (that is, the operator lives on site), 8 children could be in a family child care home by right. Similarly as long as the use was accessory, up to 12 children would be allowed under the administrative process. The idea is that if the property is home to the operator, he/she will more likely see that the property is properly maintained and neighbors are happy. From Mr. Carter's comments I imagine that he would not object to 12 especially if the operator actually lived on site. However in this case the operator will not be living on site although I am sure the Agbohs will be active in management of the center. This center will be primarily operated by employees.

Finally I accept the revised site plan shown as exhibit 5 which is far superior to the initial plan. Pick up/drop off will occur behind the building which coincidentally is also behind Mr. Carter's home. The regulations require a privacy fence be installed 20 feet from the property line which area is to be used as a vegetative buffer. If this regulation were applied on Mr. Carter's side the play space would be reduced by approximately 2,000 square feet leaving 4,000 square feet for the children's play area. This implies that the number of children should be reduced accordingly so that 14 children should be allowed. The Petitioner indicated that 12 children would not be economically feasible.

I also accept that this use is needed in the community as Mr. Carter indicated, that it provides a transition from the heavy commercial uses to the east buffering the residential uses to the west and will not increase the traffic on Liberty Road noticeably.

Considering all the testimony and evidence presented, I will grant the special exception for a Group Child Care Center for a maximum of 15 children pursuant to exhibit 5, grant the special hearing accordingly and grant the lot size, side yard setback for the existing building, impervious surface area of 36% and 0 feet fence setback from property line on the east and south sides of the play area. However I will deny the fence setback from the west side (Mr. Carter's

3-7-02

side) so that he and to some extent his neighbor to the rear will have the full extent of separation from the play area specified in the regulations. I will also require that the structure be air conditioned so that windows not be opened during warm weather greatly reducing the noise from the building.

With these changes I find the proposed use meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the ROA/DR 3.5 regulations, and will not adversely affect the community. For the same reasons I will grant the request to remove the special exception for the printing business. Finally I will grant some of the requested variances and deny others as above finding the property unique in a zoning sense due to the existing structure, that strict enforcement would operate as a hardship and practical difficulty on the Petitioner and again the variances can be granted to the extent outlined without adversely affecting the community.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception and special hearing should be granted, and the requests for variance should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, this 7th day of March, 2007, by the Deputy Zoning Commissioner, that the Special Hearing to is to remove a prior special exception, Case #89-336-SPHX, that permitted a publishing business on this property be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Special Exception to allow a Class B group child care facility with a maximum of 15 children is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Variances to permit a lot size of 21,780 square feet in lieu of the required 43,560 square feet; to permit a side yard setback of as close as 11 feet in

ORDER RECEIVED FOR FILING
Date 3-7-07
By

lieu of the required 50 feet for the existing building; to permit maximum impervious surface area of 36% in lieu of the maximum allowable 25% of the gross area are hereby GRANTED; and

IT IS FURTHER ORDERED that the request for 0 feet of vegetative buffer in lieu of the required 20 feet is hereby GRANTED except along the western property line in the children's play area shown on exhibit 5 where the vegetative buffer shall be fully provided; and

IT IS FURTHER ORDERED that the request for variance from section 424.1.B to permit a 0 ft setback of fence in the play area is hereby granted except along the western property line in the children's play area shown on exhibit 5 where the fence 20 feet from the property line shall be fully provided subject to the following conditions:

1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition; and
2. The principal building shall have air conditioning for summer cooling.

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

JVM:pz

3-7-07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 7, 2007

J. CARROLL HOLZER, ESQUIRE
HOLZER & LEE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286

Re: Petitions for Special Exception, Special
Hearing and Variance
Case No. 07-300-SPHXA
Property: 8807 Liberty Road

Dear Mr. Holzer:

Enclosed please find the decision rendered in the above-captioned case.

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

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson MD 21286
Dennis and Elizabeth Agboh, 116 Nob Hill Park Drive, Reisterstown, MD 21136
Dennis Carter, 8809 Liberty Road, Randallstown MD 21133

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8807 LIBERTY ROAD
which is presently zoned ROA

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

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:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

DENNIS AGBOH
Name - Type or Print

Dennis Agboh
Signature

ELIZABETH AGBOH
Name - Type or Print

Elizabeth Agboh
Signature

116 NOB HILL PARK DRIVE
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK @ GCE
Name

320 E. TOWSONTOWN BLVD
Address — Telephone No.

TOWSON MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 1/2/07

Case No. 07-300-SPHXA

RECEIVED FOR FILING

REV 9/15/98 3-7-07

BM

SPECIAL HEARING REQUESTED
8807 Liberty Road

TO REMOVE A PRIOR SPECIAL EXCEPTION, CASE # 89-336-SPHX, THAT PERMITTED A PUBLISHING BUSINESS ON THIS PROPERTY.

#300

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8807 LIBERTY ROAD

which is presently zoned ROA

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

DENNIS AGBOH
Name - Type or Print

Dennis Agboh
Signature

ELIZABETH AGBOH
Name - Type or Print

Elizabeth Agboh
Signature

116 HOB HILL PARK DRIVE
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK @ G.C.&E.
Name

320 E. TOWSONTOWN BLVD 323-4470
Address — Telephone No.

TOWSON MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 1/2/07

Case No. 07-300-SPHXA

REV 09/15/98

[illegible] RECEIVED FOR FILING

Date 3-7-07

By BJ

SPECIAL EXCEPTION REQUEST
for 8807 Liberty Road

THE POLICY MANUAL CONSIDERS ZONE R.O.A. TO BE D.R. 3.5 REGARDING USE. BECAUSE OF THIS A SPECIAL EXCEPTION WILL BE REQUIRED TO ALLOW A CLASS 'B' GROUP CHILD CARE FACILITY.

300

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8807 Liberty Road

which is presently zoned R.O.A.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

DENNIS AGBOH
Name - Type or Print

Signature

ELIZABETH AGBOH
Name - Type or Print

Signature

116 NOB HILL PARK DRIVE
Address — Telephone No.

REISTERSTOWN MD 21136
City — State — Zip Code

Attorney For Petitioner:

J. Carroll Holzer
Name - Type or Print

Signature

Holzer + LEE
Company

508 Fairmount Ave 410 825 6861
Address — Telephone No.

Towson MD 21286
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK c/o G.C. & E.
Name

320 E. TOWSONTOWN BLVD
Address — Telephone No.

TOWSON MD 823-4470
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By BM Date 1/2/07

Case No. 07-300-SPHXA

RZV 9/15/98 3-7-07

BM

VARIANCES REQUESTED
8807 Liberty Road

1. VARIANCE FROM SECTION 424.7.A TO PERMIT A LOT SIZE OF 21,780 SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT.

2. VARIANCE FROM SECTION 424.7.B TO PERMIT A SIDE YARD SETBACK OF AS CLOSE AS 11' IN LIEU OF THE REQUIRED 50'; 0' OF VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20'.

3. VARIANCE FROM SECTION 424.7.E TO PERMIT MAXIMUM IMPERVIOUS SURFACE AREA OF 29% IN LIEU OF THE MAXIMUM ALLOWABLE 25% OF THE GROSS AREA.

4. VARIANCE FROM SECTION 424.7.C TO PERMIT DROP OFF AND PICK UP OF CHILDREN IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE YARD OR REAR YARD.

5. VARIANCE FROM SECTION 424.1.B TO PERMIT A 0' SETBACK OF THE FENCE FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20'.

#300

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

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

October 13, 2006

ZONING DESCRIPTION
AGBOH PROPERTY
8807 Liberty Road
Baltimore County, Maryland

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

Beginning for the same at point of intersection of the centerlines of Blair Avenue and Liberty Road, thence north 58 degrees 30 minutes west 10 feet along the centerline of Liberty Road, thence running,

1) South 48 degrees 45 minutes 00 seconds West 36.20 feet,
2) South 48 degrees 45 minutes 00 seconds West 267.92 feet,
3) South 58 degrees 30 minutes 00 seconds East 75.00 feet,
4) North 48 degrees 45 minutes 00 seconds East 304.08 feet,
5) North 58 degrees 30 minutes 00 seconds West 75.00 feet, to the point of beginning.

Containing 21,780 square feet of land, more or less.

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

10/16/06

#300

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23079

DATE 1/2/07 ACCOUNT R001-006-6150

AMOUNT $ 800.00

RECEIVED FROM: Dennis Aylor

FOR: Special Hearing Special Exception, Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 07-305-SPHXA

PAID RECEIPT

REVENUE		TIME	DRW
1/04/2007	1/2/2007	14:36:39	4
ITG 0246	DALE	KRIM KOH	
RECEIPT # 540		1/02/2007	OFLH
Dept 5	540	0005 VERIFICATION	
CR NO. 023079			
Recpt Tot		$800.00	
$800.00 CR		$.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: # 07-300-SPHXA
8807 Liberty Road
S/side of Liberty Road, 0 feet south of centerline of Blair Avenue
2nd Election District - 4th Councilmanic District
Legal Owner(s): Dennis & Elizabeth Agboh

Special Hearing: to remove a prior special exception, Case #89-336-SPHX, that permitted a publishing business on this property. **Special Exception:** to allow a Class B group childcare facility. **Variance:** to permit a lot size of 21,780 sq. ft. in lieu of the required 43.560 sq. ft. and to permit a side yard setback of as close as 11 feet in lieu of the required 50 feet; zero feet of vegetative buffer in lieu of the required 20 feet and to permit maximum impervious surface area of 29% in lieu of the maximum allowed 25% of the gross area and to permit drop off and pick up of children in the front yard in lieu of the required side yard or rear yard and to permit a zero setback of the fence from the property line in lieu of the required 20 feet.
Hearing: Monday, February 26, 2007 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.

2/110 February 8 124020

CERTIFICATE OF PUBLICATION

2/8/, 2007

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 2/8/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#07-300-SPHXA
PETITIONER/DEVELOPER:
Dennis Agboh
DATE OF HEARING: 2/26/07

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
8807 Liberty Road

(see page 2 for full size photo)

POSTED ON: 2/08/07

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

ZONING NOTICE

CASE # :07-300-SPHXA

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

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

2:00 PM, Monday, February 26, 2007

Special Hearing: to remove a prior special exception, Case # 99-336-SPHX, that permitted a publishing business on this property.

Special Exception: to allow a Class B group childcare facility.

Variance: to permit a lot size of 21,780 sq. ft. in lieu of the required 43,560 sq. ft. and to permit a side yard setback of as close as [illegible] feet in lieu of the required 50 feet; zero feet of vegetative buffer in lieu of the required 20 feet and to permit maximum impervious surface area of 29% in lieu of the maximum allowed 25% of the gross area and to permit drop off and pick up of children in the front yard in lieu of the required side yard or rear yard and to permit a zero setback of the fence from the property line in lieu of the required 20 feet.

02/07/2007

HEARINGS ARE HANDICAPPED ACCESSIBLE

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 8807 Liberty Road; S/S Liberty Road, 0' S c/line Blair Avenue 2nd Election & 4th Councilmanic Districts Legal Owner(s): Dennis & Elizabeth Agboh Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-300-SPHXA

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January, 2006, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

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

RECEIVED
JAN 10 2007
Per.....

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 8, 2007 Issue - Jeffersonian

Please forward billing to:
Dennis & Elizabeth Agboh
116 Nob Hill Park Drive
Reisterstown, MD 21136

410-823-4470

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: 07-300-SPHXA
8807 Liberty Road
S/side of Liberty Road, 0 feet south of centerline of Blair Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Special Hearing to remove a prior special exception, Case #89-336-SPHX, that permitted a publishing business on this property. Special Exception to allow a Class B group childcare facility. Variance to permit a lot size of 21,780 sq. ft. in lieu of the required 43.560 sq. ft. and to permit a side yard setback of as close as 11 feet in lieu of the required 50 feet; zero feet of vegetative buffer in lieu of the required 20 feet and to permit maximum impervious surface area of 29% in lieu of the maximum allowed 25% of the gross area and to permit drop off and pick up of children in the front yard in lieu of the required side yard or rear yard and to permit a zero setback of the fence from the property line in lieu of the required 20 feet.

Hearing: Monday, February 26, 2007 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 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 23, 2007

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

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: 07-300-SPHXA
8807 Liberty Road
S/side of Liberty Road, 0 feet south of centerline of Blair Avenue
2nd Election District – 4th Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Special Hearing to remove a prior special exception, Case #89-336-SPHX, that permitted a publishing business on this property. Special Exception to allow a Class B group childcare facility. Variance to permit a lot size of 21,780 sq. ft. in lieu of the required 43.560 sq. ft. and to permit a side yard setback of as close as 11 feet in lieu of the required 50 feet; zero feet of vegetative buffer in lieu of the required 20 feet and to permit maximum impervious surface area of 29% in lieu of the maximum allowed 25% of the gross area and to permit drop off and pick up of children in the front yard in lieu of the required side yard or rear yard and to permit a zero setback of the fence from the property line in lieu of the required 20 feet.

Hearing: Monday, February 26, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

T. M. Kotroco

Timothy Kotroco
Director

TK:klm

C: Dennis & Elizabeth Agboh, 116 Nob Hill Park Drive, Reisterstown 21136
Bruce Doak, G.C. & E., 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 10, 2007.**
(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.

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: 07-300-SPHXA

Petitioner: Dennis & Elizabeth Agboh

Address or Location: 8807 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dennis & Elizabeth Agboh

Address: 116 Nob Hill Park
Reisterstown MD 21136

Telephone Number: 410-823-4470

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 22, 2007

Dennis Agboh
Elizabeth Agboh
116 Nob Hill Park Drive
Reisterstown, MD 21136

Dear Mr. and Mrs. Agboh:

RE: Case Number: 07-300-SPHXA, 8807 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 2, 2007.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

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

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

January 12, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 15, 2007

Item Number(s): 294,295,300

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.

. 3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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: January 11, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 15, 2007
Item Nos. 07-294, 297, 298, 300, 301, 302, 303, and 306

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-01112007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 12, 2007

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

SUBJECT: 8807 Liberty Road

RECEIVED

FEB 26 2007

ZONING COMMISSIONER

INFORMATION:

Item Number: 7-300

Petitioner: Dennis Agboh

Zoning: ROA

Requested Action: **Special Hearing and Variance**

The subject property is located within a Community Conservation area on a heavily traveled arterial road adjacent to single family residential uses. After reviewing the subject property a Class B childcare center could generate an unsafe traffic situation with respect to ingress and egress, resulting in a negative impact for vehicles traveling on Liberty Road. This hazard could also potentially affect adjacent residential properties.

Also the size of the proposed lot is to small to accommodate 40 or more children. Adjacent residential properties may experience noises and other conditions not normally associated with residential uses if a commercial operation of this magnitude is permitted.

SUMMARY OF RECOMMENDATIONS:

The Office of planning recommends that the petitioner's request for variance be denied. However this office recommends that the petitioners special hearing request be granted.

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

Reviewed by: Curtis A. Murray

Division Chief: Lyn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\7-300a.doc

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

SHA
Driven to Excel
State Highway Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: JANUARY 8, 2007

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

RE: Baltimore County
Item No. 7-300-SPHXA
MD 26 (LIBERTY RD)
8807 LIBERTY ROAD
AGBOH PROPERTY
SPECIAL HEARING
SPECIAL EXCEPTION

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD 26 (LIBERTY ROAD) are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Comcast

From: dcarter128@comcast.net
To: "Pat Clark" <patclark07@comcast.net>
Subject: Re: Special Hearing for Rezoning Case No. 07-300-SPHXA
Date: Saturday, February 24, 2007 6:10:52 PM

Thanks Mrs Clark for your due diligent with assisting in keeping our community family oriented.

Thanks again.

Dennis Carter @ 8809 Liberty Rd.

---------- Original message ----------
From: "Pat Clark" <patclark07@comcast.net>
> The Fieldstone Community Group's comments for the hearing scheduled for
> February 26, 2007, concerning the "Special Hearing for Rezoning Case
> 07-300-SPHXA" follows:
>
> The Fieldstone Community Group, Inc., (a community of 250 homes) which
> boarders 8807 Liberty Road, is against a rezoning to allow a "daycare
> center" in a residential zone. As you know, we have been working very
> hard to make our older and historical residential community a better
> place to live. We need to keep our residential community safe from any
> additional commercial infringement. For these reasons we are asking the
> Zoning Commissioner to deny this request for rezoning.
>
>
> Pat Clark, President
> Fieldstone Community Group, Inc.
> 3603 Stoneybrook Road
> Randallstown, MD 21133
> 410-922-0302
> patclark07@comcast.net

Attached Message

From: "Pat Clark" <patclark07@comcast.net> [Save Address]
To: "Dennis Carter" <dcarter128@comcast.net>
Subject: Special Hearing for Rezoning Case No. 07-300-SPHXA
Date: Sat, 24 Feb 2007 21:53:05 +0000

The Fieldstone Community Group's comments for the hearing scheduled for February 26, 2007, concerning the "Special Hearing for Rezoning Case 07-300-SPHXA" follows:

Com #1

The Fieldstone Community Group, Inc., (a community of 250 homes) which boarders 8807 Liberty Road, is against a rezoning to allow a "daycare center" in a residential zone. As you know, we have been working very hard to make our older and historical residential community a better place to live. We need to keep our residential community safe from any additional commercial infringement. For these reasons we are asking the Zoning Commissioner to deny this request for rezoning.

Pat Clark, President
Fieldstone Community Group, Inc.
3603 Stoneybrook Road
Randallstown, MD 21133
410-922-0302
patclark07@comcast.net

To Whom It May Concern:

Subject: Special Hearing for Rezoning Case No.07Case 07-300-SPHXA, 8807 Liberty Rd. Randallstown, MD. 21133

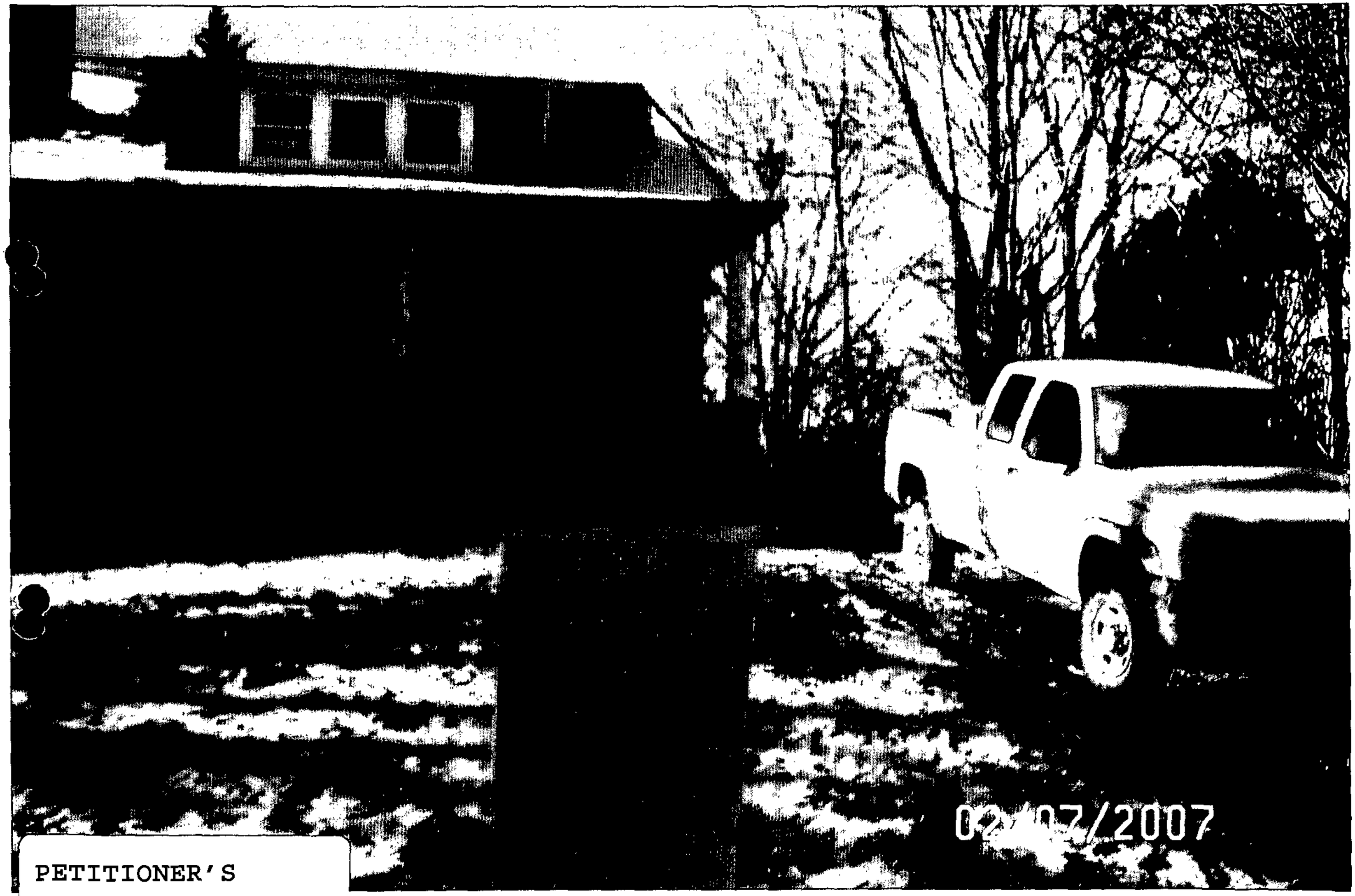
I Dennis Carter a resident at 8809 Liberty Rd in Randallstown, MD is against rezoning for a commercial Daycare center adjacent to my residential home. I believe this will alter our real-estate values in the area, along with creating more of a traffic problem to an already congested Liberty Rd. corridor. Also, the potential noise it will create for my family and neighbors living next to such a facility.

Additionally, Fieldstone Community Group, (a community of 250 homes) in which serve the Randallstown community is apposed to a commercial facility in the mist of our residential homes.

Sincerely;

Dennis Carter
8809 Liberty Rd.
Randallstown, MD. 21133
443-255-3506

com #2



PETITIONER'S

EXHIBIT NO. 38

PETITIONER'S

EXHIBIT NO. 34

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-300-SPHXA
DATE

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
J. Carroll Holzer	508 Fairmount Ave	Towson MD 21286	
Bruce E. Doak	320 E. Towsontown Blvd	Towson Md 21286	
Gerardo Cross & Ezel	~~116 Nob Hill Park Dr.~~	~~Reisterstown, MD 21136~~	
Dennis / Elizabeth Agboh	116 Nob hill Park Dr.	Rerst. MD 21136	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-300-SPHX A
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dennis Canter	8809 Liberty Rd	Randallstown, Md. 21133	Dcanter128@Comcastinet

PETITIONER'S EX. 2

BUSINESS REPLY MAIL
FIRST-CLASS PERMIT NO. 16721, BALTIMORE, MARYLAND
POSTAGE WILL BE PAID BY ADDRESSEE

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

Kitelines
P.O. Box 466
Randallstown, Maryland 21133-9967

The Four Sources of Kiteflying

1. Never fly a kite in wet or stormy weather, and keep your line dry.
2. Never fly a kite near electric power lines, transmission towers or antennas. (If you lose a kite on a line, call the utility company.)
3. Never fly a kite with wire or anything metallic in its line.
4. Never fly a hand-pulling kite without wearing gloves.

Five Things to Avoid while Kiteflying

1. Public streets and highways—don't fly a kite in or over them.
2. Air traffic patterns.
3. Bystanders in your kite's line of attack—especially when flying monofilament lines.
4. Power transmission towers/wires—kites they can trip you up.
5. Trees—but if you do lose a kite to a kite-eating tree, loosen the line and let the wind fly it out.

© Jumbo Parts Inc. 1990. All rights reserved. However, permission to copy this leaflet is granted to anyone provided it is reproduced in full. Partial sets are strictly prohibited without prior written consent from the publisher, or Kite Lines.

For More About Kites

Now enthusiasts can share their knowledge in the sport through reading. Top choice for a comprehensive book is *The Penguin Book of Kites* by David Pelham. There are a number of other good texts about kites, but none of the best are out of print, so visit your public library as well as bike or book stores.

To become an all-out member of the kiting family, the quarterly journal *Kite Lines* is indispensable at $12 a year ($16 foreign). One journal feature is the Kite Lines Bookstore, a mail order source of nearly every kite book in print. The colorful, award-winning magazine is located at P.O. Box 466, Randallstown, Maryland 21133-0466, USA.

Kite Lines recently expressed a philosophy that kiters are repeating:

Kites make the world seem smaller and the sky seem bigger.

May you find this secret and many others for yourself as you explore this ancient pastime and modern sport.

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road • Randallstown, MD 21133 • (301) 655-7766

Board of Directors' Meeting

February 20, 1989

Minutes

Present: Jack Kiner, Pete Christ, Lucille Whittingham, Alan Cohen, Alan Kaplan, Pat Nickel, Joan Kahline, Gene Hamilton, Bruce Bereson, Doug Stiegler, Glenn Manning, Rufus Stephens, Alan Kaplan, Bob Houck, Dr. Al Sherry, Joseph Lepski.

Guests: Officer Pat Wright, Alyssa Gabbay, Rebecca Amos, Bruce Robertson, Bob Olsen and Darrell Wiles (SHA), Michele Diffenderffer, Baxter Smith, Mrs. Stiegler, Jean Dewey, Bruce Levine, Mel and Valerie Govig and Jim Janas (staff).

Minutes - The minutes were read and approved on a motion by Alan Cohen with a second by Alan Kaplan.

Jack Kiner, who was chairing the meeting then asked everyone to introduce themselves.

Financial Report - The Treasurer Gene Hamilton submitted a financial report showing $224.90 in the private account and $1,282.59 in the County account. It was also pointed out that the IRS had placed a $328.66 tax levy on our private account for past due Bingo employee taxes.

Membership Report - Alan Kaplan reported that Carrollton Bank of Baltimore, Aaron A. Long Insurance, The Chimes, Inc., 7-Eleven, and Aeolus Press had joined bringing business membership to 190. A total list of members was distributed.

Alan also stated that we should attempt to have over 200 members by the Annual Meeting. He then distributed a list of approximately 50 new potential members and asked Board members to encourage these people to join.

Advertising Committee - Pat Nickel reported that there were only 3 or 4 spots still available in the March 22nd ad. She also encouraged the February advertisers to send their checks to the office.

Jack Kiner then interrupted the agenda to allow Doug Stiegler to say a few words. Doug stated that he would have to resign from

PETITIONER'S EXHIBIT 4

---

the Board because he was changing careers to do missionary work in Haiti. He would be leaving the country in June for several years. Board members thanked him for his support and wished him well.

CRG/Zoning Issues - Jim Janas reported that Hale Atlantic had been scheduled to come before the Board to discuss the possible development of a car wash at Green's Lane but they had called earlier in the day to say that they were out of town and would not be able to make the meeting.

8807 Liberty Road - the staff reported that a Special Hearing for a Special Exception to conduct magazine operations was scheduled for February 22nd. The petitioners, Melvin Govig, et ux, sought zoning which would allow for the administration operations of publishing a magazine. The staff explained that the site was immediately to the west of the Granger site which had been rezoned under the 1988 Map process.

Melvin and Valerie Govig were then introduced. They explained that they had lived along Liberty Road for the past 24 years and had recently purchased 8807 Liberty Road as both a residence and a location to publish their magazine Kite Lines. The property was undergoing modifications and renovations in order to be better suited for the proposed use. Mr. Govig explained that they performed administrative functions on the site; it would not function as a retail operation. There were three employees and traffic would consist of only several cars per day, the postman and a UPS truck. Board members then asked them several questions about their magazine and publishing operation. Rufus Stephens then made a motion that LCDC support this request for a Special Exception. Alan Cohen seconded the motion which passed unanimously.

Rufus Stephens then reported that he, Alan Cohen and Jim Janas had met with Larry's Chevrolet on their proposed development of a new dealership at Liberty and Burmont. We had reached agreement on three major points; minimal landscaping, a 35 ft. curb cut on Liberty Road, and a 6 ft. 4 in. by 6 ft. 4 in. free standing sign. We had subsequently testified at a CRG hearing and these items and the overall proposal had been approved.

8715 Liberty Road, F&M Distributors - the staff explained that F&M in the Bradlees Plaza was seeking a variance to allow a shopping center identification sign with a total of 333.5 sq. ft. in lieu of the permitted 150 sq. ft. Pat Nickel suggested that we needed better uniformity on all signage and brought up the Liberty Action Plan. Jim Janas reported that he had a tentative agreement with the Office of Planning and Zoning to review the Action Plan and modify the signage and landscaping sections. A committee consisting of Alan Cohen, Jack Kiner, Pat Nickel and Al Sherry was formed to begin the project. Alan Cohen then made a motion that we adhere to the Action Plan requirements in terms of F&M's petition. Lucille Whittingham seconded the motion which passed.

State Highway Administration - Jack Kiner then introduced Mr. Bob Olsen and Darrell Wiles of the SHA. Mr. Olsen was prepared to talk about highway issues and Mr. Wiles about traffic issues. A list of concerns had previously been submitted to the SHA representatives and they responded.

Mr. Olsen reported that there really was no change on the status of the widening of Liberty Road from Offutt to Deer Park. Much of the study had been complete but no right of way acquisition or construction funds had been set aside. He denied that the project was a "victim of the $300 million light rail system." He could not, however, give any indication when the project might start again or go to construction but it was clear that any construction activity was years away.

Jim Janas argued that we had worked on several developments and the businesses and developers were being forced by the SHA to build as if the 5th lane was, in fact, still in progress. This was particularly burdensome to the "small businesses." As an example he cited the case of Joe Grimm's acquisition of Tangier's for a truck center. The SHA had put out a memo requiring Grimm's to improve curb and gutters, have a 35 ft. curb cut and show an 80 ft. right-of-way. Janas argued if every single building or change of occupancy it would effectively deter all new investments. Mr. Olsen explained the different bureaucratic levels of the SHA and appeals could be submitted to his office.

Mr. Olsen reported that the possible expansion of US 29 to Owings Mills may in fact be under consideration but it would first have to be incorporated into both Howard and Baltimore Counties' Master Plans and would be several years away at the earliest.

The intersection of Liberty and St. Luke's, Liberty and Offutt and Liberty and Brenbrook, Liberty and Rolling were discussed and the SHA agreed to examine them. They also agreed to study the MTA turn around at Chapman and the turn lane striping at Liberty and Courtleigh.

Alan Cohen then brought up the subject of signage and our previous agreement with the SHA to improve public signage along Liberty Road. By the end of the summer the SHA should have removed most of the no parking signs, consolidated or replaced other signs, added overhead street signs and improved certain directional signs such as the hospital's.

The SHA should be in a position to report back to us in about four months.

Liberty Senior Center - Michele Diffenderffer, staff for the Dept. of Aging introduced herself and explained the department and the facilities and services of the new Liberty Senior Center in the new Family Resource center.

Annual Meeting - Lucille Whittingham reported that we were still working on the basic arrangements of the meeting. Joseph Lepski, according to By Law requirements appointed an Elections Committee consisting of Lucille Whittingham, Glenn Manning, Joan Kahline, Nancy Isaac and himself.

Other Business

The ribbon cutting for the Family Resource Center is scheduled for 1:00 p.m. on Feb. 27th. All members are invited.

Jack Kiner explained that the Executive Committee was interested in replacing our accountant. We had received an offer from a firm, Fisher and Associates to provide pro bono services to LCDC. He introduced a member of the firm, Rebecca Amos who explained the firm. Gene Hamilton made a motion that we utilize Fisher and associates for our audit and accounting work. Second by Rufus Stephens which passed.

Alan Caplan brought up the subject of used cars being displayed and offered for sale at various business locations. They were being parked at certain shopping centers and a Tappers station at Liberty and Milford Mill. After some discussion the staff was instructed to file a zoning complaint against this business.

The meeting adjourned at 9:00 p.m.

LIBERTY COMMUNITIES DEVELOPMENT CORPORATION, INC.
3820 Fernside Road • Randallstown, MD 21133 • (301) 655-7766

February 21, 1989

Mr. J. Robert Haines
Baltimore County
Zoning Commissioner
111 W. Chesapeake Ave.
Towson, MD 21204

Re: 8807 Liberty Road
89-336-SPHX

Dear Mr. Haines:

At their meeting last night the LCDC Board of Directors reviewed and discussed the request for a Special Exception to conduct a magazine operation at 8807 Liberty Road in Randallstown.

Given the nature of the business and the location of the property the Board believes that this operation would benefit the Liberty Road Revitalization Area and are, therefore, in support of the Special Exception request.

Sincerely,

Jim Janas
Jim Janas
Director, LCDC

Enclosures

PETITIONER'S EXHIBIT 5

1988-89 Liberty Communities Development Corporation

Board of Directors

President

Joseph Lepski
Towne Optical Center
Liberty Court Shopping Center
8630 Liberty Road
Randallstown, MD 21133
655-7337

Vice President

Jack Kiner
Kiner Tire Corporation
8503 Liberty Road
Randallstown, MD 21133
521-3550

Alan Cohen
(Atlas Auto Plaza)
5813 Greenspring Ave.
Baltimore, MD 21209
466-4838

Ben Seaman
Century 21 Realty, Inc.
9976 Liberty Road
Randallstown, MD 21133
521-2900

Secretary

Rufus Stephens
(McDonald's)
9925 Hoyt Circle
Randallstown, MD 21133
542-0505

Treasurer

Gene Hamilton
Eugene Hamilton Ins.
8306 Liberty Road
Baltimore, MD 21207
922-2212

Immediate Past Pres.

Lucille Whittingham
Reinhardt Metal Co.
8136 Liberty Road
Baltimore, MD 21207
922-6320

At Large

Bruce Bereson
Gentleman's Quarters
8717 Bradlees Plaza
Randallstown, MD 21133
655-4092

Jeanne A. Brennan
Liberty Bank, FSB
9337 Liberty Road
Randallstown, MD 21133
922-3500

Pete Christ
Cal Bitners Restaurant
9307 Liberty Road
Randallstown, MD 21133
922-4489

Col. Seymoure Gross
Murray I. Gross Foundation
#6 Hiawatha Court
Apt. A
Owings Mills, MD 21117

Robert A. Houck
McDonalds, Randallstown
9500 Liberty Road
Randallstown, MD 21133
521-4531

Nancy Isaac
Signet Bank
8717 Liberty Road
Randallstown, MD 21133
655-8558

Joan Kahline
Volunteer Service
Balt. Co. Gen'l Hosp.
5401 Old Court Rd.
Randallstown, MD 21133
521-2200

Alan Kaplan
Gordon/Kaplan & Associates
8316 Liberty Road
Baltimore, MD 21207
922-1180

Ray Kipnes
Transmission Discounter
9617 A Liberty Road
Randallstown, MD 21133
521-3770

Howard Kohn
The Chesapeake Group
8516 Greens Lane
Baltimore, MD 21207
265-1784

Glenn Manning
Maryland National Bank
8235 Liberty Road
Baltimore, MD 21207
922-9688

Pat Nickel
Nickel's Amoco
8207 Liberty Road
Baltimore, MD 21207
655-9606

William Proctor
3915 Rayton Road
Randallstown, MD 21133
655-4845

Paulette Quickley
(Executive Valet)
16 Shinook Court
Randallstown, MD 21133
655-7381

Dan Schuman
Sea King
8209 Liberty Road
Baltimore, MD 21207
655-0110

Dr. Alfred Sherry
8007 Liberty Road
Baltimore, MD 21207
521-2001

Douglas Stiegler
Ed Vern Company
5917 Liberty Road
Baltimore, MD 21207
944-3000

Dr. W.M. Swanson
7039 Liberty Road
Baltimore, MD 21207
298-2700

Emily Wolfson
8506 Church Lane
Randallstown, MD 21133

February, 1989

Liberty Road Volunteer Fire Co.
Liberty Bank, FSB
Liquor Outlet
Loring Byers Funeral Directors
MACO Car Center
Mainstreet Market
Marriottsville Exxon
Marshalls Inc.
Maryland Oxca Products
Maryland Limousine
Maryland National Bank
Mutual Life Insurance
McDonald's
McDonald's, Randallstown
MELCO Locksmiths
Mercantile Safe Deposit & Trust Co.
Milford Mill Pharmacy
Milford Monuments
Milford Mill Service Center, Inc.
Monarch Auto Parts
Morris Shade Co.
Murphy's
Murray S. Hankin Insurance
Nature's Tailors
Nickel's Amoco Servicemar
Northeast Medical Center
Norton Spencer Insurance
Old World Deli, Sr. Agency
Otis Warren & Co.
Paint In Place
Pahl's Farm Stand
Paul Beaty Rentals
Pearle Vision Center
Pikesville Property Management
Pikesville Lumber Company
Pizza George
Pizza Hut
Popeyes
Precision Tune
Randallstown Pharmacy
R & L Development Company, Inc.
Randallstown Animal Hospital
Randallstown Getty, Inc.
Randallstown Medical Center Pharmacy
Randallstown Plaza Cleaners
Randallstown Shoe Repair
Regency Center Ltd. Partnership
Reinhardt Metal Company
Richardson's Florist, Inc.
Rosario's Total Hair-Care
Royal Oak Federal S&L
S. Harman & Associates
Sally Dog Salon
Sam Barber Shop
Sea King Restaurant
Fred M. Schnitzler, D.D.S., PA
Sea King III, Inc.
7-Eleven
7-Eleven #2311
Dr. Steven Sherry
Signet Bank Sherry
Singer Sales, Ltd.
Six Twelve Mart
Southern Seafood Co.
Stanley Hunter King
Subway Sandwich Shop
W.M. Swanson, D.D.S., P.A.
The Black Rose, Inc.
The Chesapeake Group
The Chimes, Inc.
Tony's Cocktail Lounge
Toby Travel Service, Inc.
Towne Optical Center
Transmission Discounter
Trout, Segall & Doyle
Ultra Security Systems
Valentone Gourmet Barbecue
Vincent's Body Shop
Waggoner's Service Center
Wall Trends
Wilhelm's Signs
Wilson Lawn Services, Inc.
Yorkridge-Calvert S&L

Don Flowers Florist, Inc.
Albert's Carpet Service
Allied Builders
Dove Realty Co.
Dover Construction
Durkee Woods
Dynasty Restaurant, Inc.
Ed Vern Company
Edrich Lumber, Inc.
Equitable Bank
Excelsior Lutheran Insurance
Fair Lanes, Inc.
First Federal S&L of Annapolis
Foto Gift, Inc.
Franklin Property Company
Garrison Hardware & Crafts
George's Superthrift
Gentleman's Quarters
Golden Dragon Inn
Goodwin/Mission Printers
Griffins Shell & Associates, Inc.
Hair By Bren Dia's
Harwal Paper Supply, Inc.
Hawaiian Sno
Hudson Construction Co.
Human Taste Restaurant
Jack's Corn
J & J Enterprise
Joe Grimm Ford
Key Federal Savings Bank
Klohr's Repair Service
Landmark Newspapers
Larry's Chevrolet
Laurel Lumber Co.
Lazer Lube
Lewis Cleaners, Inc.
Liberty Animal Clinic
Liberty Auto Body
Liberty Court Shopping Center
Liberty Radio & T.V. Service
Liberty Bank, FSB
Liquor Outlet
Loring Byers Funeral Directors
MACO Car Center
Mainstreet Market
Marriottsville Exxon
Marshalls Inc.
Maryland Oxca Products
Maryland Limousine
Maryland National Bank
Mutual Life Insurance
McDonald's
McDonald's, Randallstown
MELCO Locksmiths
Mercantile Safe Deposit & Trust Co.
Milford Mill Pharmacy
Milford Monuments
Milford Mill Service Center, Inc.
Monarch Auto Parts
Morris Shade Co.
Murphy's
Murray S. Hankin Insurance
Nature's Tailors
Nickel's Amoco Servicemar
Northeast Medical Center
Norton Spencer Insurance
Old World Deli, Sr. Agency
Otis Warren & Co.
Paint In Place
Pahl's Farm Stand
Paul Beaty Rentals
Pearle Vision Center
Pikesville Property Management
Pikesville Lumber Company
Pizza George
Pizza Hut
Popeyes
Precision Tune
Randallstown Pharmacy
R & L Development Company, Inc.
Randallstown Animal Hospital
Randallstown Getty, Inc.

The Petitioners argue that the operation envisioned at this location complies with the spirit and intent of the provisions of Section 1B01.1.C.9.B for an "office or studio of physician or dentist, lawyer, architect, engineer, artist, musician or other professional personal provided that any such office or studio is established within the same building as that serving as professional persons primary residence; does not occupy any more than 25% of the total floor area of such residence; and does not involve the employment of more than one non-residential professional associate, nor two other non-residential employees".

The Petitioners have presented evidence that they fall within the categories of "architects, engineers, artists" or "other professional persons" as specified in subsection 9B. The zoning regulations do not define these categories. In the absence of such definitions, words must be construed as their plain language meanings.

The Petitioners argued that Webster's Third New International Dictionary ("Webster's") defines "architect" as one that plans and achieves especially an objection that is felt to be the product of painstaking construction." The Petitioners plan and painstakingly construct each issue of Kite Lines. They have been doing so four (4) times a year for over twelve years. Kite Lines has an international circulation of approximately 12,000 readers who have come to expect the careful planning and construction they undertake. While the Govigs would not be considered to be architects in the traditional sense of constructors of buildings, they would qualify for the broader definition stated above as planners and achievers.

Secondly, the Petitioners argued that Webster's defines "engineer" as "a person who designs, invents, or contrives." To engineer something is

"to guide the course of; manage or supervise during production or development." The Petitioners invent ideas for the magazine and design the layouts quarterly. As owner and editor, Mrs. Govig manages and supervises the production of the magazine as well as its development over the years. Once again, the Petitioners would not be considered engineers in the traditional sense of one who designs mechanical equipment, but they would be included under Webster's broader definition of designers, managers, or supervisors.

Thirdly, the Petitioners argue that Webster's defines "artist" as "one whose vocation involves drawing, painting, designing, or layout work" and "one who professes and practices an art in which conception and execution are governed by imagination and taste." The primary function the Petitioners will perform at the property is layout design. They would, therefore, be designated as artists under Webster's definition because their vocation is layout work. They also utilize imagination and taste in creating articles and choosing which features to print.

The Petitioners final argument is that Webster's defines "professional" as "one that engages in a particular pursuit, study, or science for gain or livelihood" or "is in an occupation requiring a high level of training or proficiency." The Petitioners receive compensation for their production of such well-read and established magazine requiring the utilization of the Petitioners' training and proficiency. Magazine production requires knowledge of layout designs, editing, and reader characteristics and tastes as well as proficiency in grammar and spelling. The Petitioners would satisfy both alternative definitions of "professional" given in Webster.

ORDER RECEIVED FOR FILING
Date
By

The Petitioners argue that they can and should be categorized as architects, engineers, artists, and/or other professionals. In particular, they are artists or "other professional persons" because their primary function is designing layouts as artists do and they are remunerated from their magazine production as required for professionals.

Obviously, the Petitioners cannot obtain relief, pursuant to the granting of a special exception, if the Petitioners' activities are not a use which is envisioned within the spirit and intent of the special exception. The issue before the Zoning Commissioner is whether or not the Petitioners' activities are that of another professional person conducting an office or studio within his or her primary residence in compliance with the other definitional sections of that regulation.

The evidence tends to indicate that the Petitioners are conducting an occupation within their primary residence that complies with the other professional person as envisioned by Section 1B01.1.C.9.B. The B.C.Z.R. look to the Webster's Third New International Dictionary as the official definition for words not defined within the zoning regulations, themselves. Webster defines "professional" as a person engaged in a particular pursuit, study or science for gain or profit and/or the person who is engaged in an occupation requiring a high level of training to proficiency above and beyond that ordinarily found within the skills level of the population in general.

The Petitioners, in this case, are conducting an occupation which normally would be viewed as limited only to business and industrial zones, namely, publishing. However, the Petitioners are actually not in the publishing business as that term is used in the business and in the B.C.Z.R., which calls for printing, lithographing, or publishing plant.

ORDER RECEIVED FOR FILING
Date
By

Likewise, the Petitioners' activities are not similar to those activities envisioned by the concept of a duplicating service business as listed in the B.L. zone. Clearly, the printing, lithographing, or publishing plant uses are listed in the heavy business zones and in the manufacturing zones because they are considered commercial activities. The Petitioners have spent a great deal of time emphasizing that all of those activities; printing, lithographing or publishing plant activities will be conducted as they are currently for the Petitioner at a commercial publishing house.

It appears that the activities to be conducted by the Petitioners at their location are inherently similar to the activities conducted by the professional persons listed and enumerated in Section 1B01.1.C.9.B, such as physicians, dentists, lawyers, architects, engineers, artists and musicians. The activities and the intrusions into the health, safety and general welfare of the public are almost identical to those enumerated professions. The offensiveness of this type of commercial operation is no greater than that which would be generated by one of the enumerated professional persons office operations within the D.R.5.5. zone.

The activities to be conducted by the Petitioners, as described herein above, at this location, should be viewed as acceptable as another professional persons office.

The issue in the Special Exception is whether or not the requirements of Section 502.1 of the B.C.Z.R. have been successfully met by the Petitioner. The cases clearly establish that ". . . the appropriate standard to be used in determining whether a requested special exception use would have an adverse affect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse affect above

and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz that,

> ". . . the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pg.1325)

The Petitioners must only show to the satisfaction of the Zoning Commissioner that the proposed use would be conducted without real detriment to the community to meet his burden. See, Turner v. Hammond, 270 Md. 41, 310 A.2d 543 (1973). When the Petitioner produces credible and probative evidence on all of the specific issues established by Section 502.1, then a special exception should be granted.

In fact, the Petitioners have shown that the proposed use would be conducted without real detriment to the community and would not adversely affect the public good.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of June, 1989, that approval for an office or studio of another professional person as a Special Exception within the D.R.5.5 zone within the same building as that serving as the professional person's primary residence and, approval of the Petition for Special Hearing that the publishing operation for Kite Lines magazine is another professional persons operation as envisioned by Section 1B01.1.C.9.B. for a special exception for an office or studio of a professional person in the home, all in accordance with Petitioners' Exhibits 3 and D., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.

3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

4. The Petitioners shall provide no exterior parking lot lighting.

5. The special exception granted herein is for the Petitioners only and is not transferable to any future owner or successor in title without another public hearing to review the continued special exception use.

ORDER RECEIVED FOR FILING
Date
By

6. The Petitioners shall not allow or cause the accessory structures to be converted to a second dwelling unit and/or apartment. The garages shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

7. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

8. The Petitioners shall limit all operations to Monday thru Friday, 8:00 A.M. to 6:00 P.M.

9. The Petitioners shall not permit or allow the accessory structures to be used for any non-residential purpose, including the storage of Kite Lines materials.

10. The Petitioners shall either cease operations on or before July 15, 1993, or file a new Petition for Special Exception to renew, resume and reaffirm the publishers use at this site.

11. There shall be no business signs.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

JRH:mmn
cc: Peoples Counsel

Mr. and Mrs. M.E. Govig, 7106 Campfield Road, Baltimore, Md. 21207

Mr. A.R. Cassell, 113 Gothard Road, Lutherville, Md. 21093

Hurst Hessey, Esquire, 1311 Fidelity Building, Baltimore, Md. 21201

#246

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-336-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for See Attached Statement

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above 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.

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:	Legal Owner(s):
N/A (Type or Print Name)	Melvin Govig (Type or Print Name)
Signature	Signature
Address	Valerie Govig (Type or Print Name)
City and State	Signature
Attorney for Petitioner:	
Hurst R. Hessey (Type or Print Name)	7807 Liberty Road — Address — Phone No.
Signature	Randallstown, Maryland 21111 — City and State
1311 Fidelity Building — Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Baltimore, Maryland 21201 — City and State	Hurst R. Hessey — Name
Attorney's Telephone No.: 539-3300	Address — Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of Dec, 1988, that the subject matter of this petition 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of Feb, 1989, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O. No. 1 (over)

IN THE MATTER OF THE APPLICATION OF MELVIN GOVIG, ET UX FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTH SIDE LIBERTY ROAD, 1013' SOUTHEAST CENTER LINE BRENBROOK DR. (8807 LIBERTY ROAD) 2nd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	:	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 89-336-SPHX

O P I N I O N

This matter comes before the Board as an appeal from the decision of Zoning Commissioner Haines dated June 9, 1989, which granted with restrictions the property owner's Petition for Special Hearing and Special Exception. The Petitioner/property owners appeared before this Board and were represented by Counsel. Although no neighborhood protestants appeared, opposition to the proposal was present through the Office of the People's Counsel.

The property owners, Melvin and Valerie Govig, seek a special hearing and special exception to permit the operation of their magazine publication from the site. In that the scope of the operation fails to fall within the Home Occupation classification defined in Section 101 of the Baltimore County Zoning Regulations (hereinafter B.C.Z.R.), the property owners seek relief through Section 1B01.1.C.9B of the B.C.Z.R. This section permits, by special exception, "offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons" (emphasis added) in residential zones.

The Board heard from three witnesses. Mrs. Valerie Govig, the editor /publisher of the magazine, as well as property owner, testified as to the proposed operation. She stated that she and her husband publish a quarterly magazine entitled KiteLines to the kite hobby enthusiasts. This speciality magazine is a relatively small operation which involves employment of approximately five people. In addition to her husband and herself, the property owners

employ Leonard Conover, an associate editor; Kari Cress, an assistant editor and production artist; and Luke Welsh, in charge of circulation and reader services. No other individuals are to be employed on-site. Mrs. Govig described fully the nature of the operation and her participation in same. She also provided a copy of Kitelines for the Board's perusal. She described her activities as editing, artwork, layout, photography, and writing. She also indicated that Mr. Conover assists her in these endeavors. She perceives herself and Mr. Conover as professional journalists in view of the original concepts they author.

Jim Janas of the Liberty Community Development Corporation also testified. He described the surrounding area as being largely commercial in nature. He also indicated that his organization fully endorsed the proposed project and supported the petitions.

Lastly, the Board heard from A. Randall Cassell, an architect and residential design planner. He introduced Petitioner's Exhibits No. 1 and No. 2 showing the proposed improvements and the office layout within site.

In considering this case, the Board is presented with several issues. First, in order to grant any special exception, the Board must be persuaded that the conditions articulated in Section 502 of the B.C.Z.R. are met. Clearly, they are satisfied in this case. The traffic generated by this project will be minimal. Further, there will be no obnoxious or intrusive activity on-site. Clearly, the use will not be detrimental or adversely affect the surrounding area.

Having satisfied these requirements, the Board turns its attention to the language of 1B01.1.C.9B as to the area requirement contained within that section. It was stipulated by the parties and attested to by Mr. Cassell that the office would not occupy more than 25 percent of the total floor area. Thus, this issue is easily resolved.

However, the Board's most difficult decision is to determine whether the use proposed falls within the classification of activities for which offices and studios are permitted under the section. Simply stated, does Mrs. Govig's operation fall within that of a "professional person," or within one of the other classifications enunciated in the section. As we think was correctly stated by People's Counsel, the Board must consider Mrs. Govig's operation as a whole and not consider each individual aspect therein. Although Mrs. Govig draws limited artwork within her magazine, this is but a portion of her responsibilities. Based on the nature of her work, and the time spent on preparation of these drawings, we do not consider her to be an "artist," within the context of the B.C.Z.R. Nonetheless, it is clear that her activity requires great talent and professional expertise. Publication of each issue requires creative design and thought; combining requisite knowledge in writing, drawing, photography, etc. Based upon the cumulative requirements of publishing this magazine, the Board is persuaded that Mrs. Govig is in fact a professional within the context of 1B01.1.C.9B. Our holding here is a narrow one; that is, we are not declaring that every author of every magazine, newsletter, or daily to be a professional. But the product produced in the subject case and the necessities required for its publication render Mrs. Govig a professional in this instance.

The Board must consider the final requirement within 1B01.1.C.9B, that the office employment must be restricted to no more than one non-resident professional associate nor more than two other non-resident employees. Ms. Cress and Mr. Welsh clearly fall within the "two other non-resident employees." As to Mr. Conover, the uncontradicted testimony was that he was a vital and equal contributor to the publication with Mrs. Govig. Having determined that she is a professional person, we must reach the same conclusion as to his status as well, and therefore designate him as the permissible one non-resident professional associate.

Lastly, although there was no testimony on same, the Board has reviewed Zoning Commissioner Haines' Opinion and concurs with many of the restrictions thereon. These will insure minimum adverse impact to the neighborhood and several of said restrictions will be adopted within our Order. The Board will therefore grant the Petitions for Special Hearing and Special Exception and will so order.

O R D E R

It is therefore this 22nd day of January, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petitions for Special Hearing and Special Exception in the subject matter be and the same are GRANTED subject to the following restrictions:

1. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
2. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
3. The Petitioners shall provide no exterior parking lot lighting.
4. The special exception granted herein is for the Petitioners only and is not transferable to any future owner or successor in title without another public hearing to review the continued special exception use.
5. The Petitioner shall not allow or cause the accessory structures to be converted to a second dwelling unit and/or apartment. The garages shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
6. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

7. The Petitioners shall not permit or allow the accessory structures to be used for any non-residential purpose, including the storage of KiteLines materials.
8. There shall be no business signs.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheister, Jr.

John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION SS Liberty Rd. 1013' SE c/l Brenbrook Dr.(8807 Liberty Rd.) 2nd Election District 2nd Councilmanic District Melvin Govig, et ux Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 89-336-SPHX

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request approval for an office or studio of a physician, dentist, lawyer, architect, engineer, artist, musician or other professional person as a Special Exception within the D.R.5.5 zone within the same building as that serving as the professional person's primary residence; does not occupy anymore than 25% of the total floor area of such residence, and does not involve the employment of more than one non-residential professional associate, nor two other non-residential employees. The Petition for Special Hearing to seek approval that the publishing operation for Kite Lines magazine is another professional persons operation as envisioned by Section 1B01.1.C.9.B. for a special exception for an office or studio of a professional person in the home, all in accordance with Petitioners' Exhibits 3 and D.

The Petitioners, Melvin Govig and Valerie Govig appeared, testified and were represented by Hurst R. Hessey, Esquire. The Petitioners were supported in their testimony by Mr. A.R. Cassell, an architect. There were no Protestants.

The evidence and testimony tend to indicate that the subject property known as 8807 Liberty Road, Randallstown, Maryland 21133 is the residence of the Petitioners. This property is currently improved with a residential two story stone dwelling house with two accessory structures to the rear,

ORDER RECEIVED FOR FILING
Date 1/8/90
By Mr. Israel

and they are used as garages. The currently existing home contains approximately 3200 sq. ft. of which 800 sq. ft. is envisioned to be used for professional office in the home. The subject property is zoned D.R.5.5. and contains ample parking facilities for the prospective employees and residents of the home. The lot contains approximately 4/10ths of an acre of ground. The two garages will not be used as part of the non-residential operation.

The Petitioners have provided evidence indicating that the professional office, known as Kite Lines, will be located on the basement floor of the rear portion of the currently existing dwelling structure. The Petitioners' Exhibit D is a plan of a proposed office use area and indicates that approximately 760 sq. ft. will be devoted to the proposed non-residential uses. However, the non-residential uses are covering too large an area of the house. The office is 760 sq. ft., the entrance and outer office is 278 sq. ft. and the store area is 327 sq. ft. for a total of 1,365 sq. ft. The Petitioner must redesign the floor area to prevent exceeding the permitted 25% (800 sq. ft.) limitation.

The evidence and testimony also indicate that the Petitioners are the publishers of a magazine known as Kite Lines which is published four times a year and has an international circulation of approximately 12,000 copies. The printing, circulation and bulk mailing of this particular publication will not be conducted from this location. The operations that are to be conducted on this site will include the layout of the magazine and the preparation of the articles and advertisement. The primary administrative functions of operating this magazine, including receiving correspondence and telephone calls from advertisers, suppliers and subscribers, the production of layout will be performed at this location. Including the

ORDER RECEIVED FOR FILING
Date 1/8/90
By Mr. Israel

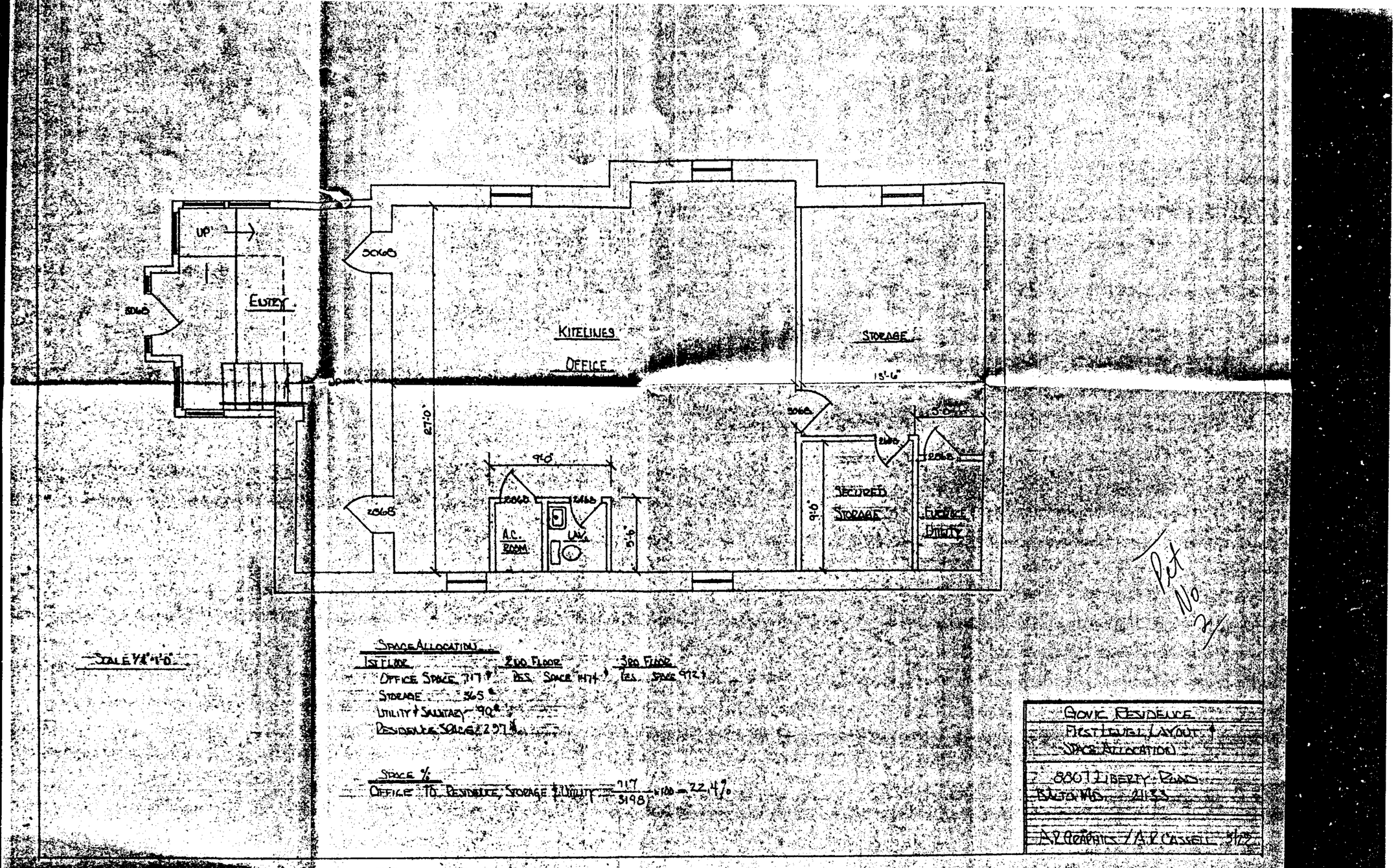
Petitioners, there will be three (3) other non-resident individuals, who are employed in the operation of the magazine at this location.

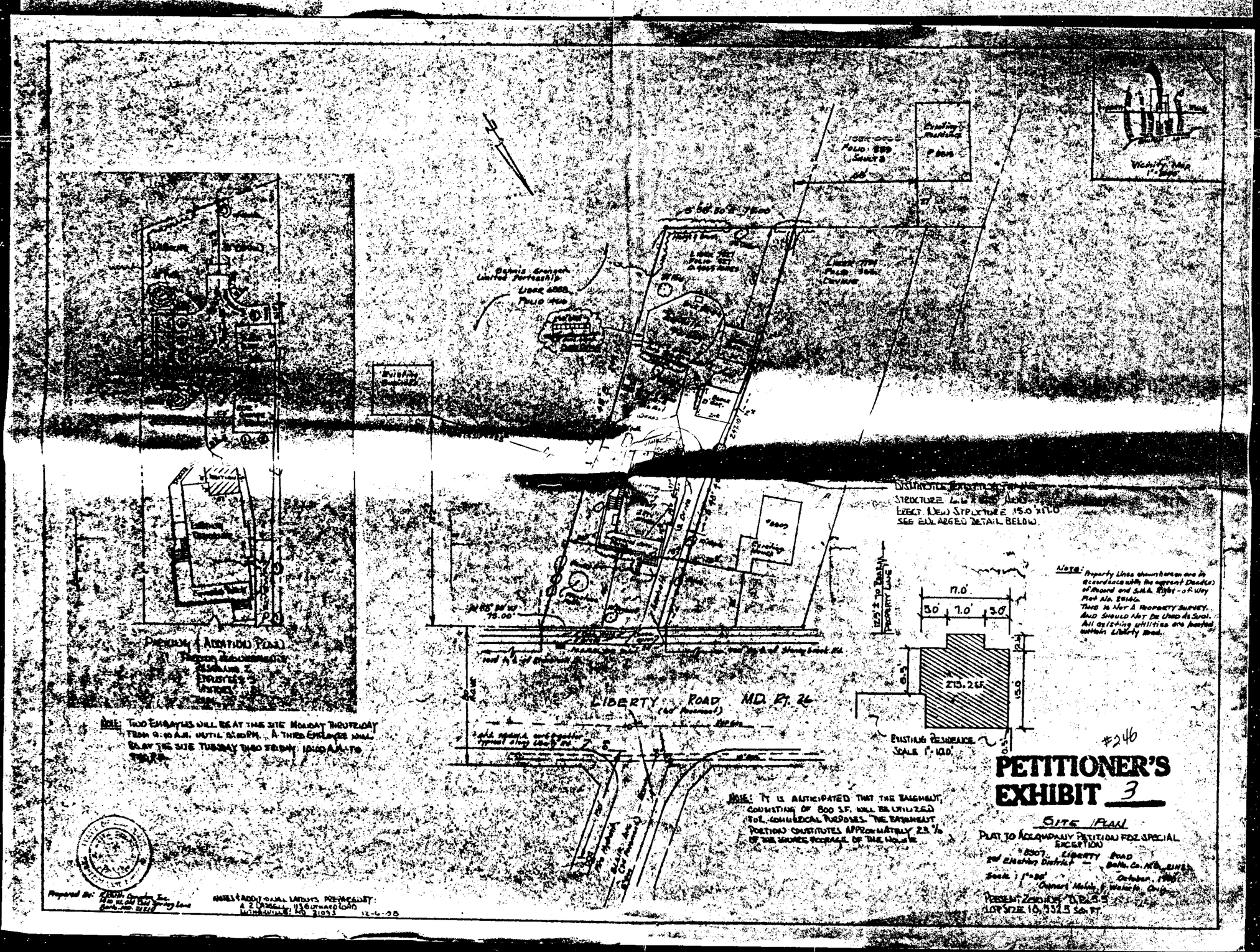
The Petitioner, Valerie Govig, testified that the operations conducted at the subject property would consist of article layout, magazine layout, advertisement solicitation, diagraming, illustrating and preparation of a mailing list. She further testified that no actual printing would be conducted on the property, only preliminary development activities. Furthermore, there would be no mailing or processing of the magazine from this location, as all of those operations are handled by a publishing company which is located in a commercial district and is contracted for servicer by the Petitioner.

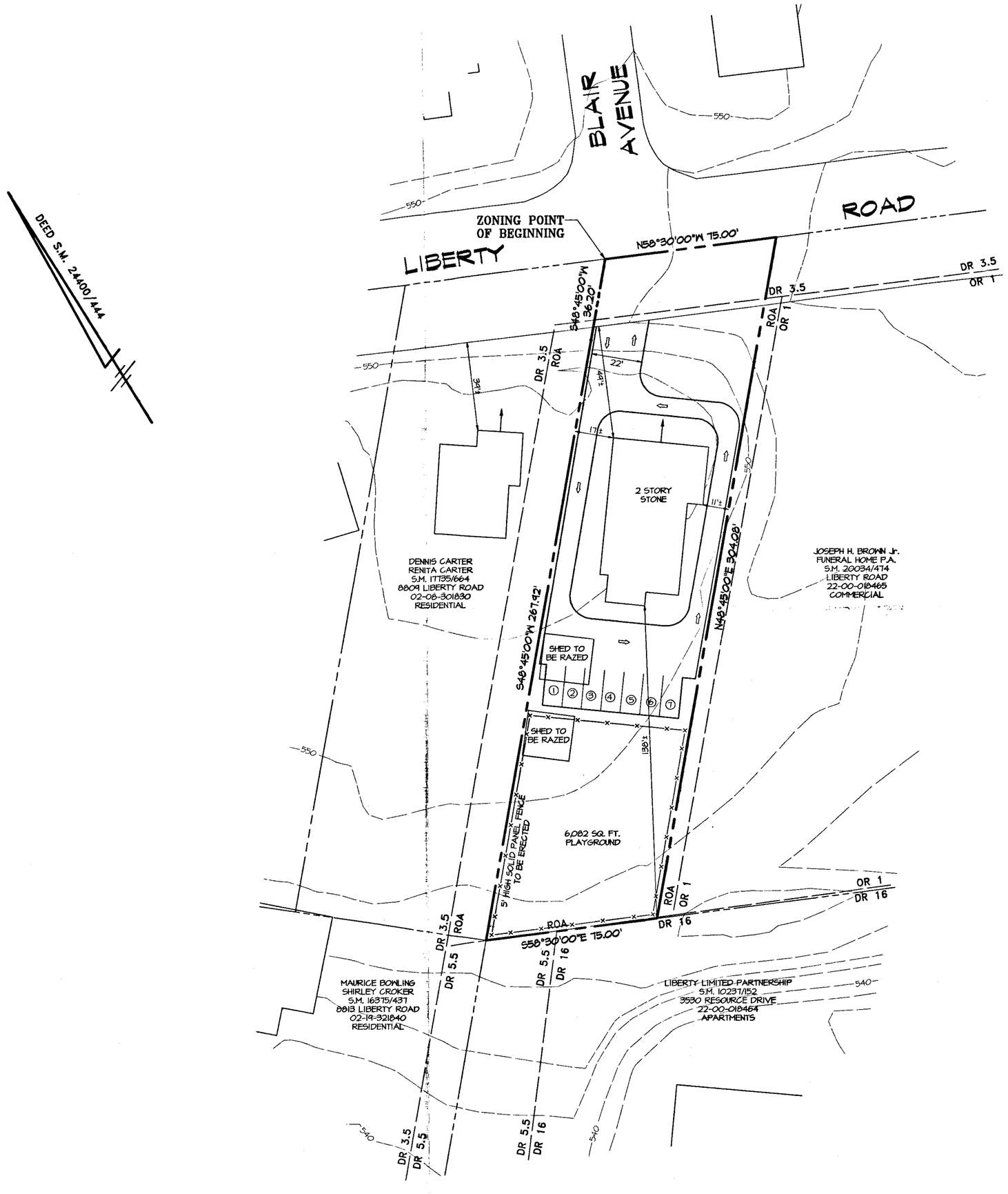
The Petitioners testified that two clerical employees would be employed on a daily basis, Monday through Friday, and a third person, Mr. Leonard M. Conover, would also be employed to assist in the publication of Kite Lines during regular business hours, Monday through Friday. Mr. Conover is considered a professional employee and extensive evidence was provided as to Mr. Conover's standing as a professional associate with the Petitioner in the publication of this magazine.

The Petitioners testified to all of the requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, in her opinion, all of the prerequisites set therein would be complied with by the operation of this special exception at this location.

Mr. Cassell testified that, in his opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

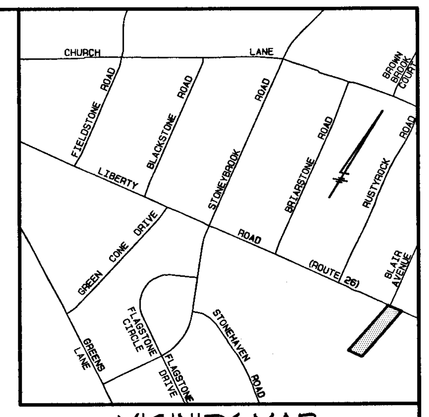

UP
ENTRY
KITELINES
OFFICE
STORAGE
13'-6"
27'-0"
9'-0"
A.C. ROOM
LAV.
5'-6"
SECURED STORAGE
FURNACE UTILITY
Pet No 3/
SCALE 1/4" = 1'-0"
SPACE ALLOCATIONS
1ST FLOOR
OFFICE SPACE 717
STORAGE 365
UTILITY + SANITARY 90
RESIDENCE SPACE 2097
2ND FLOOR
RES. SPACE 1174
3RD FLOOR
RES. SPACE 912
SPACE %
OFFICE TO RESIDENCE, STORAGE & UTILITY = 717/3198 x 100 = 22.4%
GOVIC RESIDENCE
FIRST FLOOR LAYOUT & SPACE ALLOCATION
8307 LIBERTY ROAD
BALTO. MD. 21133
A.P. GRAPHICS / A.P. CASSELL 3/22


LIBERTY ROAD MD. RT. 26
PARKING & ADDITIONAL ROAD
NOTE: TWO ENTRANCES WILL BE AT THE SITE MONDAY THRU FRIDAY FROM 9:00 A.M. UNTIL 5:00 PM. A THIRD ENTRANCE SHALL BE AT THE SITE TUESDAY THRU FRIDAY 10:00 A.M. TO 3:00 P.M.
NOTE: IT IS ANTICIPATED THAT THE BASEMENT, CONSISTING OF 800 S.F. WILL BE UTILIZED FOR COMMERCIAL PURPOSES. THE BASEMENT PORTION CONSTITUTES APPROXIMATELY 25% OF THE GROSS FOOTAGE OF THE HOUSE.
EXISTING RESIDENCE
SCALE 1" = 10'
Note: Property Lines shown hereon are in accordance with the current Deed(s) of Record and S.H.A. Right-of-Way Plat No. 28146. This is Not A Property Survey and Should Not Be Used As Such. All existing utilities are located within Liberty road.
#246
PETITIONER'S EXHIBIT 3
SITE PLAN
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
8307 LIBERTY ROAD
2nd Election District — Balto. Co. Md.
Scale 1" = 20'
October, 1988
Owners Melvin & Melinda Govic
PRESENT ZONING D.R.5.5
LOT SIZE 10,332.5 Sq. FT.
Prepared By: Kidde Consultants, Inc.
Name & Address of all layouts prepared by: A. P. Dassell, 113 Outward Road, Lutherville, MD 21093
12-6-88



LEGEND

EXISTING BUILDING	
EXISTING PAVING	
PROPOSED PAVING	
ZONING LINE	
PROPERTY LINE	
CONTOURS	
SOLID PANEL FENCE	x—x—x—x—x



VICINITY MAP

1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 24400/444.
2. THE TOPOGRAPHY SHOWN HEREON HAS TAKEN FROM BALTIMORE COUNTY GIS TILE 077A2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 19.
4. CENSUS TRACT 402503 REGIONAL PLANNING DISTRICT 312
   WATERSHED PATAPSCO SUBSENERSHED 64
   SCHOOL DISTRICT: ELEMENTARY - RANDALLSTOWN E.S.; MIDDLE - DEER PARK M.S.; HIGH - RANDALLSTOWN H.S.
   A.D.C. MAP & GRID 24 F13
5. THERE IS A PRIOR ZONING CASE ON THE SUBJECT PROPERTY.
   CASE # 84-336-SPHX PETITIONS FOR A SPECIAL HEARING AND SPECIAL EXCEPTION TO PERMIT A PUBLISHING BUSINESS TO OPERATE ON THE SUBJECT PROPERTY. PETITIONS GRANTED ON JANUARY 22, 1990.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWAGE.
11. CLASS 'B' GROUP CHILD CARE FACILITY FOR UP TO 34 CHILDREN.
12. PER SECTION 424.4.1 (B.C.Z.R.).
    a). NUMBER OF EMPLOYEES: TOTAL OF 8, 4 PER SHIFT.
    b). NUMBER OF CHILDREN TO BE ENROLLED: MAXIMUM OF 34
    c). HOURS OF OPERATION: 6:30 A.M. TO 6:00 P.M.
13. GROUP CHILD CARE CENTER WILL BE LICENSED BY THE STATE OF MARYLAND.
14. NO FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS OR NURSERY SCHOOLS ARE ADJOINING THE SUBJECT PROPERTY.
15. ALL SIGNS WILL COMPLY WITH SECTION 450 (B.C.Z.R.).
16. THE GRANTING OF A USE PERMIT IS REQUIRED BY THE ZONING COMMISSIONER FOR A CHILD CARE CENTER IN AN R.O.A. ZONE PER SECTION 424.4.B...

PETITIONS

VARIANCES

1. VARIANCE FROM SECTION 424.7.A TO PERMIT A LOT SIZE OF 21,780± SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT.
2. VARIANCE FROM SECTION 424.7.B TO PERMIT:
   A SIDE YARD SETBACK OF AS CLOSE AS 11' IN LIEU OF THE REQUIRED 50';
   0' OF VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20';
3. VARIANCE FROM SECTION 424.7.E TO PERMIT MAXIMUM IMPERVIOUS SURFACE AREA OF 36% IN LIEU OF THE MAXIMUM ALLOWABLE 25% OF THE GROSS AREA.
4. VARIANCE FROM SECTION 424.1.B TO PERMIT:
   A 0' SETBACK OF THE FENCE FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20'.

SPECIAL EXCEPTION

THE POLICY MANUAL CONSIDERS ZONE R.O.A. TO BE D.R. 3.5 REGARDING USE. BECAUSE OF THIS A SPECIAL EXCEPTION WILL BE REQUIRED TO ALLOW A GROUP CHILD CARE FACILITY.

SPECIAL HEARING

TO REMOVE A PRIOR SPECIAL EXCEPTION, CASE # 84-336-SPHX, THAT PERMITTED A PUBLISHING BUSINESS ON THIS PROPERTY.

PARKING CALCULATIONS

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

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

MAXIMUM NUMBER OF EMPLOYEES PER SHIFT = 4
TOTAL PARKING SPACES REQUIRED = 4
PARKING SPACES PROVIDED = 7

FRONT AVG. SETBACK CALCULATIONS

(94' + 29') / 2 = 32'

OWNER\DEVELOPER

DENNIS AGBOH
ELIZABETH J. AGBOH
8807 LIBERTY ROAD
REISTERSTOWN, MD 21136

ALTERNATIVE PLAN TO ACCOMPANY A PETITION FOR VARIANCE, SPECIAL HEARING, AND SPECIAL EXCEPTION REQUESTS ON THE

AGBOH PROPERTY

8807 LIBERTY ROAD
Deed Ref: S.M. No. 24400 folio 444
Tax Account No.: 02-18-470140
Zoned R.O.A. ; GIS Tile 077A2
Tax Map 77; Grid 14; Parcel 584
2nd ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: FEBRUARY 15, 2007

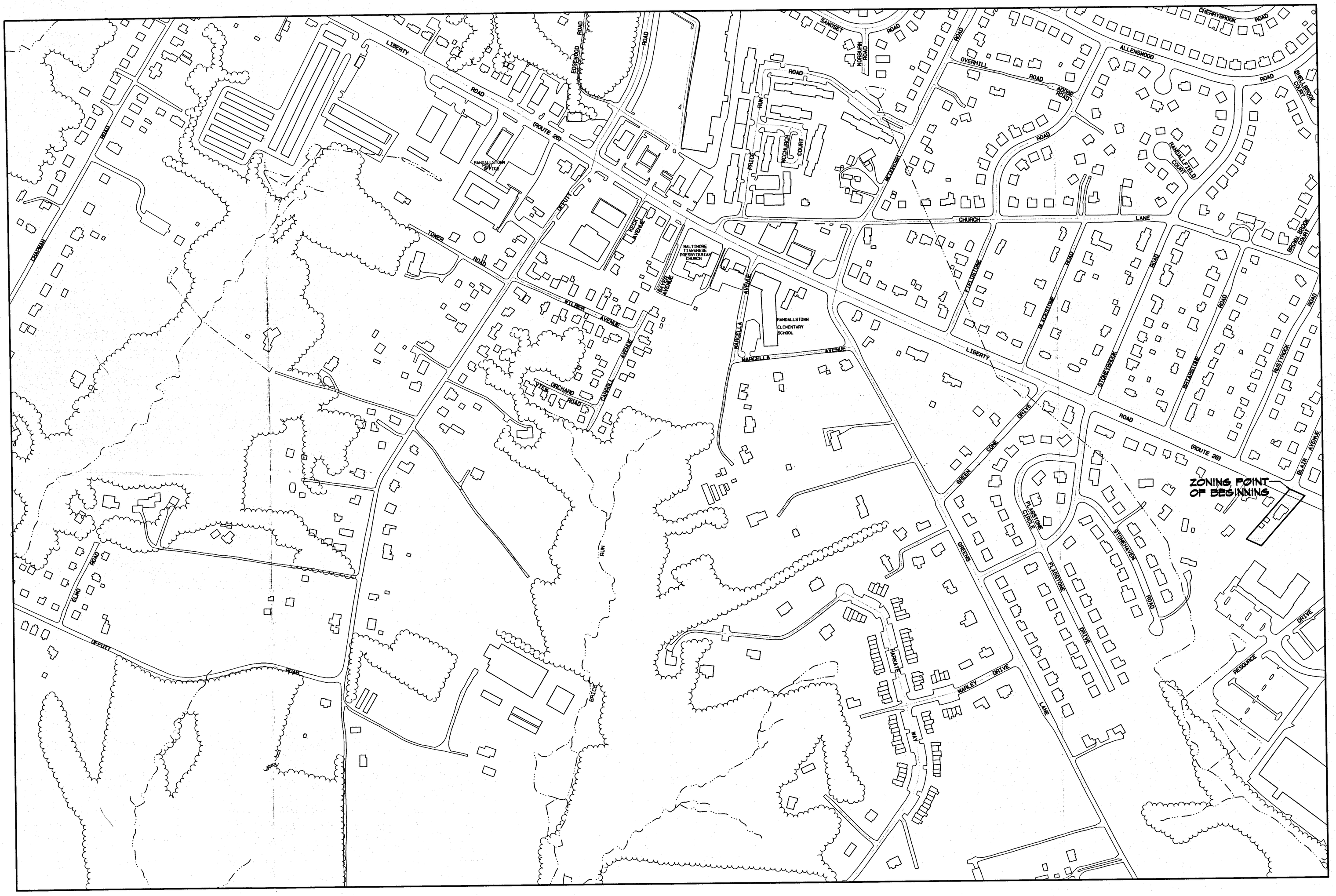
SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope

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

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\AGBOH

PETITIONER'S EXHIBIT NO. #5



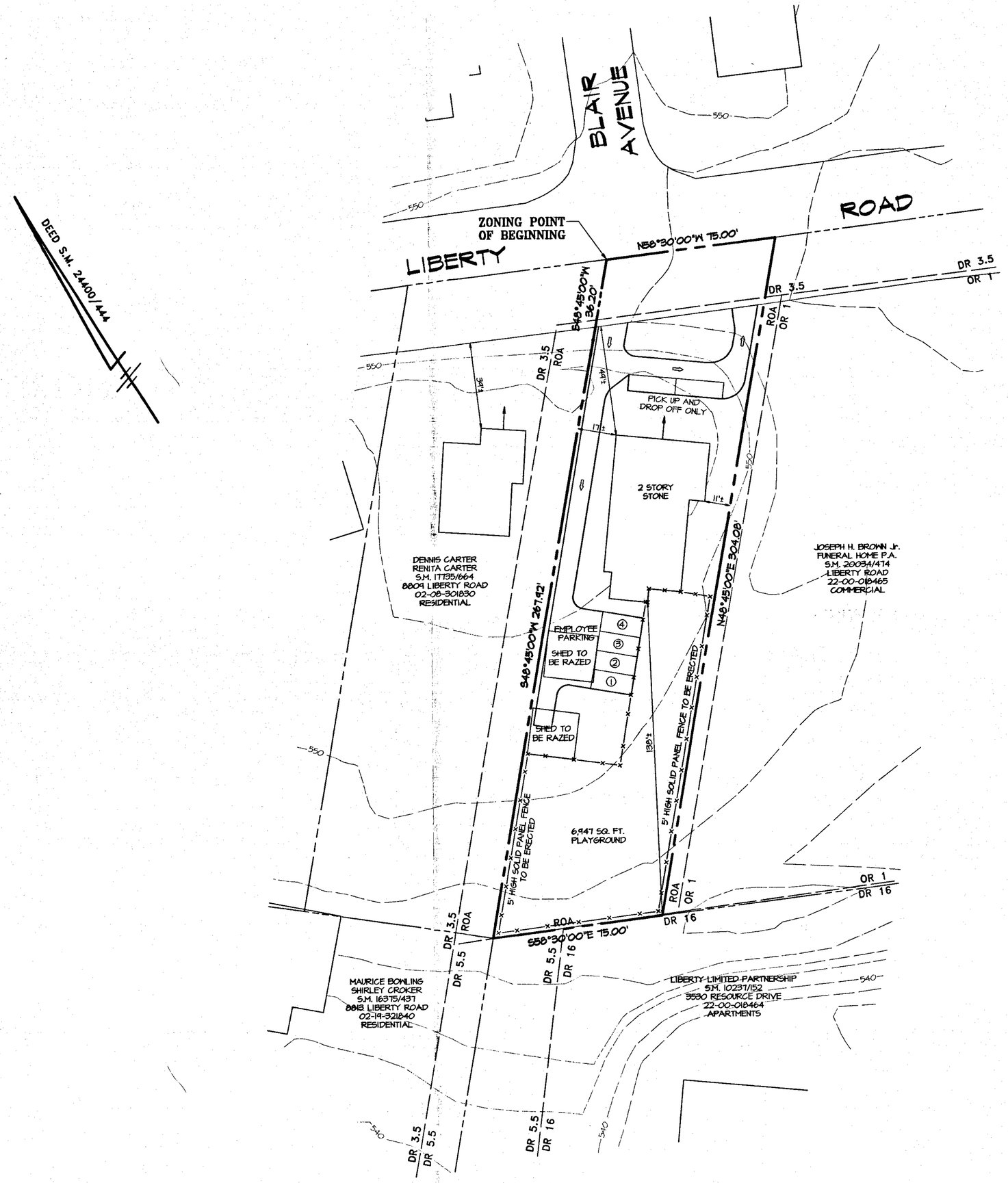
ZONING MAP

GIS TILE: 077A2

SCALE: 1"=200'

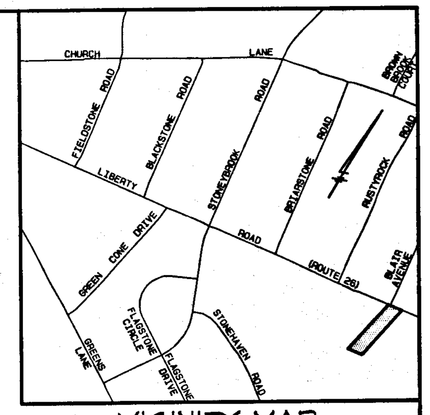
#300

PETITIONER'S
EXHIBIT NO. 2



LEGEND

EXISTING BUILDING
EXISTING PAVING
PROPOSED PAVING
ZONING LINE
PROPERTY LINE
CONTOURS
SOLID PANEL FENCE



VICINITY MAP

1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM DEED S.M. 24400/444.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 077A2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 14.
4. CENSUS TRACT 402503 REGIONAL PLANNING DISTRICT 312
   WATERSHED PATAPSCO SUBWATERSHED 64
   SCHOOL DISTRICT: ELEMENTARY - RANDALLSTOWN E.S.; MIDDLE - DEER PARK M.S.; HIGH - RANDALLSTOWN H.S.
   A.D.C. MAP & GRID 24 F13
5. THERE IS A PRIOR ZONING CASE ON THE SUBJECT PROPERTY.
   CASE # 89-336-SPHX PETITIONS FOR A SPECIAL HEARING AND SPECIAL EXCEPTION TO PERMIT A PUBLISHING BUSINESS TO OPERATE ON THE SUBJECT PROPERTY. PETITIONS GRANTED ON JANUARY 22, 1990.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWAGE.
11. CLASS 'B' GROUP CHILD CARE FACILITY FOR UP TO 34 CHILDREN.
12. PER SECTION 424.4.I (B.C.Z.R.).
    a). NUMBER OF EMPLOYEES: TOTAL OF 8, 4 PER SHIFT.
    b). NUMBER OF CHILDREN TO BE ENROLLED: MAXIMUM OF 34
    c). HOURS OF OPERATION: 6:30 A.M. TO 6:00 P.M.
13. GROUP CHILD CARE CENTER WILL BE LICENSED BY THE STATE OF MARYLAND.
14. NO FAMILY CHILD CARE HOMES, GROUP CHILD CARE CENTERS OR NURSERY SCHOOLS ARE ADJOINING THE SUBJECT PROPERTY.
15. ALL SIGNS WILL COMPLY WITH SECTION 450 (B.C.Z.R.).
16. THE GRANTING OF A USE PERMIT IS REQUIRED BY THE ZONING COMMISSIONER FOR A CHILD CARE CENTER IN AN R.O.A. ZONE PER SECTION 424.4.B..

PETITIONS

VARIANCES

1. VARIANCE FROM SECTION 424.7.A TO PERMIT A LOT SIZE OF 21,780± SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT.
2. VARIANCE FROM SECTION 424.7.B TO PERMIT:
   A SIDE YARD SETBACK OF AS CLOSE AS 11' IN LIEU OF THE REQUIRED 50';
   0' OF VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20';
3. VARIANCE FROM SECTION 424.7.E TO PERMIT MAXIMUM IMPERVIOUS SURFACE AREA OF 24% IN LIEU OF THE MAXIMUM ALLOWABLE 25% OF THE GROSS AREA.
4. VARIANCE FROM SECTION 424.7.G TO PERMIT DROP OFF AND PICK UP OF CHILDREN IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE YARD OR REAR YARD.
5. VARIANCE FROM SECTION 424.1.B TO PERMIT:
   A 0' SETBACK OF THE FENCE FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20'.

SPECIAL EXCEPTION

THE POLICY MANUAL CONSIDERS ZONE R.O.A. TO BE D.R. 3.5 REGARDING USE. BECAUSE OF THIS A SPECIAL EXCEPTION WILL BE REQUIRED TO ALLOW A GROUP CHILD CARE FACILITY.

SPECIAL HEARING

TO REMOVE A PRIOR SPECIAL EXCEPTION, CASE # 89-336-SPHX, THAT PERMITTED A PUBLISHING BUSINESS ON THIS PROPERTY.

PARKING CALCULATIONS

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

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

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

FRONT AVG. SETBACK CALCULATIONS

(34' + 25') / 2 = 32'

OWNER\DEVELOPER
DENNIS AGBOH
ELIZABETH J. AGBOH
8807 LIBERTY ROAD
REISTERSTOWN, MD 21136

PLAN TO ACCOMPANY A PETITION FOR VARIANCE, SPECIAL HEARING, AND SPECIAL EXCEPTION REQUESTS ON THE

AGBOH PROPERTY

8807 LIBERTY ROAD
Deed Ref: S.M. No. 24400 folio 444
Tax Account No.: 02-18-470140
Zoned R.O.A. ; GIS Tile 077A2
Tax Map 77; Grid 14; Parcel 584
2nd ELECTION DISTRICT
4th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: OCTOBER 10, 2006

12/27/06

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

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
6cB2	Slight	Slight	Moderate: slope

REVISION	DATE

COMPUTED: DRAWN: SMH CHECKED:

PETITIONER'S EXHIBIT NO. 1

#302