RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
8009 Windsor Mill Road; NW/S Windsor
Mill Road, 415' N c/line Rices Lane
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Child Care Academy of
Baltimore County, Inc by Lynn Roche
Contract Purchaser(s): Roche, LLC
Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

07-348-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

FEB 0 9 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 24, 2007 Issue - Jeffersonian

Please forward billing to:

Lynn Roche
4 Saddlestone Court
Owings Mills, MD 21117

410-902-8999

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: 07-348-SPHXA

8009 Windsor Mill Road Northwest side Windsor Mill Road, 415 feet north centerline Rices Lane. 2nd Election District – 4th Councilmanic District Legal Owner(s): Lynne Roche, Roche LLC

Special Hearing To amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone; and to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C; and to approve a modified parking plan pursuant to BCZR 409.12.B.

Special Exception Pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone.

<u>Variance</u> To permit an existing impervious area of 35% to remain in lieu of the permitted 10% and to permit a setback of twenty-five feet (25') from an existing principal building in lieu of the required eighty feet (80').

Hearing: Wednesday, May 9, 2007 at 11:00 a.m. in Room 106, County Office Building, 11:1 West Chesapeake Avenue, Towson, 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



February 27, 2007

JAMES T. SMITH, JR. County Executive

NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

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: 07-348-SPHXA

8009 Windsor Mill Road

Northwest side Windsor Mill Road, 415 feet north centerline Rices Lane.

2nd Election District – 4th Councilmanic District

Legal Owner(s): Lynne Roche, Roche LLC

<u>Special Hearing</u> To amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone; and to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C; and to approve a modified parking plan pursuant to BCZR 409.12.B.

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<u>Variance</u> To permit an existing impervious area of 35% to remain in lieu of the permitted 10% and to permit a setback of twenty-five feet (25') from an existing principal building in lieu of the required eighty feet (80').

Hearing: Wednesday, April 4, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401

Bosley Avenue, Towson, 21204.

Timothy Kotroco

Director

TK:amf

C: Deborah C. Dopkin, Esq. Law Offices of Deborah C. Dopkin, P.A. 409 Washington Avenue Towson 21204 Lynn Roche Roche, LLC 4 Saddlestone Court Owings Mills 21117 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G. Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 20, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 20, 2007 Issue - Jeffersonian

Please forward billing to:

Lynn Roche 4 Saddlestone Court Owings Mills, MD 21117

410-902-8999

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: 07-348-SPHXA

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**A Bosley Avenue, Towson, 21204.

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

8009 WINDSOR MILL ROAD

ZONING NOTICE

CASE # 07-348-SPHXA

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

PLACE: 111 W. CHESAPEAKE AVE, TOWSON-21204

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. DO NOT REMOVE THIS SIEW AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

887 -

NECESSARY

ONING NOTICE

CASE # 07-348-SPHXA

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

ROOM 106 COUNTY OFFICE BLDG. PLACE: III W. CHESAPEAKE AVE. TOWSON-21204

DATE AND TIME: WEDNESDAY, M.

CHILD CARE CENTER, CLASS B AND A NURSERY SCHOOL IN THE RC-6 ZONE.

PASTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES RECESSARY.

THE REAL PROPERTY OF LAW POST UNITE DAY OF REARING, UNDER PRINCIPLY OF LAW

MANCAPED ACCESSIVE

TO CONFIRM HEARING CALL 887-3391

#



JAMES T. SMITH, JR. County Executive

March 30, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and

RING

Development Management

NEW 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: 07-348-SPHXA

8009 Windsor Mill Road

Northwest side Windsor Mill Road, 415 feet north centerline Rices Lane.

2nd Election District – 4th Councilmanic District

Legal Owner(s): Lynne Roche, Roche LLC

Special Hearing To amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone; and to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C; and to approve a modified parking plan pursuant to BCZR 409.12.B.

Special Exception Pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone.

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111 West Chesapeake Avenue, Towson, 21204.

Timothy Kotroco

buth Kotroco

Director

TK:klm

C: Deborah C. Dopkin, Esq. Law Offices of Deborah C. Dopkin, P.A. 409 Washington Avenue Towson 21204 Lynn Roche Roche, LLC 4 Saddlestone Court Owings Mills 21117 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G. Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 24, 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.

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:	07-348-SRHXA
Petitioner: Roche, LLC	
Address or Location: Roog Windsor Mill Road	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Lynn Roche	
Address: 4 Saddlestone Const	· · · · · · · · · · · · · · · · · · ·
Owings Mills, MO ZILLY	
Telephone Number: 410-902-8999	

CERTIFICATE OF POSTING

Burne.

ATTENTION: KRIS	STEN MATHHEWS	DATE: 04/20/07
Case Number: 07-3	48-SPHXA	
Petitioner/Developer: DEE	ORAH C. DOPKIN ESQ.~~LYNN ROCHE, LLC ~~RIC	CHARD E. MATZ
Date of Hearing (Closing):N	lay 9, 2007	
This is to certify under the penalties conspicuously on the property local	of perjury that the necessary sign(s) required by ted at: 8009 WINDSOR MILL ROAD	y law were posted
The sign(s) were posted on:	April 20, 2007	
SE	E ATTACHED PHOTOS	
	\mathcal{L}	nda D'Krefe
•		(Signature of Sign Poster)
		Linda O'Keefe
	(1)	Printed Name of Sign Poster)
-		523 Penny Lane
	(S	Street Address of Sign Poster)
	Hur	t Valley Maryland 21030
	(City	, State, Zip Code of Sign Poster)
		410-666-5366

(Telephone Number of Sign Poster)

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: #07-348-SPHXa

8009 Windsor Mill Road
Northwast side Windsor Mill Road, 415 feet north centerline Rices Lane
Znd Election District-4th Councillmanic District
Legal Owner(s): Lynne Roche. Roche LLC
Special Hearing: To amend the relief granted in Case No. 06-447-SPH, to permit a Group child Care Center, Class B and a Nursery School in the RC - 6 zone; and to determine that the proposed use and existing improvements pursuant to BCZR Section 1A07.2, nor to the Development are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.8, B and the Performance standards of BCZR Section 1A07.8, B and the Performance standards of BCZR Section 1A07.8 and to approve a modified parking plan pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone. Variance: To permit an existing impervious area of 35% to remain in lieu of the permitted 10% and to permit a setback of twenty-five feet (25) from an existing principal building in lieu of the required eighty feet (80).

Hearing: Wednesday, April 4, 2007 at 10:00 a.m. In Room 407, County Courts Building, 401 Bosley Avernue; Towson 21204.

J. WISEMAN, III WILLIAM

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For Information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.

JT/3/700 Mar. 20

OF PUBLICATION

CERTIFY, that the annexed advertisement was published accessive weeks, the first publication appearing ewspaper published in Baltimore County, Md., ะ in the following weekly n THIS IS TO of each once in

The Jeffersonian

- Arbutus Times
- Times Catonsville
 - Towson Times
- NE Booster/Reporter ls Times Owings Mil
 - North County News

Multus.

LEGAL ADVERTISING

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: # 07-348-SPHXA
8009 Windsor Mill Road

Northwest side Windsor Mill Road, 415 feet north centerline Rices Lane.
2nd Election District - 4th Councilmanic District Legal Owner(s): Lynne Roche, Roche LLC Legal Owner(s): Lynne Roche, Roche LLC Legal Owner(s): Lynne Roche, Roche LLC Class B and a Nursery School in the RC - 6 zone; and to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.B suant to BCZR 409.12.B.

Special Exception: Pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC - 6 zone.

Variance: To permit an existing impervious area of 35% to remain in lieu of the permitted 10% and to permit a setback of twenty-five feet (25') from an existing principal building in lieu of the required eighty feet (80').

Hearing: Wednesday, May 9, 2007 at 11:00 a.m. in peake Avenue, Towson 21204

WILLIAM J. WISEMAN, III

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

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

JT 4/733 April 24

<u>, 20 0 7</u>

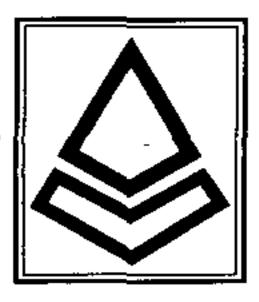
in the following weekly newspaper published in Baltimore once in each of THIS IS TO CERTIFY, that the annexed advertisement 200 successive weeks, the first publicati was published ion appearing County, Md.,

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

LEGAL ADVERTISING

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 8009 WINDSOR MILL ROAD

Beginning at a point on the south side of Windsor Mill Road, which is of varying width, at a distance of 415 feet west of Rices Lane, which is of varying width, thence the following courses and distances:

\$ 45°37'19" W, 455.52 ft.; N 51°19'03" W, 100.00 ft.; N 45°59'50" E, 440.86 ft.; thence \$ 59°53'41"E, 100.00 ft. to the Point of Beginning

As recorded in Deed Liber 22943, folio 684, and containing 1.03 acres. Also known as #8009 Windsor Mill Road and located in the 2nd Election District, 4th Councilmanic District.





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at:_	8009 Windsor	Mill Road	 <u>.</u>
	esently zoned	_	

I/We do solemnly declare and affirm, under the penalties of

410-902-8999

410-653-3838

21209

Zip Code

Telephone No.

21117

Zip Code

Telephone No.

Date 2/1/07

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING____

Reviewed By ________

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

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.

See Attached.

Case No. 07 - 348 - SPHYA

received for faller

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

•	•	perjury, that I/we are the legal owner(s) of the Is the subject of this Petition.	property which
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>	
Lynn Roche Roche, LLC		Lynn Roche, President Child Care Academy of Baltimore County	, inc.
Name Type or Print Signature		Name - Type or Print Signature	<u></u>
4 Saddlestone Court Address.	410-902-8999 Telephone No.	Name – Type or Print	<u></u>
Owings Mills City	MD 21117 State Zip Code	Signature	
Attorney For Petitioner:		4 Saddlestone Ct. Address.	410-902-8 Telephone N
Deborah C. Dopkin, Esq. Name – Type or Print		Owings Mills City	MD 211 State Zip
Signature Chaple		Representative to be Contacted:	
Law Offices of Deborah C. Dopkin, P.A. Company	\	Richard E. Matz, P.E. COLBERT MATZ ROSENFELT, INC	. <u></u>
409 Washington Avenue	410-821-0200 Telephone No.	2835 Smith Avenue, Suite G Address	410-653-3 Telephone N
Towson	MD 21204 State Zip Code	Baltimore	MD 212 State Zip

8009 WINDSOR MILL ROAD

SPECIAL EXCEPTION

Pursuant to BCZR §1A07.3 and §424.5 to permit a Group Child Care Center, Class B and a Nursery School in the R.C. 6 zone.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	8009 Windsor Mill Rd	
	which is presently zonedRC-6	. <u> </u>

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

See Attached.

Property 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: Legal Owner(s): Lynn Roche, President Lynn Roche Child Care Academy of Baltimore County, Inc. Roche, LLC Name - Type or Print Name - Type or Print Signature 410-902-8999 4 Saddlestone Court Telephone No. Name - Type or Print Address. Owings Mills MD 21117 City State Zip Code Signature 4 Saddlestone Ct. 410-902-8999 Attorney For Petitioner: Telephone No. Address. MD 21117 Owings Mills Deborah C. Dopkin, Esq. Zip Code State City Name - Type or Print Representative to be Contacted: **≴**ign**∌**ture Richard E. Matz, P.E. Law Offices of Deborah C. Dopkin, Esq. COLBERT MATZ ROSENFELT, INC Company 410-653-3838 2835 Smith Avenue, Suite G 409 Washington Avenue 410-821-0200 Telephone No. Telephone No. Address Address MD 21209 21204 Baltimore MD Towson State Zip Code City Zip Code City State OFFICE USE ONLY 07-348-SPAXA ESTIMATED LENGTH OF HEARING____ Case No.

UNAVAILABLE FOR HEARING___

Date 2/1/07

8009 WINDSOR MILL ROAD

VARIANCES

From BCZR §1A07.8.B.6 to permit an existing impervious area of 35% to remain in lieu of the permitted 10%;

From BCZR §1A07.8.B.5.a.2 to permit a setback of twenty-five feet (25') from an existing principal building in lieu of the required eighty feet (80').



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

UNAVAILABLE FOR HEARING_

Reviewed By BK Date 2/1/0

- I	or the p	^ •	cated at: <u>8009 Windsor Mill Road</u> which is presently zoned <u>RC-6</u>		
owner(s) of the property situate in Ba	iltimore C n for a S	county and vecial Heari	ermits and Development Management. The which is described in the description and plat and under 500.7 of the Zoning Regulations of Exprove	attached he	ereto and
See Attached.					
	Special He	aring, advertis	ng regulations. sing, posting, etc and further agree to and are to be ursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under	- / 41	•
		•	perjury, that I/we are the legal owner(s) of the legal owner is the subject of this Petition.	•	
Contract Purchaser/Lessee:			Legal Owner(s):		
Lynn Roche Roche, LLC Name Type or Print Signature			Lynn Roche, President Child Care Academy of Baltimore Coun Name - Type or Print Signature	ty, Inc.	
4 Saddlestone Court	410-9	902-8999	Organica Co.		
Address.		ione No.	Name - Type or Print		
Owings Mills	MD	21117		, , , , , , , , , , , , , , , , , , , 	 -
City	State	Zip Code	Signature		
Attorney For Petitioner:			4 Saddlestone Ct.		02-8999
			Address.	Teleph	one No.
Deborah C. Dopkin, Esq.			Owings Mills	MD	21117
Name Type or Print	, ·		City	State	Zip Code
1 Sunah Chop	un		Representative to be Contacted:		
Signature					
Law Offices of Deborah C. Dopkin, P./	<u>A.</u>		Richard E. Matz, P.E.		
Company			COLBERT MATZ ROSENFELT, INC		
409 Washington Avenue		321-0200	2835 Smith Avenue, Suite G		353-3838
Address	•	ione No.	Address		none No.
Towson	MD	21204 Zio Code	Baltimore City	MD State	Zip Code
City	State	Zip Code			AIP OOOC
~			OFFICE USE ONL		
Case No. 07-348-59/4	XA	_	ESTIMATED LENGTH OF HEARIN	16	

5-17-07

8009 WINDSOR MILL ROAD

SPECIAL HEARING -

Pursuant to BCZR §500.7, §1A07.3 and §424.5, to amend the relief granted in Case no. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the R.C. 6 zone;

And

To determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR §1A07.7, nor to the Development area and standards of BCZR §1A07.8.B and the Performance standards of BCZR §1A07.8.C;

And

To approve a modified parking plan pursuant to BCZR §409.12.B.

IN RE: PETITION FOR SPECIAL HEARING SW side Windsor Mill Road, 315 feet N c/l Rices Lane 2nd Election District 4th Councilmanic District (8007 Windsor Mill Road)

> Lynne Roche, Owner; Roche LLC Legal Owner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-347-SPH

IN RE: PETITIONS FOR SPECIAL EXCEPTION, *

SPECIAL HEARING & VARIANCE

NW side Windsor Mill Road, 415 feet

N c/l Rices Lane

2nd Election District

4th Councilmanic District

(8009 Windsor Mill Road)

Lynn Roche, President; Child Care Academy of Baltimore County, Inc.

Legal Owner

Lynn Roch; Roche, LLC

Contract Purchaser

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

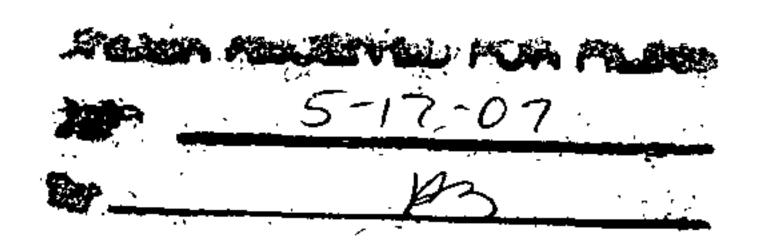
CASE NO. 07-348-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing (Case No. 07-347-SPH), Special Exception, Special Hearing and Variance (Case No. 07-348-SPHXA) filed by the legal owner of the subject property, Lynn Roche, President; for Child Care Academy of Baltimore County, Inc.

Case No. 07-347-SPH

Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to affirm the relief granted in Case No. 65-86-X to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone; and to affirm and amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B



and a Nursery School; and to determine that the existing use and improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C; and to approve a modified parking plan pursuant to BCZR Section 409.12.B.

Case No. 07-348-SPHXA

Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone; and to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C; and to approve a modified parking plan pursuant to BCZR 409.12.B.

The Special Exception is pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone.

The Variance request is from Section 1A07.8.B.6 to permit an existing impervious area of 35% to remain in lieu of the permitted 10%; and from Section 1A078.B.5.a.2 to permit a setback of 25 feet from an existing principal building in lieu of the required 80 feet.

The properties were posted with Notice of Hearing on April 20, 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 April 24, 2007 to notify any interested persons of the scheduled hearing date.

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;

577-07

- 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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case

and contain the following highlights: ZAC comments were received from the Office of Planning

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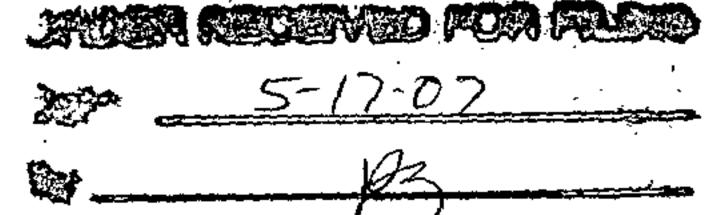
dated March 20, 2007. That Office has reviewed the subject petition and visited the site. The Petitioner is modifying the site to allow one point of ingress and egress to accommodate a proposed expansion to an existing Class B Child Care Center. The proposed changes do not pose any significant impact to adjacent properties or to vehicles traveling on Windsor Mill Road. The Planning Office recommends approval of the requested special exceptions and to permit a Group Childcare Center, Class B and a Nursery School in the RC 6 zone. Additionally, that office does not oppose amending the relief granted in Case No. 06-447-SPH to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone, and to approve a modified parking plan pursuant to BCZR Section 409.12.B.

Interested Persons

Appearing at the hearing on behalf of the variance and special exception requests were Richard Matz, of Colbert Matz Rosenfelt, Inc., who prepared the site plan and Golden Roche, for Roche LLC, Petitioner. Deborah Dopkin, Esquire, represented the Petitioner. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject properties are adjacent lots on Windsor Mill Road each of which has been improved by a single family dwelling. Ms. Dopkin proffered that the Petitioner operates a Class B group child center at 8007 Windsor Mill Road in a converted single family dwelling, in which the Petitioner's staff provides day care and nursery school services for area families. In addition to classrooms, kitchen facilities and the like in the building, there is an extensive play area in the rear yard as shown on exhibit 2, the redline site plan. The childcare center was approved in a prior Case No. 65-86 X when the site was zoned R-20, operated successfully since 1965, is licensed by the State, and now has many children on the waiting list.

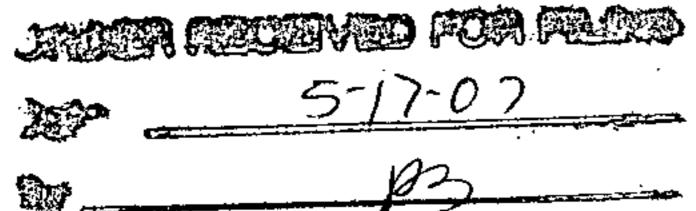


To meet this need, the Petitioner purchased the single family dwelling next door at 8009 Windsor Mill Road. This property had previously been used as a service garage in support of a bus company and consequently has a large garage on the first floor/basement level. See exhibit 3. The Petitioner proposes to use the second floor, which has direct access to Windsor Mill Road, for 20 children ages 2 to 4 years and bring the total capacity of the school to 105. No physical changes are proposed for the building but the play areas in the rear would be reconfigured and combined. If this property were in a DR zone the new and existing facilities would meet all applicable County regulations for a child care center as well as State licensing regulations.

The issue in Case No. 06-447-SPH was that the zoning on this property had been changed from R-20 to RC 5 and now to RC 6. When the Council imposed RC 6 on this property, they did not change the table in Section 424.5 to include RC 6 along with the other resource conservation zones in which such centers are allowed by right or special exception. This Commission's decision in Case No. 06-447-SPH granting the requested relief was appealed by Peoples Counsel to the Board of Appeals. This Commission's Order reflected the need to improve the pick up and drop off area on Windsor Mill Road as the entrance to same was located near the crest of a substantial hill.

In the mean time the Petitioner contacted the County Council requesting the RC 6 regulations be amended to allow child care centers. The Council responded in Bill 132-06 which amended Section 424.5A of the BCZR to allow Group Child Care Centers in RC 6 by special exception as shown by exhibit 1.

While the regulations now allow group childcare centers in RC 6 zones, Ms. Dopkin proffered that the lots and dwellings on the lots, which were created many years before this zone was imposed, cannot meet the RC 6 area and setback regulations. She noted that the lots are

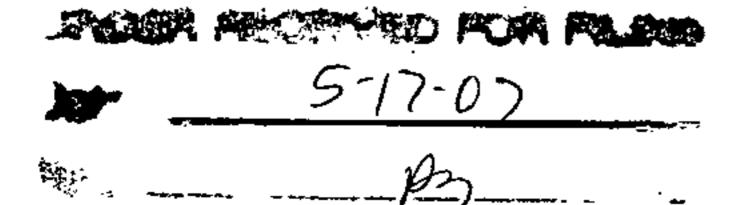


long and narrow, are fully improved by the structures shown on the redline site plan and it would be impractical to change the existing conditions to meet the regulations. The Petitioner has been unsuccessful in getting the County to agree to extend public sewer service which is located in Windsor Mill Road to the properties. As a result the Petitioner had to relocate the septic reserve areas located in the front of each building to allow a major change to the pick up/drop off area from Windsor Mill Road. This redesign is nearly complete as shown in the photographs, exhibit 4.

Mr. Matz indicated that the pick up/drop off area for the existing child care center is located 150 feet below the crest of a hill on Windsor Mill Road and presents challenges to parents as there is not sufficient sight distance when exiting the property. By acquiring the adjacent property, combining the entrance/exit for both properties, and redesigning the front of both properties, the exit will be moved toward the crest which he opined would be a significant safety improvement.

In regard to parking he noted that the property at 8009 has existing parking in the rear where the former bus company operated. While this will be adequate for the staff in terms of spaces, the existing configuration does not meet the travel lane, back up distance, etc., specified in Section 409. As a result the Petitioner requests approval of a modified parking plan under Section 409.12.

Again because of the existing conditions, the properties cannot meet the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B nor the Performance standards of BCZR Section 1A07.8.C. Mr. Matz opined that these regulations were not intended to apply to existing lots. He indicated that there is a growing demand for child care in the area and by supplying this need there would be no detriment to the community.



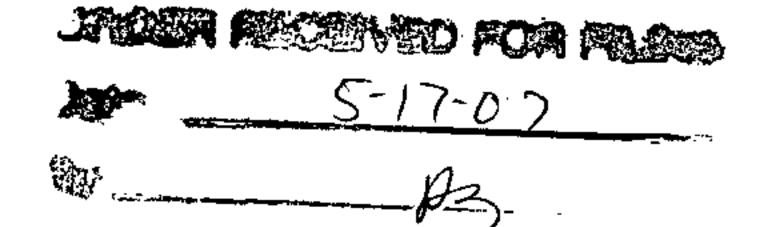
In regard to the request for special exception to approve a Group Child Care Center, Class B and a Nursery School in the RC 6 zone, Mr. Matz that the request met each criteria of Section 502.1 of the BCZR, and would not result in an adverse impact on the community but rather would mean enhanced service. He opined that after redesign of the pick up/drop off area there would be improved safety for motorists and parents alike. He noted that the hours of operation were from 6:30 AM to 6 PM each week day, children come by car or bus accompanied by adults, and the play area meets the requirements for the 20 foot buffer along property boundaries.

In regard to request for variances, he opined the property was unique due to the existing buildings and lot configurations. For example the buildings are separated by 25 feet rather than the required 80 feet and it would be impractical to move the buildings farther apart to meet the regulations. Similarly the existing impervious area together with the resigned pick up area have 35% impervious area and cannot therefore meet the 10% requirement.

In regard to the ZAC comment from the Bureau of Development Plans Review that two parking spaces be moved out of the right of way of Windsor Mill Road, the Petitioner agreed and modified both site plans as shown in red on exhibits 2 and 3.

Findings of Fact and Conclusions of Law

In regard to the request for variance I agree the existing buildings are examples of the peculiar circumstances which make the property unique in a zoning sense. These lots were created much before the RC 6 zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

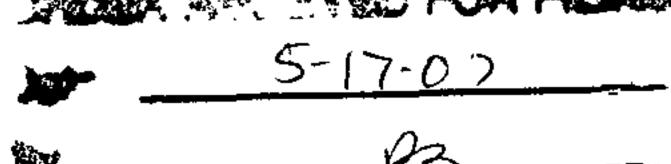


I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly it is impractical to move the buildings farther apart, or to meet the 10% impervious area regulations.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The two existing dwellings converted to child care will appear very similar so there will be no change to the character of the neighborhood. Therefore I will grant the variances requested.

In regard to the request for special hearing, the Petitioner asks that I find that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B nor the Performance standards of BCZR Section 1A07.8.C. I admit that declaring that certain requirements of the RC 6 zoned simply do not apply to existing and proposed structures and uses gives me pause. I agree that the intent of the RC 6 regulations is to guide new development in environmentally sensitive areas of the County. Lot density regulations apply to new residential development and not a new use of an existing structure. Primary and secondary conservancy requirements seem to apply to new development as well. Yet I would not want to find that under every circumstance, existing uses are not subject to these regulations. Consequently I find that these particular existing and proposed uses are not subject to these regulations in this case only.

I have no difficulty at all in granting the request by special hearing to amend the relief granted in Case No. 06-447-SPH to reflect this greatly improved site plan. The new entrance nearly at the top of the hill will be a significant safety improvement because of greater sight distance. Similarly I will approve the modified parking plan which reflects existing conditions



with sufficient parking spaces but does not meet the dimensional requirements for aisle ways, etc. This will be used by staff and not the general public. I find that to meet the parking regulations would create an undue hardship for the Petitioner.

Finally I will approve the request for special exception to allow the Group Child Care Center Class B on the property at 8009 Windsor Mill Road as I find the request meets the criteria of Section 502.1 of the BCZR, is within the spirit and intent of the RC 6 regulations and will not adversely affect the community for the reasons given above.

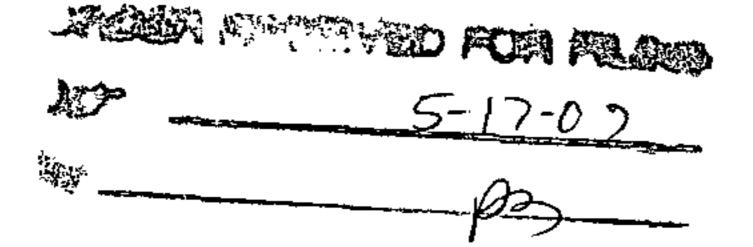
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception and special hearing should be granted, and the requests for variance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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 17 day of May, 2007, as set forth as follows:

CASE NO. 07-347-SPH

Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to affirm the relief granted in Case No. 65-86-X to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone; and to affirm and amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School; and to approve a modified parking plan pursuant to BCZR Section 409.12.B are hereby GRANTED; and

IT IS FURTHER ORDERED that the request to determine that the existing use and improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the



Performance standards of BCZR Section 1A07.8.C;, is hereby GRANTED IN THIS CASE ONLY; and

Case No. 07-348-SPHXA

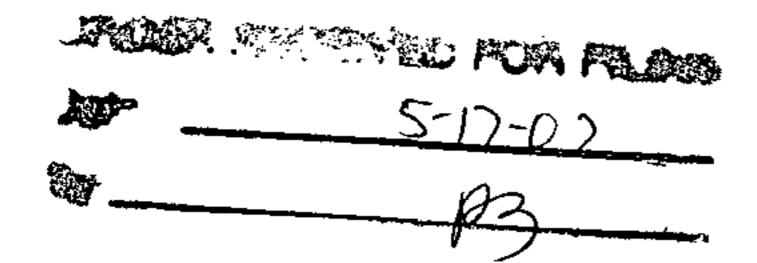
IT IS FURTHER ORDERED that Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the relief granted in Case No. 06-447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone and to approve a modified parking plan pursuant to BCZR 409.12.B are hereby GRANTED; and

IT IS FURTHER ORDERED that the request to determine that the proposed use and existing improvements are not subject to the Conservancy Area requirements pursuant to BCZR Section 1A07.7, nor to the Development area and standards of BCZR Section 1A07.8.B and the Performance standards of BCZR Section 1A07.8.C is hereby GRANTED IN THIS CASE ONLY; and

IT IS FURTHER ORDERED, that the Special Exception pursuant to BCZR Section 1A07.3 and Section 424.5 to permit a Group Child Care Center, Class B and a Nursery School in the RC 6 zone is hereby GRANTED.

IT IS FURTHER ORDERED, that the Variance from Section 1A07.8.B.6 to permit an existing impervious area of 35% to remain in lieu of the permitted 10%; and from Section 1A078.B.5.a.2 to permit a setback of 25 feet from an existing principal building in lieu of the required 80 feet is hereby GRANTED, subject to the following:

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



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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 3, 2007

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

Dear Ms. Dopkin:

RE: Case Number: 07-348-SPHXA, 8009 Windsor Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 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.

W. Call Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Lynne Roche, Owner Roche LLC 4 Saddlestone Court Owings Mills 21117 Richard E. Matz, P.E. Colbert Matz Rosenfelt, Inc 2835 Smith Avenue, Suite G Baltimore 21209

ECEIVE APR 1 0 2007

BY:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 20, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1014 Liberty Road

INFORMATION:

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Petitioner:

Item Number:

_ ___

7-347 and 7-348

Zoning:

Lynn Roche

RC 6

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

After reviewing the subject petition and visiting the referenced site location the petitioner is modifying the site to allow one point of ingress and egress to accommodate a proposed expansion to an existing Class B Childcare Center. The proposed changes do not pose any significant impact to adjacent properties or to vehicles traveling on Windsor Mill Road.

Consequently, the Office of Planning recommends approval of the requested Special Exception and to permit a Group Childcare Center, Class B and a Nursery School in the R.C. 6 zone. Additionally this office does not oppose amending the relief granted in Case no. 06- 447-SPH, to permit a Group Child Care Center, Class B and a Nursery School in the R.C. 6 zone; and to approve a modified parking plan pursuant to BCZR § 409.12 B.

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

Reviewed by:

Division Chief: AFK/LL: CM

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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

February 6, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: February 5, 2007

Item No.: 346, 347 and 348

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.

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File



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



Martin O'Malley, Governor Anthony Brown, Lt. Governor

John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 12, 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. 7-348 SPHXA

ROCHE, LLC PROPERTY

8009 WINDSOR MILL RD

SPECIAL HEARING

SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-348974XA

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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



JAMES T. SMITH, JR. County Executive

May 15, 2007

WILLIAM J. WISEMAN III Zoning Commissioner

DEBORAH DOPKIN, ESQUIRE **409 WASHINGTON AVENUE** TOWSON, MD 21204

> Re: Petition for Special Hearing Case No. 07-347-SPH-SPH located at 8007 Windsor Mill Road Case No. 07-348-SPHXA located at 8009 Windsor Mill Road

Dear Ms. Dopkin:

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

Deputy Zoning Commissioner


for Baltimore County

JVM:pz

Enclosure

Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore MD 21209

Lynn Roche, Roche LLC, 4 Saddlestone Court, Owings Mills MD 31117



#348
