

IN RE: PETITION FOR VARIANCE

N/E Side Reisterstown Road, 1000' S/E of Olive Lane (9915 Reisterstown Road)

3<sup>rd</sup> Election District 2<sup>nd</sup> Council District

R Town Two, LLC, Owner Tyra Thomas, Lessee Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF

\* BALTIMORE COUNTY

\*

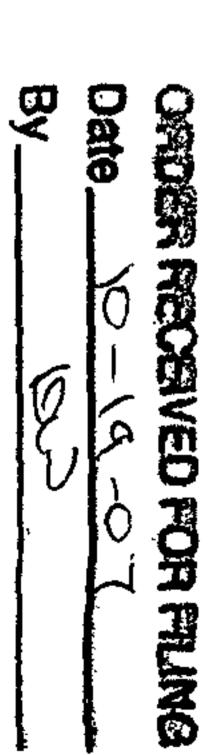
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Case No. 08-065-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the property, R Town Two, LLC and the Contract Lessee, Tyra Thomas. The Petitioner is requesting approval for a Class B Child Care Center on the subject property and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 424.7.A to allow a lot size of 15,033 square feet in lieu of the required 43,560 square feet; from Section 424.7B to allow a side yard setback of 9 feet and 11.5 feet in lieu of the required 50 feet; from Section 424.7.B to allow a 0 foot vegetative buffer on the southwest side of the property, and a 0 foot vegetative buffer on the northeast side in lieu of the required 20 feet; from Section 424.1.B to allow a play yard fence 0 feet from the property line in lieu of the required 20 feet; and finally from Section 409.8A2 of the regulations to allow gravel paving in the parking area in lieu of the required durable and dustless surface. The subject property and requested relief are more particularly described on the red-line site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Tyra Thomas, Lessee, Bruce E. Doak, on behalf of Gerhold Cross & Etzel, Ltd., the consultant who prepared the site plan for this property and J. Neil Lanzi, Esquire. There were no Protestants or other interested persons present.



Testimony and evidence offered disclosed that the subject property is an irregular rectangular shaped parcel located on the northeast side of Reisterstown Road, across from the St. Thomas Shopping Center and in close proximity to the Garrison Forest School in Owings Mills. It should be noted that a traffic light is also located in front of the property. Existing conditions as illustrated on Petitioners' Exhibit 2 reveal the property contains a lot area of 15,033 square feet, zoned R-0, and improved with a two story, brick single-family dwelling with a finished basement. Other improvements on the site include a 4,550 square foot playground area in the rear yard, which will be enclosed with a 5-foot high privacy fence dividing the parking lot and play area. In addition, a gravel driveway leads into the property from 9917 Reisterstown Road, the adjacent property on the north side of the dwelling and extends to a parking area to the rear of the existing structure. There is also an existing driveway leading into the subject property off of Reisterstown Road. This driveway ends at the front lower level of the house and Petitioner intends to limit its use to employees only. The site features mature trees along the rear and side boundaries. The property adjacent to the south of the site is all forest making this a secluded location.

Services are planned to be provided in the basement area for children four to pre-school age. This lower level is finished and has its own restroom facilities. These children will enter through the rear entrance and go to the lower level. Services are also planned to be provided to infants on the first floor level. The first floor includes a kitchen, restroom facility, nursing area and an office. Children eighteen months through age three will receive services on the second level of the home. Ms. Thomas will be the director of the facility and will be present on a daily basis. The center will operate Monday thru Friday, from 6:00 a.m. until 6:00 p.m. It should be noted that the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment and the area planner, Nkechi Hislop's comments bear repeating here in pertinent part:

Date SECRIVED FOR FILM

"The proposed use of a Class B childcare facility will not adversely affect the adjacent properties. The Office of Planning does make the following suggestions, which were discussed with and agreed upon by the attorney for the petitioner:

- 1. The necessary signage shall be both appropriate and consistent with the zoning regulations.
- 2. The driveway that acts as the egress and ingress, which is on the adjoining property, should be widened so as to allow two cars to enter and leave the parking area comfortably. This is quite possible, as the property owner owns contiguous property."

Ms. Thomas testified that she has worked as a family daycare provider for eight years at a home center in Columbia, Maryland. She has obtained a ninety hour certificate from the Maryland State Department of Education. She stated she will become the full time owner/director of this Reisterstown facility once approved by Baltimore County.

Child care centers are defined in Section 101 of the B.C.Z.R. Therein, a Group Child Care Center is defined as: "A building or structure wherein care, protection and supervision is provided for part or all of a day on a regular schedule at least twice a week to at least 9 children, including children of the adult provider." A group Child Care Center, Class A, is defined as: "A Group Child Care Center wherein child care is provided for no more than 12 children at one time". A Group Child Care Center, Class B, is defined as: "A Group Child Care Center wherein child care is provided for more than 12 children." Sections 1B01.1 and 424 of the B.C.Z.R. establish under what circumstances a Group Child Care Center is permitted by right or by special exception. A Group Class B Child Care Center for 40 or fewer children is permitted by right in the R-0 Zone, if the requirements of Section 424 are met. As noted, Ms. Thomas is desirous of operating a Class B Group Child Care Center on the property. Her original plans were to seek approval for up to 40 children within this center. However, at the time of the hearing before me, she modified her request and is now seeking approval of a Class B Group Child Care Center for

Date TECEIVED FOR FILING

up to 30 children due to the space constraints of the dwelling. In the event Ms. Thomas intends to expand beyond the 30 children and/or wishes to construct an addition to the house, then an additional public hearing would have to be held in the future in order to entertain such expansion plans. Therefore, at this time, Ms. Thomas is content to proceed on her Petition to approve the use of the property for a child care center for up to 30 children, utilizing the existing improvements on the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her property. *McClean v. Soley*, 270 Md. 208 (1973). To provide practical difficulty for an area variance, the Petitioner must meet the following:

- 1. Whether strict compliance with requirements would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2. Whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3. Whether relief can be granted in such fashion that the spirit of the Ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

All of the variances requested by the Petitioner are necessary in order to accommodate the Petitioner's use. After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It was established through Mr. Doak's testimony that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will, if not granted, unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the

By Date NECEIVED FOR FILM

B.C.Z.R. The property is situated next to an office to the north, forested lots to the south and east and a shopping center is located directly across from the property with a signalized traffic control. The Petitioner will enjoy an easement to use the adjoining property driveway for ingress and egress to the site. On-site parking is available for drop off and circulation and the Petitioner and employees will park in the driveway in front of the dwelling. Parents can park in the unrestricted rear lot. The existing lot and improvements are not being expanded; however, the adjoining property's driveway will be expanded as suggested by the Office and Planning and in accordance with Petitioners' Exhibit 1 to allow improved access as recommended.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this

day of October 2007 that the Petition for Variance seeking relief from the Baltimore

County Zoning Regulations (B.C.Z.R.) as follows: From Section 424.7.A to allow a lot size of

15,033 square feet in lieu of the required 43,560 square feet, from Section 424.7B to allow a side

yard setback of 9 feet and 11.5 feet in lieu of the required 50 feet, from Section 424.7.B to allow

a 0 foot vegetative buffer on the southwest side of the property, and a 0 foot vegetative buffer on
the northeast side in lieu of the required 20 feet, from Section 424.1.B to allow a play yard fence

0 feet from the property line in lieu of the required 20 feet, and from Section 409.8A2 to allow
gravel parking in the parking area in lieu of the required durable and dustless surface in
accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following
restrictions:

1. The Petitioner may apply for her permit and be granted same upon receipt of this Order, however, the Petitioner is hereby made aware that proceeding at this time is at

her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein shall be rescinded.

- 2. There shall be no more than 30 children served at the Class B Group Child Care Center granted herein. If the Petitioner can demonstrate that more children can be safely and effectively served on the subject property, the specific plans showing the proposed amendments/additions shall be submitted to the Office of Zoning Review for the filing of a Petition for Special Hearing.
- 3. The Petitioner shall comply with all State licensing requirements for operating a Day Care Center on the subject property.
- 4. Petitioner shall post a sign in front of the driveway directly in front of the property indicating parking in this area is for employees only.
- 5. Petitioner shall obtain an easement agreement from the adjoining property owner (9917 Reisterstown Road) confirming ingress and egress to the rear of the site from Reisterstown Road. The easement agreement shall be placed in the Permits and Development Management file within sixty (60) days of the date of this Order.
- 6. The legal owner, R Town Two, LLC, shall improve the driveway from the parking lot to 9917 Reisterstown Road in accordance with Exhibit 1 within forty-five (45) days of the date of this Order.
- 7. When applying for a permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:dlw

Zoning Commissioner for Baltimore County

IN THE MATTER OF

THE APPLICATION OF

R TOWN TWO, LLC =LO; TYRA THOMAS - \*

LESSEE /PETITIONERS FOR VARIANCE ON

PROPERTY LOCATED ON THE NE/S \*

REISTERSTOWN RD, 1000' SE OF OLIVE LN

9915 REISTERSTOWN ROAD \*

3<sup>RD</sup> ELECTION DISTRICT

2<sup>ND</sup> COUNCILMANIC DISTRICT

**BEFORE THE** 

**COUNTY BOARD OF APPEALS** 

OF

**BALTIMORE COUNTY** 

CASE NO. 08-065-A

### ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Zoning Commissioner dated October 19, 2007 in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of dismissal of appeal filed on January 25, 2008, by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, on behalf of the Office of People's Counsel, Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of January 25, 2008,

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Edward W. Crizer, Jr. / Esquire

Lawrence S. Wescott

Wendell H. Grier



### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

February 11, 2008

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: R Town Two, LLC-LO;

Tyra Thomas - Lessee

Case No. 08-065-A / Order of Dismissal

Dear Mr. Zimmerman and Ms. Demilio:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco Administrator

### Enclosure

c: J. Neil Lanzi, Esquire
James B. Woodruff/R Town Two, LLC
Tyra Thomas
Bruce Doak
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

### Baltimore County, Maryland



### OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN People's Counsel

January 25, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

JAN 2 5 2008

Edward W. Crizer, Jr., Chair County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

Re:

PETITION FOR VARIANCE

NE/S Reisterstown Road, 1000' S/E of Olive Lane

(9915 Reisterstown Road)

3<sup>rd</sup> Election District; 2<sup>nd</sup> Council District

R Town Two, LLC, Owner & Tyra Thomas, Lessee - Petitioners

Case No.: 08-065-A

Dear Mr. Crizer:

On or about November 1, 2007, our office filed an appeal of the Zoning Commissioner's Findings of Facts and Conclusions of Law dated October 19, 2007. Upon further review of the record and careful evaluation, it does not appear that pursuing the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Peter Max Commern

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: J. Neil Lanzi, Esquire

Bruce E. Doak

Case No. 08-065-A

### RE: R. Town Two LLC -Legal Owner; Tyra Thomas Lessee 9915 Reisterstown Road 3<sup>rd</sup> E; 2<sup>nd</sup> C

1/25/08 – Letter of withdrawal of appeal filed by Office of People's Counsels this date. Order of Dismissal to be issued.



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK - Deputy Zoning Commissioner

October 19, 2007

J. NEIL LANZI, ESQUIRE 409 WASHINGTON AVENUE, #617 TOWSON, MD 21204

RE: PETITION FOR VARIANCE
(9915 Reisterstown Road)
R Town Two, LLC, Owner; Tyra Thomas, Lessee
Case No. 08-065-A

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions in accordance with the attached Order.

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

Very truly yours,

Zoning Commissioner for Baltimore County

WJW:pz Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., #100, Towson, MD 21286

Tyra Thomas and Timothy White, 9728 Early Spring Way, Columbia MD 21046 People's Counsel; DEPRM; Develop. Plans Review; Office of Planning; File



227 9/15/98

### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 9915 REISTERSTOWN RO
Which is presently zoned Ro

iWe do solemnly declare and affirm, under the penalties of

This Patition 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 cascribed in the description and plat attached nersto and made a part hereof, hereby petition for a Variance from Section(s). SEE ATT ACH ED

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

If 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.

	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): R TOWN TWO LLC
THOMAS	
Harie, Type or Para	Name - Type or Print wewler
Signature	Signature
97728 EARLY SPRING WAY	James B Woodvuff
Address Telephone No.	Name - Type or Print
COLUMBIA MD 21046	
State Zip Coce	
Attorney ForPetitioner:	9921 Reistanstown Rd 9020700
	Address Telephone No.
J Neil LANZI	Owings Mills MD 21117
Name - Type or Pmi	City State Zip Ccca
Signature Mmn;	Representative to be Contacted:
in the second se	GERHOLD CROSS, 4 ETZEL
INEIL LANZI P.A.	BRUCE DOAK c/o G.C. dE.
Company 410	Name Suite 100
409 WASHINGTON AUT #617 296 0684	320 E. TOWSONTOWN BLVD
Accress	Address Telephone No.
10W5M MD 21204	TOWSON MD 823-4470
City State Zip Code	City State Zip Ccca
	OFFICE USE ONLY
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JANUER REVENUE PUR	FIGH WNAVAILABLE FOR HEARING
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JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 19, 2007

J. NEIL LANZI, ESQUIRE 409 WASHINGTON AVENUE, #617 TOWSON, MD 21204

RE: PETITION FOR VARIANCE
(9915 Reisterstown Road)
R Town Two, LLC, Owner, Tyra Thomas, Lessee
Case No. 08-065-A

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions in accordance with the attached Order.

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

Very try ly yours,

WILLIAMILWAN

Zoning Commissioner for Baltimore County

WJW:pz Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., #100, Towson, MD 21286

Tyra Thomas and Timothy White, 9728 Early Spring Way, Columbia MD 21046 People's Counsel; DEPRM; Develop. Plans Review; Office of Planning; File





OFFICE OF PEOPLE'S COUNSEL

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

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

Peter Max zimmerman People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

November 1, 2007

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

Re:

PETITION FOR VAFJANCE

NE/S Reisterstown Road, 1000' S/E of Olive Lane

(9915 Reisterstown Road)

3<sup>rd</sup> Election District; 2<sup>nd</sup> Council District

R Town Two, LLC, Owner & Tyra Thomas, Lessee - Petitioners

Case No.: 08-065-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County, Board of Appeals from the Findings of Fact and Conclusions of Law dated October 19, 2007 by the Baltimore County Zoning Commissioner.

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

RECEIVED

109 0 1 2007

Per Lin

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

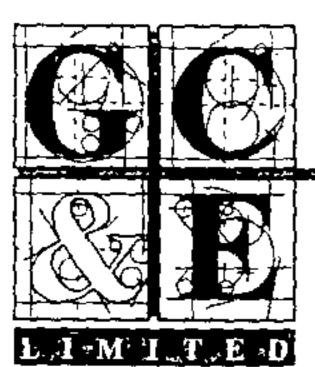
Deputy People's Counsel

PMZ/CSD/rmw

cc: J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204 Bruce E. Doak, Gerhold, Cross & Etzel, 320 E Towsontown Blvd, Towson, MD 21286

### VARIANCES REQUESTED 9915 REISTERSTOWN ROAD

- 1. TO ALLOW A LOT SIZE OF 15,033 SQ. FT. IN LIEU OF THE REQUIRED 43,560 SQ. FT. PER SECTION 424.7.A OF THE B.C.Z.R.
- 2. TO ALLOW A SIDE YARD SETBACKS OF 9' AND 11.5' IN LIEU OF THE REQUIRED 50' PER SECTION 424.7.B OF THE B.C.Z.R.
- 3. TO ALLOW A 0' VEGETATIVE BUFFER ALONG THE SOUTH 48°40'00" WEST 220.00' LINE, AND THE NORTH 62°10'00" EAST 226.25' LINE IN LIEU OF THE REQUIRED 20' PER SECTION 424.7.B OF THE B.C.Z.R.
- 4. TO ALLOW A PLAY YARD FENCE 0' FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20' PER SECTION 424.1.B OF THE B.C.Z.R
- 5. TO ALLOW GRAVEL PAVING IN THE PARKING AREA IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE PER SECTION 409.8.A.2 OF THE B.C.Z.R



### 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

July 19, 2007

### ZONING DESCRIPTION R TOWN TWO LLC PROPERTY 9915 Reisterstown Road Baltimore County, Maryland

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

Beginning for the same at the intersection of the South East side of Garrison View and the North East side of Reisterstown Road, running 730 feet South Easterly along the North East side of Reisterstown Road, thence running along the North East side of Reisterstown Road for the following bearings and distances.

- 1) South 41°20'00" East 41.92 feet, thence leaving Reisterstown Road.
- 2) North 62°10'00" East 226.25 feet,
- 3) North 41°20'00" West 94.74 feet,
- 4) South 48°40'00" West 220.00 feet, to the point of beginning.

Containing 15,033 sq. ft. 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.



### 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: #08-065-A

9915 Reisterstown Road
N/east side of Reisterstown Road, 1000
feet +/- southeast of Olive Lane
3rd Election District - 2nd Councilmanic District
Legal Owner(s): R. Town Two, LLC
Contract Purchaser: Tyra Thomas

Variance: to allow a lot size of 15,033 square feet in lieu of the required 43,560 sq. ft. and to allow side yard setbacks of 9 feet and 11.5 feet in lieu of the required 50 feet and to allow a 0-foot vegetative buffer in lieu of the required 20 feet and to allow a play yard fence 0 feet from the property line in lieu of the required 30 feet and to allow gravel paving in the parking area in lieu of the required durable and dustless surface.

Hearing: October 10, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

### WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/9/765 Sept. 25 149926

### CERTIFICATE OF PUBLICATION

9/28,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 9/25,2007
☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

YELLOW. Date: Acct BS **Total**: Rept Catg Sub Rev Source 0719 Rev PINK - AGENCY OFFICE OF BUDGET AND FINANCE Org BALTIMORE COUNTY, MARY Sub MISCELLANEOUS RECEIPT Orga WHITE - CASHIER Agcy DISTRIBUTION Fund From: Rec For,

24 J4

Requested: Jan. 3, 2008

### APPEAL SIGN POSTING REQUEST

CASE NO. 08-065-A

### 9915 REISTERSTOWN ROAD

3<sup>RD</sup> ELECTION DISTRICT

APPEALED: NOV. 1, 2007

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

### \*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*

### **CERTIFICATE OF POSTING**

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

Attention: Kathleen Bianco Administrator

CASE NO.: 08-065-A

LEGAL OWNER: R TOWN TWO, LLC

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

### 9915 REISTERSTOWN ROAD

NE/s Reisterstown Road, 1000' S/E of Olive Lane							
The sign was posted on	, 2008.						
By: (Signature of Sign Poster)							
(Print Name)	<del></del>						

Requested: Jan. 3, 2008

# APPEAL SIGN POSTING REQUEST

CASE NO. 08-065-A

9915 REISTERSTOWN ROAD

APPEALED: NOV. 1, 2007

310 ELECTION DISTRICT

## 

CASE # 08-065-A

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

PLACE: Room 106 County Office Building PLACE: Room 106 County Office Building MD

TIME & DAIL

11:00 am Wednesday, October 10, 2007

Variance: to allow a lot size of 15,033 square feel in lieu of the required 43,560 sq. ft. and to allow side yard setback of 9 feet and 11.5 feet in lieu of the required 50 feet and to allow a 0-foot vegetative buffer in lieu of the required frequired 20 feet and to allow a play yard fence 0 feet from the property line in lieu of the required 30 feet and to allow gravel paving in the parking area in lieu of the required durable and dustiess surface.

SIPONEMENTS DUE TO WEATHER CONDITIONS ARE SOMETIMES CESSABYTTO CONFIRM HEARIND LIVE SCHEDULED HEARING DATE

HEARINGS ARE HANDICAPPED ACCESSIBLE



### 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#08-065-A
PETITIONER/OWNER:
R Town Two, LLC

DATE OF HEARING: October 10, 2007

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:

9915 Reisterstown Road

(see page 2 for full size photo)

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

STED ON: 9/ 24/07



JAMES T. SMITH, JR. County Executive

August 30, 2007

### 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: 08-065-A

9915 Reisterstown Road

N/east side of Reisterstown Road, 1000 feet +/- southeast of Olive Lane

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: R Town Two, LLC Contract Purchaser: Tyra Thomas

Variance to allow a lot size of 15,033 square feet in lieu of the required 43,560 sq. ft. and to allow side yard setbacks of 9 feet and 11.5 feet in lieu of the required 50 feet and to allow a 0-foot vegetative buffer in lieu of the required 20 feet and to allow a play yard fence 0 feet from the property line in lieu of the required 30 feet and to allow gravel paving in the parking area in lieu of the required durable and dustless surface.

Hearing: Wednesday, October 10, 2007 at 11:00 a.m. in Room 106, County Office Building,

West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, #617, Towson 21204
James Woodruff, R Town Two, LLC, 9921 Reisterstown Road, Owings Mills 21117
Tyra Thomas, 9728 Early Spring Way, Columbia 21046
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., #100, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 25, 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.

Director's Office | County Office Building

111 West Chesapeake Avenue, Room 105 | Towson, Maryland 21204 | Phone 410-887-3355 | Fax 410-887-5708

www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 25, 2007 Issue - Jeffersonian

Please forward billing to:

Tyra Thomas
C/o Bruce Doak @ Gerhold Cross & Etzel
320 E. Towsontown Blvd., #100
Towson, MD 21204

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: 08-065-A

9915 Reisterstown Road

N/east side of Reisterstown Road, 1000 feet +/- southeast of Olive Lane

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: R Town Two, LLC Contract Purchaser: Tyra Thomas

<u>Variance</u> to allow a lot size of 15,033 square feet in lieu of the required 43,560 sq. ft. and to allow side yard setbacks of 9 feet and 11.5 feet in lieu of the required 50 feet and to allow a 0-foot vegetative buffer in lieu of the required 20 feet and to allow a play yard fence 0 feet from the property line in lieu of the required 30 feet and to allow gravel paving in the parking area in lieu of the required durable and dustless surface.

Hearing Wednesday, October 10, 2007 at 11:00 a.m. in Room 106, County Office Building,

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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: 08-065-A
Petitioner: Tyra Thomas
Address or Location: 9915 Reisterstown Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Tyra Thorras
Address: 9728 Early Spring World
Columbia: MN 21046
Telephone Number: <u>410 -823-4470</u>



JAMES T. SMITH, JR. County Executive

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

October 3, 2007

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

Dear Mr. Lanzi:

RE: Case Number: 08-065-A, 9915 Reisterstown Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 6, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

u. Callibal.

WCR:amf Enclosures

c: People's Counsel

James Woodruff R Town Two, LLC 9921 Reisterstown Road Owings Mills 21117 Tyra Thomas 9728 Early Spring Way Columbia 21046 Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd, #100 Towson 21204

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 | Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 | www.baltimorecountymd.gov BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

To Krister Waters

**DATE:** August 24, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

9915 Reisterstown Road

INFORMATION:

Item Number:

8-065

Petitioner:

R Town Two LLC. C/o James B. Woodruff

Zoning:

RO

Requested Action:

Special Hearing and Variance

The petitioner seeks a variance from the following:

- 1. To allow a lot size of 15,033 SF in lieu of the required 43,560 SF per section 424.7A of the BCZR.
- 2. To allow side yard setbacks of 9FT and 11.5FT in lieu of the required 50FT per section 424.7B of the BCZR.
- 3. To allow a 0FT vegetative buffer along the south 48°40'00" west 220.00' line and the north 62° 10'00" east 226.25' line in lieu of the required 20' per section 424.7B of the BCZR.
- 4. To allow a play yard fence 0FT from the property line in lieu of the required 20FT per section 424.1B of the BCZR.
- 5. To allow gravel paving in the parking area in lieu of the required durable and dustless surface per section 409.8A.2 of the BCZR.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. The proposed use of a Class B childcare facility will not adversely affect the adjacent properties. The Office of Planning does make the following suggestions, which were discussed with and agreed upon by the attorney for the petitioner:

1. The necessary signage shall be both appropriate and consistent with the zoning regulations.

2. The driveway that acts as the egress and ingress, which is on the adjoining property, should be widened so as to allow two cars to enter and leave the parking area comfortably. This is quite possible, as the property owner owns contiguous property.

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

Reviewed by:

Division Chief:

AFK/LL: CM



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

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

### Maryland Department of Transportation

August 22, 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. 08-65-A
MD 140 (Reisterstown Road

MD 140 (Reisterstown Road) 9915 Reisterstown Road R Town Two, LLC Property

Variance-

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval, as a field inspection reveals that the existing access onto the property from MD 140 (Reisterstown Road) appears adequate. No further review is necessary with regard to R Town Two, LLC Case Number 8-65-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailto:mbailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA



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

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49 and 052 through 075

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

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

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

cc: File

### BALTIMORE COUNTY, MÀRYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** August 15, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For August 20, 2007

Item Nos. 052, 054, 056, 057, 058, 061, 062, 063, 065, 066, 067, 068, 071, 072,

073, 074, and 075

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-08152007.doc



JAMES T. SMITH, JR.
County Executive

December 14, 2007 M. KOTROCO, Director Department of Permits and Development Management

J. Neil Lanzi 409 Washington Avenue, Ste. 617 Towson, MD 21204

Dear Mr. Lanzi:

RE: Case: 08-065-A, 9915 Reisterstown Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 2007 by the Office of People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely, Kotroco

Timothy Kotroco Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Bruce Doak, Gerhold, Cross & Etzel 320 E. Towsontown Blvd., #100, Towson 21286 Tyra Thomas/Timothy White, 9728 Early Spring Way, Columbia 21046

### APPEAL

Petition for Variance 9915 Reisterstown Road NE/s Reisterstown Road, 1000', S/E of Olive Lane 3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District Legal Owners: R Town Two, LLC Lessee: Tyra Thomas

Case No.: 08-065-A

Petition for Special Hearing (August 6, 2007) Zoning Description of Property Notice of Zoning Hearing (August 30, 2007) Certification of Publication (The Jeffersonian – September 25, 2007) Certificate of Posting (9/24/07) by Bruce Doak Entry of Appearance by People's Counsel (August 16, 2007) Petitioner(s) Sign-In Sheet – One Sheet Protestant(s) Sign-In Sheet - None Citizen(s) Sign-In Sheet - None Zoning Advisory Committee Comments

BALTIMORE COUNTY BOARD OF APPEALS

Petitioners' Exhibit

Red Lined Site Plan

Plan to accompany photos:

Photos

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)

None

Zoning Commissioner's Order (GRANTED – October 19, 2007)

Notice of Appeal received on November 1, 2007 by People's Counsel

People's Counsel of Baltimore County, MS #2010 C: Zoning Commissioner Timothy Kotroco, Director of PDM J. Neil Lanzi James Woodruff Tyra Thomas Bruce Doak

### PLEASE PRINT CLEARLY

CASE NAME 08-065- 4
CASE NUMBER 89,5 Kerstown K
DATE 10/6/67

# PETITIONER'S SIGN-IN SHEET

E- MAIL		Lanzifaw & CS, Com									
CITY, STATE, ZIP	Hunbin Chaland and		Columbia 110 21046								
ADDRESS	320 E. Townson Town Bus 9728 Mills Suna 7, 10.	409 Weshington and #617	9728 Eroly Spains WAY								
NAME	BRUCE E. Davie Erzer	"12 Lenzi	IFE								

RE: PETITION FOR VARIANCE
9915 Reisterstown Road; NE/S
Reisterstown Rd, 1000' SE Olive Lane
3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts
Legal Owner(s): R Town Two, LLC
Contract Purchaser(s): Tyra Thomas
Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 08-065-A

### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

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 16<sup>th</sup> day of August, 2007, 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 and J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 1-6 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

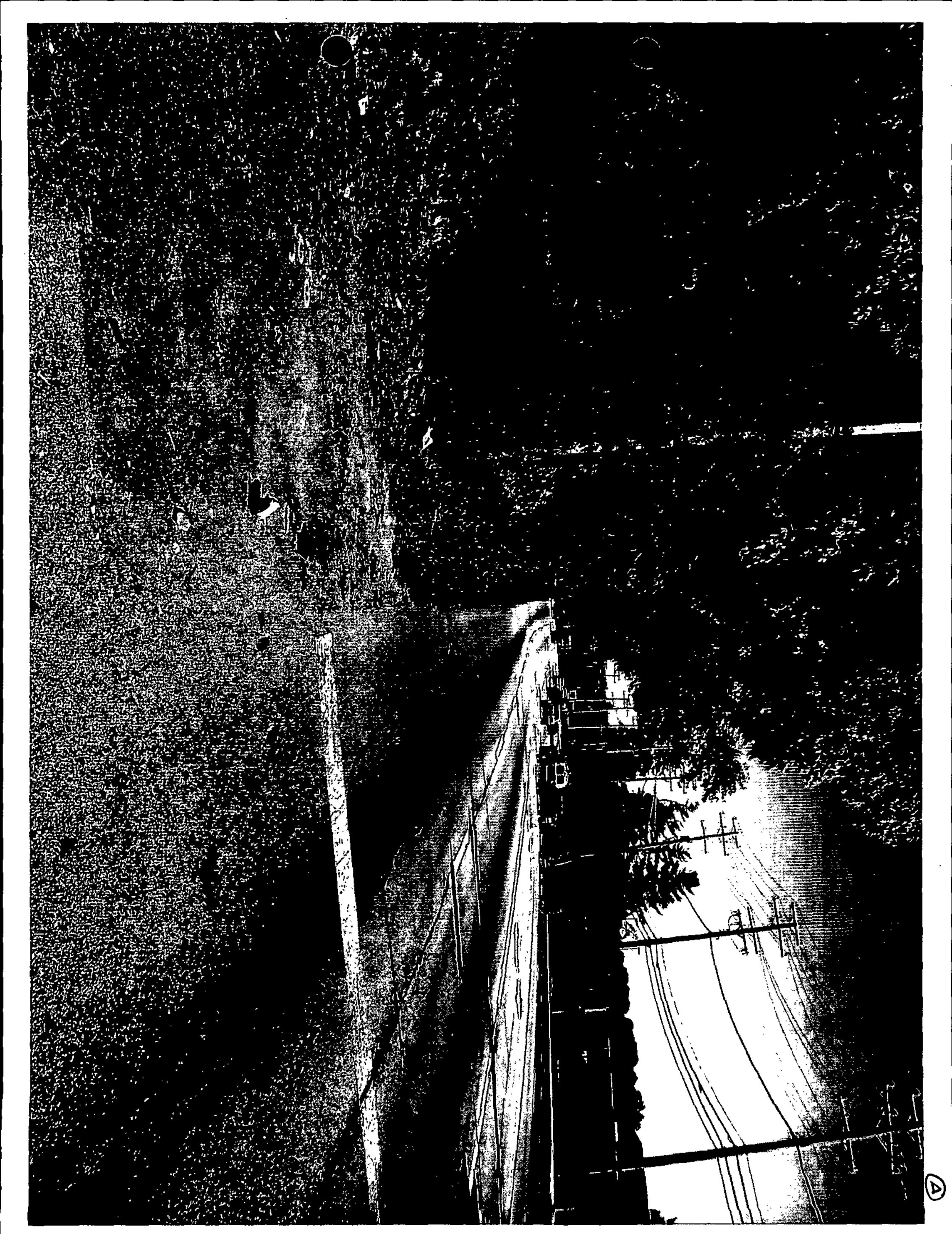
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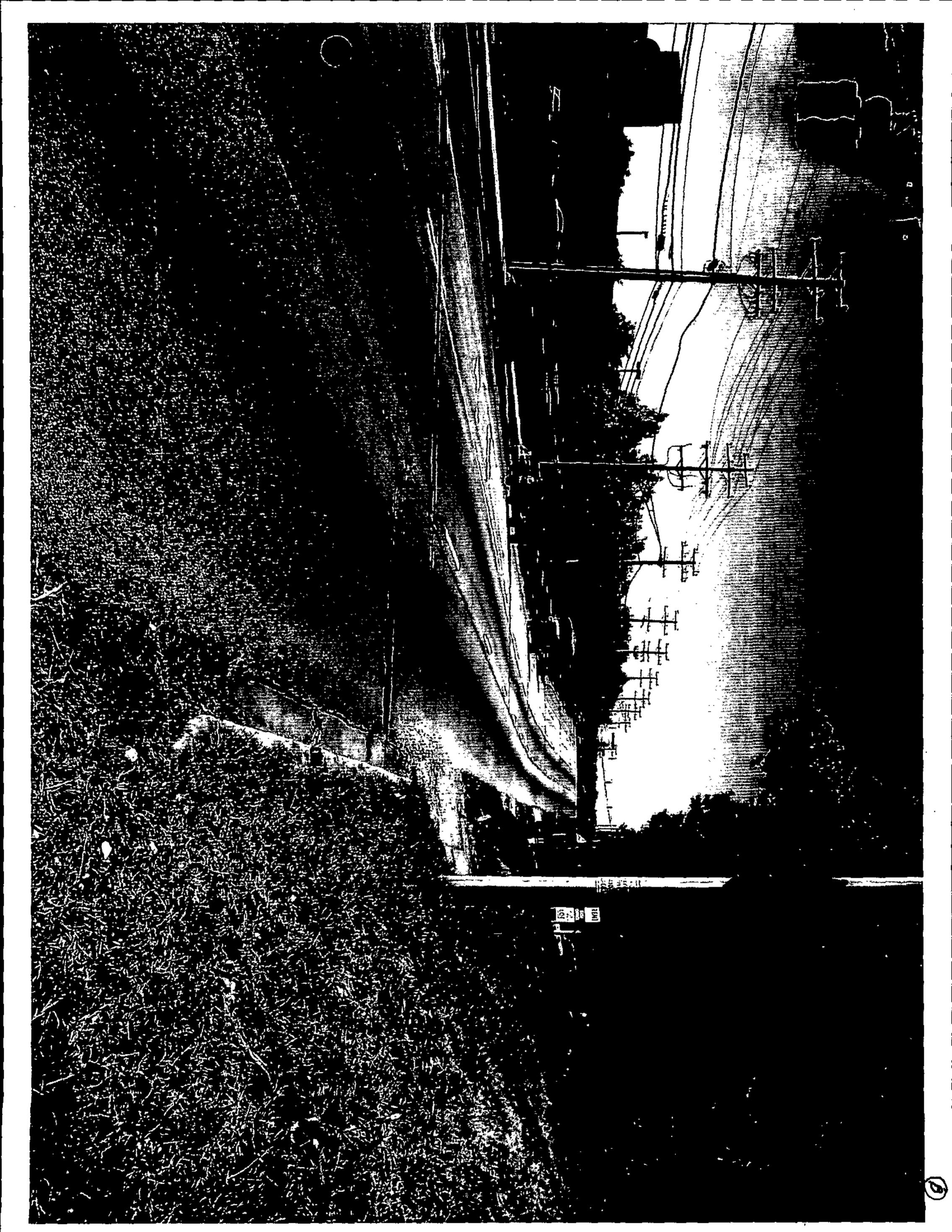
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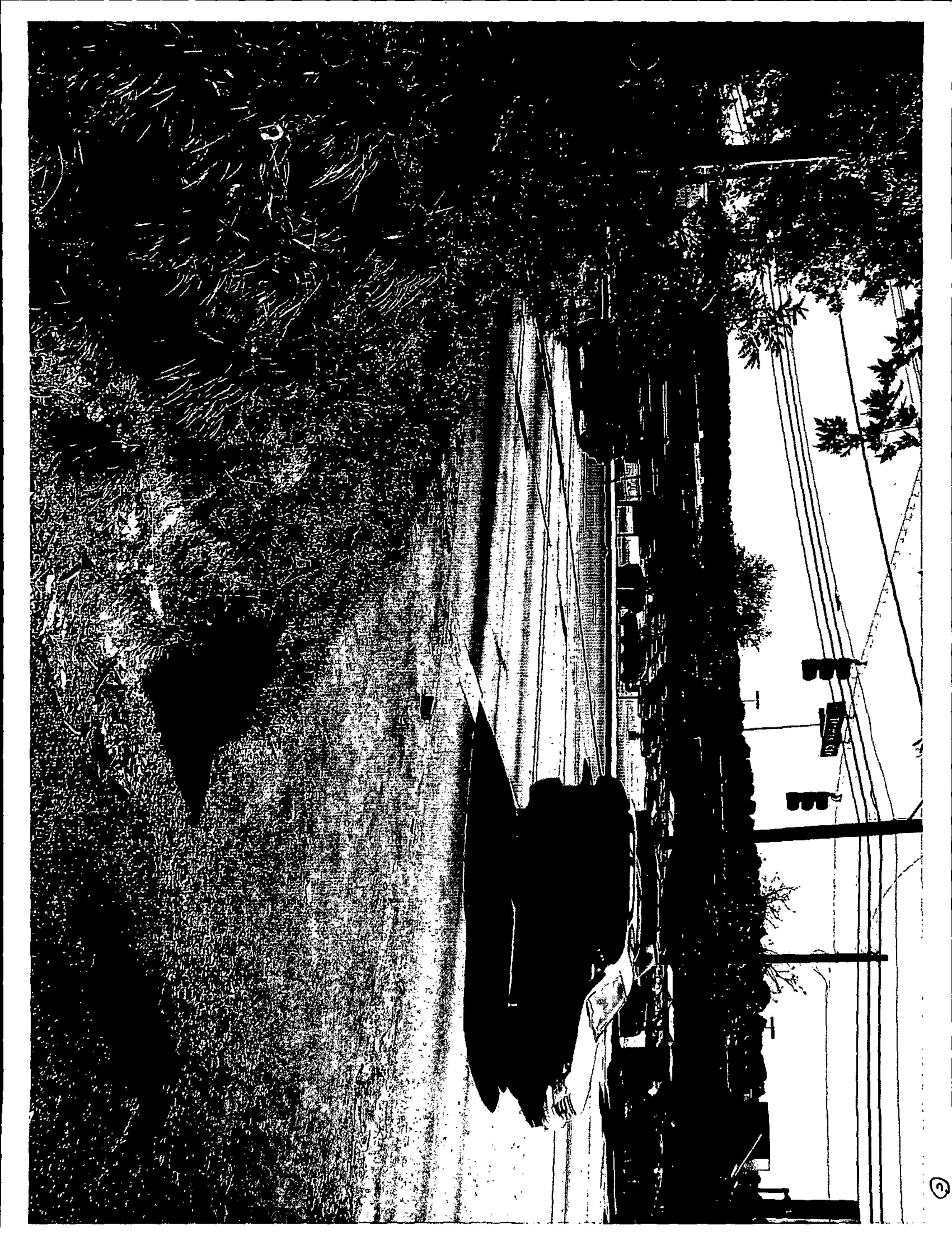
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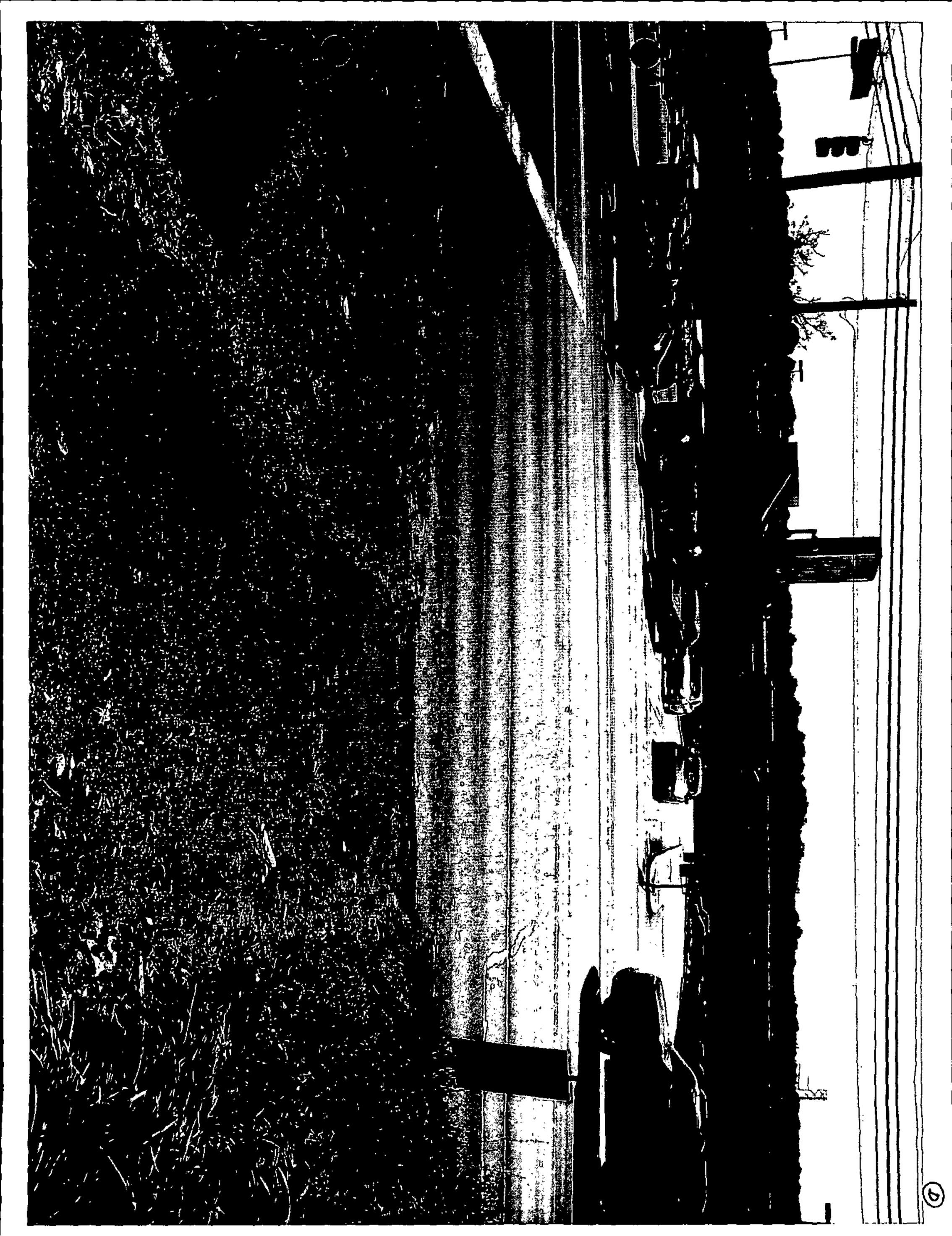
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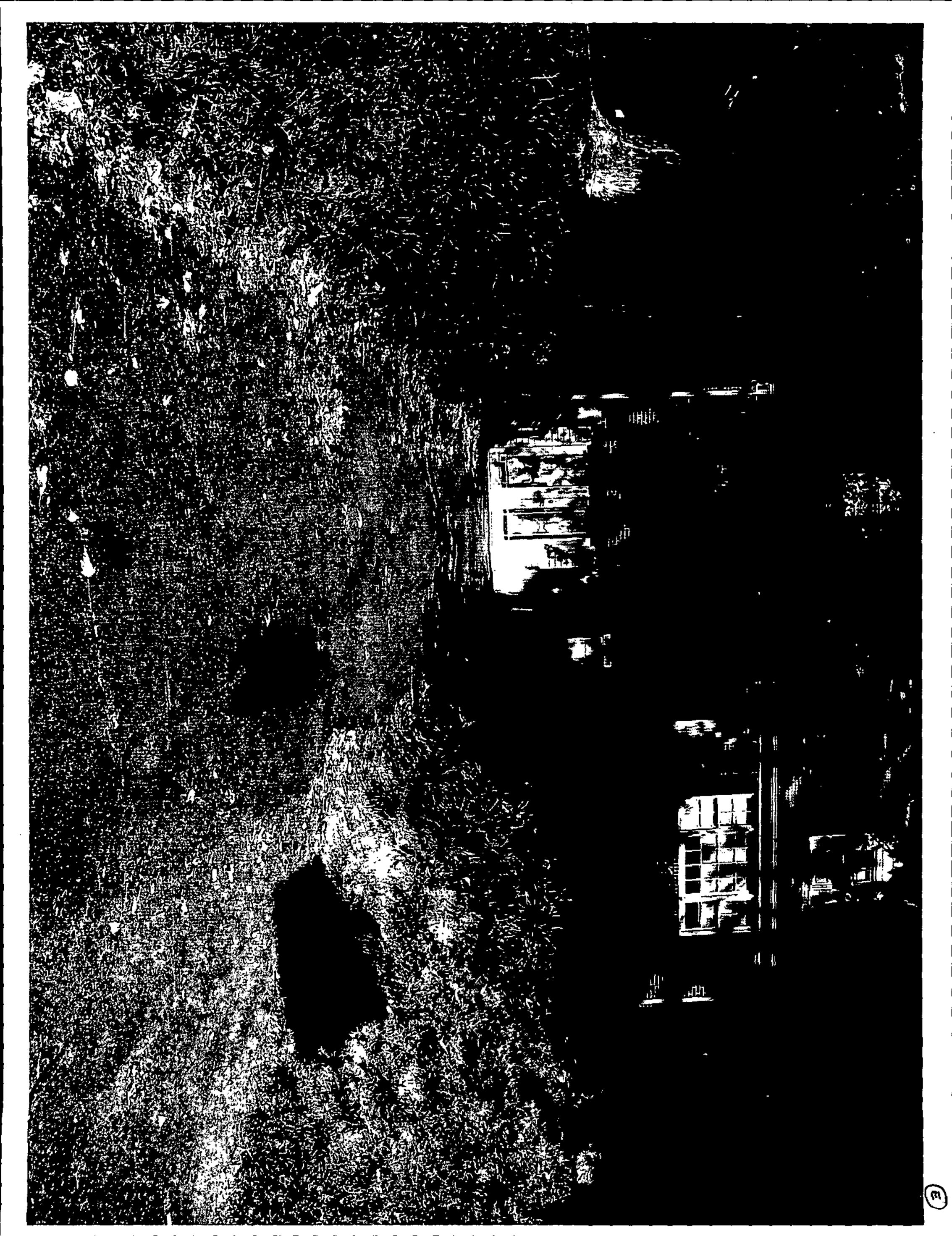
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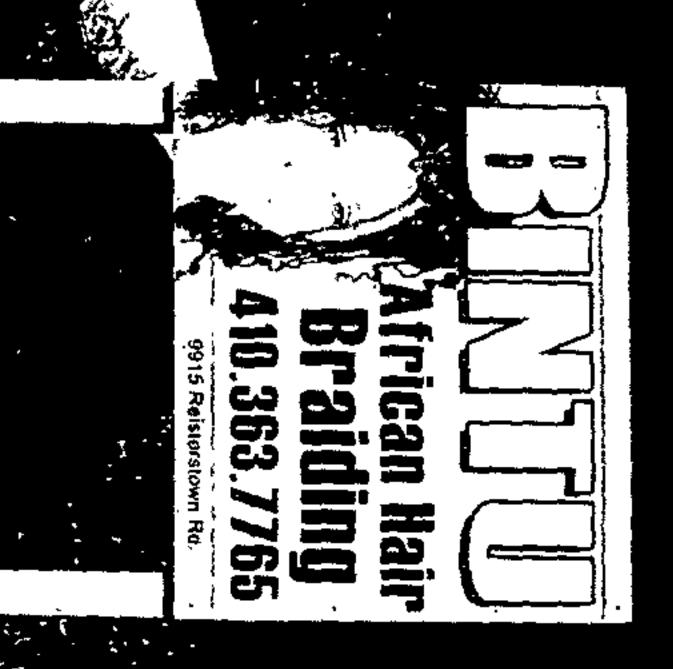






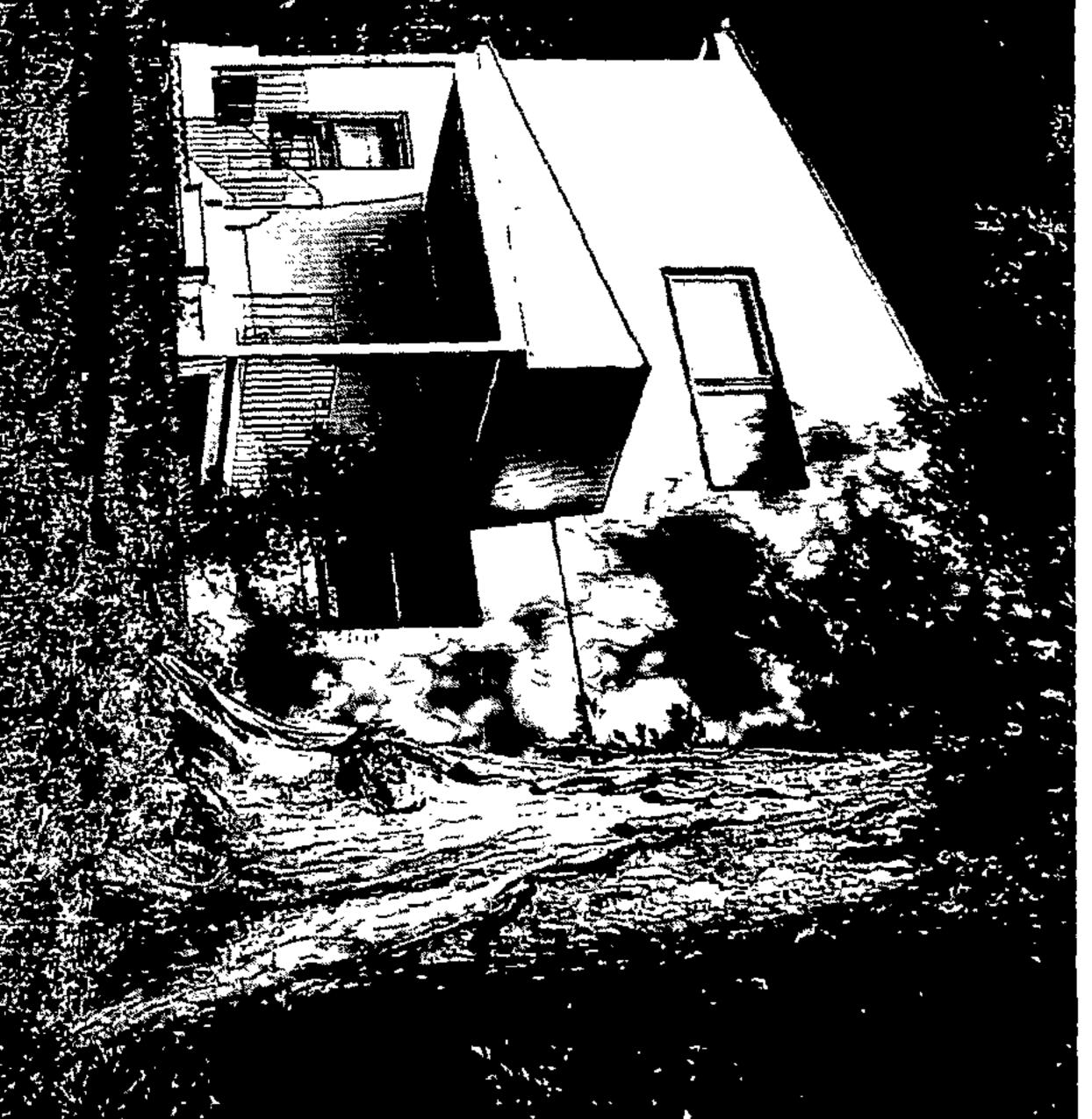




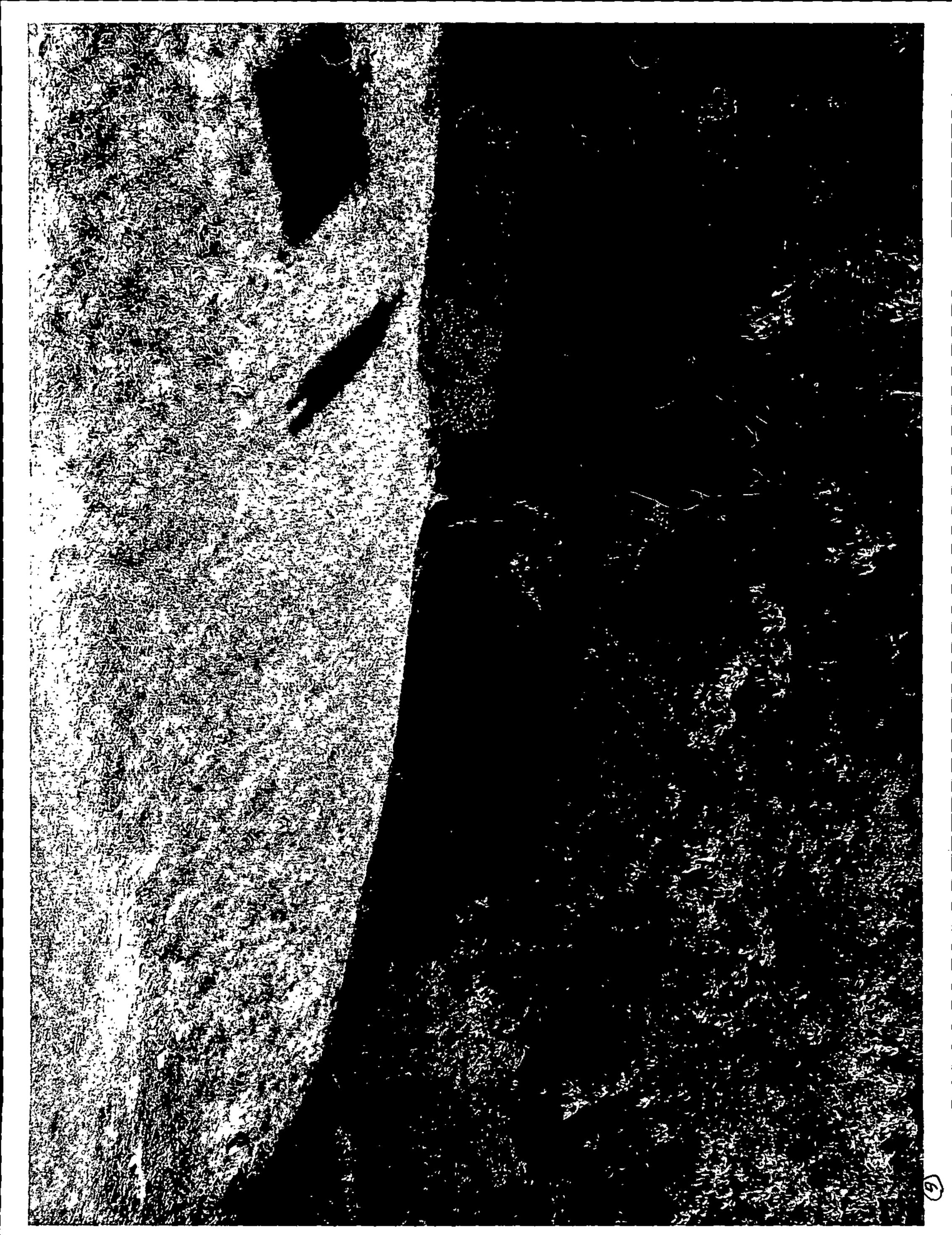


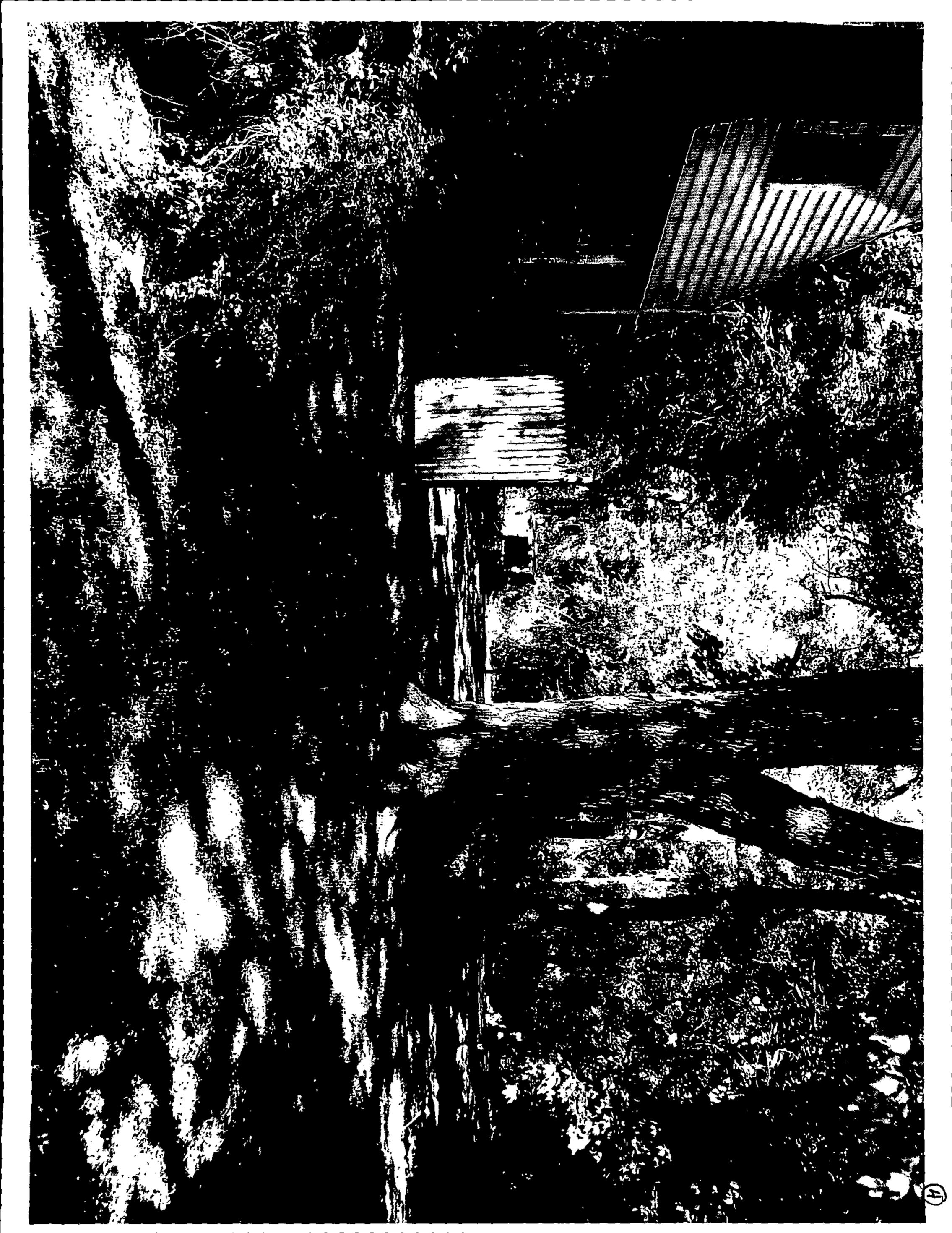
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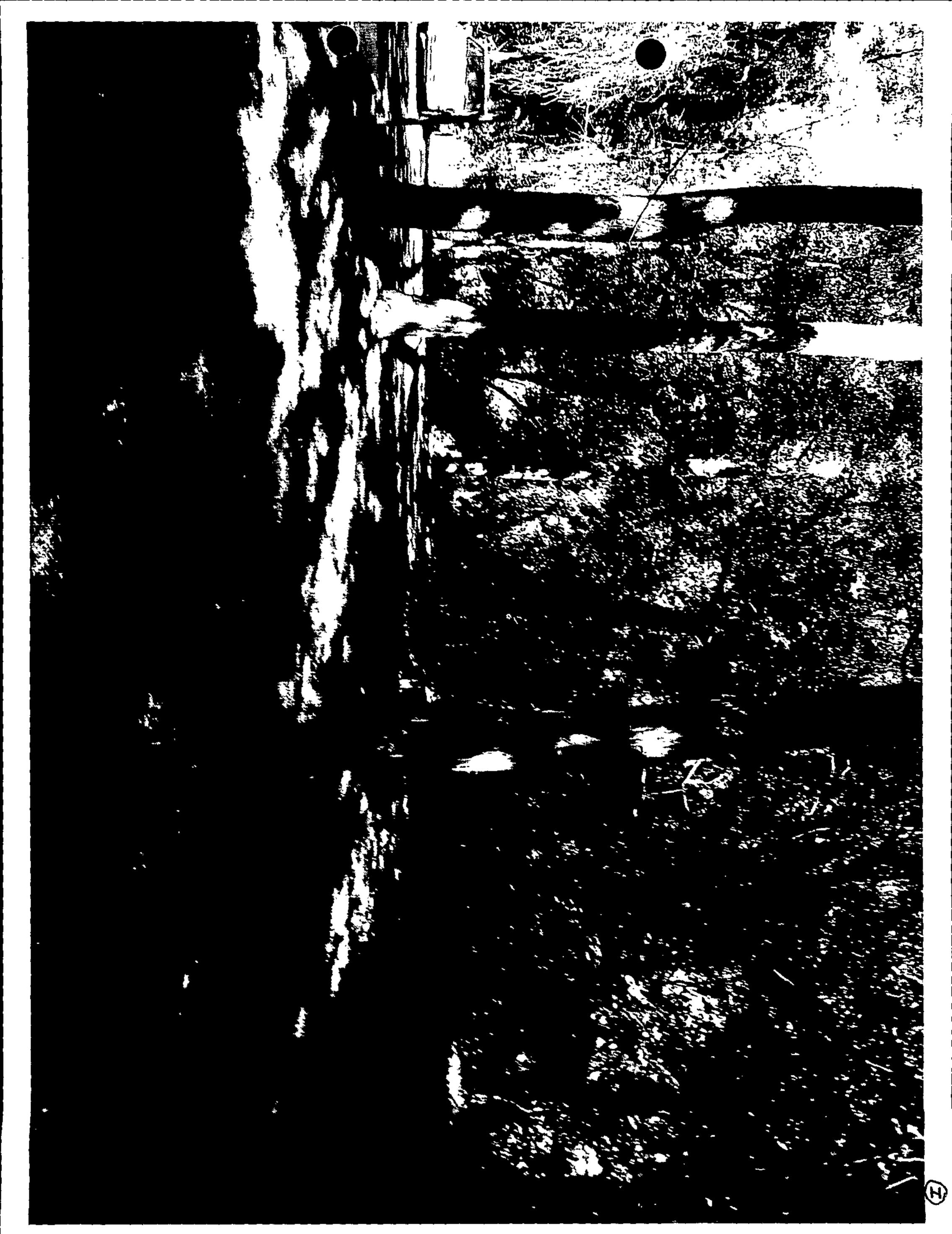
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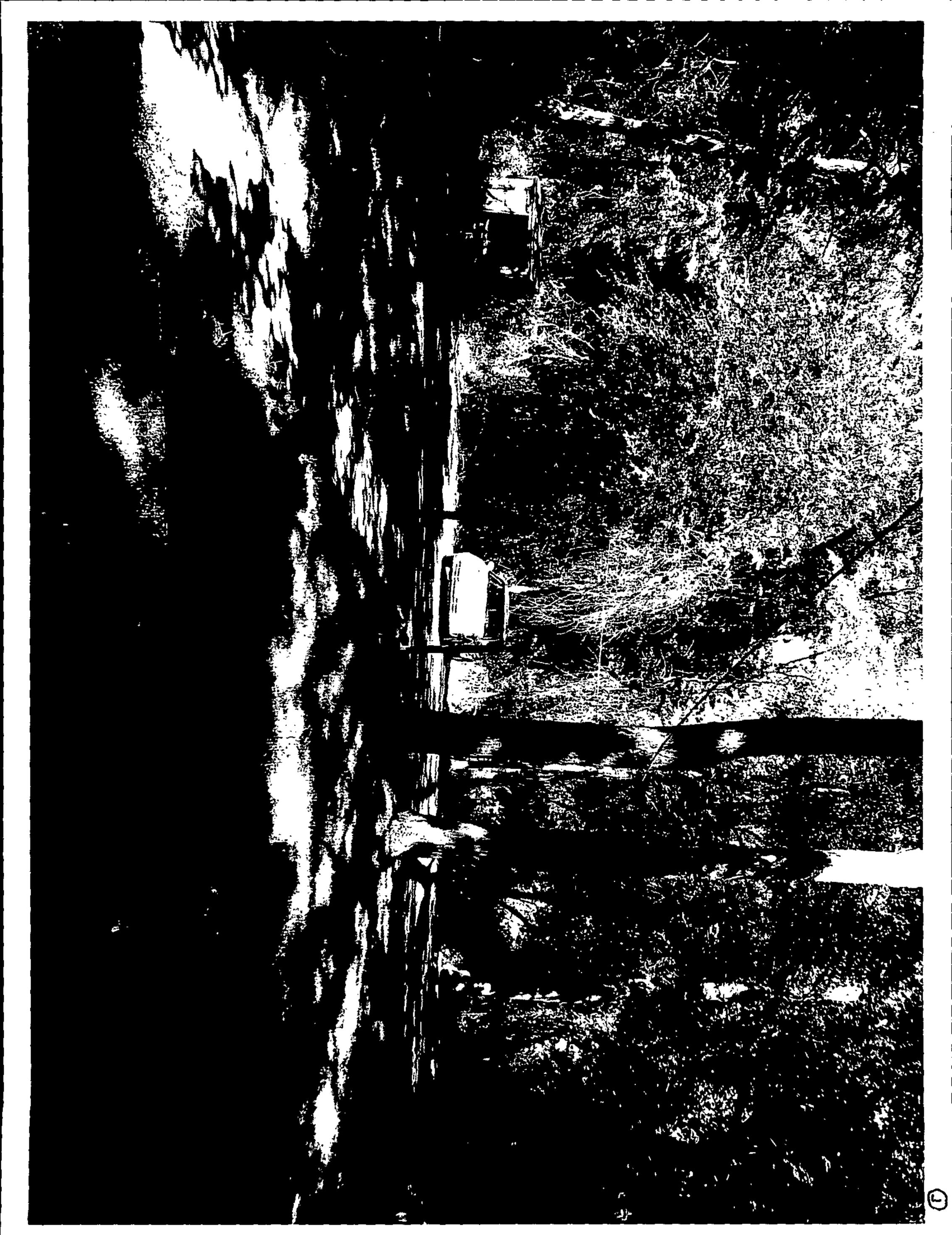


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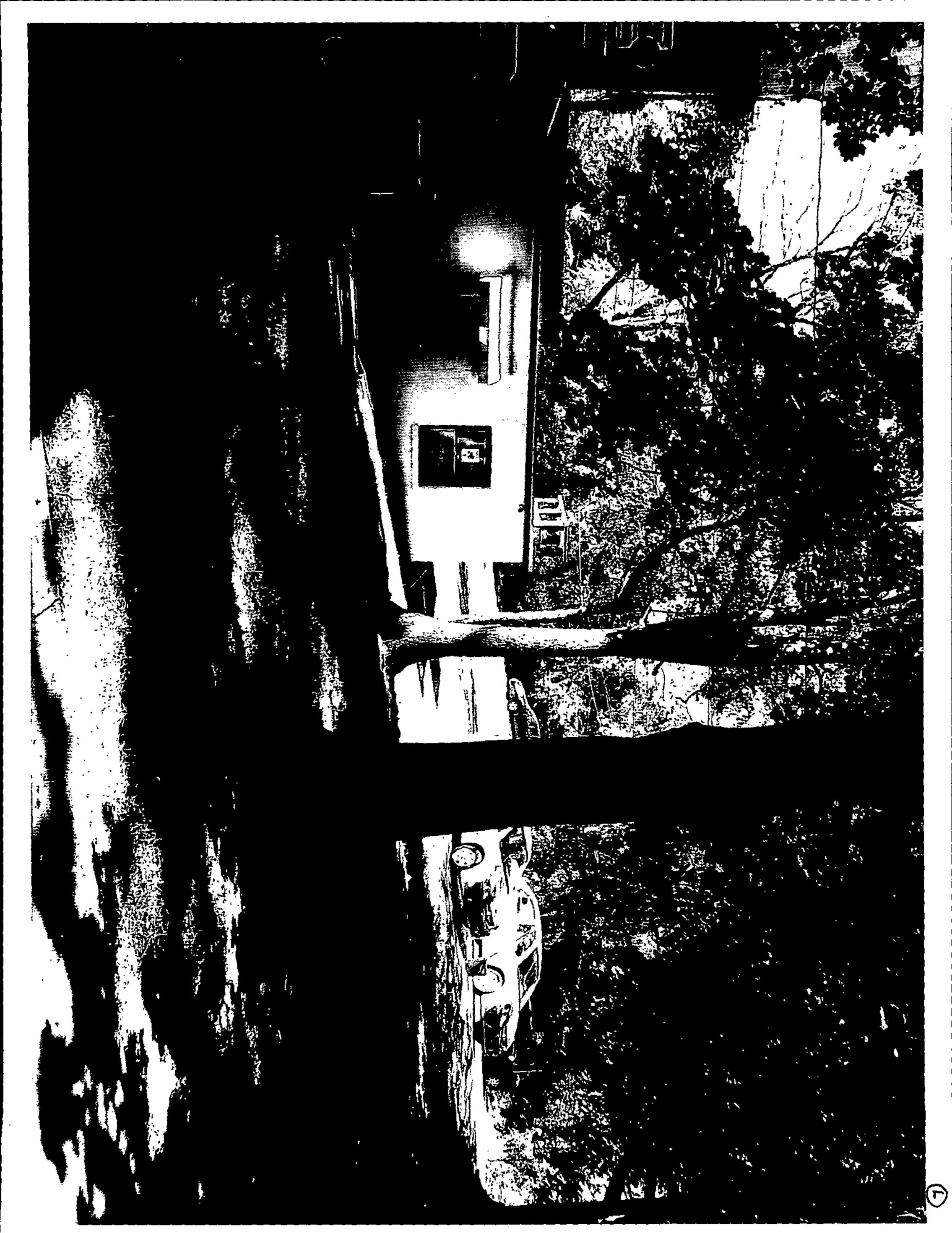






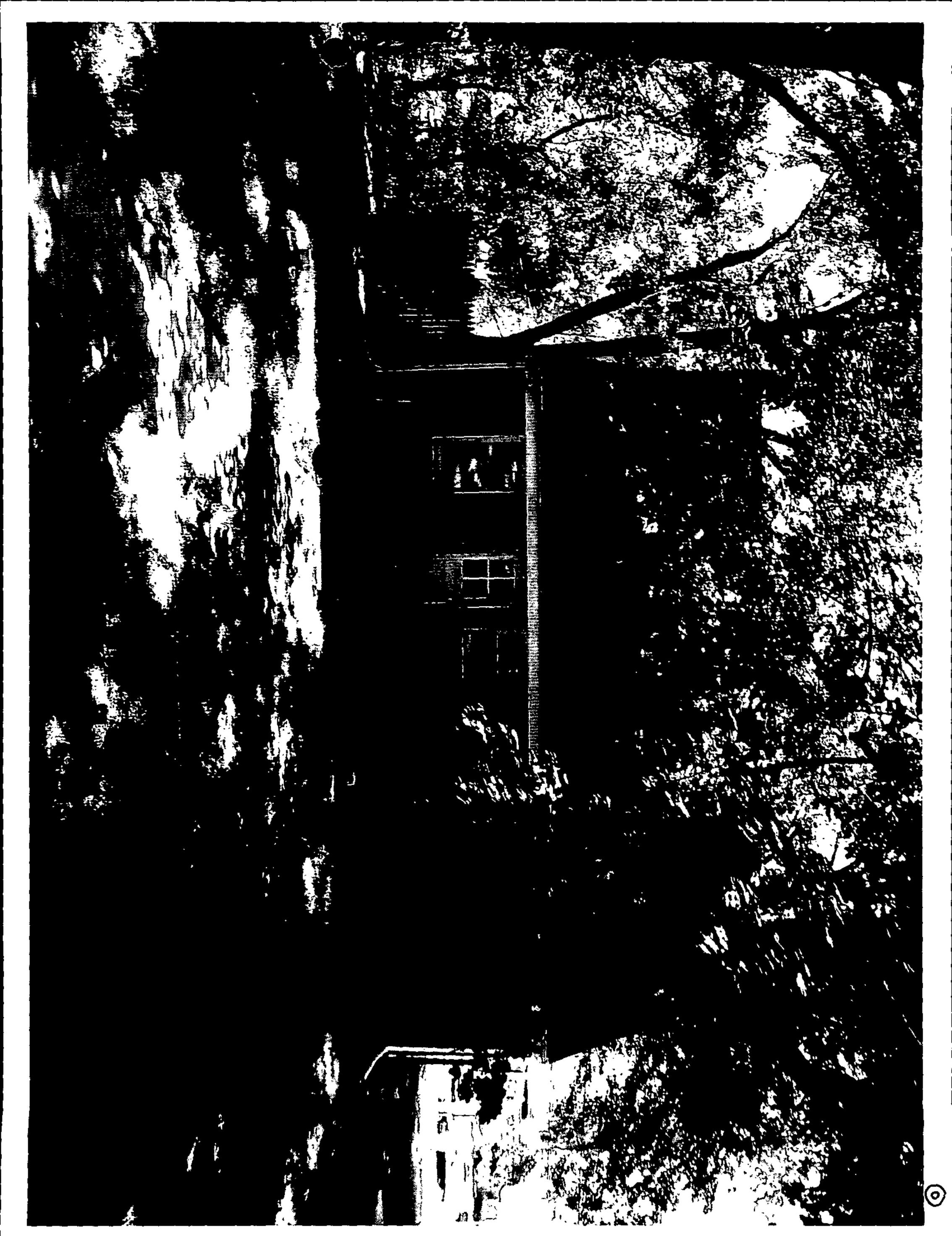


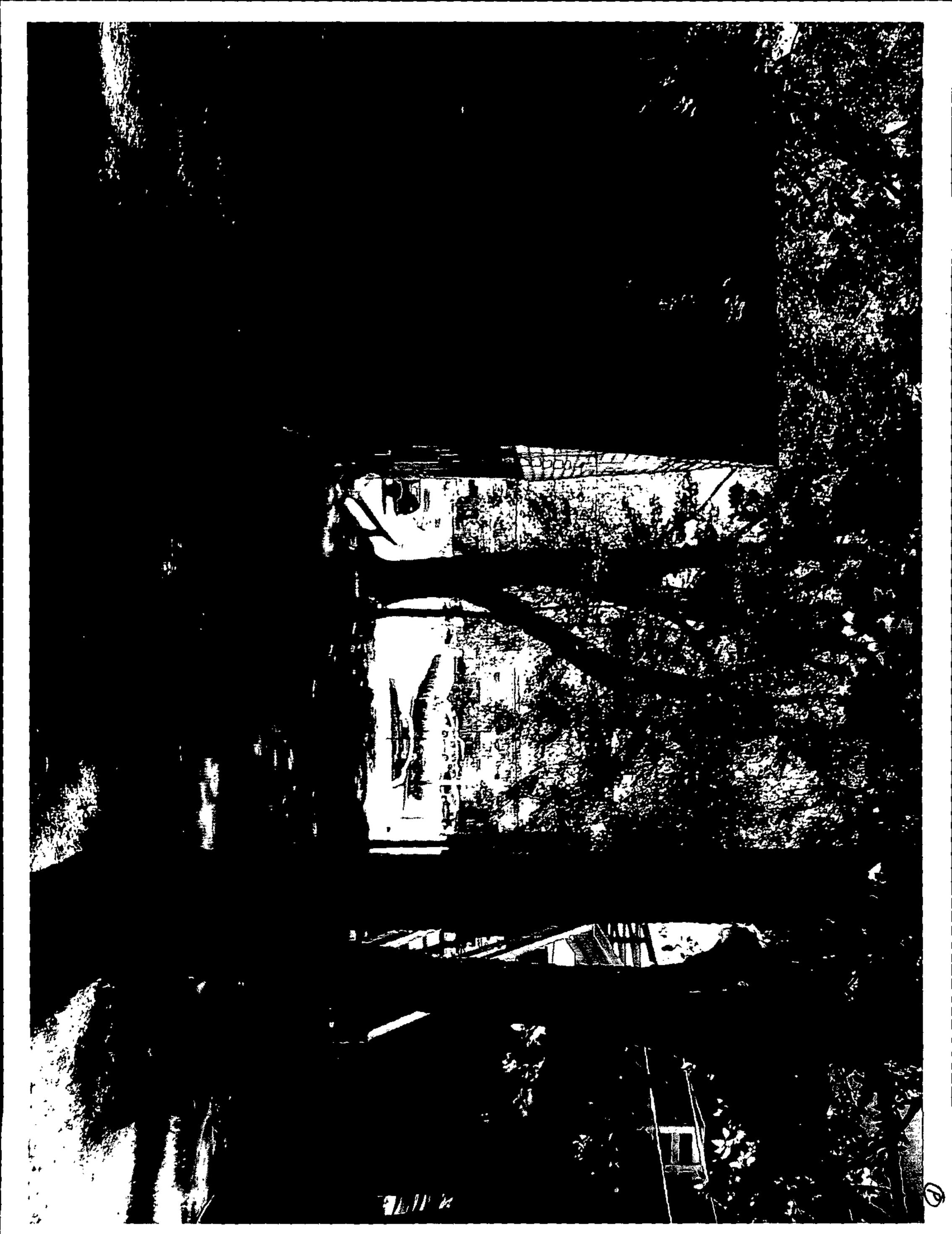




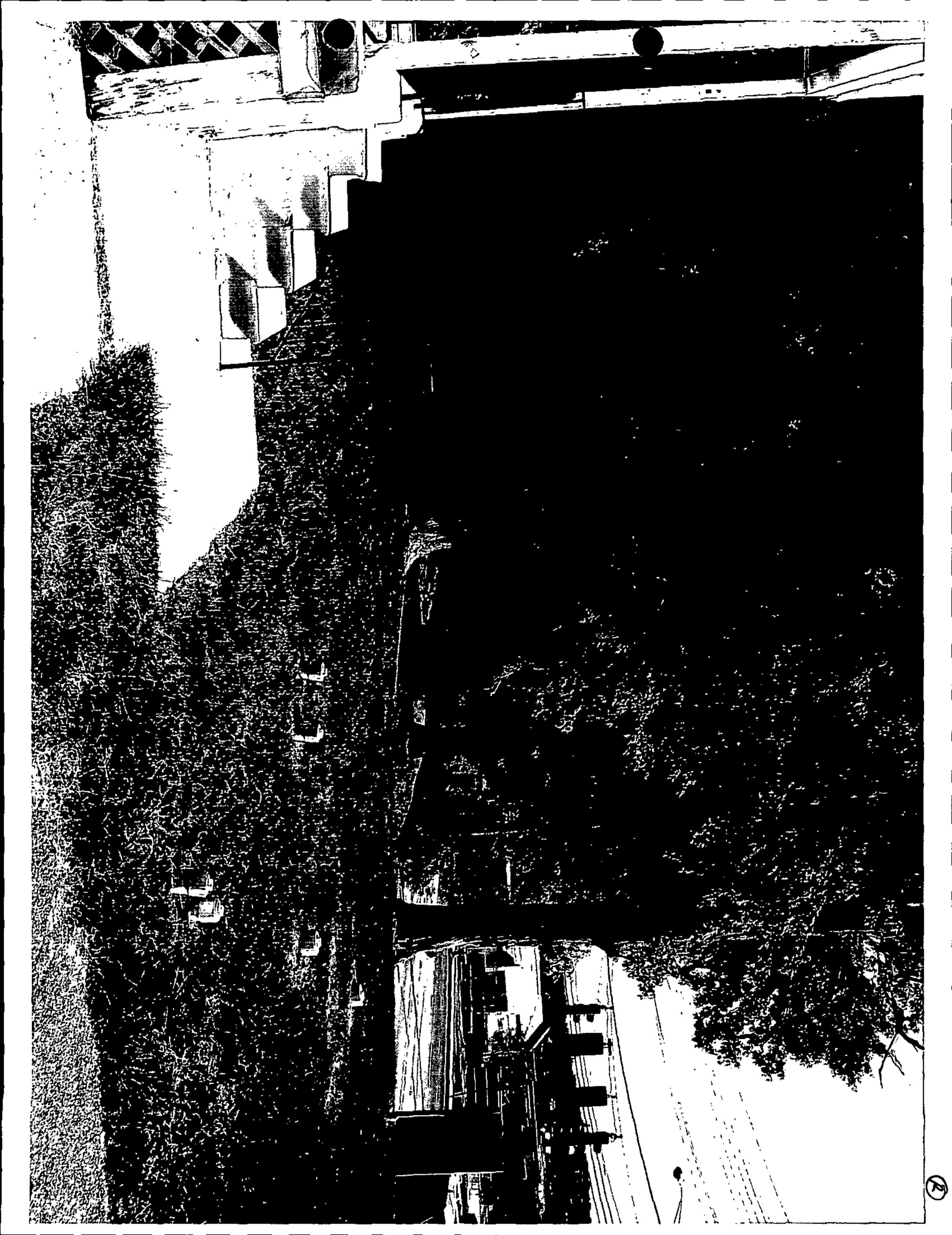


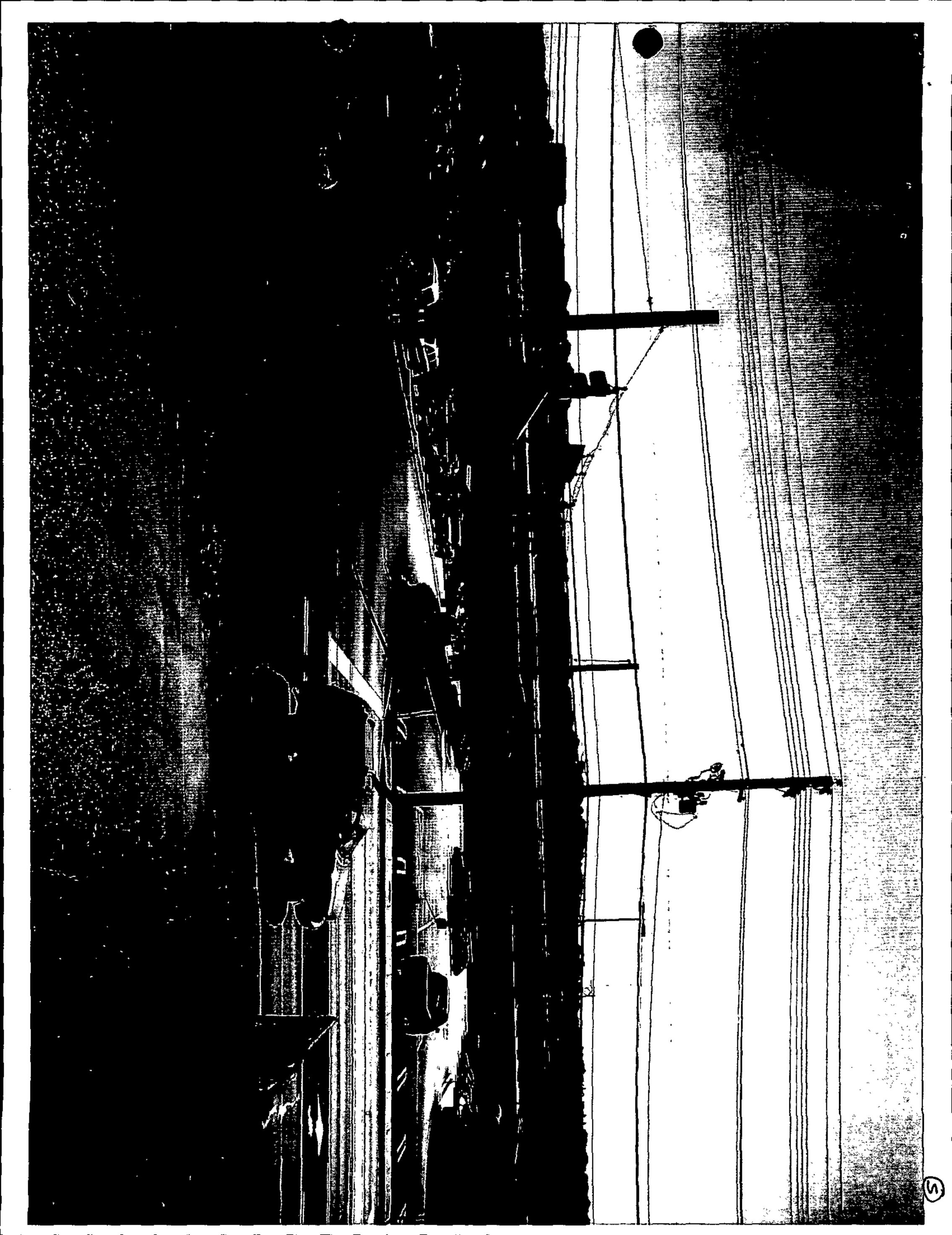


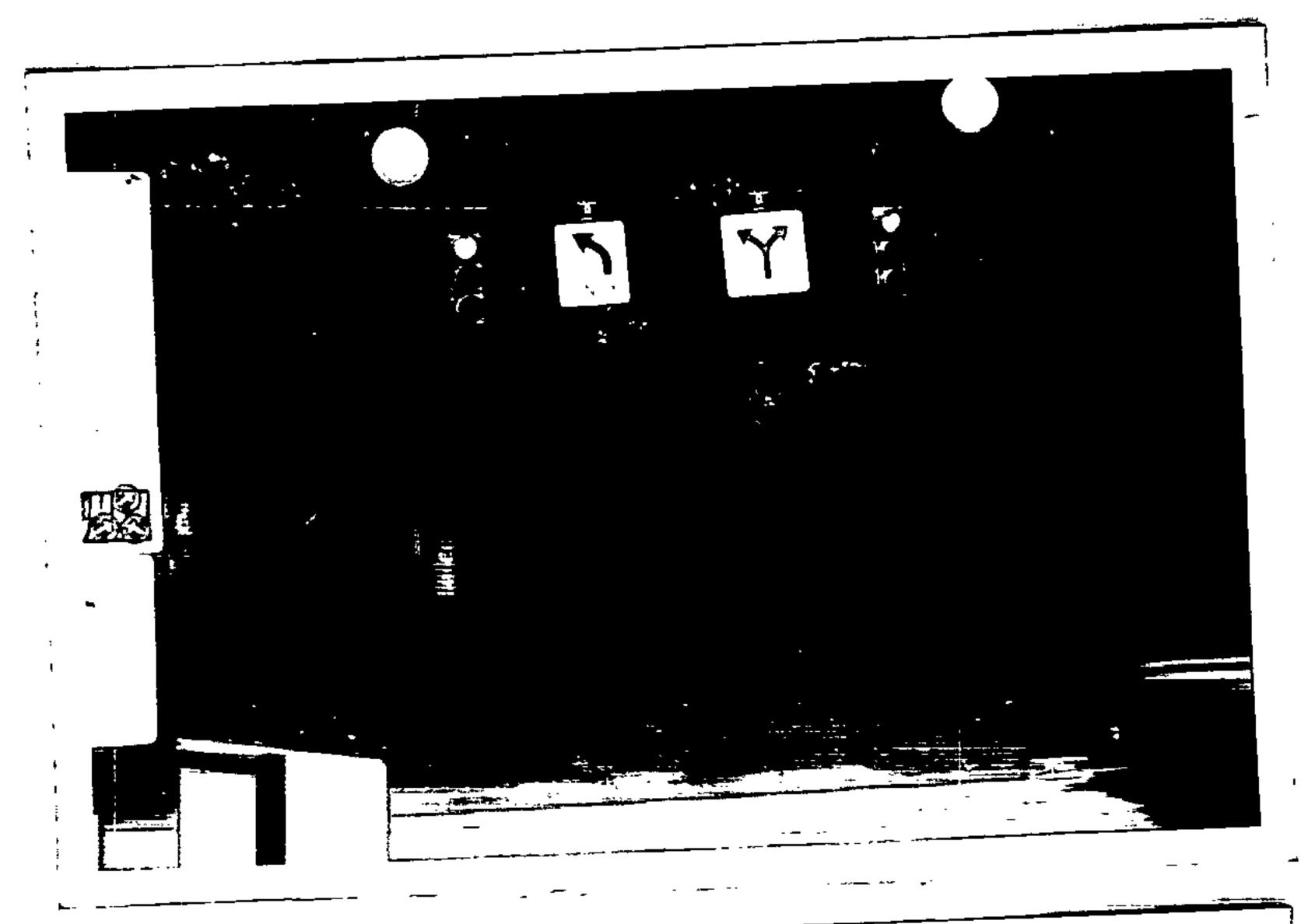























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


EXHIBIT NO.

