

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side Lightfoot Drive, 170 feet W of		
c/l Chippeva	*	DEPUTY ZONING
3 rd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(2514 Lightfoot Drive)		
	*	FOR BALTIMORE COUNTY
Tamara Bogat		
Petitioner	*	Case No. 08-160-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Tamara Bogat. The variance request is from Section 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence for an outdoor play space for a Group Childcare Center, Class A with a zero foot setback in lieu of the required 20 feet. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

On October 30, 2007, the undersigned called for a public hearing on this matter based on the Zoning Advisory Committee comments from the Office of Planning. The hearing was subsequently scheduled for Thursday, January 3, 2008 at 10:00 AM in Room 407 of the County Courts Building located at 401 Bosley Avenue in Towson, Maryland.

Appearing at the public hearing in support of the requested relief was Petitioner Tamara Bogat. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered by Petitioner revealed that the subject property is a rectangular-shaped parcel containing approximately 7,820 square feet or .18 acre, more or less, and zoned D.R. 5.5. It is located on the north side of Lightfoot Drive and west of Greenspring

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Avenue in the Pikesville area of Baltimore County. An aerial photograph of the property and surrounding area was marked and accepted into evidence as Petitioner's Exhibit 2. The property is improved with Petitioner's existing single-family dwelling measuring approximately 2,105 square feet in size. Petitioner currently operates a daycare business on the property for children ages two through five.

Section 424.1 of the B.C.Z.R. requires that group child care centers be licensed or certified as required by the applicable State or local agency. It also requires that outdoor play space abutting residential property be fenced, and that such fence be solid wood stockade or panel, a minimum height of five feet, and be no closer to the property line of 20 feet. As shown on the Certificate of Registration dated March 31, 2006 which was marked and accepted into evidence as Petitioner's Exhibit 3, the daycare operation is approved by the Maryland State Department of Education – Office of Child Care for up to eight children. In addition, the fence which surrounds Petitioner's back yard play area is solid wood stockade and approximately six feet in height; however, it is situated on the property line, leaving no room for the 20 foot setback requirement. Hence, Petitioner seeks variance relief from this requirement.

In support of the variance, Petitioner related that she has lived at the subject property for the past four years. When Petitioner moved into the existing dwelling, a fence was already erected on the property line in the back yard. That fence was in bad condition and needed to be replaced. As such, Petitioner erected a stronger and more attractive fence on the same footprint as the previous fence. There are lockable doorways on each side of the house leading from the fence into the back yard, and as shown on the photographs marked and accepted into evidence as Petitioner's Exhibits 4A through 4E, the backyard enclosure holds a multitude of toys and play equipment for toddlers and small children. Petitioner also explained that it would not make

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sense in her situation for the fence to be at least 20 feet from the property line, given the relatively small size of her lot. If compelled to move the fence inward in this fashion, it would leave virtually no room in the back yard for the play equipment or for the children to play in an enclosed, safe environment.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments received from the Office of Planning dated October 23, 2007 indicate that since 2004, Petitioner has been licensed to operate a Class A Group Child Care Center as an accessory use in a single family dwelling located on the subject property. The fencing for outdoor play areas under Section 424.1.B of the B.C.Z.R. requires the fence to have a 20 foot setback from the property line. The fencing requirement provides privacy for the neighboring property owners and safety for the children during outdoor play. The Planning Office does not support the 20 foot setback, but believes a variance of 10 feet on each side is appropriate, which should include landscaping treatment on the exterior of the fence. This would allow an adequate play area while maintaining privacy for neighboring property owners and safety for the children.

Received in support of the requested variance relief was a letter dated January 3, 2008 from Mr. Leo Trepetin. The letter was marked and accepted into evidence as Petitioner's Exhibit 5. Mr. Trepetin states that he lives in the community and there have never been any complaints from the neighbors about the fence. He commended Petitioner for providing such a caring and warm environment for children as well as excellent educational programs. A large component of that caring and warm environment is the playground in the back yard. If the fence were to be moved in, it would severely limit the back yard area and do a great disservice to the children. Another letter supporting the current location of the fence was submitted and signed by each of

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[Signature]

the eight parents of children at the day care center. This letter was marked and accepted into evidence as Petitioner's Exhibit 6. These parents believe the fence is appropriately placed and gives children much needed room to play in the back yard.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Further, I find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. On the one hand, Petitioner is permitted by the regulations to operate the group child care center in her home and is licensed by the State to do so, yet she is severely limited by the fact that the regulations also require a fence to be erected no closer than 20 feet to the property line. In Petitioner's neighborhood, it is impossible for her to comply. Therefore I find the property unique in a zoning sense. Although I appreciate the input from the Office of Planning's ZAC comment, I do not believe their recommendation of a 10 foot fence setback, in lieu of the required 20 feet, is practical in this particular case.

In addition I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. In short, if Petitioner were required to move the fence in accordance with the zoning regulations, there would be no room left in the back yard for the children to run around and play. This would certainly be detrimental to Petitioner's daycare operation, and to the children themselves.

Finally, I find this variance 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. No adjacent property owners voiced any objection to the request after the property was posted with a notice of Petitioner's intentions on two occasions.

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1-7-08

[Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance shall be granted.

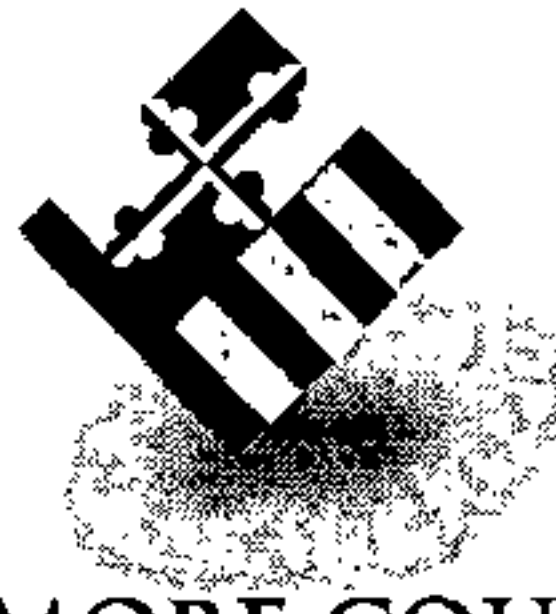
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 7th day of January, 2008 that a Variance from Section 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence for an outdoor play space for a Group Childcare, Class A with a zero foot setback in lieu of the required 20 feet is hereby GRANTED.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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1-7-08
M



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 7, 2008

TAMARA BOGAT
2514 LIGHFOOT DRIVE
BALTIMORE MD 21209

Re: Petition for Administrative Variance
Case No. 08-160-A
Property: 2514 Lighfoot Drive

Dear Ms. Bogat:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2514 LIGHTFOOT DR.
Address
BALTO. MD 21209
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I would like to have sufficient room to play. There for moving the existing fence into the property would be too small to play for kids.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Tamara Bogat
Signature
TAMARA BOGAT
Name - Type or Print

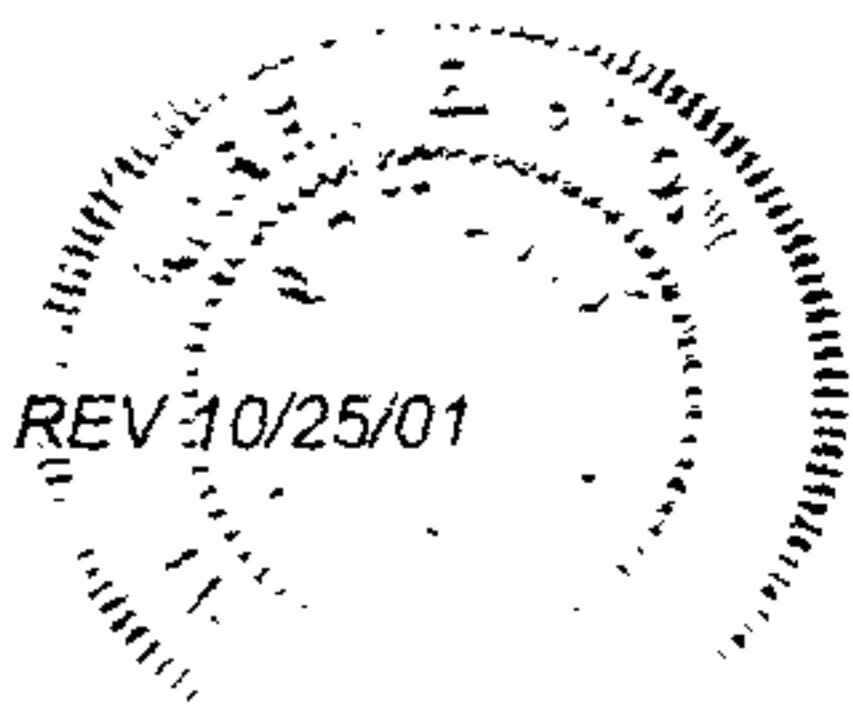
Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Tamara Bogat
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Kent Stone
Notary Public
My Commission Expires April 1, 2008
My Commission Expires _____

Zoning Description

Zoning description for 2514 LightFoot dr.
Baltimore MD 21209

Beginning at a point on the South side
of LightFoot dr. which is 56 feet wide
at the distance of 170 feet west of the
centerline of the nearest improved
intersecting street Chippeva
which is 20 wide. Being Lot #4

Block C Section 2 in the subdivision
of Valley Stream as recorded in
Baltimore County Plat Book # G.L.B. 20,
Folio # 85 containing 7820 SF.

Also Known as 2514 LightFoot dr.
and located in the 3 Election District, 2
Councilmanic District.

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: #08-160-A

2514 Lightfoot Drive

S/side of Lightfoot Drive, 170 feet west of centerline of Chippeva

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Tamara Bogat

Variance: to permit a fence for an outdoor play space for a Group Childcare, Class A with a 0-foot setback in lieu of the required 20 feet.

Hearing: Thursday, January 3, 2008 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/12/682 Dec. 18 158308

CERTIFICATE OF PUBLICATION

12/20/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/18/2007.

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

J. Wilkins

LEGAL ADVERTISING

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-160-A

Petitioner: BOBAT

Address or Location: 2514 LIGHTFOOT DR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. TAMARA BOBAT

Address: 2514 LIGHTFOOT DRIVE

BALTO. MD 21209

Telephone Number: _____

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT**

No. 00122

SECRET

BUSINESS	ACTUAL	THE	NEW
10/13/2017	10/02/2017	13:47:43	1

Date: 10/2/07

NEW YORK

4720 482700/01 16665 11 141738X

DATE RECEIVED 5 APR 1951

1993-03-22

for duty

4500 K 100

Baltimore County, Maryland

Total: 65.00

REC

From:

Emma Prout

103

108-110-2

2514 LIGHT FOOT DR.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

D. Thompson

CASHIER'S

VÄLIDATION

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 160 -A

Address 2514 LIGHTFOOT DR.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 10/2/07

Posting Date: 10/14/07

Closing Date: 10/29/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 160 -A

Address 2514 LIGHTFOOT DR.

Petitioner's Name BOGAT

Telephone 410-486-8219

Posting Date: 10/14/07

Closing Date: 10/29/07

Wording for Sign: To Permit A FENCE FOR^{AN} OUTDOOR PLAY SPACE FOR A

GROUP CHILDCARE, CLASS A WITH A 0-FOOT SETBACK IN LIEU OF

THE REQUIRED 20-FEET.

WCR - Revised 6/25/04

CERTIFICATE OF POSTING

RE: Case No.: 08-160-A

Petitioner/Developer: BOGAT

Date of Hearing/Closing: 10-29-07

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

2514 LIGHTFOOT DR.

The sign(s) were posted on

10-14-07
(Month, Day, Year)

Sincerely,

Robert Black 10-17-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

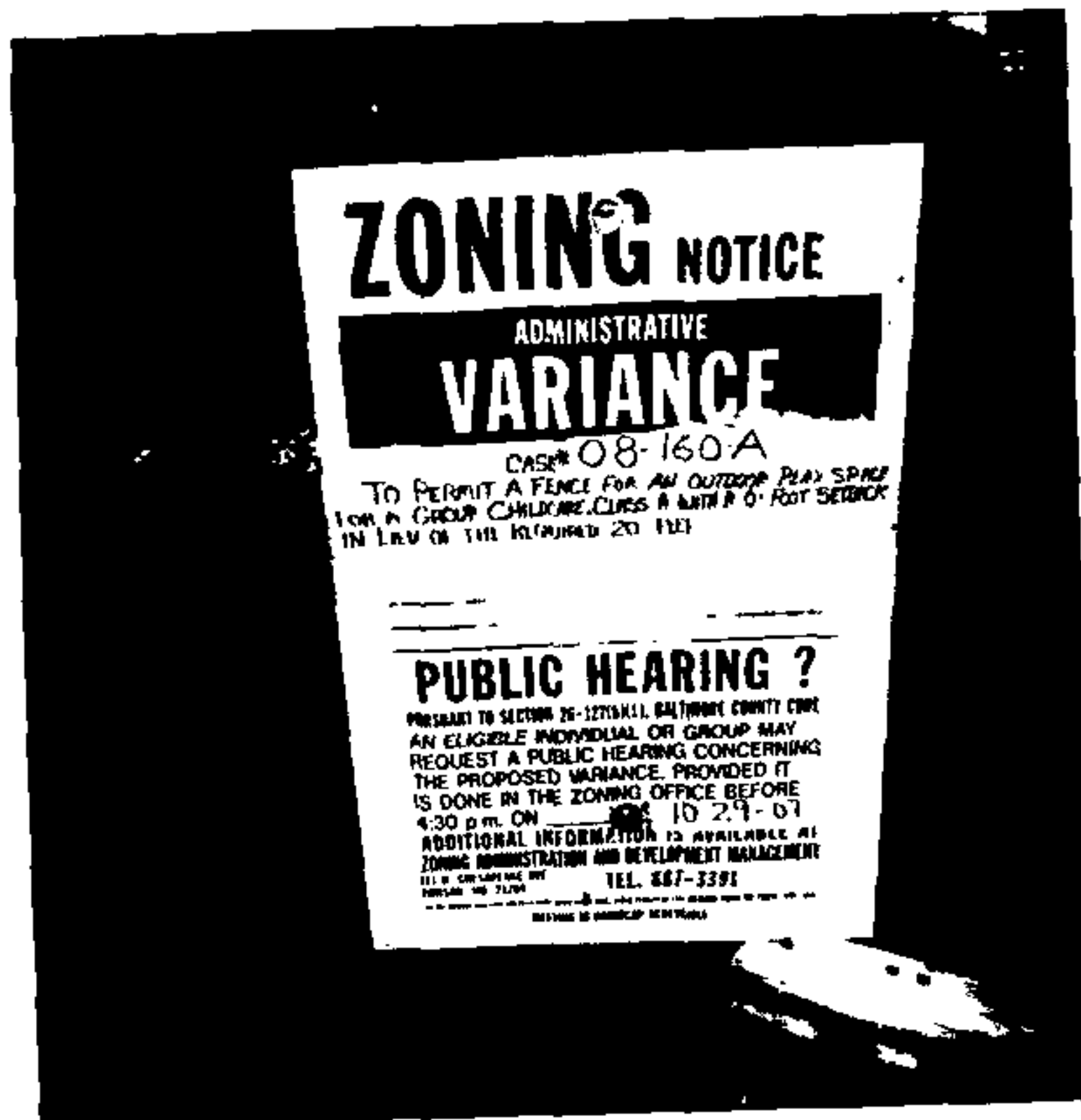
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ZONING NOTICE

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

CASE NO. 160-A

VARIANCE TO PERMIT AGENCY FOR AN
OUTDOOR PLAY SPACE FOR A GROUP OF CHILDREN
CLOSE TO WITH A STREET SET BACK IN LUGAN
THE PROPOSED SITE

HEARING: THURSDAY, JANUARY 1, 2008
AT 10:00 A.M. IN ROOM 407, COUNTY
COURT BUILDING, 401 BOULEVARD

ADDITIONAL INFORMATION IS AVAILABLE AT
THE ZONING COMMISSIONER'S OFFICE
1100 N. W. 11TH ST.
TALLAHASSEE, FL 32310
TEL: 904-644-3391
FAX: 904-644-3392
WWW.TALLAHASSEEFLA.GOV

12-29-2007 12:28



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 8, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-160-A

2514 Lightfoot Drive

S/side of Lightfoot Drive, 170 feet west of centerline of Chippeva

3rd Election District – 2nd Councilmanic District

Legal Owners: Tamara Bogat

Variance to permit a fence for an outdoor play space for a Group Childcare, Class A with a 0-foot setback in lieu of the required 20 feet.

Hearing: Thursday, January 3, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Tamara Bogat, 2514 Lightfoot Drive, Baltimore 21209
Dianna Itter, Planning Office

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., DECEMBER 19, 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, December 18, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

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: 08-160-A

2514 Lightfoot Drive

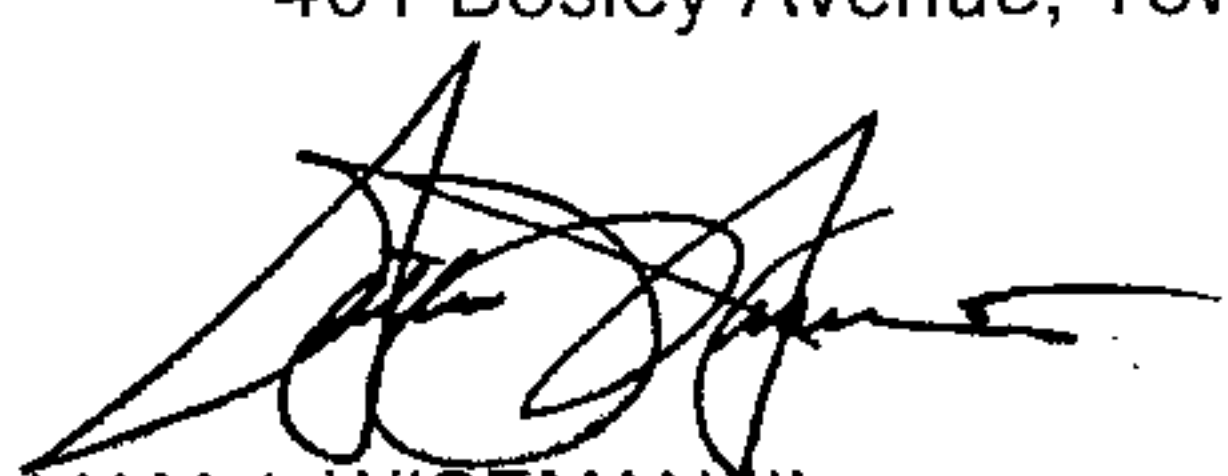
S/side of Lightfoot Drive, 170 feet west of centerline of Chippeva

3rd Election District – 2nd Councilmanic District

Legal Owners: Tamara Bogat

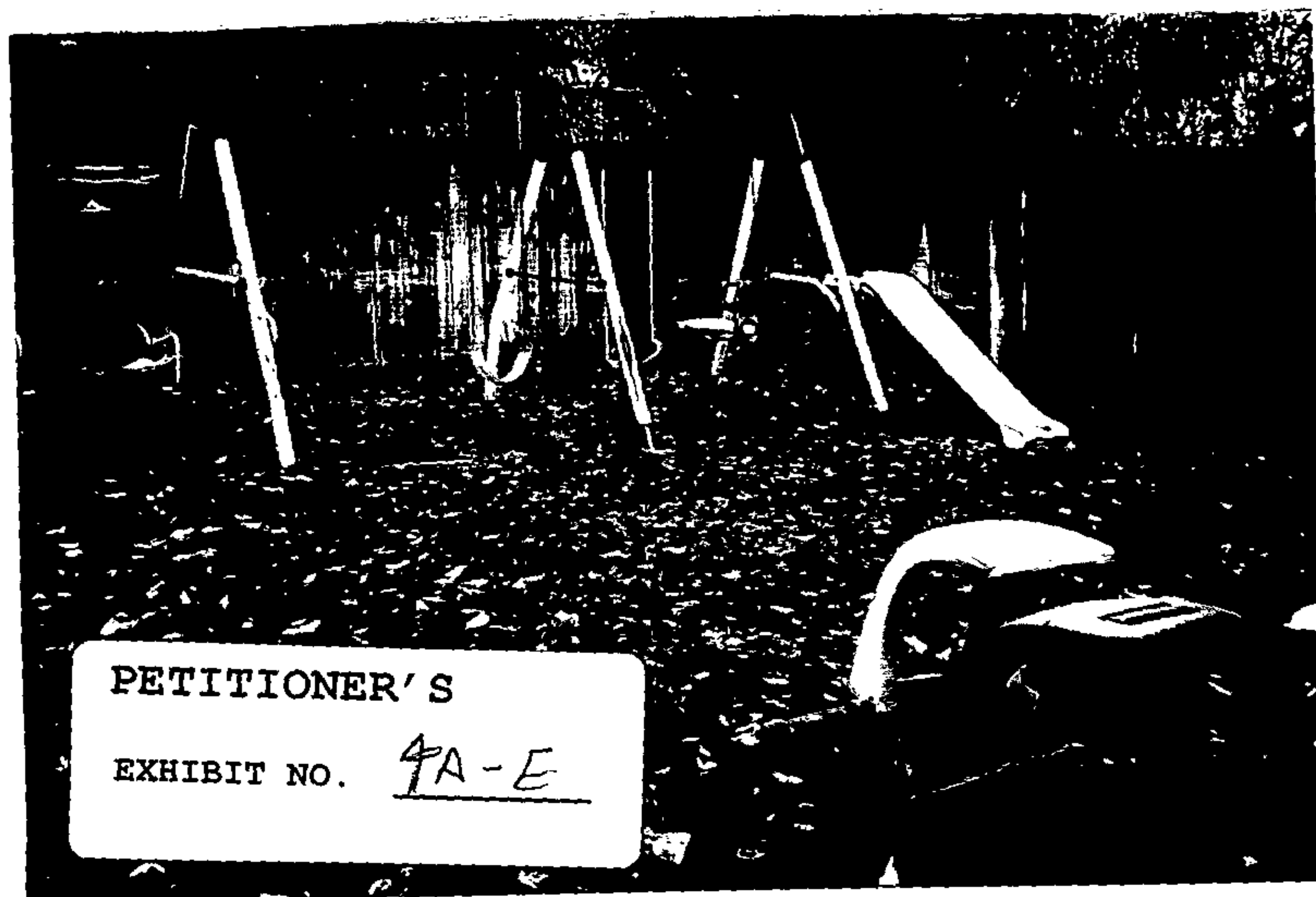
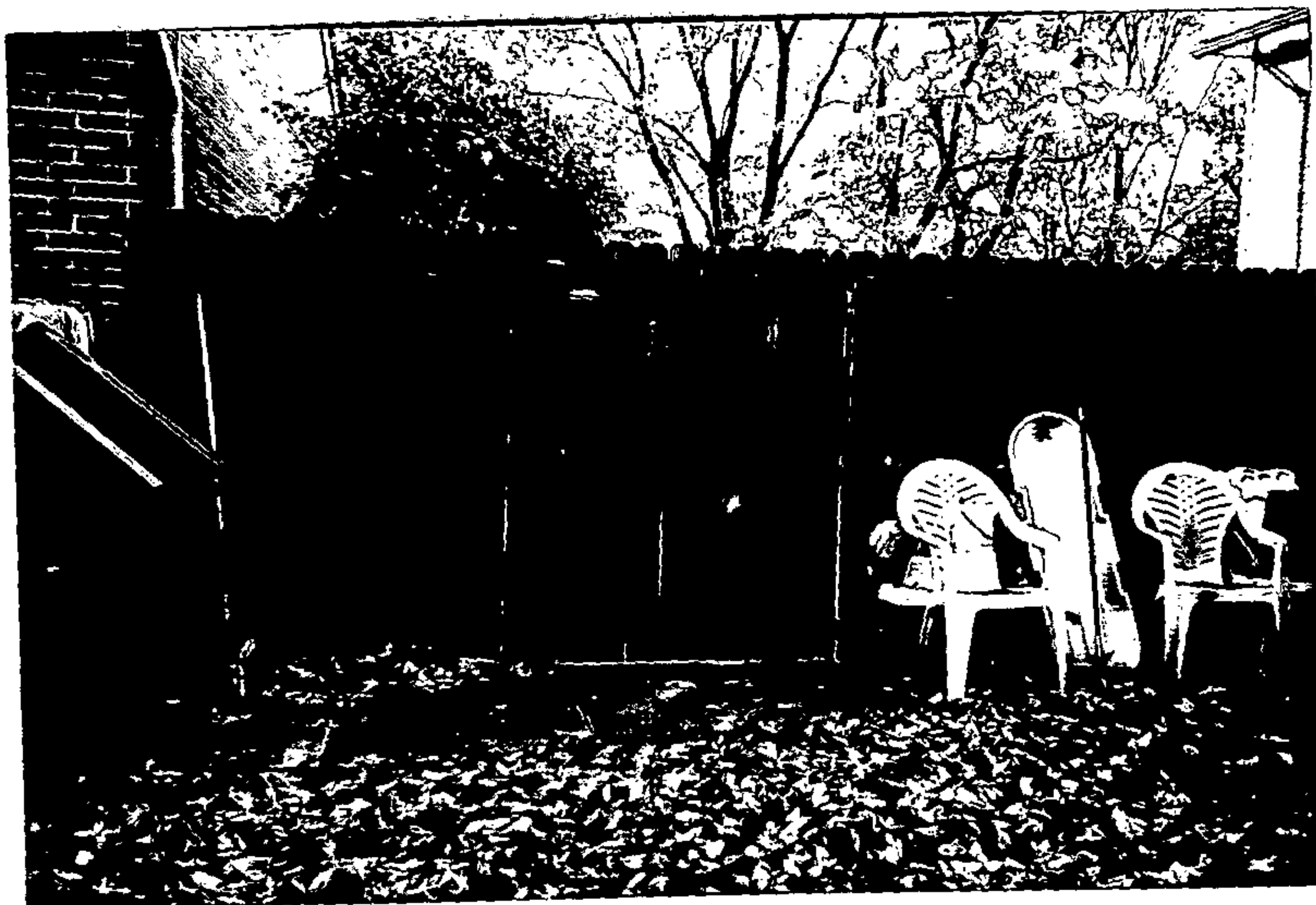
Variance to permit a fence for an outdoor play space for a Group Childcare, Class A with a 0-foot setback in lieu of the required 20 feet.

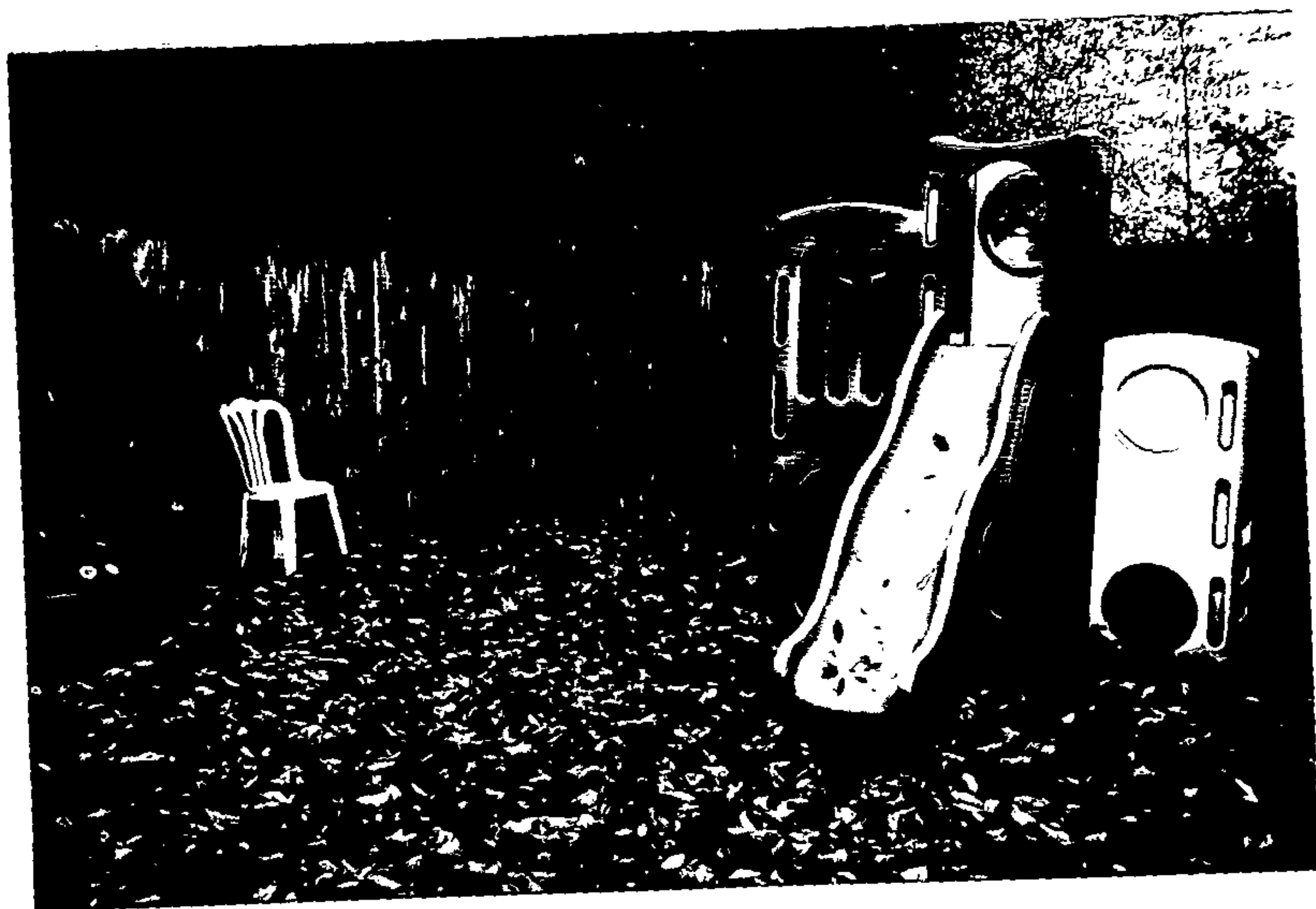
Hearing: Thursday, January 3, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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









BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 8, 2007

Tamara Bogat
2514 Lightfoot Drive
Baltimore, MD 21209

Dear Ms. Bogat:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 08-160-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand at the deputy zoning commissioner's request, and is requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information which will be done by THIS office at no charge.

The property will also be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will not be billed for this.

If you need any further explanation or additional information, please feel free to contact Donna Thompson at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Diana Itter, Planning



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 15, 2007

Item Number: Item Number 156, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170

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
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: **OCTOBER 17, 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. **B-160-A**
2514 LIGHTFOOT DRIVE
BOGAT PROPERTY
ADMINISTRATIVE VARIANCE

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. **B-160-A**.

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,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 15, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 22, 2007
Item Nos. 08-156, 160, 162, 164, 165,
166, 167, 169, and 170

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-10152007.doc

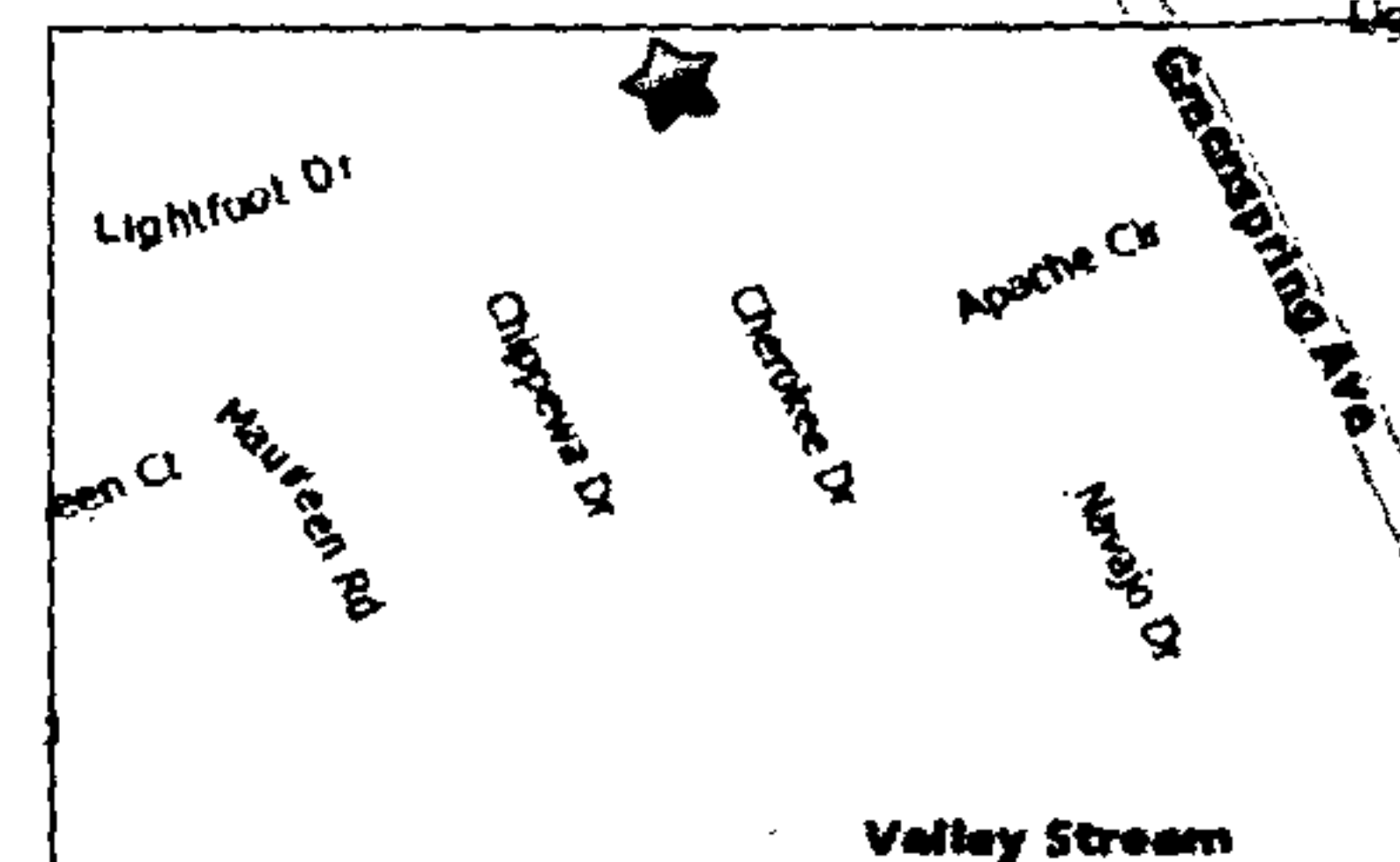
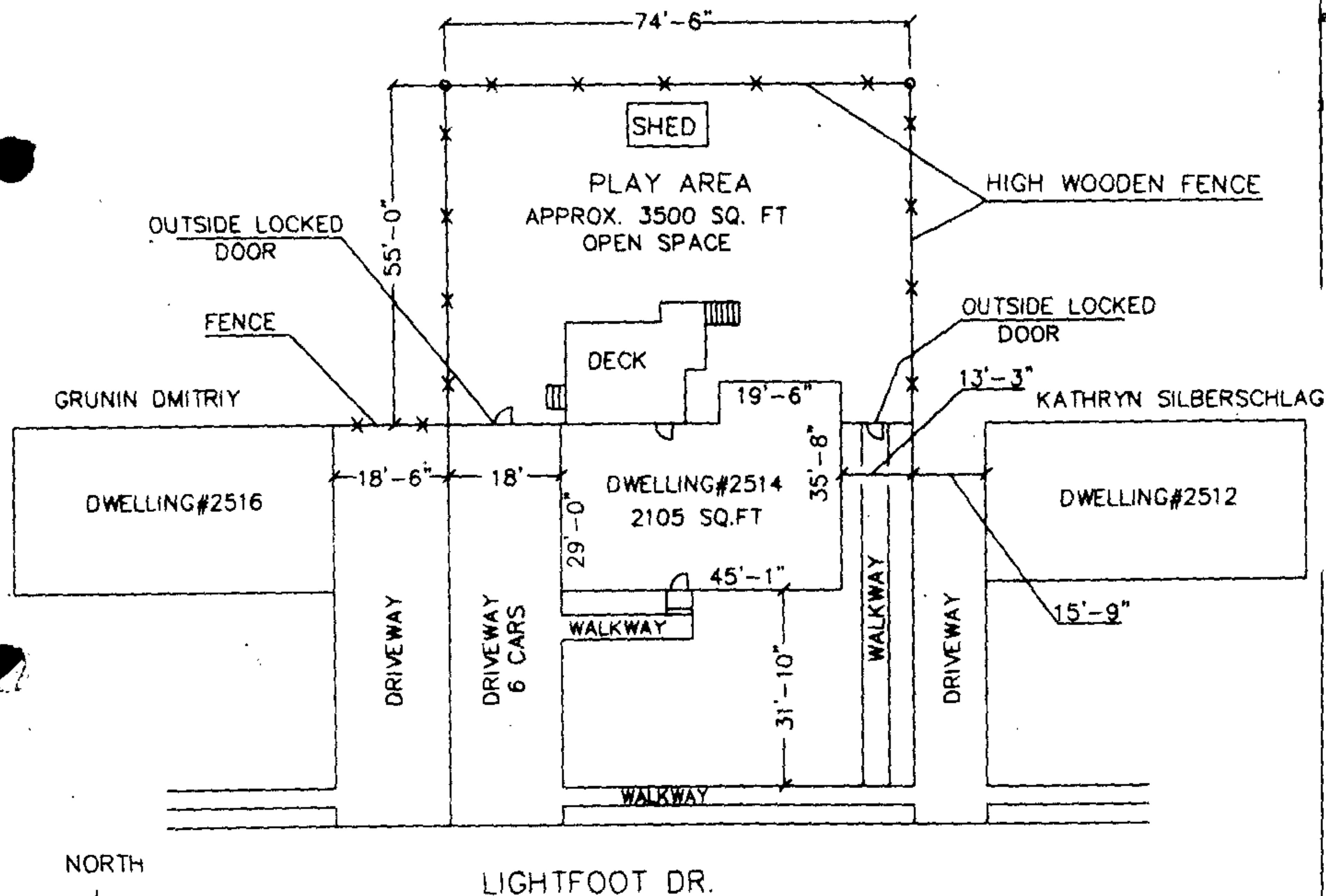
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2514 LIGHTFOOT DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
BALTIMORE MD, 21209

SUBDIVISION NAME VALLEY STREAM

PLAT BOOK # G.L.B.20 FOLIO # 85 LOT # 4 SECTION # 2

OWNER Tamara Bogat



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

ZONING MAP 78 ZONING: D.R.5.5

LOT SIZE 0.18 7820
ACREAGE SQUARE FEET

SEWER PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PREPARED BY NOG SCALE OF DRAWING: 1" = 30'

D.T. 160 08-160-A

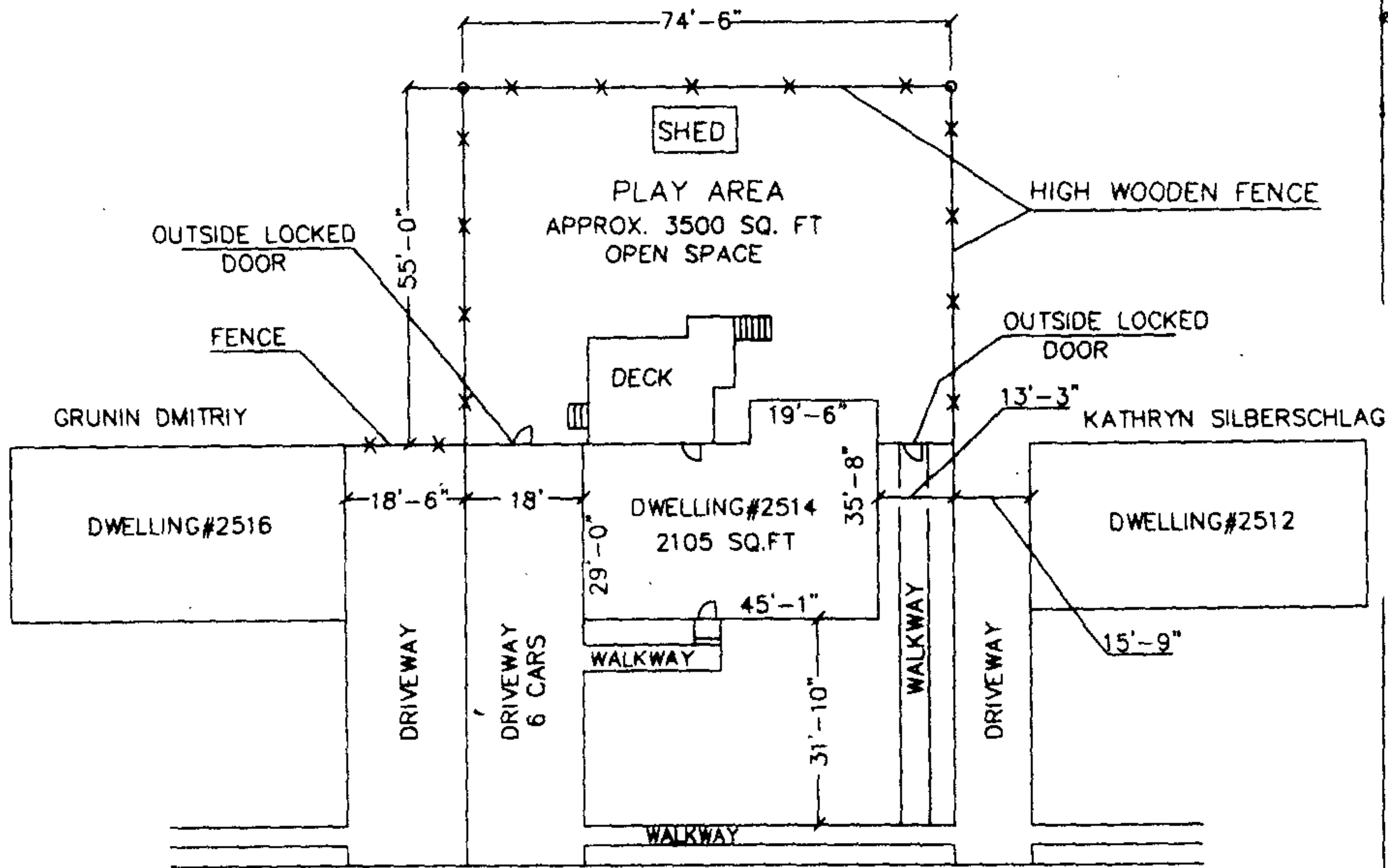
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2514 LIGHTFOOT DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
BALTIMORE MD. 21209

SUBDIVISION NAME VALLEY STREAM

PLAT BOOK # G.L.B.20 FOLIO # 85 LOT # 4 SECTION # 2

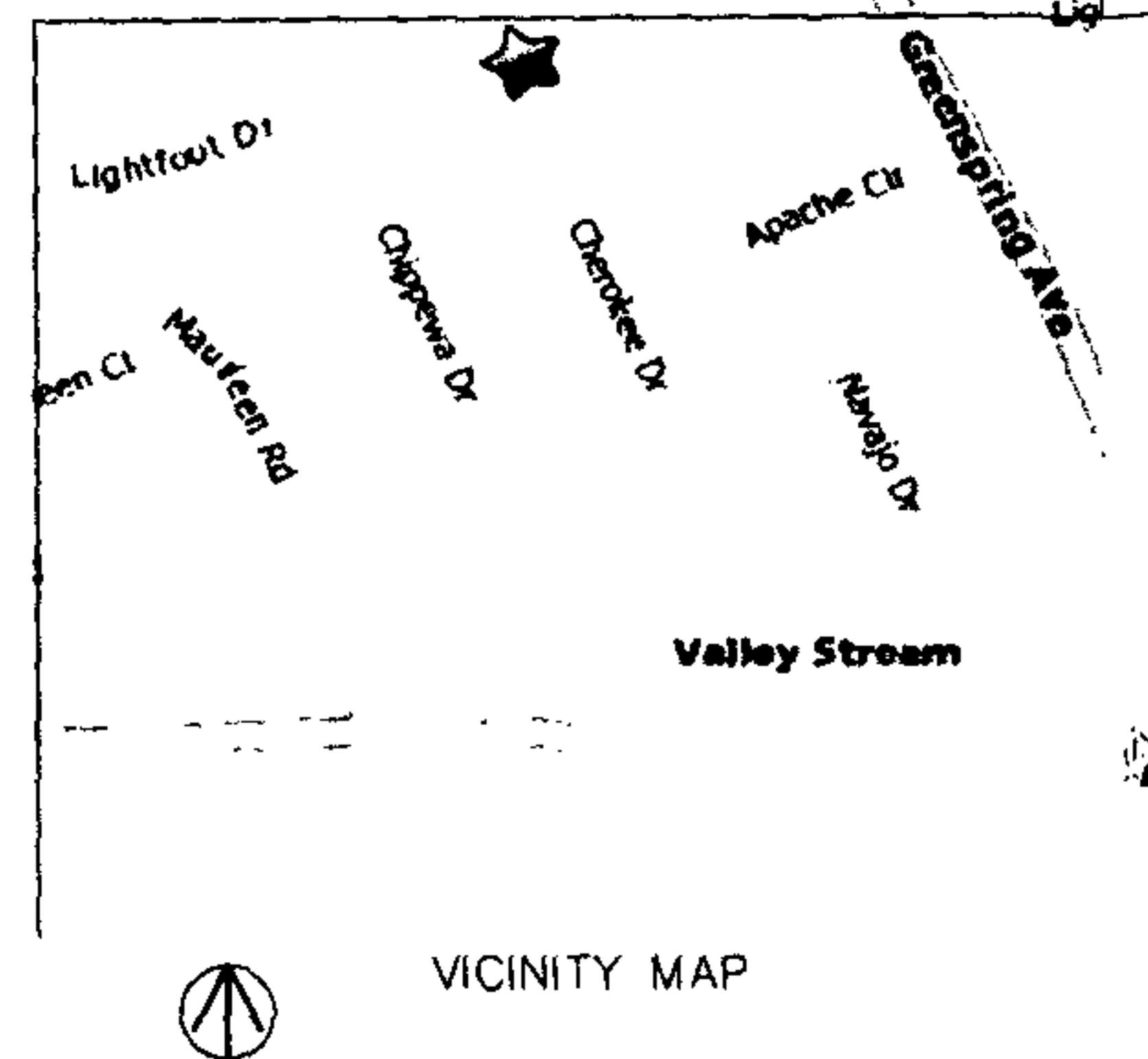
OWNER Tamara Bogat



NORTH

LIGHTFOOT DR.

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

ZONING MAP 78 ZONING: D.R.S.S

LOT SIZE $\frac{0.18}{\text{ACREAGE}}$ $\frac{7820}{\text{SQUARE FEET}}$

SEWER PUBLIC ☒ PRIVATE ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA

YES	NO
☐	☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T.	160	08-160-A
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BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: October 30, 2007

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to 
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 08-160-A located at 2514 Lightfoot Drive

After a review of the above-captioned case file and comments from the Planning Office, Tom Bostwick has requested that this case be set in for a public hearing. The Planning Office does not support the Petitioner's request for a 20-foot variance.

We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of hearing notices, etc. Per Tom, the County is to post and advertise the hearing.

Please send a hearing notice to Diana Itter in the Office of Planning

Thank you for your attention and cooperation in this matter.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 29, 2007

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

Tamara Bogat
2514 Lightfoot Drive
Baltimore, Maryland 21209

Dear Ms. Bogat:

RE: Case Number: 08-160-A 2514 Lightfoot Drive

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

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: Peoples Council

SV

To Whom It May Concern:

We are writing regarding the proposed zoning hearing concerning the property of Mrs. Tamara Bogat, the owner of "Rainbow" daycare which our children attend.

Our understanding is that certain zoning regulations require the existing fence to be moved inward by 20 feet. Please note that this fence separates Mrs. Bogat's backyard from her neighbor's residing at 2512 Lightfoot Dr.

We, the parents, are petitioning you to reconsider this decision and leave the fence as is for the following reasons.

1. 20 feet reduction in Mrs. Bogat's backyard will take away almost half of it, and since she is planning to have 12 instead of 8 children, this would substantially minimize children's play area.
2. The daycare entrance, which is conveniently located right off her driveway, would be blocked by the relocated fence.
3. The fence in question has been in existence for a number of years, it does not encroach on anyone's property and does not cause any inconvenience to anyone.

Sincerely,

The Parents

Marina Kravchenko, 410-602-0469 child: Natasha Kravchenko
MARINA BOGIN 410 602-3057 MATHAN
Natella Shubinsky, 410 653-5652 Child Roselle
Boris Malachuk 410-486-1038
Dina Levin 410-486-6968
Victoria Rowalis 410-486-1568 child: Matthew
Leo Trepetin 410-486-3827 child: David
Dilya Gontseva 410-484-6342 Rachel

PETITIONER'S

EXHIBIT NO.

6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2007

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

SUBJECT: 2514 Lightfoot Drive

INFORMATION:

Item Number: 8-160

Petitioner: Tamara Bogat

Zoning: DR 5.5

Requested Action: Administrative Variance

RECEIVED
OCT 29 2007

BY:.....

Since 2004, the petitioner has been licensed to operate a Class A Group Child Care Center as an accessory use in a single family dwelling located on the subject property, 2514 Lightfoot Drive. The fencing for outdoor play area is required as per Section 424.1B of the BCZR to have a 20 foot setback from the property line.

SUMMARY OF RECOMMENDATIONS:

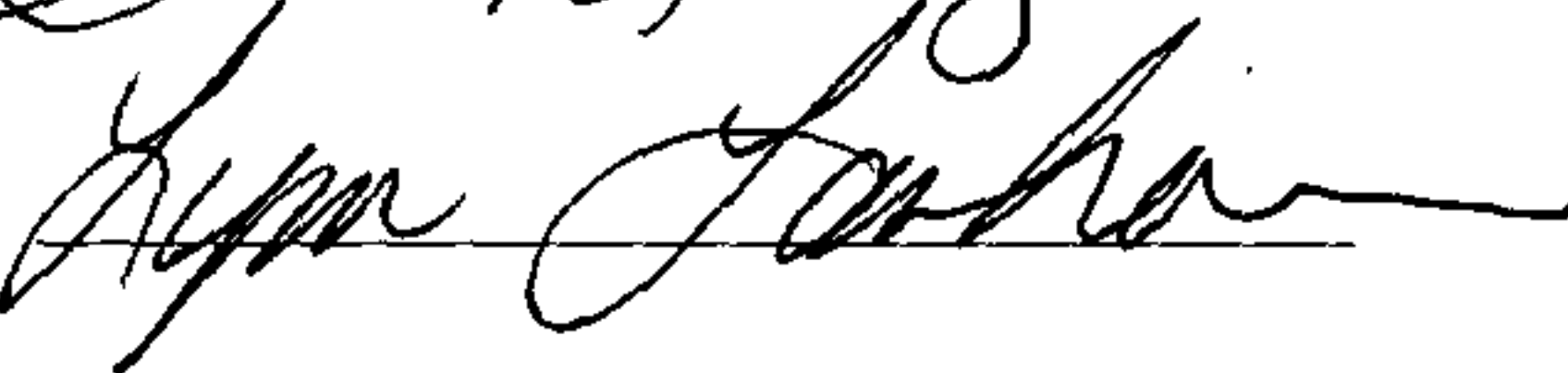
The fencing requirement provides privacy for the neighboring property owners and safety for the children during outdoor play. The Office of Planning does not support the 20-foot variance but does not oppose a variance of 10 feet on each side, which should include landscaping treatment on the exterior of the fence. This would allow an adequate play area while maintaining privacy for neighboring property owners and safety for the children.

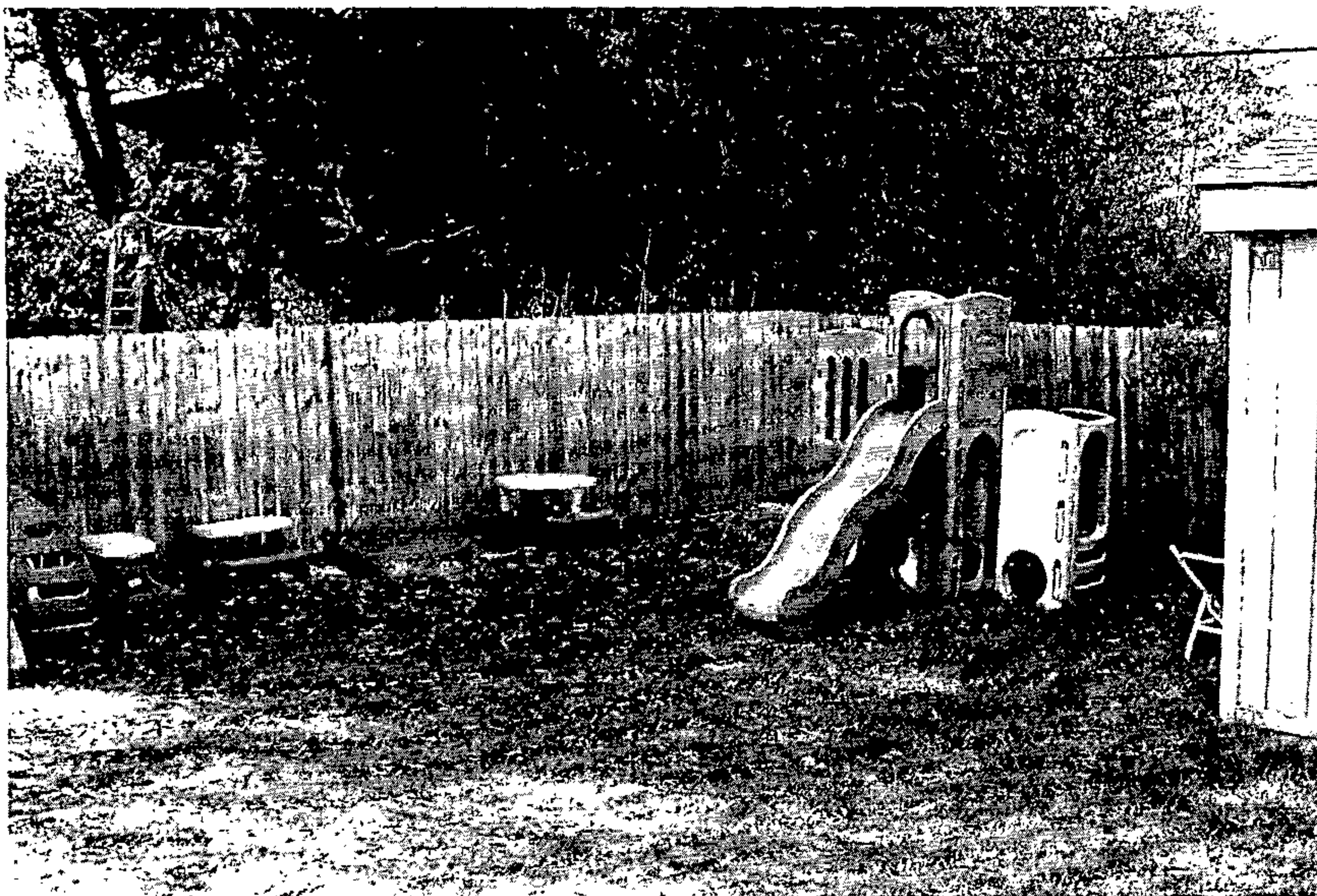
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Reviewed by:

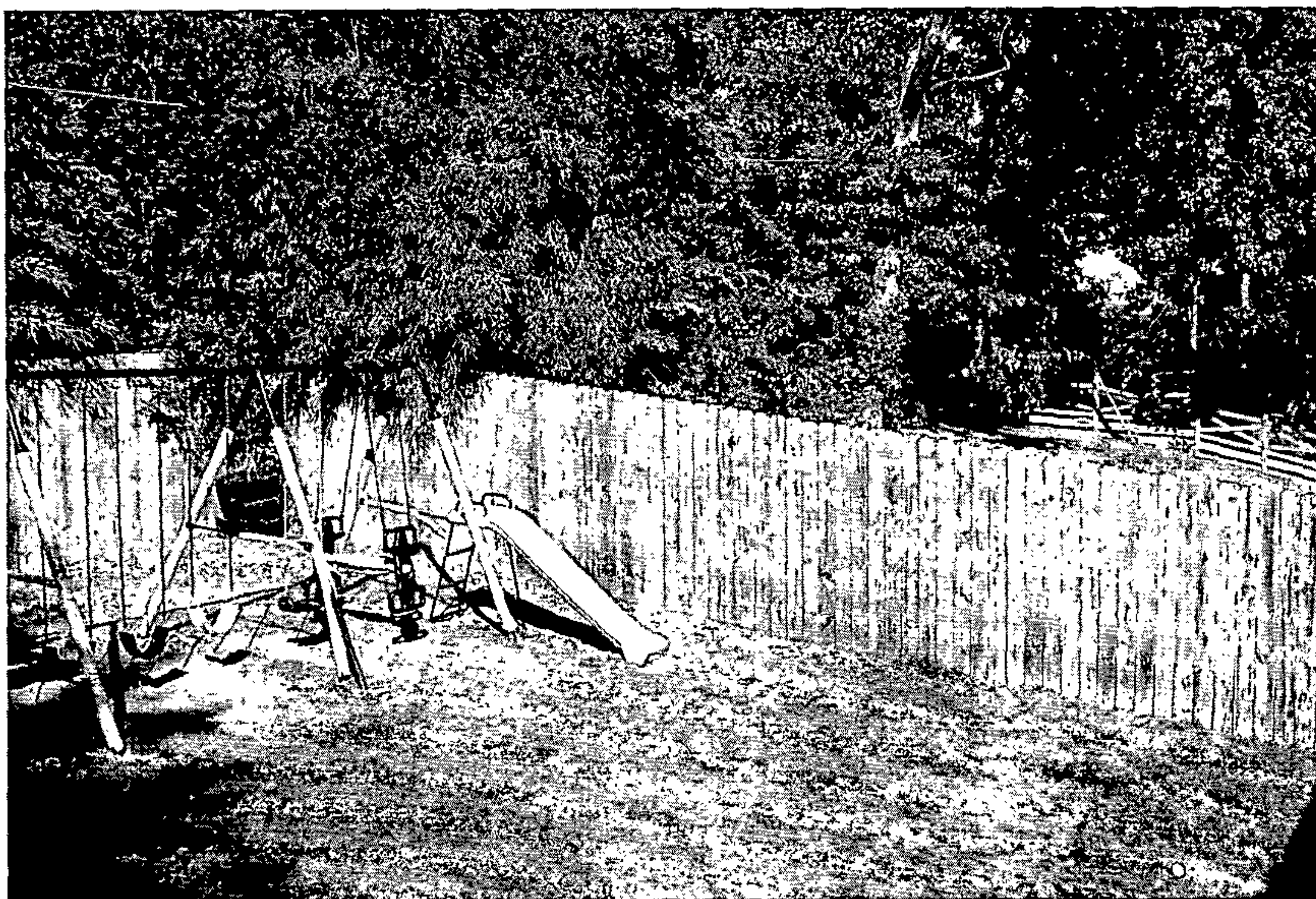


Division Chief:
AFK/LL: CM





08-160-A



08-160-A

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 08-160-A

DATE _____

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Tamara Bogart

2514 Lightfoot dr

Baltimore MD 21209



Case No.:

08-160-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	aerial photograph	
No. 3	Daycare Registration	
No. 4	Photography	
No. 5	Letter of Support Leo Trupetin	
No. 6	Letter of Support From all Parents	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

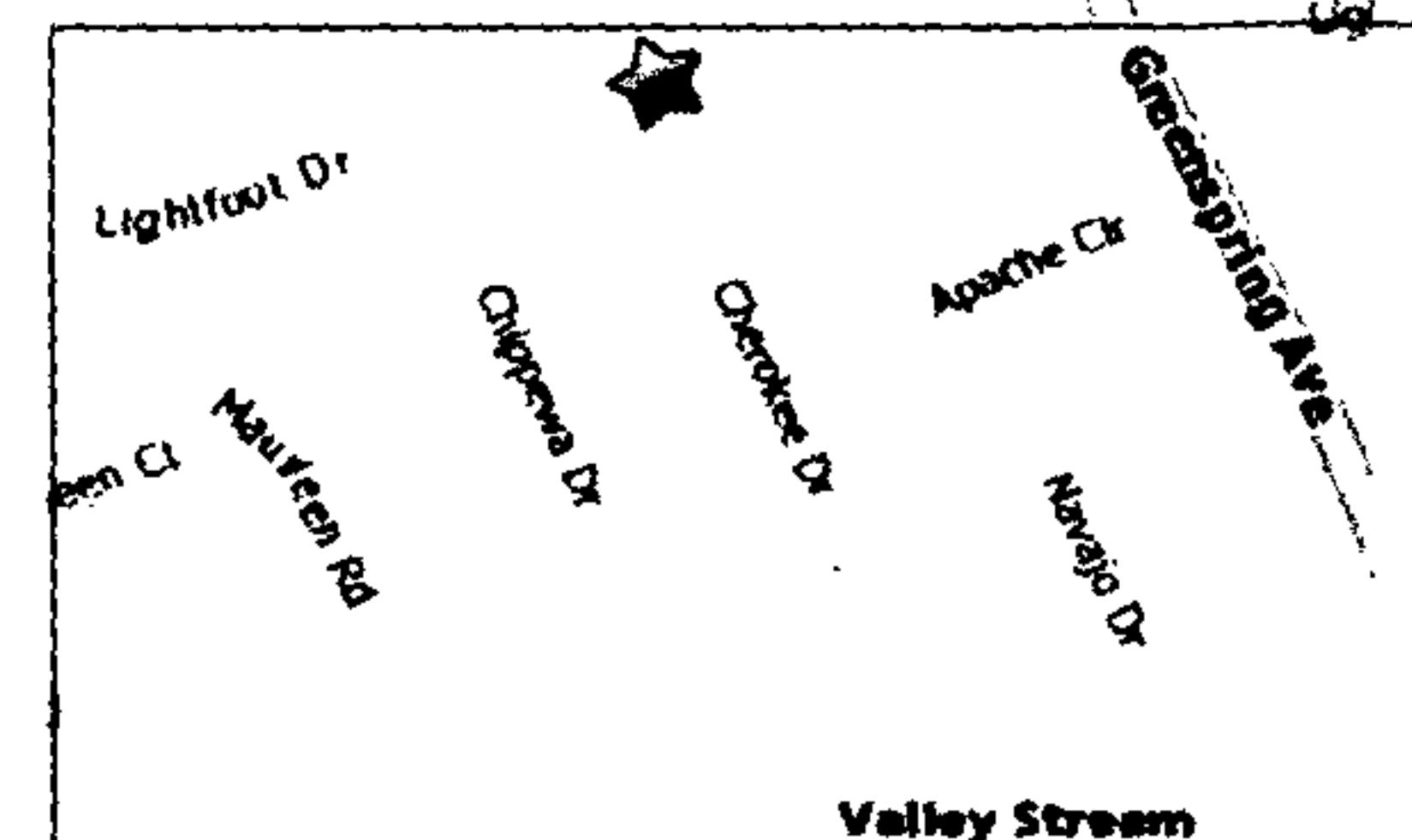
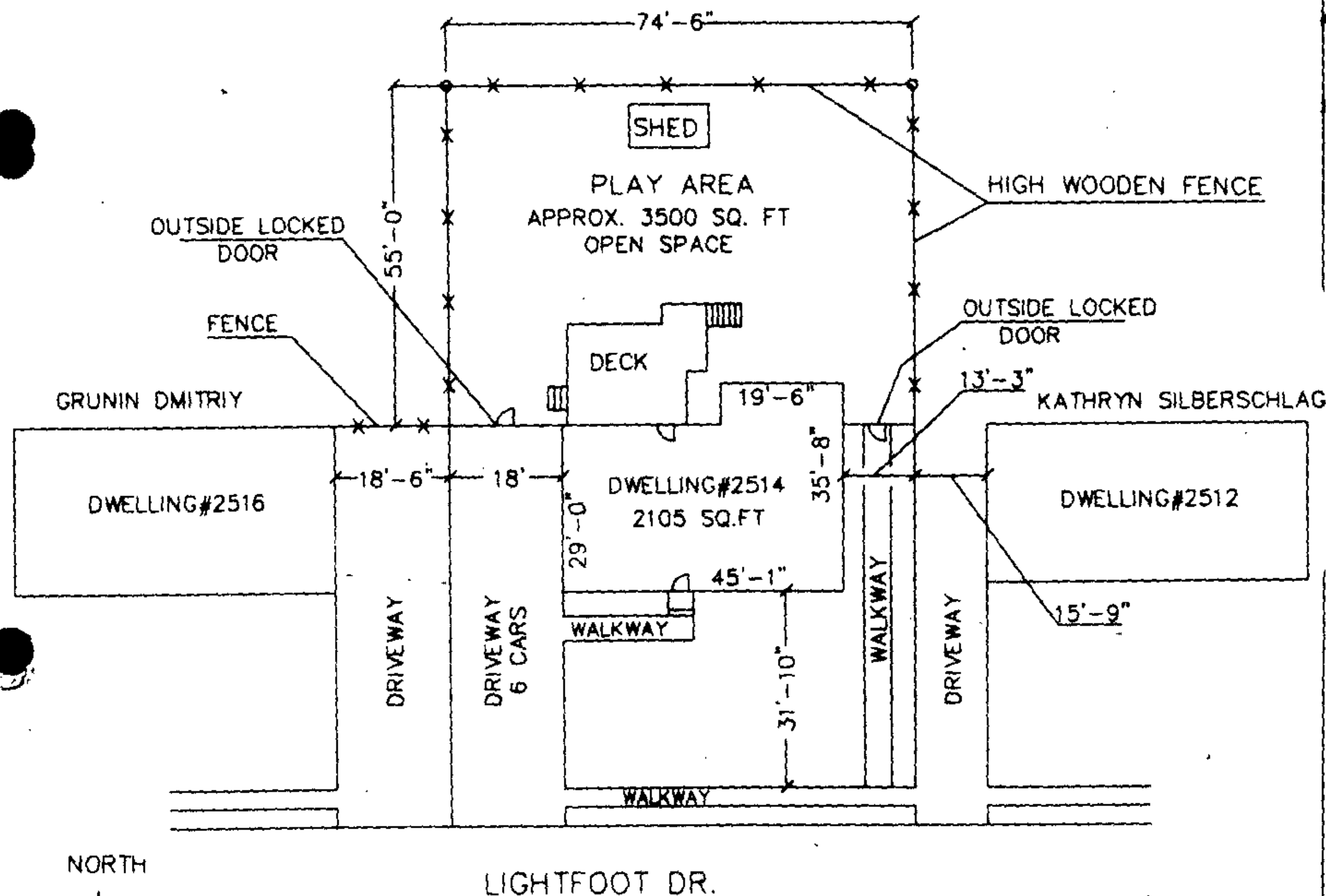
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2514 LIGHTFOOT DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
BALTIMORE MD, 21209

SUBDIVISION NAME VALLEY STREAM

PLAT BOOK # G.L.B.20 FOLIO # 85 LOT # 4 SECTION # 2

OWNER Tamara Bogat



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

ZONING MAP 78 **ZONING: D.R.5.5**

LOT SIZE 0.18 7820
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY	YES	NO
CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
--------------------------------	--------------------------	-------------------------------------

PRIOR ZONING HEARING	NONE
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PETITIONER'S

EXHIBIT NO. 1

PREPARED BY NOG

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY

REVIEWED BY D.T. ITEM # 160 CASE # 08-160-A

POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location



Maryland State Department of Education
Office of Child Care

Region: III County: Baltimore

Registration Number: 03-127498

Registered Provider since: 3/16/2004

CERTIFICATE OF REGISTRATION

This certifies that

TAMARA BOGAT

(Name)

at:

2514 LIGHTFOOT DRIVE BALTIMORE, MARYLAND 21209

(Address/Location)

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-550 through 5-558, and COMAR 13A.14.01.

Current Status of Registration:	
Issued on: <u>3/31/2006</u>	
Revised on: <u>9/8/2006</u>	
☐ Initial Expires on:	
☐ Provisional Expires on:	
☒ Continuing (Non-Expiring)	
☐ Conditional Expires on:	

Approved Ages of Children in Care:	
Under 2 years old *	<u>Yes</u>
2 years through 5 years old	<u>Yes</u>
5 years through 12 years old	<u>Yes</u>
13 years through 20 years old	

Maximum number of family day care children approved for care at one time:

8

Capacity

Approved Hours of Operation:	
Days	<u>Yes</u>
Evenings	<u>No</u>
Overnight	<u>No</u>
Weekends	<u>No</u>

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family day care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care (OCC) upon suspension, revocation, voluntary closure, or denial of a new Certificate.

* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

RESTRICTIONS/COMMENTS:

PETITIONER'S

EXHIBIT NO. 3

LOWER FLOOR ONLY USED DURING CHILD CARE HOURS. LAUNDRY ROOM OFF LIMITS.

Nancy S. Grasmick

State Superintendent of Schools
Maryland State Department of Education

Judith L. Rozie-Battle

Director
Office of Child Care

Rose Marie Hayes

Regional Manager
Office of Child Care

[\[Click here and type address\]](#)

To: Zoning Commissioner of Baltimore County **Fax:** 410-887-3048

From: Leo Trepetin **Date:** 12/20/2007

Re: Case # 08-160-A **Pages:** 2

CC: [\[Click here and type name\]](#)

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



Letter of Concern

Ref: Case Number: 08-160-A

Subject

Variance to permit a fence for an outdoor play space for a Group Childcare

Date of Hearing

January 3, 2008

To whom it may concern:

I am one of the parents whose child goes to the Childcare that being subject of this hearing. My sons name is David. David have being going to this childcare facility for last 3 years and he considers it his second home sometimes he is even consider it his main home because he spends more time there than at our house. The reason for that is that Tamara Bogat gives an excellent service. She created warm and caring environment for kids as well as an excellent educational program to prepare them for next steps in live.

Not a small part of this environment is fantastic playground at her backyard. That was there when David came in 3 years ago and I know that it was there before. Tamara uses this background not only for play activities (which children love) but also for physical and environmental development. It also gives a very convenient entrance to the facility for Parents and Children. It actually reduces drop off and pick up time.

I live in this community and I know that there were never any complains from the Neighbors about the location of the Fence.

Considering all of the above I am asking you to leave this background as it is. You will do a great disservice to the children of our County that being a part of this Facility now and in a future by reducing this background. Everybody will lose and nobody will gain anything from it.

Sincerely,
Leo Trepetin

PETITIONER'S

EXHIBIT NO. 5

Leo Trepetin