IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

NE side Glenmore Avenue, 300 feet +/-SE of c/l Kenwood Avenue 14th Election District 6th Councilmanic District

(2 Glenmore Avenue)

Kimberly LaValley *Petitioner*

BEFORE THE

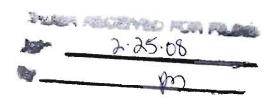
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-230-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Kimberly LaValley. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a Class "A" Day Care Facility for 9 to 12 children. The Variance request is from Section 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the fenced play area to be within two feet of the property line in lieu of the required 20 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Kimberly LaValley. There were no Protestants or other interested persons in attendance at the hearing.

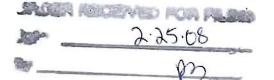
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 9,000 square feet and zoned D.R.5.5. The lot measures approximately 75 feet wide by 120 feet deep. It is located southeast of Kenwood Avenue in the Overlea-Rosedale area of Baltimore County. The property is improved with Petitioner's existing 1½-story single-family dwelling, and an accessory shed located equidistant to the back wall of



the property at the right side property line, as one faces the front of the dwelling. The property is also improved with an existing five foot wood stockade fence that surrounds the property on the sides and rear. The fence is located five feet from the property line on the left side and the along the rear, and two feet from the property line on the right side. There is also fencing and a gate between the dwelling and the shed on the right side, and on the left side equidistant to the front of the dwelling. The total play area on the left side yard and rear yard of the property is approximately 3,038 square feet.

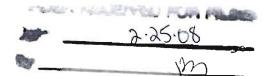
Petitioner has lived at the subject property for approximately three years and currently operates a daycare center for eight children -- from infants to five year olds -- and is licensed by the State of Maryland. Two of the children are infants and other six are toddlers. Previously, Petitioner lived at 5926 Clayton Avenue in Overlea-Rosedale for approximately 30 years. While there, Petitioner indicates she was employed as a teacher for 20 years, first at St. Anthony's School on Frankfurt Avenue and then at St. Clemons School in Lansdowne. Petitioner taught several subjects, including reading, mathematics, religion, and computer science. Petitioner then took a year off from teaching and thereafter opened a daycare center at her previous home, which she operated there for approximately 10 years.

Petitioner is requesting special hearing relief in order to gain approval to expand the daycare for 9 to 12 children, in which Petitioner plans for four infants to go along with up to eight toddlers. The reason for the requested expansion is because Petitioner prides herself on the fact that during the children's' formative years, she teaches them some substantive aspects of reading, writing, and mathematics. She currently employs an individual part time to care for the infants, while Petitioner teaches the toddlers and supervises the overall operation. Petitioner desires to hire her assistant full time to care for the infants, which would allow Petitioner to do



more crafts and educational pursuits with the toddlers. In order to make it financially feasible to hire the full time assistant, Petitioner requires the additional children. Petitioner represented at the hearing that the State Child Care Administration has approved her request, finding the size of her property and the square footage of her home to be adequate. Currently, the daycare operates Monday through Friday, typically with drop offs in the morning occurring between 6:30 AM to 8:00 AM and pick ups in the evening occurring between 5:00 PM to 5:30 PM. Petitioner indicated there is normally abundant on-street parking, and this is especially so during the drop off and pick up times because most residents in the morning have left for work and in the evening have not yet returned home. Petitioner expects the same pick up and drop schedule to continue for 9 to 12 children.

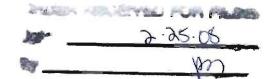
As to the variance, Petitioner indicated that the fence is existing and it would be impractical to move, and would leave very little room for the children's play area. Petitioner believes the play area currently provides a very constructive environment for the children when playing outside and provides adequate space as well. Moving the fence in to comply with the 20 foot setback would unnecessarily crowd the existing daycare operation and would make it virtually impossible to accommodate the 9 to 12 children Petitioner desires for the expanded daycare center. In support of the request for variance relief, Petitioner pointed out that although the property fronts Glenmore Avenue and there is a paper alley behind the property, which is typical of some of the other properties in the area, the subject property is distinct in that it also has a 15 foot paved alley running adjacent to the left side of Petitioner's property. The alley is shown in some detail on the zoning map which was marked and accepted into evidence as Petitioner's Exhibit 2. In addition, Petitioner believes there is no negative impact to surrounding neighbors due to adequate distances from the fence or screening. On the left side of the property,



the 15 foot alley provides an adequate buffer of approximately 35 feet to the adjacent neighbor's home. On the right side, there are large, mature trees along the entire side yard of the fence, providing abundant screening from any impacts of the fence. In addition, the fence is approximately 32 feet from that adjacent neighbor's home. At the rear, the fence backs up to a garage-like structure located at the property line -- not a dwelling -- and as such the impact at that location is minimal.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Office of Planning dated January 22, 2008 indicate that Office does not object to the establishment of a child care center at the subject address, but views the attendance of 9 to 12 children possibly generating 25 to 30 cars in both the morning and afternoon as excessive in this fairly dense residential community. As such the Office recommends that attendance be limited to no more than eight children, that drop off and pick up times be staggered, and that the site plan note how employee parking would be accommodated.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief to approve a Class "A" Day Care Facility for 9 to 12 children. I find based on the testimony of Petitioner as to her background and experience that she is well qualified to operate a daycare for 9 to 12 children. Petitioner was a teacher for approximately 20 years and operated a daycare center for eight children at her previous home for 10 years. Petitioner has also operated her current daycare center at the subject property for eight children for the past three years. Petitioner also has a part time employee and desires to upgrade to a full time employee. Petitioner anticipates this will increase the quality of care for the infants, while also enabling Petitioner to expand her crafts and teaching with the toddlers in her care. As to the



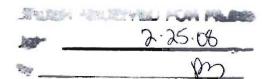
traffic concerns articulated by the Office of Planning, since it appears Petitioner has operated the current daycare center for eight children without incident for the past three years, I do not believe an additional one to four children will significantly impact parking or traffic in the community.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Hence, I find the property unique in a zoning sense. I also find that the imposition of zoning on this property disproportionately impacts the subject property as compared with other properties in the area. In addition, I am persuaded that there are adequate buffers or screening which well lessen the impact of the existing fence on adjacent properties. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

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

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the fenced play area to be



within 2 feet of the property line in lieu of the required 20 feet is hereby GRANTED, subject to the following:

1. Petitioner may apply for her permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.

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

Deputy Zoning Commissioner

for Baltimore County

THB:pz



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 2 6/enmore Rve which is presently zoned DR5,5

	winten is presently zoned $\sqrt{\chi}\sqrt{\chi}$
is Petition shall be filed with the Department of Permits the property situate in Baltimore County and which is descreof, hereby petition for a Variance from Section(s) 424	and Development Management. The undersigned, legal owner(s cribed in the description and plat attached hereto and made a par it. B; BCZR, To permit the within 2ft. of the f the Required 20ft,
Fenced Play area to be	within aft of the
Property Line in Lieu o	f the Required 20ft,
the Zoning Regulations of Baltimore County, to the zoning la practical difficulty) to be discussed	w of Baltimore County, for the following reasons: (indicate hardship at hearing
ulations and restrictions of Baltimore County adopted pursuant to	posting, etc. and further agree to and are to be bounded by the zoning the zoning law for Baltimore County.
perjury, that I/w is the subject of this Peti	to solemnly declare and affirm, under the penalties of e are the legal owner(s) of the property which ition.
ntract Purchaser/Lessee:	Legal Owner(s):
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ne - Type or Print	Name-Type or Print LaValley
ature	Signature //
ress Telephone No.	Name - Type or Print
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orney For Petitioner:	2 Glenmore Ave. 866-5255 Address RAltimore, MD 21206 City State Zip Code
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	Representative to be Contacted:
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State Zip Code	City State Zip Code
514tC 2.p 5040	OFFICE USE ONLY
se No. 08-230-SPHA	ESTIMATED LENGTH OF HEARING
se No. 08-230-SPHA 2-2500	UNAVAILABLE FOR HEARING



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2 Glenmore Ave

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made a part hereof, I	rty situate in Baltimi hereby petition for whether or not the 2	ore County and who a Special Hearing Zoning Commission	ch is described in the under Section 500.7 per should approve	description and position of the Zoning R	egulations of	of Baltimore
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Zoning Description

Zoning Description for 2 Glenmore Ave. Baltimore, MD. 21206

Beginning at a point on the North Side of Glenmore Ave. Which is 30 Feet wide at the distance of 300 feet, South East of the centerline of the nearest improved intersecting street Kenwood Ave. Which is 30 feet wide. Being lots 11, 12, 13 in the subdivision of Culvers Property containing 75 * 120 foot. Also known as 2

Glenmore Ave, and Located in the 14 election district, 6 Councilmanic District.

Item #230

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: #08-230-SPHA 2 Glenmore Avenue

N/east side of Glenmore Avenue, 300 feet +/- s/east of centerline Kenwood Avenue

14th Election District - 6th Councilmanic District

Legal Owner(s): Kimberly LaValley

Special Hearing: to approve a Class "A" Day Care Facility for 9-12 children. Variance: to permit the fenced play area to be within 2 feet of the property line in lieu of the required 20 feet.

Hearing: Tuesday, January 22, 2008 at 5:00 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/1/636 Jan. 8 CERTIFICATE OF PUBLICATION

1/10/.	20 <u>08</u>
THIS IS TO CERTIFY, that the annexed adve	ertisement was published
in the following weekly newspaper published in	Baltimore County, Md.,
once in each ofsuccessive weeks, the fin	rst publication appearing
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: Case No. 08-230-SPHA Petitioner/Developer: KIMBERLY CAVACLEY Date of Hearing/Closing: / - Z.Z - 08 **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: GLENMORE AVENUE (Month, Day, Year) Sincerely. (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

Department of Permits d Development Management

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





Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 11, 2007

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: 08-230-SPHA

2 Glenmore Avenue

N/east side of Glenmore Avenue, 300 feet +/- s/east of centerline Kenwood Avenue 14th Election District – 6th Councilmanic District

Legal Owners: Kimberly LaValley

Kotroco

<u>Special Hearing</u> to approve a Class "A" Day Care Facility for 9-12 children. <u>Variance</u> to permit the fenced play area to be within 2 feet of the property line in lieu of the required 20 feet.

Hearing: Tuesday, January 22, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

TK:klm

C: Kimberly LaValley, 2 Glenmore Avenue, Baltimore 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 7, 2008.

- (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, January 8, 2008 Issue - Jeffersonian

Please forward billing to:

Kimberly LaValley 2 Glenmore Avenue Baltimore, MD 21206 410-866-5255

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: 08-230-SPHA

2 Glenmore Avenue

N/east side of Glenmore Avenue, 300 feet +/- s/east of centerline Kenwood Avenue 14th Election District – 6th Councilmanic District

Legal Owners: Kimberly LaValley

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Hearing: Tuesday, January 22, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

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: 08-230-5PHA	_
Petitioner: Kimberly La Valley	_
HAddress or Location: 2 6/en more Ave.	
HAddress or Location: 2 Glenmore Ave. BAltimore, MD 21206	
PLEASE FORWARD ADVERTISING BILL TO:	
Name:	
Address:	
AME	_
	_
Telephone Number: 410 - 866 - 5 25 5	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 16, 2008

Kimberly LaValley 2 Glenmore Avenue Baltimore, MD 21206

Dear Ms. LaValley

RE: Case Number: 08-230-SPHA, 2 Glenmore Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of **Zoning** Review, Department of Permits and Development Management (PDM) on November 16, 2007 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 28, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 3, 2007

Item No. 08-219, 220, 225, 226, 227, 228,

229, 230, 232, 233, and 234

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-11282007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Nov. 26, 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. 8 - 230-5PHA

2 GLEMMORE AVENUE

SPECIAL TEARING

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. 8-230-5PHL.

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



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

County Office Building, Room 111, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 26, 2007

Item Number: 221, 230, 233, 234

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: January 22, 2008

BY:

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

2 Glenmore Avenue

INFORMATION:

Item Number:

8-230

Petitioner:

Kimberly LaValley

Zoning:

DR 5.5

Requested Action: Special Hearing to establish a Class "A: Day Care facility for 9-12 children and variance from Section 424.1.B of the BCZR to permit the fenced play area to be within 2 feet of the property line in lieu of the required 20 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request(s) and has the following comments:

While this office does not object to the establishment of a child care center at the subject address, the daily attendance of 9-12 children, possibly generating 25-30 cars in both the morning and afternoon is excessive, and could be problematic for this fairly dense residential community. It is the recommendation that that the attendance be limited to no more than 8 children at any given time and that drop off and pick up times be staggered. The plan should note how employee parking would be accommodated.

Additionally, any proposed identification signage shall require review and approval by the Office of Planning.

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

Reviewed by

Division Chief:

AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

2 Glenmore Avenue; NE/S Glenmore Avenue,*

300' SE c/line Kenwood Avenue

14th Election & 6th Councilmanic Districts

Legal Owner(s): Kimberly Lavalley

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

ron.

FOR

BALTIMORE COUNTY

* 08-230-SPHA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 29th day of November, 2007, a copy of the foregoing Entry of Appearance was mailed Kimberly LaValley. 2 Glenmore Avenue, Baltimore MD 21206, Petitioner(s).

RECEIVED

MOV 2 5 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

22 Glenmore Avenue Baltimore, MD 21206

February 4, 2008

DECEIVE FEB 0 7 2008 BY:

Mr. James T. Smith, Jr. Baltimore County Executive 111 West Chesapeake Avenue Towson, MD 21204

> RE: Case No. 08-230 SPHA 2 Glenmore Avenue

Dear Mr. Smith:

Thank you for your reply of January 30, 2008, regarding the above subject. While it was somewhat regrettable that no community member was in attendance, as outlined in your letter, I can only surmise that the neighborhood consists of many retired persons who are unable to readily commute to the busy confines of the Towson area. In addition, for the working residents in the neighborhood to take time off to attend the hearing, would present a costly burden for them. Thus, I am writing you again to emphasize that my initial valid concerns, as enumerated in my past correspondence, remain the same. The proposed daycare facility should not be approved at this location.

Please be advised that I am courtesy copying letters to Deputy Director Boswick and People's Counsel, Mr. Peter Max Zimmerman.

Respectfully,

Bernard E. Helinski

cc: Mr. Thomas Bostwick, Deputy Zoning Commissioner

Mr. Peter Max Zimmerman, People's Counsel

Please in the case yile

TB 1-22-08

22 Glenmore Avenue Baltimore, MD 21206 March 8,2008

Mr. Thomas H. Bostwick Baltimore County Deputy Zoning Commissioner County Courts Building 401 Bosely Avenue Suite 405 Towson, MD 21204

DECEIVED MAR 1 1 2008

re: Case No. 08-230-SPHA Property 2 Glenmore Avenue

Dear Mr. Bostwick:

Exception is taken by me to your ruling in the above case number as it relates to 2 Glenmore Avenue. The intersection of Glenmore and Kenwood Avenues has always been a hazardous one, especially when exiting either left or right from Glenmore on to Kenwood Avenue. When turning, especially to the right, on to Kenwood one has to view the traffic (traveling up Kenwood) extra carefully to avoid any mishap, since Glenmore sits at an approximate pronounced thirty degree angle to Kenwood. One gets the impression, from your findings, that traffic is light at the drop off and pick up times. It's just the opposite, since traffic is extra heavy, at these times, because of people going and coming from work. This additional traffic, at these busy times, will only compound the traffic problem already existing at this location.

In addition, it is not true that day care services are already being provided at that location. There is no evidence of any activity in that house, especially not children being cared for there for three several years. And in closing, I feel that previous letters already written by me and sent to the County should serve as strong objection for the allowance of a day care center at this location or any other address on Glenmore Avenue. An on site camera observance of traffic at the morning rush and evening hours should attest to my concerns.

Respectfully,

Bernard E. Helinski

Blease in the case



JAMES T. SMITH, JR. County Executive

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

January 30, 2008

Mr. Bernard E. Helinski 22 Glenmore Avenue Baltimore, MD 21206

RE:

Case No. 08-230 SPHA

2 Glenmore Avenue

Dear Mr. Helinski:



Your letter to County Executive James T. Smith, Jr. has been forwarded to me for reply. I have looked into the matters raised in your letter and have found that as of January 28, 2008, the office of the Zoning Commissioner has yet to render a ruling in public hearing 08-230 SPHA. An examination of the case file has revealed that no community member attended this hearing before Deputy Zoning Commissioner Thomas H. Bostwick on January 22, 2008. The only party present before Mr. Bostwick was the property owner/petitioner Kimberly LaValley. However, People's Counsel Peter Max Zimmerman has entered his appearance in the matter and should you wish to contact him, he can be reached at 410-887-2188.

Your letter has been forwarded to the Deputy Director Bostwick. When he renders his decision, a copy of that order should be mailed to you. If a ruling is made that you fail to agree with, an appeal can be filed with my department. However, all appeals must be filed with us within 30 days of the actual order.

If additional questions exist, please contact my office at 410-887-3353.

Sincerely

Timothy M. Kotroco

Director

Department of Permits and Development

luther lotroco

Management

Cc: Cathy Bevans, Executive Office

Thomas Bostwick, Deputy Zoning Commissioner

Executive Office Constituent Service Action Memo

To: Jim Katruca	Subject: Opposes to DAy
Department: PDM	luce Center ON Kenwood
From: Jathy Bruins	Date Sent:
Tracking Number: 0/5723	Date Due: (10 working days): A-4-0 S
Street Little	
letter or response on behalf of the County	ondence, investigate the subject and prepare a Executive for final signature by the Department Bevins with a hard copy of the final king days.
Other	
Total State of the	
EVT. Disease wast data all latters 2 weeking	r days after the date you are typing the letter to

FYI: Please post date all letters 3 working days after the date you are typing the letter to allow for processing within the Executive Office.

Constituent Outreach Team Contact Information

Executive Office telephone: 410-887-2450; fax 410-887-5781

- Sharon Paul, Constituent Services Coordinator and (Districts 2, 3 & 5) spaul@baltimorecountymd.gov
- Julia Lynton-Brown, Constituent Services Representative (Districts 1 & 4) ilynton-brown@baltimorecountymd.gov
- Harold Reid, Special Assistant to the County Executive hreid@baltimorecountymd.gov
- Cathy Bevins, Constitutent Services Representative (Districts 6 & 7) cbevins@baltimorecountymd.gov

22 Glenmore Avenue Baltimore, MD 21206 January 13, 2008

Mr. James T. Smith Jr. Baltimore County Executive 400 Washington Avenue Towson, MD 21204-4665

re: scheduled permit hearing for 2 Glenmore Avenue on Jan.22, 2008

Dear Mr. Smith,

I had previously written the Department of Permits and Development Management on July 26, 2005 expressing my concerns for the above referenced location at which a day care center was then proposed. I received a response from them dated July 27, 2005, but I found their response not in keeping with issues raised and not satisfactory. I then wrote to your office on August 7, 2005, copy attached. The day care center did not become a reality. Now that another hearing is scheduled for January 22, 2008 as an additional attempt to allow the same type of facility to exist at the same location, I am writing you again expressing my concerns so that their request be denied. The same items which I once raised should again be considered. wooden framed dwelling with a wooden front porch and its wooden steps does not lend itself to a safe environment for the proposed nine to twelve children the house is to accommodate. Additionally, the dwelling is situated on a pronounced slope which results in a blind spot for vehicular traffic heading for the Kenwood Avenue intersection. And should vehicles drop off children on the dwelling's side, these vehicles would be crossing against on coming traffic. In closing, I am respectfully requesting that you and your staff review these issues and not allow this noble business venture to become a reality at this location.

Sincerely,

Bernard E. Helinski

Attachments; copy of my letters 7/26/2005, 8/7/2005 – Zoning Notice of 2005 Baltimore County Permits letter 7/27/2005-copy of recent Zoning Notice 1/17/2008

Department of Permits and Development Management

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmenforce@co.ba.md.us pdminspect@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executiv Timothy M. Kotroco, Director

July 27, 2005

Mr. B. E. Helinski 22 Glenmore Avenue Baltimore, MD 21206

Re: 2 Glenmore Avenue

Dear Mr. Helinski:

When we received your letter of July 26, 2005, we researched the address and found no application for a daycare license for 2 Glenmore Avenue, but a fence permit has been issued. A daycare license is a state license, although the operators would need a Baltimore County change of occupancy permit for 2 Glenmore Avenue. If a daycare center for 12 children is operating without a state license, you can contact our Code Enforcement office and an inspector will visit the premises. The code enforcement complaint number is 410-887-8099.

We hope this is helpful to you.

Sincerely,

Jane Hontararelli

Jane Montanarelli

Building Engineer's Office

220 le more Aug Barto 21206 7/26 2KS Dept Pennils Development Managener Darto Contre Coffee Pidy Touson UnD 21201 re Z Colenmone Aug 21206 Onnitre prest for day core services for 12 doldien The Permit should not begranted. Dy reasons are Julinos 1: n. + -6+0 = 1) The daily drap off / pick up of children will increase the already heavily sounder trafficted Avenue during premintelafterwork dimes. 2) double parking (evan leaving the ocars to gickup/leave children) will occo- os well as regulorparting which is lim

Sure Jappen

4) The dwelling 12 & fine

3) An accidents will

the children during the warm weaklen will be generated b) A gennit to parte a large noll-off tow truck wow already issued for a dwilling D) Diet Germone Areis.

Hopping malls where garting and easy acres to a facility

reason she for this qued neighborhood be insudated with the extra tractice and noise pollwion that mould occur should thisper with be granted.

Bonnack Holinski

22 Glenmore Ave Balto 21206 8/7/2KS Balto County Free utlose
10000, MD 21204 re: Zoningnottice for Z Glenmone Ave DesSis I wrote to the County expressing my conenis as it related to a posted tounty notice of which is attached The answer received of which copy is attached, such closes not reasonaby allriss the issues re in my letter. In addition, I Enditurne old that I was not contacted to voice my ac well as the many reighbors, concerns in the ettached photographic copy of the tester Instice Respectably Bona E. Heli, sk!

MILDING PERMIT APPLICATION

TO APPROVE A CLASS A GROUP CHILD: CARE FOR A MAXIMUM OF 12 CHILDREN IN A RESIDENCE. CHOURS 7:001...530 P. WITH 2 EMPLOYEES

PUBLIC HEARING?

REQUEST FOR CEARING MUST RE. ... WE THE ADDRESS ON THIS STONE AND MONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTRY OFFICE BUILDING, ON HOT RELOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENNION OF LAW HAND CAPPED. ACCESSIBLE

ZONING NOTICE CASE # 0 8-230-SPHA

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

LACE: 401 BOSLEY AVE. TO WOON 2/204

A 180

DATE AND TIME TUESDAY, JANUARY 22, 2008 AT 9:00

REQUEST SPECIAL HENRING TO APPROVE A CLESS A DAY

CARE FIGURY FOR 9-12 CHILDREN - VARIANCE TO PERMIT THE

FENCED PLAY AREA TO BE WITHIN 2 FEET OF THE PROPERTY

LINE IN LIEU ST THE RESURED 20 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



Go Back View Map New Search

Account Identifier: District - 14 Account Number - 1419013180

Owner Information

Owner Name:

LAVALLEY KIMBERLY

LAVALLEY RONALD W

Principal Residence:

RESIDENTIAL NO

Mailing Address:

5926 CLAYTON AVE

Deed Reference:

1) /21959/ 650

BALTIMORE MD 21206-2125

Use:

2)

Location & Structure Information

Premises Address

2 GLENMORE AVE

Legal Description LT 11,12,13 2 GLENMORE AVE KENWOOD

Map Grid Parcel Sub District

Subdivision

Section Block Lot В

Assessment Area

Plat No:

81 22 678

11

Plat Ref: 4/36

Special Tax Areas

Ad Valorem

Tax Class

Town

Primary Structure Built 1928

Enclosed Area 1,266 SF

Property Land Area 9,000.00 SF

County Use 04

Stories **Basement** YES 1 1/2

Type STANDARD UNIT

Exterior ASBESTOS SHINGLE

Value Information

Base Value Value Phase-in Assessments

As Of As Of 01/01/2006 07/01/2007 07/01/2008

As Of

Land

Preferential Land:

29,250 60,000

Improvements:

68,730 86,100

Total:

146,100

130,060

000

000

000

146,100

Transfer Information

97,980

Seller: SECRETARY OF HOUSING &

Date: 06/01/2005

Price: \$135,000

Type: NOT ARMS-LENGTH Deed1:/21959/650

Seller: GAJEWSKI NICHOLAS M

Date: 12/16/2004

Deed2: Price: \$112,000

Type: NOT ARMS-LENGTH Deed1: /21141/ 491 Deed2:

Seller: LASH ANDREW P

Type: IMPROVED ARMS-LENGTH

Date: 07/16/2002

0

0

Price: \$107,000

07/01/2008

Deed2: Deed1: /16613/ 263

07/01/2007

Exemption Information Class

Partial Exempt Assessments
County
State
Municipal

NO

Special Tax Recapture:

0

0

* NONE *

Tax Exempt: **Exempt Class:**

APPLICATION FOR CHILD CARE CENTER CLASS A

USE PERMIT

This Use Permit is requested in accordance with Sections 424.4 and 500.4 of the Baltimore County Zoning Regulations.

Proposed Child Care Center Location:

1.1

	Election District /4
	Subdivision John K. Culvers Subdivision (Plat Back 4 Folio 36)
	Street Address 2 Glenmore Ave Balto. MD 2/206
	Lot Number //, /2, /3 Block Number
	*If no lot or block number, give distance to nearest intersecting
	street 300 feet, north / south / east / west of
	Kenward Ave Street / Road / Avenue
	Lot Size 25 x /20
Exis	sting Nearest Child Care Center Location: (lot number, street address, etc.)
•	Teddy Rear Day Care of Mi No Lot #
	7303 Belair Rd Map 081, grid 015, Parcel 0887
	<u> 84/10, MD 21206</u>
•	410-663-5800
Gene	eral Information:
Α.	Name and Address of Applicant/Operator
	Kimberly La Valley owner loperator
	26lenmore Ave, BAltimore, MD. 21206
	Telephone Number 410 866 5255
В.	Number of Employees 2 Hours of Operation 6:30AM - 6:00PM
	Days of Week M > F
С.	Number of Children Enrolled 12
D.	Estimated Amount of Traffic Generated:
	Morning 12 Afternoon 12
E.	Site Plan, drawn to scale, indicating location and type of
	structure on lot in question, location and dimensions of play
	parking area(s) arrangement, and proximity of dwellings on adjacent
	lots <u>must accompany</u> this Use Permit
F.	Snapshot of the Structure

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

Item #230

PLEASE PRINT CLEARLY

CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

NAME_	ADDRESS	CITY, STATE, ZIP	E- MAIL
Kimberly FaValley	2. Glenmone Ave,	BAlto. MD. 21206	
		· ·	
			

2 Glenmore Avenue 4 •4 2 1413014425 *2 14-ED CHANNE .5 12

PETITIONER'S

EXHIBIT NO.

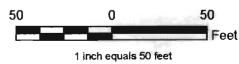






Publication Date: November 16, 2007 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot





Item #230

Baltimore County Zoning Review Request

Name of Center:

Telephone: 410 - 866 - 5255 Existing Use of Building: Home

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

Along with this form the following information is required for zoning review. Completing this form does not

1. If any, list zoning history/zoning hearing case numbers or prior zoning approval actions relating to the child

Munchkinland Day Care

Proposed Child Care Use: Class A Group Child Care (9-12 Children)

guarantee zoning approval. Other information or particular requirements may be necessary.

Address of Center: 2 Glenmore Ave. Baltimore, MD. 21206

Name of Applicant/Licensee: Kimberly La Valley

2. Provide an as-built scaled site plan (1 inch = 30 ft. or larger) with existing and proposed uses shown and street vicinity map showing the location and outline of the site. Show all fence requirements to comply with Section 424.1 B (BCZR) for fences abutting residential property.						
3. Provide a copy of the 1"=200 scale official zoning map* with the adjacent street names, site, and building outlines and all uses and play areas drawn to scale and property identified. Also identify all existing and proposed uses on adjacent properties and note if any child care uses exist on these adjacent properties. * Copy available at the P.D.M. (Zoning Review) information counter during normal working hours. 4. Provide a \$ 50 review fee (money order or check, fee subject to change without notice) made payable to Baltimore County, Maryland.						
After review, please complete the following and send to the Office of Child Ca OCC, Region III	re at the address listed below:					
409 Washington Ave.						
Suite LL8 Towson, MD. 21204 Mail Stop 64						
Yes No (If No, please specify the grounds for disappaction required of the applicant)						
Name/Title: Thomas H. Bostwick, Deputy Zoning Commission (Please Print)	SIUAPY					
Signature: flr. H. Bald						
Date: 2/2/08	PETITIONER'S					
, ,	exhibit no. 3					

