

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: August 9, 2011

TO: Arnold Jablon, Director
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

<u>Case No:</u>	<u>Case Name:</u>
10-004-SPH	Dennis & Elizabeth Agboh
10-314-SPHXA	Dennis & Elizabeth Agboh – Legal Owners
	Kim Walters dba Enigma Learning – Petitioner/Lessee
11-028-SPHA	Redeemed Christian Church of God

c: Michael Field, County Attorney
Nancy West, Assistant County Attorney

IN RE: PETITION FOR SPECIAL HEARING * THE
 SW corner of Liberty Road and *
 Forest Hill Road * BALTIMORE COUNTY
 2nd Election District *
 2nd Councilmanic District * BOARD
 (6411 Liberty Road) * OF APPEALS
 *
 Dennis K. and Elizabeth J. Agboh *
 Petitioners * CASE NO. 10-004-SPH

* * * * *

**RULING AND ORDER ON PEOPLE'S COUNSEL'S MOTION FOR
 RECONSIDERATION, CLARIFICATION and CORRECTION**

This matter comes before the Board on a Motion for Reconsideration filed by People's Counsel for Baltimore County, filed May 27, 2011 for reconsideration, clarification, and correction of the Board's May 19, 2011 opinion. No response in opposition to the Motion was filed by Francis X. Borgerding, Esquire, on behalf of the Property Owner. A public deliberation was held for this Motion on June 22, 2011.

This Board rules that a Motion for Reconsideration should only be necessary when there has been substantive new case law or enactment of a statute not available previously, which would clearly merit a modification of a Board's previous decision. This Board concludes that the Motion for Reconsideration does not point to any fraud, mistake or irregularity in the conduct of the hearing in this case, nor does the Board find there is any indication of the existence of new law or evidence not available to the County at the time of the hearing.

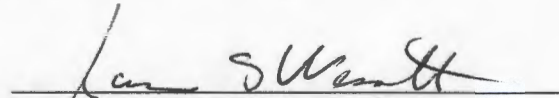
However, the Board has determined that it will add the appropriate language in the Order to be issued in the related case; case number 10-314-SPHXA, clarifying the issue raised in People's Counsel Motion.

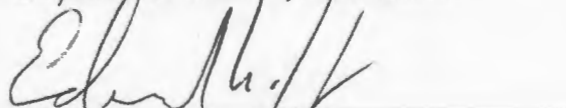
Therefore, after a thorough review of the facts, testimony and law in this case, the Board, has determined that the Motion for Reconsideration is hereby denied. The Board's Opinion and Order issued on May 19, 2011, remains this Board's final decision in this matter.

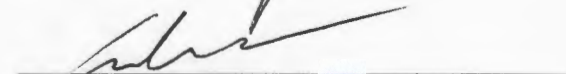
IT IS THEREFORE ORDERED THIS 23rd day of June, 2011, that the Motion for Reconsideration filed in this matter is **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Panel Chair


Edward W. Crizer, Jr.


Andrew M. Belt



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 23, 2011

Francis X. Borgerding, Esquire
409 Washington Ave, Suite 600
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Dennis & Elizabeth Agboh – Legal Owners/Petitioners*
Case No.: 10-004-SPH

Dear Counsel:

Enclosed please find a copy of the Ruling and Order on People's Counsel's Motion for Reconsideration, Clarification and Correction issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Dennis and Elizabeth Agboh
Kimberly Walters
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

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June 1, 2011

Peter M. Zimmerman, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

Re: In the Matter of: Dennis and Elizabeth Agboh/Legal Owners/Petitioners
Case No.: 10-004-SPH

Dear Mr. Zimmerman:

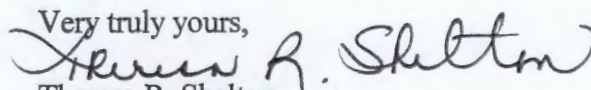
This will acknowledge receipt of your Motion for Reconsideration letter filed May 27, 2011 in the subject matter. A copy of your Motion for Reconsideration, along with any response that may be filed thereto, will be forwarded to the appropriate Board members for their review and ultimate consideration.

With regard to this request for reconsideration, Rule 10 of the Board's Rules of Practice and Procedure states in part as follows:

...The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits and deadlines for the filing of a petition for judicial review. After public deliberation and in its discretion, the board may convene a hearing to receive testimony or argument or both on the motion. Each party participating in the hearing on the motion shall be limited to testimony or argument only with respect to the motion; the board may not receive additional testimony with respect to the substantive matter of the case. Within 30 days after the date of the board's ruling on the motion for reconsideration, any party aggrieved by the decision shall file a petition for judicial review. The petition for judicial review shall request judicial review of the board's original order, the board's ruling on the motion for reconsideration or both. [Emphasis added.]

Therefore, in response to your Motion for Reconsideration, a public deliberation will be scheduled and appropriate notice promptly sent to all parties to this matter.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

c: Francis X. Borgerding, Esquire
Dennis and Elizabeth Agboh



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 27, 2011

Lawrence S. Wescott, Chairman
County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
MAY 27 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Re: Dennis Agboh and Elizabeth Agboh
Case No. 10-004-SPH (Related Case No.: 10-314-SPHXA)

Dear Chairman Wescott:

Please accept this letter as a motion for reconsideration, clarification, and correction of the Board's May 19, 2011 opinion. In connection with the Board's Opinion and Order limiting the Class A Group Child Care center, for up to 12 children, to a resident operator, we need to ask for correction and clarification of the opinion.

On page 3, the Board's opinion describes favorably Zoning Commissioner Lawrence Schmidt's grant of the Agboh's petition for special exception and variance for a Class B Group Child Care Center for up to 39 children on March 1, 1995. As People's Counsel's Exhibit 4 shows, however, our office appealed that decision to the Board. The Agboh's subsequently withdrew the petition. The Board issued an order of dismissal on January 21, 1997. The appeal, withdrawal, and dismissal are not mentioned in the Board's opinion here. This omission might give the misleading impression that a Class B Child Care center was approved and is acceptable.

Separately, on May 24, 2011, the Board heard the related current case, No. 10-314-SPHXA, in which the Agboh's, along with Kim Walters, as lessee, filed a new petition for a Class B Child Care Center at this property, for more than 12 children but less than 40. This involved again a special exception, special hearing, and numerous variances. Deputy Zoning Commissioner Thomas Bostwick denied this petition on August 26, 2010. Kim Walters appealed that denial, and our office, with the support of the Planning Office, again opposed the expansion to a Class B center.

At the May 24, 2011 hearing in Case No. 10-314-SPH, the zoning history of the property again came into focus. Ms. Walters testified that she assumed or understood, before she signed her lease with the Agbohs, that there was county approval for a Class B Group Child Care Center. The Agbohs did not appear. Ms. Walters said she later found out there was no final approval. This is shown, of course, by the documentary history.

The Board then deliberated publicly and found Ms. Walters did not produce evidence to satisfy the legal standards. The Board denied the petitions for special exception, special hearing and variance and will issue its opinion in due course.

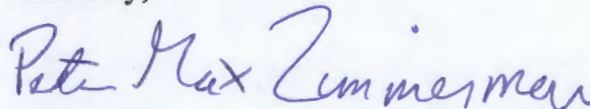
There has thus been much confusion about the history. The Agbohs have focused on the 1995 approval by Zoning Commissioner Schmidt, but not on the appeal by our office to the Board, their subsequent withdrawal of the Petition, and the Board's ensuing dismissal. This is reflected in Deputy Zoning Commissioner Thomas Bostwick's decision in the present case, 10-004-SPH, which also omits the appeal history. (It would therefore be helpful if the complete history is recited not only here, but also upon reconsideration in the upcoming opinion in Case No. 10-314-SPHXA).

On page 4, the Board correctly observes that the restriction to a resident operator helps prevent the dwelling from being a solely commercial enterprise. It would be helpful and appropriate to point out that this is because BCZR Section 424.4.A allows Class A Group Child Care Centers by use permit as accessory uses within single-family dwellings. This salutary purpose is thus achieved by a legal prerequisite that the operator reside there.

We believe these clarifications could be incorporated in a supplemental opinion. This is important not only for the present context, but also for future reference.

Thank you in advance for your attention and consideration.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Francis X. Borgerding, Esquire, attorney for Dennis & Elizabeth Agboh
Kim Walters

5/19/11

IN RE: PETITION FOR SPECIAL HEARING	*	THE
SW corner of Liberty Road and		
Forest Hill Road	*	BALTIMORE COUNTY
2 nd Election District		
2 nd Councilmanic District	*	BOARD
(6411 Liberty Road)		
	*	OF APPEALS
Dennis K. and Elizabeth J. Agboh	*	CASE NO. 10-004-SPH
<i>Petitioners</i>		

* * * * *

OPINION

BACKGROUND

This matter comes before the Board of Appeals for consideration of a Petition for Special Hearing filed by the legal property owners, Dennis K. and Elizabeth J. Agboh. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the removal of restriction #1 in Case No. 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center. 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.

A hearing before the Board was held and completed on February 17, 2011. No Memoranda in lieu of closing arguments were submitted to this Board. A public deliberation was held on March 8, 2011.

Petitioners, Dennis and Elizabeth Agboh, the property owners, were represented by Francis X. Borgerding, Jr., Esquire. Peter Max Zimmerman appeared on behalf of People's Counsel of Baltimore County. No other protestants or other interested persons were in attendance.

FACTS

Testimony was offered by Dennis Agboh that the subject property is an irregular-shaped property consisting of approximately 10,510 square feet or 0.241 acre, more or less, zoned D.R.5.5. The property is located at the southwest corner of Liberty Road and Forest Hill Road, approximately 1-1/2 to 2 miles east of the Interstate 695 Beltway, in the Lochern area of Baltimore County. A copy of the zoning map showing the location of the property was marked and accepted into evidence as Petitioner's Exhibit 2. The property is improved with an existing 2-1/2 story framed dwelling that is used as a daycare center.

Petitioner Elizabeth Agboh, has been in the daycare business since 1991. She attended college at Southern University in Baton Rouge, LA and received a degree in accounting in 1982. The Agbohs moved to Maryland when her husband was hired as a professor at Morgan State University in 1988. By 1991, Petitioner had several small children of her own and decided to open a childcare center. She enrolled in classes at the Community College of Baltimore County in order to qualify for the designation of "Director" of a childcare center. Since then, she has been operating the "Randallstown Child Daycare Center" located at 9019 Liberty Road in Randallstown as a Class B Group Childcare Center. Because of the expansion of her business, Petitioner began looking for other locations for a childcare center.

Mr. Agboh further testified that in 1994 he became aware that the subject property was for sale and thought the property would be an ideal location for an additional childcare center. Mr. Agboh indicated that when he purchased the property in 1994, he was not aware the property had a prior zoning hearing in 1986, in which a Special Hearing to approve a Class A Childcare Center was granted in Case No. 86-493-SPH. A copy of that prior zoning case was marked and accepted into evidence as Petitioner's Exhibit 5. The property owners at that time were Charles

and Frances Feagin. In granting the requested Special Hearing, then-Deputy Zoning Commissioner Jean M. H. Jung imposed restriction #1 which stated that "[a] Group Child Care Center, Class "A" may be operated on the site only so long as Frances Feagin is the resident operator of the center." It is this restriction that is the subject of the instant request for Special Hearing.

Unaware of the prior zoning hearing or the restriction imposed on the property – the Agbohhs requested, in 1994, a Use Permit for a Class A Childcare Center on the subject property. In an Order dated August 2, 1994, in Case No. CACC-94-2, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 3, then-Zoning Commissioner Lawrence E. Schmidt granted the Use Permit. Thereafter in 1995, Mr. and Mrs. Agboh filed a Petition for Special Exception in order to permit the use of the subject property as a Class B Group Childcare Center for up to 39 children in a D.R.5.5 Zone. Several related Variances were also requested.

In his Order dated March 1, 1995 in Case No. 95-248-XA, then-Zoning Commissioner Lawrence E. Schmidt thoroughly described the use of the property at that time, the nature and scope of Petitioner's daycare operation, and the significant efforts and expenditures made to renovate and upgrade the interior and exterior building; he also considered the applicable Special Exception criteria set forth in Section 502.1 of the B.C.Z.R., as well as the applicable standard for Variances, and granted Petitioners' relief. A copy of the Order was marked and accepted into evidence as Petitioner's Exhibit 5.

CONCLUSION

It is apparent from reviewing the 1994 Order for the Use Permit and the 1995 Order for the Special Exception and Variance, that the prior 1986 Order and restriction #1 was not known to Petitioners nor the Zoning Commissioner. Those Orders make no mention of the 1986 case or

restriction #1.

Having become aware of the 1986 Order and the restriction that was imposed in that case, Petitioner now desires to "clean up" the discrepancy and legitimize the existing use of the property. Hence, Petitioner requests Special Hearing relief to have restriction #1 removed, so as to continue her use of the property for a Group Childcare Center.

DECISION

Based on the testimony and evidence, the Board is persuaded to grant the Special Hearing relief and approve the removal of restriction #1 in Case No. 86-493-SPH. Petitioner purchased the subject property in 1994 and testified that she was not aware of the prior 1986 case or restriction #1 that limited the daycare operation on that property so long as Frances Feagin was the resident operator. The Board finds that the current use of the property has had no past or present detrimental impacts on the health, safety or general welfare of the community; on the contrary, it appears that Petitioner's operation has served to fill a significant need in the local community for close and reliable daycare.

People's Counsel raised the issue throughout the hearing that it appears that the individual who is currently operating the daycare, on the property at issue, is not residing at the daycare location. It is People Counsel's assertion, with which the Board concurs, that the original order allowing the daycare at this location included the restriction that "Francis E. Feagin" be a resident at the location, in order to prevent the dwelling from being a solely commercial enterprise, due to its proximity to a residential area. Consequently, the Board agrees that the "operator" of the daycare at the subject location, must also be an "actual" resident at that address.

ORDER

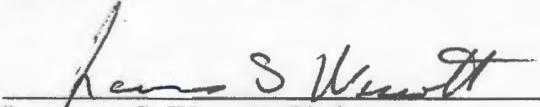
THEREFORE, IT IS THIS 19th day of May, 2011 by the
Board of Appeals of Baltimore County

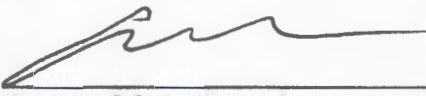
ORDERED that, for the reasons as stated in the foregoing Opinion, Petitioner's Request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) in Case No. 10-004-SPH, for the removal of the restriction #1 in Case No. 86-493-SPH, that states that a Class A Group Childcare Center may only be operated on the site as long as Francis E. Feagin is the resident operator of the center, be and is hereby GRANTED, subject to the following condition:

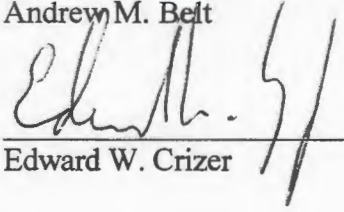
1. That the operator of the Childcare Center on the subject property, known as 6411 Liberty Road, must also reside at the subject property. The term "reside" being intended to constitute the operator permanent mailing address, legal domicile and physical occupancy of the property residential purposes.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Andrew M. Belt


Edward W. Crizer



Board of Appeals of Baltimore County

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May 19, 2011

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Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Dennis and Elizabeth Agboh – Legal Owners/Petitioners*
Case No.: 10-004-SPH

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Dennis and Elizabeth Agboh
Kimberly Walters
Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

2/4/11
PETITION FOR SPECIAL HEARING
Dennis and Elizabeth Agboh
6411 Liberty Road
SW Corner Liberty and Forest Hill Road
2d Election & 2d Councilmanic Districts
Petitioners

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY
* Case No. 2010-004-SPH

* * * * *

MOTION TO DISMISS PETITION FOR SPECIAL HEARING

People's Counsel for Baltimore County moves to dismiss the Petition for Special Hearing because it fails as a matter of law. The reasons follow, supported by the attached documentary history:

1. This 2009 Petition for Special Hearing requests the removal of restriction #1 from earlier 1986 Case No. 86-493-SPH for the Class A group child care facility at 6411 Liberty Road.

2. BCZR Section 424, attached, governs child care centers.

3. The property is in a D.R. 5.5. Zone. It is less than ¼ (.25) acre in size and has an old house.

4. In the 1986 case, Petitioners Charles Feagan and Frances Feagan filed a Petition for Special Hearing for a "Class A child care center pursuant to section 424.4.A.3, BCZR." See attached 1986 Petition.

5. Section 424.4.A, then and now, allows Class A group child care centers (no more than 12 children, attached BCZR Section 101.1) as "an accessory use within single family detached dwelling in all residential zones except R.C 4 ..." subject to a permit process.

6. Separately, Group Child Care Centers, Class A and Class B, are allowed as principal uses, but subject now to additional standards established in Bill 200-1990, including the bulk and area standards of Section 424.7, which require a minimum lot size of 1 acre for the first 40 children, and enumerated setback, parking, height, and impervious surface standards.

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BALTIMORE COUNTY
BOARD OF APPEALS

6. Upon the filing of objections by interested citizens, Deputy Zoning Commissioner Jean Jung held a hearing. On June 16, 1986, Commissioner Jung approved the petition, subject to six conditions.

7. The 1986 Order's first condition was that the site could be operated as a "A Group Child Care Center, Class A, may be operated on the site only so long as Frances E. Feagin is the resident operator of the center."

8. In or about June, 1994, the present Petitioners, the Agbohs, acquired the property. There were then initiated two 1994 zoning proceedings: an August 2 issuance of a Class A permit to the Agboh Petitioners without a hearing; and a Petition for Special Exception and Variances for a Class B center, approved by the Zoning Commissioner on March 1, 1995, appealed by our office, and then withdrawn by the Agbohs on January 2, 1997, prior to the hearing.

9. At the present time, the Agbohs do not reside at 6411 Liberty Road. Rather, as reflected in their petition, they live in Reisterstown, many miles away. It is unclear whether they ever resided at 6411 Liberty Road.

10. Contrary to the prerequisite that a Class A Group Child Care Center be "an accessory use within single-family detached dwellings," and Commissioner's Jung restrictive condition which satisfied this requirement, Deputy Zoning Commissioner Thomas Bostwick granted the present Petition for Special Hearing in the attached September 22, 2009 opinion, in effect allowing the group child care center as a principal use.

11. Upon review of the opinion, our office concluded that the approval was based on an error of law and on faulty, inaccurate, and/or incomplete information and understanding. Therefore, we filed the attached Motion for Reconsideration in a letter dated October 14, 2009. The main point is that the Agbohs do not qualify for approval of such an accessory use because they do not live there. Meanwhile, the property does not qualify for a principal use group child care center because it does not meet the bulk and residential transition area standards, as reflected in the Agbohs' 1997 withdrawal of their Petition for Special Exception and Variances.

12. Nevertheless, still in contravention of the law, Deputy Commisisoner Bostwick denied our office's Motion for Reconsideration in his December 16, 2009 final ruling and decision, also attached.

13. From this final decision, our office filed its *de novo* appeal on December 29, 2009.

14. The present appeal has been pending while the Agbohs, along with Kimberly Walters, filed a subsequent Petition for Special Exception and Variances for a Class B Group Child Care Center on May 13, 2010. Case No. 10-314-SPHXA. Deputy Zoning Commissioner Bostwick denied these petitions on August 26, 2010. Ms. Walters filed an appeal on September 21, 2010.

15. Both cases are now scheduled, back to back, for February 17, 2011 hearings at the County Board of Appeals.

16. Our office's Motion to Dismiss here addresses the first of the current cases, the Petition for Special Hearing, No. 10-004-SPH. It is our office's position that the Petition fails as a matter of law because the law under BCZR Section 424.4 requires that the operator of an accessory Class Group Child Care Center reside in the single-family detached dwelling.

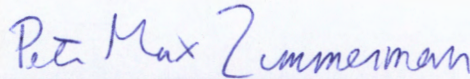
17. The definition and meaning of "accessory use" under BCZR Section 101.1 includes, in pertinent part, a use which is "incident and subordinate to and serves a principal use or structure; is subordinate in area, extent or purpose to the principal use or structure...; is located on the same lot; contributes to the comfort, convenience, or necessity of occupants" Unless the operator resides at the dwelling, the use is a principal use rather than accessory use.

18. Our office would probably not oppose a new resident operator who would conduct a Class A child care center as a legitimate and real accessory use. The 1986 restriction could thus potentially be modified in that way.

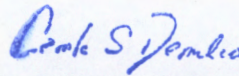
19. So far as the record in Case No. 10-314-SPHXA reflects, the present operator, Ms. Walters, does not reside there either. Therefore, the current operation conflicts with not only the 1986 restriction, but also the basic law.

21. Because our appeal focuses on this legal issue, it appears appropriate and fair to raise this issue by motion prior to the hearing. This will provide the Petitioner an opportunity to prepare for and frame a response and the CBA panel a helpful introduction and focus for its proceedings, deliberation, and decision.

Wherefore, People's Counsel for Baltimore County requests that the County Board of Appeals deny and dismiss this Petition for Special Hearing because, in the absence of a resident operator, the proposed use, in particular the removal of Restriction No. 1 of the 1986 Order, does not comport with the law.



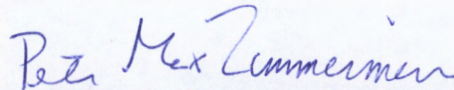
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2011, a copy of this People's Counsel for Baltimore County's Motion to Dismiss was mailed to Francis X. Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioners.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 25, 2010

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

Re: In the Matter of: Dennis and Elizabeth Agboh/Legal Owners/Petitioners
Case No.: 10-004-SPH

Dear Mr. Agboh:

This letter is to advise you that your request for a postponement of the hearing scheduled for November 4, 2010 has been granted without opposition from the Office of People's Counsel, Appellant.

The matter will be re-assigned to a later date. A copy of the Notice of Postponement is enclosed.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc

Enclosure: Notice of Postponement

cc (w/Encl.): Peter Max Zimmerman
People's Counsel for Baltimore County

10-004-SPH Agboh ^{10/20/10}
Hrg scheduled 11/4

Sending request for
postponement ~ The
attorney he hired sent him
a letter saying he would
not represent him ~ wants
time to find a new lawyer.

10/21

Pete not opposed
to postponement

October 20, 2010

Dennis K. and Elizabeth J. Agboh
116 Nob Hill Park Drive
Reisterstown, Maryland 21136

County Board of Appeals of Baltimore County
The Jefferson Building
2nd Floor, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

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OCT 21 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

Re: Petition for Special Hearing:
Dennis K. and Elizabeth J. Agboh
Legal Owners/Petitioners, 6411 Liberty Road
Case No. 10-004-SPH

REQUEST FOR POSTPONEMENT

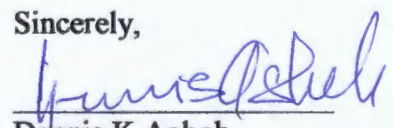
We are by this letter requesting a short adjournment in the above referenced case to enable us retain the services of a new attorney. The hearing date is scheduled for Thursday, November 4, 2010, at 10: a.m.

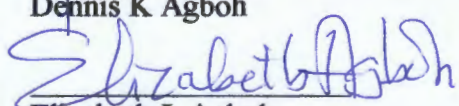
Our attorney (Mr. J Carroll Holzer, PA), whom we retained to represent us in this matter, suddenly sent us a letter on October 13, 2010, which was received on the 16th of October, 2010, stating that he will not be able to represent us on the Thursday, November 4, 2010, hearing, because of possible conflict of interest situation. We will therefore need additional time to retain the services of a new attorney to represent us in this matter. A copy of the letter from Mr. Holzer is enclosed.

In addition, Dennis Agboh who has been liaising with Mr. Holzer, had to travel on a scheduled trip for business on Saturday, October 16, and returned today, October 20, 2010. Copy of e-ticket is enclosed.

Thanks very much indeed for your kind consideration and understanding in this matter.

Sincerely,


Dennis K Agboh


Elizabeth J. Agboh

Legal Owners /Petitioners

Cc: Appellant

:Peter Max Zimmerman, People's Counsel for Baltimore County



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

October 13, 2010
#7940

Mr. Dennis Agboh
116 Nob Hill Park Drive
Reisterstown, Maryland 21136

RE: *In the Matter of: Dennis and Elizabeth Agboh*
6411 Liberty Road
Case No.: *2010-0314-SPHXA*

Dear Mr. Agboh:

I received today a copy of the appeal filed by Kim Walters appealing from the Deputy Zoning Commissioner denial of a Class B child care facility for 6411 Liberty Road. When Ms. Walters brought the copy of the appeal filed by her with Baltimore County Board of Appeals, she indicated that she is in a dispute with you and your wife relative to her Lease. I also recall that you were willing to meet with Mr. Zimmerman and restrict the property to twelve (12) children and require as a condition that the operator of the school reside on site. Your willingness to impose those conditions on the property creates a direct conflict with Ms. Walters who is hoping on her appeal to obtain a Class B child care facility for more than twelve (12) children. The result of all of these actions is that I will not be able to represent you on the Thursday, November 4, 2010, hearing. Even though I have not entered my appearance before the Board, I am advising you that you should contact Mr. Zimmerman and the Board insofar as whether you want to proceed on November 4th or whether you can come to an agreement with People's Counsel. I am also withdrawing from representing Ms. Walters due to this conflict.

Thank you very much for your interest in my office representing you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carroll", written in dark ink.

J. Carroll Holzer

JCH:mlg

cc: Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County

From: Peter Zimmerman
To: Shelton, Theresa
Date: 9/2/2010 1:40 PM
Subject: Re: Agboh - 10-004-A, 6411 Liberty Road

Theresa,

Pete said that there isn't going to be a settlement so go ahead and set it in for hearing.

Rebecca

>>> Theresa Shelton 6/24/2010 9:23 AM >>>
Pete:

Good Morning. On March 24, 2010 you requested that this office delay scheduling this matter, due to a possible settlement. Please advise. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential.

The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any

action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

Theresa Shelton - Re: Agboh - 10-004-A, 6411 Liberty Road - SECOND REQUEST

From: Peter Zimmerman
To: Shelton, Theresa
Date: 8/3/2010 1:03 PM
Subject: Re: Agboh - 10-004-A, 6411 Liberty Road - SECOND REQUEST

8/10
Hearing

Theresa,

Thank you for your scheduling note.

I suggest you go ahead and schedule it, preferably for November? If it is not resolved otherwise by then, we will try the case.

There is another case filed on the same property. 10-314. It is at the Zoning Commissioner level. I don't know if this will help or resolve the situation.

Peter

>>> Theresa Shelton 8/3/2010 12:48 PM >>>

Pete:

Good Afternoon. On March 24, 2010 you requested that this office delay scheduling this matter, due to a possible settlement. On 6/24/10 I requested a status via e-mail. Please advise. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

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Helding
possible
~~10/10~~
in Oct

From: Theresa Shelton
To: Zimmerman, Peter
Date: 8/3/2010 12:48 PM
Subject: Agboh - 10-004-A, 6411 Liberty Road - SECOND REQUEST

Pete:

Good Afternoon. On March 24, 2010 you requested that this office delay scheduling this matter, due to a possible settlement. On 6/24/10 I requested a status via e-mail. Please advise. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

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From: Theresa Shelton
To: Zimmerman, Peter
Date: 6/24/2010 9:23 AM
Subject: Agboh - 10-004-A, 6411 Liberty Road

Pete:

Good Morning. On March 24, 2010 you requested that this office delay scheduling this matter, due to a possible settlement. Please advise. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
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PC HAS REQUESTED THAT THIS MATTER BE HELD
FOR POSSIBLE SETTLEMENT. HOLD UNTIL JUNE
AND THEN FOLLOW UP WITH PC.

6/23/10 EMAIL TO PC STATUS

HOLD AUGUST THEN SET IN

zoning hearing 8/10 - it is possible that this will go away

check in early october – if no wd then schedule for 11/4

TRS HAS FILE.

Petition for Special Hearing
6411 Liberty Road
SW corner of Liberty Road & Forest Hill Road
2nd Election District - 2nd Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Case No.: 2010-0004-SPH

- ✓ Petition for Special Hearing (July 6, 2009)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (August 5, 2009)
- ✓ Certification of Publication (The Jeffersonian - August 25, 2009)
- ✓ Certificate of Posting (August 26, 2009) by William Gulick, Jr.
- ✓ Entry of Appearance by People's Counsel (July 28, 2009)
- ✓ Petitioner(s) Sign-In Sheet - One Sheet
- Protestant(s) Sign-In Sheet - None
- Citizen(s) Sign-In Sheet - None
- ✓ Zoning Advisory Committee Comments
- Petitioners' Exhibit
 - ✓ As listed on Exhibit Sheet (1 thru 5)
- Protestants' Exhibits - None
- ✓ Miscellaneous (Not Marked as Exhibit)
CD-R
- ✓ Deputy Zoning Commissioner's Order (September 22, 2009 - GRANTED)
- ✓ Letter of Request for Motion for Reconsideration by People's Counsel (October 29, 2009)
- ✓ Letter of response from Mr. & Mrs. Agboh on Request for Motion for Reconsideration
- ✓ Order on Motion for Reconsideration (DENIED - December 16, 2009)
- ✓ Notice of Appeal received on December 29, 2009 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Agboh

date sent March 22, 2010, klm

Address List

Petitioners:

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

Appellant/Protestant:

Office of People's Counsel

Interoffice:

William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Nancy C. West, Assistant County Attorney
John Beverungen, County Attorney

RECEIVED
MAR 25 2010
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Special Hearing
6411 Liberty Road
SW corner of Liberty Road & Forest Hill Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Case No.: 2010-0004-SPH

Petition for Special Hearing (July 6, 2009)

Zoning Description of Property

Notice of Zoning Hearing (August 5, 2009)

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Entry of Appearance by People's Counsel (July 28, 2009)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

As listed on Exhibit Sheet (1 thru 5)

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit)

CD-R

Deputy Zoning Commissioner's Order (September 22, 2009 - GRANTED)

Letter of Request for Motion for Reconsideration by People's Counsel (October 29, 2009)

Letter of response from Mr. & Mrs. Agboh on Request for Motion for Reconsideration

Order on Motion for Reconsideration (DENIED – December 16, 2009)

Notice of Appeal received on December 29, 2009 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. & Mrs. Agboh

date sent March 22, 2010, klm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 18, 2010

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

RECEIVED

MAR 25 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Mr. & Mrs. Agboh:

RE: Case: 2010-0004-A, 6411 Liberty Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 29, 2009 from People's Counsel. 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,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel

1



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
March 18, 2010

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

Dear Mr. & Mrs. Agboh:

RE: Case: 2010-0004-A, 6411 Liberty Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 29, 2009 from People's Counsel. 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,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel

Pete requested
that you hold off
on setting this in.
He is trying to
work this out.
3/24/10
SC



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 29, 2009

Hand-delivered

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

Re: Dennis and Elizabeth Agboh - Petitioners
6411 Liberty Road
Case No: 2010-004-SPH

RECEIVED

DEC 29 2009

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the final Order on Motions for Reconsideration dated December 16, 2009, and incorporating the Findings of Fact and Conclusions of Law dated September 22, 2009, filed by the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

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

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Dennis & Elizabeth Agboh

12/16/09

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW corner of Liberty Road and		
Forest Hill Road	*	DEPUTY ZONING
2 nd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(6411 Liberty Road)		
	*	FOR BALTIMORE COUNTY
Dennis K. and Elizabeth J. Agboh	*	CASE NO. 2010-0004-SPH
<i>Petitioners</i>		

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioners requested Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the removal of restriction #1 in Case No. 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center. In an Order dated September 22, 2009, the undersigned granted the Special Hearing request, finding that Petitioner was not aware of the prior 1986 case or restriction #1 that limited the daycare operation on that property so long as Frances Feagin was the resident operator. I also found that Petitioner had proceeded through the necessary step of obtaining a Use Permit, and even obtained permission

12-16-09

m

to expand that use to a Class B Group Childcare Center in 1995.¹ Finally, I found that the current use of the property had no past or present detrimental impacts on the health, safety, or general welfare of the community and would not result in any negative impacts if restriction #1 in Case No. 86-493-SPH were removed in favor of Petitioner.

Thereafter, Mr. Zimmerman's office submitted a letter dated October 14, 2009 to be treated as a Motion for Reconsideration. In his Motion, Mr. Zimmerman reiterates the current request to alter the 1986 Order allowing Frances Feagin to be the resident operator of a Class A group child care center. He then points out that Section 424.4.A of the B.C.Z.R. permits a group child care center, Class A, as an accessory use in a single-family detached dwelling, and also explains that the Petition filed in this matter lists Petitioners' address as 116 Nob Hill Park Drive in Reisterstown, and that an SDAT Data Search printout reveals the same information. As a result, Petitioners do not qualify for the relief requested because it does not appear that Petitioners would be resident operators on the subject property -- that the change is not merely in ownership (from Frances Feagin to Mr. and Mrs. Agboh) but also of use (from an accessory use to a principle use).

Mr. Zimmerman also points out that there are a number of bulk limitations in Section 424.7 of the B.C.Z.R., including minimum lot size and various setback and other requirements, which Petitioners' property does not meet. He also contends that residential transition area restrictions for Class A and Class B group child care centers in D.R. Zones would also apply to the present situation. In light of the incompleteness and concerns about the zoning history of the subject property, Mr. Zimmerman requests that the Petition for Special Hearing be denied.

¹ It is noteworthy, however, and as pointed out by Mr. Zimmerman in his Motion for Reconsideration, that the special exception Petitioner was granted in Case No. 95-248-XA to expand from the previous use as a Class A Childcare Center to a Class B Group Childcare Center was appealed by Mr. Zimmerman, and that prior to a hearing before the County Board of Appeals, Petitioner withdrew the Special Hearing request. It is also noteworthy that Petitioner failed to mention this fact at the hearing on September 10, 2009.

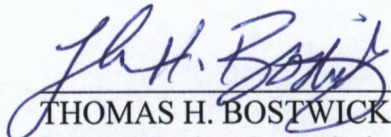
In response, the undersigned received a letter dated October 29, 2009 from Petitioners Mr. and Mrs. Agboh. In their view, Mr. Zimmerman's reconsideration request raises "considerable extraneous allegations that are materially inconsequential to the main issue(s) in this matter." They point out, among other things, that they did obtain a valid Use Permit for a Class A child care center, which was approved in 1994 by then-Zoning Commissioner Lawrence E. Schmidt, and also add that they have been operating a daycare center at the location since that time with no adverse impacts or problems. They also indicate there "has never been any community or individual objections or presentations to this extremely beneficial community service by way of a Child daycare center being rendered by the Petitioners," and believe the call for reconsideration is unwarranted.

In considering the Motion for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated September 22, 2009, as well as the respective positions of the parties outlined in People's Counsel's Motion and Petitioners' response. After reviewing these items, I am persuaded to deny the motion for reconsideration. In doing so, I recognize People's Counsel's position that takes issue with the undersigned's findings and refers to several potential problems with Petitioners' use of the subject property as a Class A group childcare center -- not as resident operators and not as an accessory use -- as well as potential issues with the bulk limitations associated with group childcare centers.

However, in my view, what is controlling in this case is the Use Permit that was issued by then-Zoning Commissioner Schmidt in 1994. The evidence is uncontradicted that Petitioners were applicants for a Use Permit for a Class A Child Care Center at the subject property, 6411 Liberty Road. They submitted their application along with supporting affidavits, additional information, and photographs. In an Order issued on August 2, 1994 by Commissioner Schmidt, he found that

the provisions of the Baltimore County Code and B.C.Z.R. had been met and that the relief requested should be granted. It is also interesting to note that Commissioner Schmidt granted the Use Permit for a Class A Child Care Center likely knowing that Petitioners were not resident operators and that this would not be an accessory use because at the bottom of the Order indicating a copy is being sent to Mr. and Mrs. Agboh, their address is list as 3127 Ripple Road in Baltimore -- certainly not the same as 6411 Liberty Road. Since the Use Permit was issued in 1994, Petitioners have operated the Class group childcare center at the subject property without incident. The only reason for the instant hearing was to remove a condition in a prior Order issued in 1986 that has proven over time to be outdated and wholly unnecessary in this instance. In my view, Commissioner Schmidt's previous Order should be credited and given deference, and I shall therefore deny the Motion for Reconsideration.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of December, 2009 that the aforementioned Motion for Reconsideration be and is hereby DENIED.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 16, 2009

DENNIS K. AND ELIZABETH J. AGBOH
116 NOB HILL PARK DRIVE
REISTERSTOWN MD 21136

Re: Petition for Special Hearing
Order on Motion for Reconsideration
Case No. 2010-0004-SPH
Property: 6411 Liberty Road

Dear Mr. and Mrs. Agboh:

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

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

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

October 29, 2009

Dennis K. and Elizabeth J. Agboh
116 Nob Hill Park Drive
Reisterstown, Maryland 21136

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

NOV 02 2009

ZONING COMMISSIONER

Re: Petition for Special Hearing
Dennis K. and Elizabeth J. Agboh
6411 Liberty Road
Case No. 10-04-SPH

Dear Mr. Bostwick:

We write in response to the letter from Mr. Peter Max Zimmerman, Peoples Counsel for Baltimore County dated October 14, 2009, in the matter of his application for a Rule K motion for Reconsideration of the Findings of Fact and Conclusions of Law, and Order dated September 22, 2009.

It would appear that Mr. Zimmerman's letter has raised considerable extraneous allegations that are materially inconsequential and irrelevant to the main issue(s) in this matter.

In our opinion, the relevant and consequential issues for determination in this matter are as follows:

1. Do the applicants have a valid, subsisting Class A approval, regularly applied for and granted by the Zoning Commissioner in 1994?
2. Whether or not the Class A approval granted to the applicants in 1994 had any restrictions and /or limitations, and if so, to what extent?
3. Did the applicants apply for and were granted a Class B approval to operate a Child Daycare Center at 6411 Liberty in 1995.

In answer to question 1 above, the applicants have a valid, subsisting regularly applied for and granted Class A approval by Zoning Commissioner, Lawrence E. Schmidt dated 2nd day of August, 1994. (attached and marked as Exhibit 1). Besides, the applicants have operated a daycare center at the location since 1994.

In answer to question 2 above, the opinion of Thomas H. Bostwick, Deputy Zoning Commissioner, in his Findings of fact and Conclusions of Law, dated 22nd of September 2009, on pages 2 through 3, speak for itself. (see attached and marked Exhibit 2)

It is pertinent to mention here that the application and interpretation of any Law ought to be such that it does not only do public good and serve public purpose; but that it must also live up to the Spirit and letter of the Law.

The Deputy Zoning Commissioner Jean M.H. Jung imposed restrictions unknown to the applicants in 1994, who are the current owners of the property, namely, that "a Group Child care Center Class A may be operated on site only so long as Frances Feagin is the resident operator of the center". This restriction, appears rather arbitrary and unwarranted, as on the totality of the facts and circumstances, it cannot be justified as it unduly and unnecessarily restrict legitimate and lawful use. It is this belief that motivated the applicants to petition for the removal of this restriction.

And as determined by Thomas H. Bostick, Deputy Zoning Commissioner, in his personal opinion dated 22nd day of September 2009 (see exhibit 2 attached) on page 4, there is nothing in the conduct and practice of the applicants in the operation of the Child Care Center to vary the common sense reading, interpretation, and application of the law.

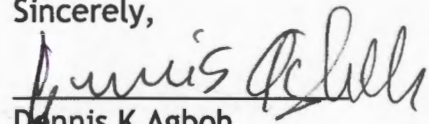
And as attested to by the rulings of Thomas H. Bostick, Deputy Zoning Commissioner, page 4, which says, inter alia, "..... In my view, the current use of the property has no past or present detrimental impacts on the health, safety, or general welfare of the community; on the contrary, it appears that the Petitioners operation has served to fill a significant need in the local community for close and reliable daycare". Few private business enterprises can be so profound in their impact and social contribution to any stable community both in terms of employment and tax revenue generation, than what the Petitioner's business brings to this community.

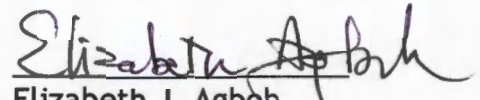
It is also noteworthy that in the course of the applications for Classes A and B, and the various hearings that followed, there has never been any community or individual objections or presentations to this extremely beneficial community service by way of a Child daycare Center being rendered by the Petitioners.

In answer to question 3 above, the applicants did apply for and were granted a Class B approval in 1995. The applicants later voluntarily withdrew the application after six months of operation and a total disinclination to engage on a rather, expensive, wasteful, unfounded and unwarranted appeal process initiated by Mr. Zimmerman.

In light of the foregoing, it is our contention that a call for reconsideration is not only unwarranted but fundamentally unnecessary as the facts have shown.

Sincerely,


Dennis K Agboh


Elizabeth J. Agboh

Petitioners

cc: Carl Richards, Zoning Supervisor
Peter Max Zimmerman, People's Counsel for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 29, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

DENNIS K. AND ELIZABETH J. AGBOH
116 NOB HILL PARK DRIVE
REISTERSTOWN MD 21136

Re: Petition for Variance
Case No. 2010-0004-SPH
Property: 6411 Liberty Road

Dear Mr. and Mrs. Agboh:

Enclosed is a copy of a Motion for Reconsideration dated October 14, 2009 from Peter Max Zimmerman, Peoples Counsel for Baltimore County. You were copied on Mr. Zimmerman's letter and I wanted to ensure that you received the letter and its attachments.

As you may recall, in an Order dated September 22, 2009, I granted your Special Hearing request for the removal of the restriction #1 in Case No. 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.

Please review the aforementioned documents. If you wish to respond to the Request for Reconsideration, please do so in writing within 14 days of the date of this letter. If I do not hear from you by that date, I will then proceed to make a decision on the Request for Reconsideration based on documents contained in the case file. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosures

10/14/09

Baltimore County, Maryland

9-10-09



OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 14, 2009

HAND-DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

OCT 14 2009

Re: PETITION FOR SPECIAL HEARING
Dennis K. And Elizabeth Agboh
6411 Liberty Road
Case No: 10-04-SPH

ZONING COMMISSIONER

Dear Mr. Bostwick:

Please accept this letter as a Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law, and Order dated September 22, 2009 in the above case.

Petitioners' description of the zoning history at 6411 Liberty Road, as recited in the present opinion, appears to be incomplete. As stated on page 3, Zoning Commissioner Lawrence Schmidt did approve the Agboh's petition for special exception and variances for a Class B Group Child Care Center on March 1, 1995. Case No. 95-248-XA. However, there is no mention of the fact that our office appealed the decision to the County Board of Appeals, and that petitioners subsequently withdrew the petitions. This is shown in the enclosed documents, including attorney John Gontrum's January 2, 1997 letter of withdrawal and the CBA's January 21, 1997 Order of Dismissal.

So, the initial 1995 Zoning Commissioner approval of a Class B Group Child Care Center culminated in the 1997 withdrawal and dismissal of the petitions at the CBA. This negated and rendered void the Zoning Commissioner approval. Indeed, if there were a valid final approval of a Class B group child care center, there would be no need for the present petition to approve the lesser Class A group child care center.

The current request is to alter the 1986 Order allowing Frances Feagin to be the resident operator of a Class A group child care center. BCZR § 424.4.A permits a group child care center, Class A, as an accessory use in a single-family detached dwelling. The petition here lists the Agboh's address as 116 Nob Hill Park Drive in Reisterstown. The enclosed SDAT data is in accord. This suggests and indicates that the Agboh's petition does not qualify because it does not appear they would be resident operators. Therefore, the change is not merely of ownership but also of use.

October 14, 2009

Page 2

Furthermore, in 1990, Bill 200-90 added the bulk limitations of BCZR § 424.7, including a minimum lot size requirement of one acre, and various setback and other requirements. These bulk requirements apply to all group child care centers in D.R. Zones, Class A and Class B. As reflected in the 1995 petitions, there are numerous variances required to BCZR § 424.7 on this .24 acre lot.

Bill 200-90 also added residential transition area restrictions for Class A and Class B group child care centers in D.R. Zones. BCZR § 1B01.1.B.1.c.10.A, recodified without change as BCZR § 1B01.1.B.1.g.11. These bring into play special exception and bulk standards. They applied to the Agbohs' 1995 Class B petitions for special exception and variances, which were dismissed. They would still apply to the present petition.

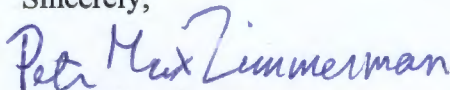
As stated on page 3 of the present opinion, and included as an exhibit, Zoning Commissioner Schmidt did grant to petitioners a use permit for a Class A group child care center on August 2, 1994. But the Order approving this permit does not discuss the 1986 opinion, the residential requirement, or the bulk and RTA standards. As noted above, BCZR § 424 requires operators of a Class A center to continue to reside in the single-family detached dwelling and requires compliance with bulk and RTA standards.

Under these circumstances, it does not appear that the history and the circumstances justify approval of Petitioners' request for a special hearing determination to allow the Group Child Care Center, Class A. The use does not appear presently to be accessory to a single-family dwelling use, and the property does not meet the bulk and RTA standards.

In light of the incompleteness and concerns about zoning history at 6411 Liberty Road, it would also be helpful to ask Petitioners to describe the zoning history and status under BCZR § 424 of the center at 9019 Liberty Road. The opinion describes it on page 2 as part of Ms. Agboh's operation and supportive of the present petition. The SDAT data indicates that Randallstown Child Daycare Center Property Development, Inc. acquired this property in 2007 from the Trustees of Presbytery. The address listed for this daycare corporation is 116 Nob Hill Park Drive, the same address listed for the Agbohs.

For all these reasons, it appears that reconsideration is warranted, and that the petition should be denied, in the absence of reasons presented to the contrary. We would be interested in reviewing any response by Petitioners to the aforementioned concerns.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Dennis K. and Elizabeth Agboh
Carl Richards, Zoning Supervisor



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 8, 2009

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, MD 21136

Re: In the Matter of: Myron and Judith Almony
Case No.: 09-118-SPH

Dear Mr. Hammond:

I am writing in response to your Request for Postponement, which you hand delivered to this office on October 6, 2009 requesting a postponement of the subject matter scheduled for October 21, 2009.

Your request for postponement is herewith denied, and the Board will convene as scheduled on October 21, 2009 at 10:00 a.m. to begin hearing this case. This case was previously postponed and rescheduled for hearing. The notice for the October 21, 2009 was issued on July 2, 2009, allowing sufficient time for all parties to prepare for the hearing and ample time for the Petitioners' witnesses to make preparations and/or arrangements for travel. Any issues you may have regarding this matter will be addressed by the Board when it convenes for hearing on October 21, 2009.

In light of the above, the hearing will proceed as scheduled on October 21, 2009 at 10:00 a.m.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc

c: People's Counsel for Baltimore County
Myron and Judith Almony

9/22/09

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW corner of Liberty Road and		
Forest Hill Road	*	DEPUTY ZONING
2 nd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(6411 Liberty Road)		
	*	FOR BALTIMORE COUNTY
Dennis K. and Elizabeth J. Agboh		
<i>Petitioners</i>	*	CASE NO. 2010-0004-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal property owners, Dennis K. and Elizabeth J. Agboh. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the removal of restriction #1 in Case No. 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center. 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 relief was Petitioner Elizabeth Agboh. There were no Protestants or other interested person in attendance.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 10,510 square feet or 0.241 acre, more or less, zoned D.R.5.5. The property is located at the southwest corner of Liberty Road and Forest Hill Road, approximately 1½ to 2 miles east of the Interstate 695 Beltway, in the Lochearn area of Baltimore County. A copy of the zoning map showing the location of the property was marked and accepted into evidence as Petitioner's Exhibit 2. The property is improved with an existing

9-22-09

2½-story framed dwelling that is used as a daycare center, with a drop off/pick up area and handicapped parking space to the rear of the property, along with a one-story framed garage also to the rear of the property.

Petitioner Elizabeth Agboh has been in the daycare business sine 1991. She attended college at Southern University in Baton Rouge, LA and received a degree in accounting in 1982. From there, she moved with her husband to Alabama and then to Maryland when her husband was hired as a professor at Morgan State University in 1988. Petitioner worked as an accounting clerk and also worked for Katz Insurance. By 1991, Petitioner had several small children of her own and decided to open a childcare center. She enrolled in classes at the Community College of Baltimore County in order to qualify for the designation of "Director" of a childcare center. Since then, she has been operating the "Randallstown Child Daycare Center" located at 9019 Liberty Road in Randallstown as a Class B Group Childcare Center. She began with about 20 children, progressed to 40, and now has 63 children at the 9019 Liberty Road location.

Because of the expansion of her business, Petitioner began looking for other locations for a childcare center. She testified that in 1994, she became aware that the subject property was for sale and thought the property would be an ideal location for an additional childcare center. She also indicated that when she purchased the property at auction in 1994, she was not aware the property had a prior zoning hearing in 1986 in which a special hearing to approve a Class A Childcare Center was granted in Case No. 86-493-SPH. A copy of that prior zoning case was marked and accepted into evidence as Petitioner's Exhibit 3. The property owners at that time were Charles and Frances Feagin. In granting the requested special hearing, then-Deputy Zoning Commissioner Jean M.H. Jung imposed restriction #1 which stated that "[a] Group Child Care Center, Class "A" may be operated on the site only so long as Frances Feagin is the resident

operator of the center.” It is this restriction that is the subject of the instant request for special hearing.

By way of further background, according to Petitioner -- not being aware of the prior zoning hearing or the restriction imposed on the property -- she requested in 1994 a Use Permit for a Class A Childcare Center on the subject property. In an Order dated August 2, 1994 in Case No. CACC-94-2, a copy of which was marked and accepted into evidence as Petitioner's Exhibit 4, then-Zoning Commissioner Lawrence E. Schmidt granted the Use Permit. Thereafter in 1995, Mr. and Mrs. Agboh filed a Petition for Special Exception in order to permit the use of the subject property as a Class B Group Childcare Center for up to 39 children in a D.R.5.5 Zone. Several related variances were also requested. In his Order dated March 1, 1995 in Case No. 95-248-XA, then-Zoning Commissioner Lawrence E. Schmidt thoroughly described the use of the property at that time, the nature and scope of Petitioner's daycare operation, and the significant efforts and expenditures made to renovate and upgrade the interior and exterior building; he also considered the applicable special exception criteria set forth in Section 502.1 of the B.C.Z.R., as well as the applicable standard for variances, and granted Petitioners' relief. A copy of the Order was marked and accepted into evidence as Petitioner's Exhibit 5.

It is apparent from reviewing the 1994 Order for the Use Permit and the 1995 Order for the Special Exception and Variance that the prior 1986 Order and restriction #1 was not known to Petitioners nor the Zoning Commissioner. Those Orders make no mention of the 1986 case or restriction #1. Having become aware of the 1986 Order and the restriction that was imposed in that case, Petitioner now desires to “clean up” the discrepancy and legitimize the existing use of

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9-22-09

the property. Hence, Petitioner requests special hearing relief to have restriction #1 removed so as to continue her use of the property for a Group Childcare Center.¹

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments generally indicate no opposition or other recommendations concerning the requested relief.

Based on the testimony and evidence, I am persuaded to grant the special hearing relief and approve the removal of restriction #1 in Case No. 86-493-SPH. Petitioner purchased the subject property in 1994 and testified that she was not aware of the prior 1986 case or restriction #1 that limited the daycare operation on that property so long as Frances Feagin was the resident operator. It appears based on a review of the SDAT Real Property Data Search printout that the property has changed hands several times since 1986, culminating in Petitioner's purchase of the property in 1994. Since that time, Petitioner has taken a parallel path and operated a Class A Group Childcare Center on the property, has gone through the necessary step of obtaining a Use Permit, and even obtained permission to expand that use to a Class B Group Childcare Center in 1995. In my view, the current use of the property has had no past or present detrimental impacts on the health, safety, or general welfare of the community; on the contrary, it appears that Petitioner's operation has served to fill a significant need in the local community for close and reliable daycare.

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 request for special hearing should be granted.

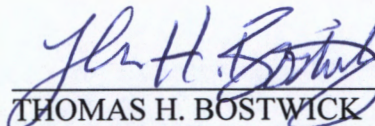
¹ Although Petitioner was granted a special exception in 1995 for a Class B Group Childcare Center for up to 39 children in a D.R.5.5 Zone, Petitioner indicated that the subject property has not at any time expanded beyond the 12 children permitted for a Class A Group Childcare Center. In order to expand that use to a Class B, due to the passage of time, it is likely that Petitioner would need to again file for a special exception, though that issue is not before the undersigned.

NOTED FOR FILE

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of September, 2009, that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for the removal of the restriction #1 in Case No. 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center be and is hereby GRANTED, subject to the following conditions:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

NOT RECORDED FOR FILE
9.22.09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 22, 2009

DENNIS K. AND ELIZABETH J. AGBOH
116 NOB HILL PARK DRIVE
REISTERSTOWN MD 21136

Re: Petition for Special Hearing
Case No. 2010-0004-SPH
Property: 6411 Liberty Road

Dear Mr. and Mrs. Agboh:

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

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

Very truly yours,

Handwritten signature of Thomas H. Bostwick in cursive script.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6411 Liberty Road, Baltimore, Maryland 21207

which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

The removal of the restriction #1 in case # 86-493-SPH that states that a class A Group childcare center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Dennis K. Agboh

Name - Type or Print

Signature

Elizabeth J. Agboh

Name - Type or Print

Signature

116 Nob Hill Park Drive 410-833-3027/443-474-0637

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

Dennis K. Agboh

Name

116 Nob Hill Park Drive

410-833-3027/443-885-4557

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2010-0004-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

JE

Date

7/6/09

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9.22.09

MANK & KUNST
408 YORK ROAD
TOWSON, MARYLAND 21204
296-8294

ZONING DESCRIPTION FOR 6411 Liberty Road, Baltimore, MD 21207

Maryland, thus described: Beginning for the same at the point formed by the intersection of the Northwest side of Forest Hill Avenue, 30 feet wide, and the southwest side of Liberty Road as widened 5 feet on the southwest side thereof from the former width of 80 feet and running thence binding on the northwest side of said Forest Hill Avenue ~~RECORD~~ (1) South 52 degrees 21' west 160.36 feet; thence for new lines of division through Lots 9 and 10 as shown on the "Plat of Property of Luther C. Smith", which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 194, the two following courses and distances, namely; (2) North 37 degrees 40' west 68 feet and (3) North 51 degrees 05' East 140.07 feet to intersect the aforesaid southwest side of Liberty Road and thence binding on the southwest side of said Liberty Road (4) South 57 degrees 22' East 75 feet 5- $\frac{1}{4}$ " to the place of beginning. The improvements thereon being known as No. 6411 Liberty Road.

BEING THE SAME parcel of ground which by a Deed dated May 15, 1990 and recorded among the Land Records of Baltimore County at Liber No. 8512, folio 590, was granted and conveyed by Jack Kemp, Secretary of Housing and Urban Development of Washington, D.C., acting by and through the Federal Housing Commissioner unto William M. Smith. The said William H. Smith having defaulted on a certain Purchase Money Deed of Trust dated May 15, 1990, said Mortgage having been foreclosed in Case No. 75/374/94 CV 2290 in the Circuit Court for Baltimore County.

RECEIVED FOR TRANSFER



**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: 2010 - 0004 - JPH

Petitioner: DENNIS AND ELIZABETH AGBOH

Address or Location: 6411 LIBERTY RD, BALTIMORE, MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: DENNIS K. AGBOH

Address: 116 NOB HILL PARK DR.

REGISTERSTOWN, MD 21136

Telephone Number: 410-833-3027

Revised 7/11/05 - SCJ

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

No. **39288**

Date: **July 6, 2009**

PAID RECEIPT

REQUESTED ACTUAL TIME TAKEN

7/06/2009 7/06/2009 07:13:03

REQ NO. 0601 MAILING JRIC INV

RECEIPT # 422651 7/06/2009

DEPT

Dept 5 320 TOWNSHIP VERIFICATION

REQ NO. 039288

Receipt Tot \$65.00

\$65.00 OK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	PO6	0000		0150				65.00

Total: **65.00**

Rec From: **Dennis Agboh**

For: **Payment for Special Hearing**
6411 Liberty Rd.
2010 - 0004 - SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: # 2010-0004-SPH
6411 Liberty Road
S/West corner of Liberty Road and Forest Hill Road
2nd Election District
2nd Councilmanic District
Legal Owner(s): Dennis & Elizabeth Agboh
Special Hearing: for the removal of the restriction #1 in case 86-493-SPH that states class A group childcare center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.
Hearing: Thursday, September 10, 2009 at 9:00 a.m. in Room 106, County Office Building, 111 W. 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) 887-4386.

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

JT 8/865 Aug 25 209152

CERTIFICATE OF PUBLICATION

8/27/2009

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 8/25/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

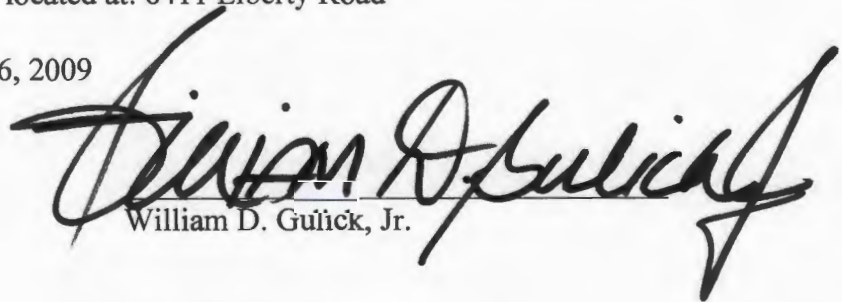
Date: Aug. 27, 2009

Attention: Ms. Kristen Matthews

Re: Case Number: 2010-0004-SPH
Petitioner/Developer: Dennis & Elizabeth Agboh
Date of Hearing/Closing: Sept. 10, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 6411 Liberty Road

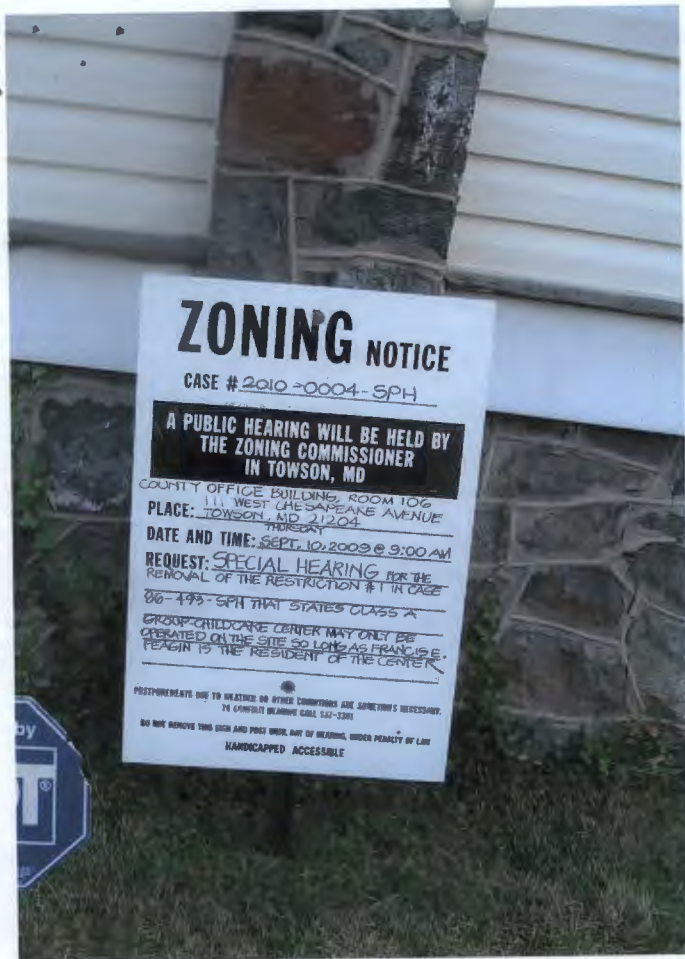
The sign (s) were posted on: Aug. 26, 2009



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

LETTER OF TRANSMITTAL

TO: Balto. County, PDM
Zoning Office

ATTENTION: Ms. Kristen Matthews

DATE: Aug. 27, 2009
JOB NO.: 2009-028
RE: Case No.: 2010-0004-SPH
6411 Liberty Road

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other ☐

No. of Copies	Date	Description
1	Aug. 26, 2009	Certificate Of Posting
2	Aug. 26, 2009	Site Photos

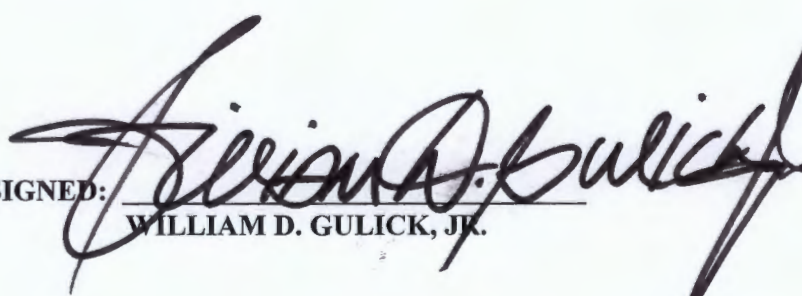
TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & comment

☐ Other ☐

REMARKS:

SIGNED:


WILLIAM D. GULICK, JR.

cc: Elizabeth Agboh



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 25, 2009 Issue - Jeffersonian

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

410-833-3027

NOTICE OF ZONING HEARING

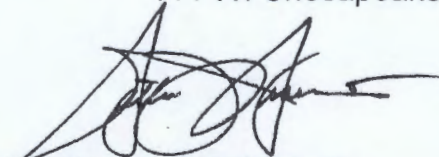
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0004-SPH

6411 Liberty Road
S/west corner of Liberty Road and Forest Hill Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Special Hearing for the removal of the restriction #1 in case 86-493-SPH that states class A group childcare center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.

Hearing: Thursday, September 10, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
August 5, 2009
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: 2010-0004-SPH

6411 Liberty Road
S/west corner of Liberty Road and Forest Hill Road
2nd Election District – 2nd Councilmanic District
Legal Owners: Dennis & Elizabeth Agboh

Special Hearing for the removal of the restriction #1 in case 86-493-SPH that states class A group childcare center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.

Hearing: Thursday, September 10, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Agboh, 116 Nob Hill Park Drive, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 26, 2009**
- (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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

PP

September 17, 2010

NOTICE OF ASSIGNMENT

CASE #: 10-004-SPH

**IN THE MATTER OF: Dennis and Elizabeth Agboh
Legal Owners /Petitioners**

6411 Liberty Road / 2nd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve the removal of the restriction #1 in Case No.: 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Frances E. Feagin is the resident operator of the center.

9/22/09 Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner GRANTING requested relief.

ASSIGNED FOR: THURSDAY, NOVEMBER 4, 2010, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Appellant

: Peter Max Zimmerman
People's Counsel for Baltimore County

Petitioner/Legal Owner

: Dennis and Elizabeth Agboh

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

> Thank You for Choosing Continental Airlines

Thank You for Choosing Continental Airlines

Continental Confirmation Number: ADPKEL

Las Vegas, NV (LAS) to Baltimore, MD (BWI)**Depart:**

1:00 a.m.

**Wed., Oct. 20,
2010**

Las Vegas, NV (LAS)

Arrive:

5:43 a.m.

**Wed., Oct. 20,
2010**Houston, TX (IAH -
Intercontinental)**OnePass**

Miles/Elite

Qualification:

1,222 /100%

Flight: CO 1248

Aircraft: **Boeing 737-800**Fare Class: **Economy (T)**

Flight Time: 2 hr 43 mn

Meal: G

No Special Meal Offered.

Price

1 Adults \$248.00

(age 18 to
64)

Additional \$39.80

Total Price \$287.80**Check Flight Status****Change Planes.** Connect time in Houston, TX (IAH - Intercontinental) is 1 hr 37 mn.**Depart:**

7:20 a.m.

**Wed., Oct. 20,
2010**Houston, TX (IAH -
Intercontinental)**Arrive:**

11:19 a.m.

**Wed., Oct. 20,
2010**

Baltimore, MD (BWI)

OnePass

Miles/Elite

Qualification:

1,235 /100%Total

Miles:

2,457

Flight: CO 624

Aircraft: **Boeing 737-800**Fare Class: **Economy (T)**

Flight Time: 2 hr 59 mn

Travel Time: 7 hr 19 mn

Meal: G

No Special Meal Offered.

Payment Information

Card Type: Visa

OnePass Members:Upon completion of this
itinerary, you will earn up
to **2,457 OnePass
miles.*****Check Flight Status****Passengers****DENNIS AGBOH**

Seat

LAS - IAH: 36F

Assignments:

IAH - BWI: 12F



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

October 25, 2010

NOTICE OF POSTPONEMENT

CASE #: 10-004-SPH

**IN THE MATTER OF: Dennis and Elizabeth Agboh
Legal Owners /Petitioners**

6411 Liberty Road / 2nd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve the removal of the restriction #1 in Case No.: 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Frances E. Feagin is the resident operator of the center.

9/22/09 Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner GRANTING requested relief.

This matter was assigned for Thursday, November 4, 2010 and has been postponed. The matter will be re-assigned. Upon the date being established a Notice of Re-Assignment will be sent to all parties.

TO BE RE-ASSIGNED.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Appellant

: Peter Max Zimmerman
People's Counsel for Baltimore County

Petitioner/Legal Owner

: Dennis and Elizabeth Agboh

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

January 25, 2011

NOTICE OF RE-ASSIGNMENT

CASE #: 10-004-SPH

IN THE MATTER OF: **Dennis and Elizabeth Agboh**
Legal Owners /Petitioners
6411 Liberty Road / 2nd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve the removal of the restriction #1 in Case No.: 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Frances E. Feagin is the resident operator of the center.

9/22/09 Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner GRANTING requested relief.

This matter was scheduled to be heard on November 4, 2010 and was postponed. The hearing as been re-assigned to a date and time agreed to by Counsel. Matter re-assigned as follows:

RE-ASSIGNED FOR: THURSDAY, FEBRUARY 17, 2011, AT 9:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Appellant

: Peter Max Zimmerman
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Francis X. Borgerding, Jr., Esquire
: Dennis and Elizabeth Agboh

Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Deputy Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

***Kimberly Walters, Lessee
d.b.a Enigma Learning
(***information only / Appellant in 10-314-SPHXA)



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 17, 2011

NOTICE OF DELIBERATION

CASE #: 10-004-SPH

IN THE MATTER OF: Dennis and Elizabeth Agboh

Legal Owners /Petitioners

6411 Liberty Road / 2nd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve the removal of the restriction #1 in Case No.: 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Frances E. Feagin is the resident operator of the center.

9/22/09 Findings of Fact and Conclusions of Law issued by Deputy Zoning Commissioner GRANTING requested relief.

Having concluded this matter on February 17, 2011, a public deliberation has been scheduled for the following:

DATE AND TIME : TUESDAY, MARCH 8, 2011 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Appellant

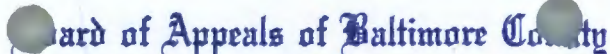
: Peter Max Zimmerman
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Francis X. Borgerding, Jr., Esquire
: Dennis and Elizabeth Agboh

Lawrence M. Stahl, Managing Administrative Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Deputy Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

***Kimberly Walters, Lessee
d.b.a Enigma Learning
(***information only / Appellant in 10-314-SPHXA)



***Kimberly Walters, Lessee
d.b.a Enigma Learning
(***information only / Appellant in 10-314-SPHXA)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 4, 2009

Dennis & Elizabeth Agboh
116 Nob Hill Park Dr.
Reisterstown, MD 21136

Dear: Dennis & Elizabeth Agboh

RE: Case Number 2010-0004-SPH, 6411 Liberty Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 2009. 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

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

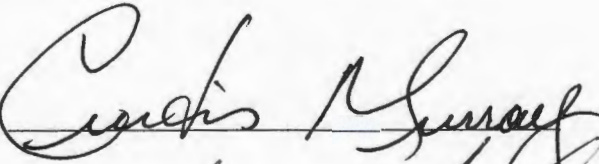
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-004- Special Hearing**

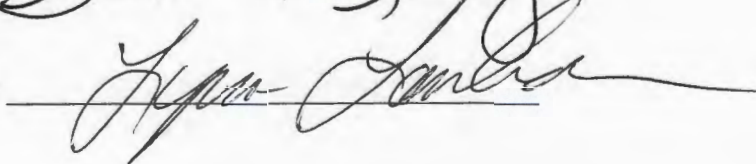
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 27, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item Nos. 2010-001, 003, 004, 005, 006,
007, 008, 009, 010, 011, 013, 016, 017,
018 and 019

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:кта
cc: File
ZAC-072709-NO COMMENTS



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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005,0007,0008,0009,0010,0013,0014,0016,0017,0019

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



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

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 21, 2009

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

RE: Baltimore County
Item No. 2010-0004-SPH
MD 26
6411 LIBERTY RD
AGBOH PROPERTY
SPECIAL HEARING -

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. 2010-0004-SPH.

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,

A handwritten signature in black ink that reads "Michael Bailey".

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

RECEIVED

JAN - 7 2011

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:
Dennis and Elizabeth Agboh
Legal Owners/Petitioners
6411 Liberty Road/2nd Election
District; 2nd Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY

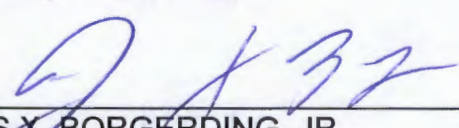
RE: Petition for Special Hearing to
approve the removal of the restriction
#1 in Case No.: 86-493-SPH that
states a Class A Group Childcare
Center may only be operated on the
site so long as Frances E. Feagin is the
resident operator of the center

* Case No.: 10-004-SPH
*
*
*
*

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of undersigned counsel on behalf of the Petitioners,
Dennis and Elizabeth Agboh, regarding the above-captioned matter.

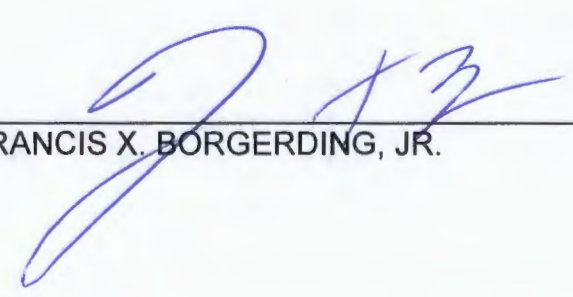


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONERS

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 6th day of January, 2010, a
copy of the foregoing was mailed, postage prepaid, to:

Peter Max Zimmerman, Esquire
Baltimore County
Room 204



FRANCIS X. BORGERDING, JR.

T-
Address List &
Case History
have been updated
S.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6411 Liberty Road; SW corner of Liberty *
Road & Forest Hill Road * ZONING COMMISSIONER
2nd Election & 2nd Councilmanic Districts *
Legal Owner(s): Dennis & Elizabeth Agboh * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2010-004-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

JUL 28 2009

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Dennis K. Agboh, 116 Nob Hill Park Drive, Restierstown, Maryland 21136, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Dennis and Elizabeth Agboh

10-004-APH

DATE: March 8, 2011

BOARD/PANEL: Lawrence Wescott, Chairman
Edward Crizer, Jr.
Andrew Belt

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to approve the removal of restriction #1 in Case No.: 86-493-SPH that states that a Class A Group Childcare Center may only be operated on the site so long as Frances E. Feagin is the resident operator of the center.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

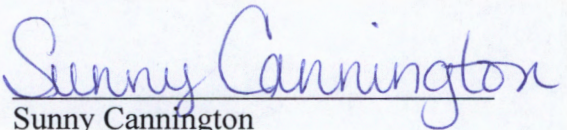
- The Board reviewed the matter at hand as presented. The Petitioners have asked to remove the name of the previous owner in the restriction of the previous case. The property has been used as a Class A Group Childcare Center and the Petitioners intend to continue to use the property as a Class A Group Childcare Center.
- The Board determined that the community concerns and issues were taken care of in the previous matter.
- The Board determined that they will issue an Order which removes the name of Ms. Feagin, the previous owner, but they will substitute the restriction that the operator of the Childcare Center must reside on the premises. The Board determined the word "reside" in this instance means that the operator of the Childcare Center must use the subject property as their permanent mailing address and legal domicile.
- The Board discussed that the owner of the property is not required to be the resident and operator of the Childcare Center.

DECISION BY BOARD MEMBERS: The Board will Grant the Petition for Special Hearing with restrictions.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Special Hearing with restrictions.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Dennis and Elizabeth Agboh

10-004-SPH

DATE: June 22, 2011

BOARD/PANEL: Lawrence S. Wescott, Chairman
Andrew M. Belt
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Motion for Reconsideration, Clarification and Correction filed by the Office of People's Counsel.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

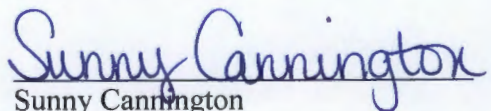
- The Board discussed that the Motion for Reconsideration as filed by the Office of People's Counsel was filed because the Board did not include language in the Opinion regarding the previous case having been appealed and subsequently withdrawn which People's Counsel felt was necessary for future reference.
- The Board discussed that there is a related case which was filed by the present operator of the child care center and the final Opinion has not yet been issued by this Board. The Board determined that because the cases are related and one Opinion is pending, they will include the necessary language in the related case.

DECISION BY BOARD MEMBERS: The Board decided to Deny People's Counsel's Motion for Reconsideration and will address the necessary wording in the related, pending Opinion.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Motion for Reconsideration, Clarification and Correction filed by the Office of People's Counsel.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

CASE NAME _____
CASE NUMBER 2010-6004-SPH
DATE 9-10-09

[illegible]

P.C. 3/1/95

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE *
Cor. SW/S Liberty Road, NW/S of * ZONING COMMISSIONER
Forest Hill Avenue *
6411 Liberty Road * OF BALTIMORE COUNTY
2nd Election District *
2nd Councilmanic District * Case No. 95-248-XA
Dennis K. Agboh, et ux *
Petitioners *
* * * * *



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 6411 Liberty Road in the Lochearn section of Baltimore County. The Petition is filed by Dennis K. Agboh and Elizabeth J. Agboh, property owners. Special Exception relief is requested so as to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone. Numerous variances are requested. They are:

From Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50-ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area;

From Section 409.8.A.1. and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street.

From Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line;



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 29, 1995

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
6411 Liberty Road, corner SW/S Liberty
Road, NW/S Forest Hill Avenue, 2nd
Election District, 2nd Councilmanic
DENNIS & ELIZABETH AGBOH, Petitioners
Case No. 95-248-XA

Dear Mr. Jablon:

Please enter an appeal of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY to the County Board of Appeals from the order dated March 1, 1995 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

A handwritten signature in cursive script, reading "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script, reading "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: John Trueschler, Esquire

RECEIVED

MAR 29 1995

ZADM

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

TOWSON OFFICE:
307 W. ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 825-0711

JILL D. LOPER

* Also Admitted In the District of Columbia

January 2, 1997

Board of Appeals
400 Washington Ave., Room 49
Towson, Md 21204

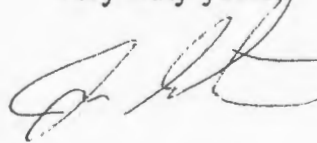
Re: Dennis A. Agboh
Case No.: 95-248-XA

Dear Mr. Chairman:

I am requesting a withdrawal of the special exception and variances from the above referenced case. It is my understanding that if a new special exception or variance is filed, it must be started from the beginning step.

If there are any questions please do not hesitate to contact me.

Very truly yours,



John B. Gontrum

jaj

cc: People's Counsel
Mr. and Mrs. Agboh

IN THE MATTER OF
THE APPLICATION OF
DENNIS K. AGBOH, ET UX
FOR SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE CORNER SOUTHWEST SIDE
LIBERTY ROAD, NORTHWEST/SIDE
OF FOREST HILL AVENUE
(6411 LIBERTY ROAD)
2ND ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 95-248-XA
*

* * * * *

ORDER OF DISMISSAL

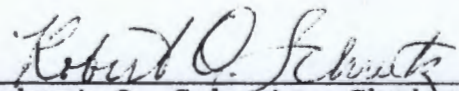
This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated March 1, 1995 in which the Petition for Special Exception and Petition for Variances were GRANTED with restrictions.

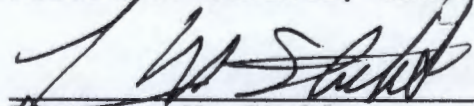
WHEREAS, the Board is in receipt of a letter of withdrawal of special exception and variances filed by John B. Gontrum, Esquire, on behalf of Dennis G. Agboh, Petitioner, filed January 6, 1997 (a copy of which is attached hereto and made a part hereof); and

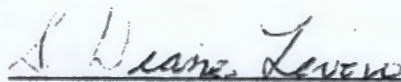
WHEREAS, said Counsel for Petitioner requests that the Petition for Special Exception and Petition for Variances filed in this matter be withdrawn and dismissed as of January 6, 1997, pursuant to attached letter of withdrawal;

IT IS HEREBY ORDERED this 21st day of January, 1997 by the County Board of Appeals of Baltimore County that said Petitions for Special Exception and Variances be and the same are hereby WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Lawrence M. Stahl


S. Diane Levero

86-493-SPH

2010-004

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 10-107 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Zoning Hearing Commission should approve. Case No. 86-493-SPH

Section 424.1, A.R. 3, B.C. 2.2

Property is to be placed and advertised as "unclassified by Zoning Regulations."

I or we, agree to pay expenses of the above Special Hearing advertising, printing, etc. and to pay the cost of this Petition, and further agree to and we to be bound by the zoning regulations and laws of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly swear and affirm that the facts stated in this Petition are true and correct under the penalty of perjury. But I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
 Office or Print Address: Charles E. Feagin
 Signature: Charles E. Feagin
 Address: Francis E. Feagin
 City and State: Baltimore, Md.
 Attorney for Petitioner: W.H. Liberty, Jr.
 Office or Print Address: Room 122, Court House
 Signature: Bolton
 Address: Room 122, Court House
 City and State: Baltimore, Md.
 Attorney's Telephone No.: 212-07

ORDERED BY THE Zoning Commissioner of Baltimore County, this 10th day of April, 1986, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, by two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 10th day of May, 1986, at 11:00 a.m.

Charles E. Feagin
 Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Directed to: Charles E. Feagin Date of Posting: May 6, 1986
 Posted by: Charles E. Feagin
 Publication: Charles E. Feagin
 Location of property: 1/4 corner of Liberty and Forest Hill Ave.
1/4 N. Liberty Rd.
 Location of Sign: SW corner of Liberty and Forest Hill Ave.
 Signature: Charles E. Feagin
 Date of return: 5-10-86
 Number of Signs: 1

April 10, 1986

To Whom It May Concern,

Beginning at a point on the southeast corner of Liberty Road (80 foot wide) and Forest Hill Avenue (30 foot wide) and running thence along the southeast side of Liberty Road south 77 degrees and 12 East East, 75 feet 50 inches thence leaving said right of way and running south 71 degrees 05 East East, 165 feet 41 inches, thence North 77 degrees 40 East East, 60 feet to the northwest side of Forest Hill Avenue, thence along the right of way North 75 degrees 20 East East, 165 feet 8 inches to the point of beginning.

Known as 6411 Liberty Road in the 2nd Election District.

PETITION FOR SPECIAL HEARING

2nd Election District
 Case No. 86-493-SPH

LOCATION: Southwest Corner of Liberty Road and Forest Hill Avenue (6411 Liberty Road)
 DATE AND TIME: Tuesday, June 3, 1986, at 11:00 a.m.
 PUBLIC HEARING: Room 104, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve a Class A child care center

Being the property of Charles E. Feagin et al as shown on plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be retained in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 JEROME JAMES
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

LEGAL NOTICE

NOTICE: All persons who are interested in the above described property should appear at the public hearing on the date and at the place specified herein to present their views and objections to the proposed action of the Zoning Commission.

CERTIFICATE OF PUBLICATION 70999

Pineville, Md., May 24, 1986

I CERTIFY, that the annexed advertisement issued in the PINEVILLE STAR, a weekly publication in Pineville, Baltimore County, Maryland before the 24th day of May, 1986, publication appearing on the 24th day of May, 1986, the second publication appearing on the 31st day of May, 1986, the third publication appearing on the 7th day of June, 1986.

THE CERTIFIED STAR

John H. Kelley
 Cost of Advertisement: \$20.00

BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 864-3333

ANNEXED JUDICIAL
 ZONING COMMISSIONER

HEAR IN H. LIND
 JUDICIAL JAMES COMMISSIONER

May 10, 1986

Mr. Charles E. Feagin
 Mrs. Frances E. Feagin
 6411 Liberty Road
 Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
 Subject: 1/4 corner of Liberty Rd. and Forest Hill Ave.
 (6411 Liberty Rd.)
 2nd Election District
 Charles E. Feagin, et al - Petitioners
 Case No. 86-493-SPH

Dear Mr. and Mrs. Feagin:

This is to advise you that \$20.00 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE ADVERTISING AND POSTING RECEIVED ON THE DAY OF THE HEARING ON THE ORDER SHALL BE REQUIRED.

No fee return sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF PLANNING & ZONING
 MISCELLANEOUS CASH RECEIPT

No. 002759

County, Maryland, and receipt
 of, Towson, Maryland

RE: PETITION FOR SPECIAL HEARING
 Subject: 1/4 corner of Liberty Rd. and Forest Hill Ave.
 (6411 Liberty Rd.)
 2nd Election District
 Charles E. Feagin, et al - Petitioners
 Case No. 86-493-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the postage of any preliminary or final order.

Charles E. Feagin
 People's Counsel for Baltimore County

John H. Kelley
 Peter H. James
 People's Counsel for Baltimore County
 Room 122, Court House
 Towson, Maryland 21204
 410-2188

I HEREBY CERTIFY that on this 8th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Charles E. Feagin, 6411 Liberty Rd., Baltimore, Md. 21207, Petitioners.

John H. Kelley
 Peter H. James

Mr. Charles E. Feagin
 Mrs. Frances E. Feagin
 6411 Liberty Road
 Baltimore, Maryland 21207

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
 Subject: 1/4 corner of Liberty Rd. and Forest Hill Ave.
 (6411 Liberty Rd.)
 2nd Election District
 Charles E. Feagin, et al - Petitioners
 Case No. 86-493-SPH

TIME: 11:00 a.m.

DATE: Tuesday, June 3, 1986

PLACE: Room 104, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
 OFFICE OF PLANNING & ZONING
 MISCELLANEOUS CASH RECEIPT

No. 003850



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 04 Account Number - 2300011966

Owner Information

Owner Name:	AGBOH DENNIS AGBOH ELIZABETH	Use:	RESIDENTIAL
Mailing Address:	116 NOB HILL PARK DR REISTERSTOWN MD 21136-4609	Principal Residence:	YES
		Deed Reference:	1) /17111/ 710 2)

Location & Structure Information

Premises Address	Legal Description
116 NOB HILL PARK DR	7.3050 AC 116 NOB HILL PARK DR WSR WOODRIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
39	20	164					17	1	Plat Ref: 73/ 143

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2004	5,166 SF	7.31 AC	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2009	07/01/2010
Land	242,480	242,480		
Improvements:	636,790	636,790		
Total:	879,270	879,270	879,270	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: WEISS HERBERT E	Date: 11/19/2002	Price: \$180,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /17111/ 710	Deed2:
Seller: WOODLEAF INC	Date: 04/10/2002	Price: \$146,500
Type: UNIMPROVED ARMS-LENGTH	Deed1: /16298/ 575	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

SECTION 424

Family Child-Care Homes, Group Child-Care Centers and Nursery Schools
[Bill Nos. 47-1985; 66-1985; 200-1990]

Family child-care homes, group child-care centers and nursery schools are permitted in all zones in accordance with this section. If a conflict arises between this section and other specific provisions of these Zoning Regulations, this section shall govern.

§ 424.1. General.

Family child-care homes, group child-care centers and nursery schools shall meet the following requirements:

- A. Any such use shall be registered, licensed or certified as required by the applicable state or local agency.
- B. In addition, with respect to group child-care centers and nursery schools, outdoor play space abutting residential property shall be fenced. Fences shall be solid wood stockade or panel, a minimum height of five feet, and no closer to the property line than 20 feet.
- C. On or after April 15, 1985, no family child-care home, group child-care center or nursery school shall be permitted adjoining a residentially used property or dwelling unit in a D.R. or R.C. Zone that has an existing family child-care home or group child-care center or nursery school adjoining such residentially used property or dwelling unit.

§ 424.2. Group child-care centers and nursery schools.

Group child-care centers and nursery schools are permitted by right within the following uses whether such use is permitted by right or by special exception, and in D.R. Zones, group child-care centers and nursery schools permitted by this section are not required to meet the provisions of Section 1B01.1.B.1.e (restrictions in residential transition areas):

- A. Churches.
- B. Community buildings.
- C. Hospitals.
- D. School buildings, public or private.
- E. Housing for the elderly.
- F. Office buildings, except in R-O Zones where group day care centers in office buildings shall require a special exception.

more lanes for moving traffic; is designed or intended for traffic speeds of at least 60 miles per hour; has no access to abutting private property; has no grade intersections with other motorways; and has been designated as a freeway by the Planning Board. [Bill No. 40-1967]

FUEL SERVICE STATION — A structure or land used or intended to be used for the retail sale of automotive fuel, but not a truck stop. For the purpose of these regulations, any establishment which sells auto fuel retail shall be considered a fuel service station, unless it is classified as a truck stop or trucking facility. [Bill Nos. 40-1967; 18-1976; 172-1993]

FUEL SERVICING SPACE — On a fuel service station site, any one of the maximum number of spaces on which cars may be situated simultaneously while being fueled. [Bill Nos. 40-1967; 172-1993]

GARAGE, COMMUNITY — A structure or series of structures for the storage of automobiles of residents of the neighborhood, and not used for making repairs.

GARAGE, RESIDENTIAL — An accessory building, portion of a main building or building attached thereto used for storage of private motor vehicles. [Bill No. 70-1988]

GARAGE, SERVICE — A garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale.

GARDEN CENTER — A place of business where garden related products, horticultural materials or produce are sold to the retail customer. A garden center may include a nursery or controlled environment structures. [Bill No. 41-1992]

GOLF COURSE — A tract of land laid out for at least nine holes for playing golf, and improved with tees, greens, fairways and hazards, facilities for collecting fees, storing golf equipment for rental or limited sale and storing equipment for maintenance of the golf course. Golf course includes snack stands and a restaurant with seating for no more than 50 persons. Golf course does not include catering facilities, nor any other facilities for entertainment or recreation. [Bill Nos. 73-2000; 74-2000]

GROSS LEASABLE AREA (GLA) — The total floor area of a building for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use. Gross leasable area does not include public or common areas which are not leasable to individual tenants, e.g., enclosed pedestrian concourses in shopping malls. [Bill No. 26-1988]

GROUP CHILD CARE CENTER — 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 nine children, including children of the adult provider (see Section 424). [Bill Nos. 47-1985; 7-1991]

GROUP CHILD CARE CENTER, CLASS A — A group child care center wherein group child care is provided for no more than 12 children at one time. [Bill No. 47-1985]

GROUP CHILD CARE CENTER, CLASS B — A group child care center wherein group child care is provided for more than 12 children. [Bill No. 47-1985]

Case No.: 2010-0004-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Zoning Map	
No. 3	Copy of 86 case	
No. 4	Copy of 1194 use permit	
No. 5	1995 Zoning Case	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING MAP FOR 64111 Liberty Road, Baltimore, MD 21

IN RE: PETITION SPECIAL HEARING
SW/Corner of Liberty Rd.
and Forest Hill Avenue
(6411 Liberty Road)
2nd Election District

Charles E. Feagin, et ux,

Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-493-SPH

* * * * *

The Petitioners herein request a special hearing to approve a
Class "A" child care center.

Testimony by the Petitioners indicated that the owners purchased
and moved into a large house which they considered ideal for a Class "A"
child care center. They propose the establishment of a center for no more
than 12 children, including their own children, under six years of age.
There would be no more than four employees; hours would not extend beyond
7:00 AM to 6:00 PM Monday through Friday. An extensive parking pad on
Forest Hill Avenue would enable three or four vehicles to park for drop off/
pick up of children and to turn around. No sign is planned. The owner/
operator received her education in the field from the Community College of
Baltimore.

Several neighbors and the President of Lochearn Improvement
Association spoke in protest. There is a tremendous amount of traffic on
Liberty Road. Forest Hill Avenue has no sidewalks and is very narrow.
There is not ample space to park and turn around. Deep concern was expressed
on the fragile balance in the Liberty Road area. In addition, fear was
expressed that approval of a Class "A" child care center at this location
would set a precedent for the granting of numerous special exceptions, hearings
variances, and would lead to rezoning in this area for uses other than

DATE 6/16/86

BY Betty J. Sullivan

PETITIONER'S

EXHIBIT NO. 3

(Case 86-493)

2010-0004-SPN

TB
9-10-09

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the Declaration and plat attached hereto and under a past record, hereby petition for a Special Hearing under Section 20-107 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve. Case No. 86-493-SPN

Plat No. 424-1-A3, B-C-2-R

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

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., when held at this location, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contact Person(s):
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Address for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Address for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Address for Petitioner:
(Type or Print Name)
Signature
Address
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1986, that the subject matter of the petition be advertised, as required by the Zoning Law of Baltimore County, in two consecutive general circulations throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County at Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1986, at 11:00 a.m.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Charles E. Fugle
Date of Posting: May 6, 1986

Posted for: Charles E. Fugle et al.

Location of property: 6411 Liberty Road, East Hill Ave., Baltimore, Maryland

Location of Sign: 57th Avenue of Liberty and East Hill Ave.

Signature: J. J. [Signature]

Date of return: 5-14-86

To them it may concern,

Beginning at a point on the southeast corner of Liberty Road (88 foot wide) and Forest Hill Avenue (201 foot wide) and running thence along the southeast side of Liberty Road south 97 degrees and 12 East Street, 75 feet 24 inches thence leaving said right of way and running south 26 degrees 05 East Street, 145 feet thence, thence south 97 degrees 40 East Street, 66 feet to the northeast side of Forest Hill Avenue, thence along the right of way south 75 degrees 30 East Street, 185 feet 8 inches to the point of beginning.

Known as 6411 Liberty Road in the 2nd Election District.

PETITION FOR SPECIAL HEARING
2nd Election District
Case No. 86-493-SPN

LOCATION: Southeast Corner of Liberty Road and Forest Hill Avenue (6411 Liberty Road)

DATE AND TIME: Tuesday, June 3, 1986, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Special Hearing to approve a Class A child care center

Being the property of Charles E. Fugle, et al., as shown on plat filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be retained in writing by the date of the hearing set above or made at the hearing.

IN ORDER OF
ARMED JAMES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING TO APPROVE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
OF BALTIMORE COUNTY
Charles E. Fugle, et al., Petitioners
Case No. 86-493-SPN

NOTICE OF APPEARANCE

Please enter the appearance of the People's Council in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

By: [Signature]
People's Council for Baltimore County

Peter Van Sledright
Deputy People's Council
Room 223, Court House
Towson, Maryland 21204
410-3188

I HEREBY CERTIFY that on this 8th day of May, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Charles E. Fugle, 6411 Liberty Rd., Baltimore, MD 21207, Petitioners.

By: [Signature]
Peter Van Sledright

LEGAL NOTICE

NOTICE OF APPEARANCE
In the case of Charles E. Fugle, et al., vs. The Zoning Commissioner of Baltimore County, Case No. 86-493-SPN, the undersigned, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above-captioned matter on the date and at the place specified below.

CERTIFICATE OF PUBLICATION
70095

Pikesville, C.D., May 14, 1986

I CERTIFY, that the annexed advertisement issued in the JOURNAL STAR, a weekly newspaper published in Pikesville, Baltimore, Maryland before the _____ day of _____, 1986.

publication appearing on the _____ day of _____, 1986

the second publication appearing on the _____ day of _____, 1986

the third publication appearing on the _____ day of _____, 1986

THE NORTHWEST STAR

Cost of Advertisement: \$20.00

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
Shower of Liberty Rd. and Forest Hill Ave.
(6411 Liberty Rd.)
2nd Election District
Charles E. Fugle, et al. - Petitioners
Case No. 86-493-SPN

TIME: 11:00 a.m.
DATE: Tuesday, June 3, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

BALTIMORE COUNTY
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Mr. Charles E. Fugle
Mrs. Frances E. Fugle
6411 Liberty Road
Baltimore, Maryland 21207

RE: PETITION FOR SPECIAL HEARING
Shower of Liberty Rd. and Forest Hill Ave.
(6411 Liberty Rd.)
2nd Election District
Charles E. Fugle, et al. - Petitioners
Case No. 86-493-SPN

Dear Mr. and Mrs. Fugle:

This is to advise you that \$20.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE HEARING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove signs from property from the day it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 02 **Account Number -** 0220660170

Owner Information

Owner Name:	AGBOH DENNIS K AGBOH ELIZABETH J	Use:	RESIDENTIAL
Mailing Address:	116 NOB HILL PARK DR REISTERSTOWN MD 21136-4609	Principal Residence:	NO
		Deed Reference:	1) /10589/ 696 2)

Location & Structure Information

Premises Address	Legal Description
6411 LIBERTY RD	PT LT 9-10 6411 LIBERTY RD SW LUTHER SMITH PLAT.

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
88	9	71					9	1	Plat Ref: 7/ 194

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1920	1,683 SF	10,510.00 SF	04
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2009	07/01/2010
Land	52,870	52,870		
Improvements:	129,080	129,080		
Total:	181,950	181,950	181,950	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SMITH WILLIAM M	Date: 06/15/1994	Price: \$72,500
Type: NOT ARMS-LENGTH	Deed1: /10589/ 696	Deed2:
Seller: SECRETARY OF HOU SING AND	Date: 06/19/1990	Price: \$63,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8512/ 590	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

IN RE: CLASS A CHILD CARE USE PERMIT * BEFORE THE
NW/Corner Liberty & Forest Hill Rds.
(6411 Liberty Road) * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
Elizabeth & Dennis Agboh
Applicants * Case No. CACC-94-2
* * * * *

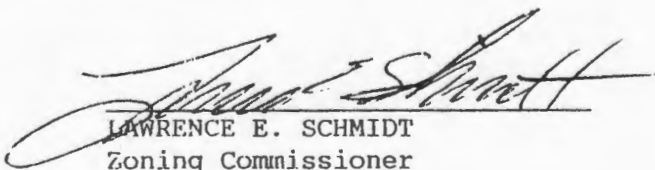
ORDER

The Applicants have requested a use permit for a Class A Child Care Center on the subject property, known as 6411 Liberty Road, pursuant to Sections 424.4A, 424.5A and 500.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property has been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation submitted.

The Applicant has filed the supporting affidavits as required by Sections 424.4A and 500.4 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 424.4A, 424.5A and 500.4 of the B.C.Z.R.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1994 that a Use Permit for a Class A Child Care Center at the above-captioned location be and is hereby GRANTED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs
cc: Mr. & Mrs. Dennis Agboh
3127 Ripple Road, Baltimore, Md. 21244

Case File

PETITIONER'S

EXHIBIT NO. 4

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE *
Cor. SW/S Liberty Road, NW/S of * ZONING COMMISSIONER
Forest Hill Avenue *
6411 Liberty Road * OF BALTIMORE COUNTY
2nd Election District *
2nd Councilmanic District * Case No. 95-248-XA
Dennis K. Agboh, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 6411 Liberty Road in the Lochearn section of Baltimore County. The Petition is filed by Dennis K. Agboh and Elizabeth J. Agboh, property owners. Special Exception relief is requested so as to allow a Class B Group Child Care Center for up to 39 children in a D.R.5.5 zone. Numerous variances are requested. They are:

From Section 1B01.1.B.1.e (3)&(5) of the Baltimore County Zoning Regulations (BCZR) to permit the existing principle and accessory structures (including the garage and fences) to remain within the RTA buffer; the existing parking lots and structures to remain at their current locations and heights, in lieu of providing a 50-ft. buffer and a 75 ft. setback, and a height not to exceed 35 ft. within the 100 ft. transition area;

From Section 409.8.A.1. and A.4 to permit the existing paved parking area to remain as is, in lieu of design, screening and landscaping, in accordance with the landscape manual and all other manuals adopted pursuant to Section 22-105 of the Baltimore County Code, and the required setback of 10 ft. to the right of way line of a public street.

From Section 424.7.B to permit an 18 ft. front yard setback in lieu of the required 25 ft. front yard setback from street line; side yard setbacks of 11 ft. and 20 ft. in lieu of the required 50 ft. from property line;

EXHIBIT 1

IN RE: CLASS A CHILD CARE USE PERMIT * BEFORE THE
NW/Corner Liberty & Forest Hill Rds.
(6411 Liberty Road) * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
Elizabeth & Dennis Agboh
Applicants * Case No. CACC-94-2
* * * * *

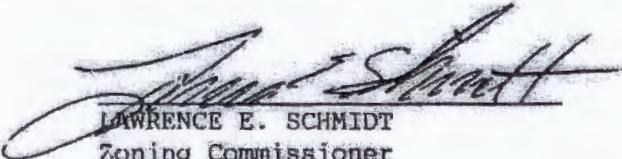
ORDER

The Applicants have requested a use permit for a Class A Child Care Center on the subject property, known as 6411 Liberty Road, pursuant to Sections 424.4A, 424.5A and 500.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property has been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation submitted.

The Applicant has filed the supporting affidavits as required by Sections 424.4A and 500.4 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 424.4A, 424.5A and 500.4 of the B.C.Z.R.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1994 that a Use Permit for a Class A Child Care Center at the above-captioned location be and is hereby GRANTED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dennis Agboh
3127 Ripple Road, Baltimore, Md. 21244

Case File

Case No: 10-004-SPH Case Name: Agboh

Exhibit List

Party: Petitioner Date: 2-17-11

Exhibit No:	Description:
✓ 1	Revised 1/12/95 Plat to Accompany for Sp. Hearing
✓ 2	Zoning Map for 64111 Liberty Rd)
✓ 3	Zoning order CA CC-94-2 1pg
✓ 4	Micro exhibits (3 Pages)
✓ 5	Zoning order 86-493-SPH (2 pages)
✓ 6	letter from MD State Dept. of Education and copy of license (4 pages)
	VERIFIED BY <u>trw</u> DATE: <u>2/17/11</u>

IN RE: CLASS A CHILD CARE USE PERMIT * BEFORE THE
NW/Corner Liberty & Forest Hill Rds.
(6411 Liberty Road) * ZONING COMMISSIONER
2nd Election District * OF BALTIMORE COUNTY
Elizabeth & Dennis Agboh
Applicants * Case No. CACC-94-2
* * * * *

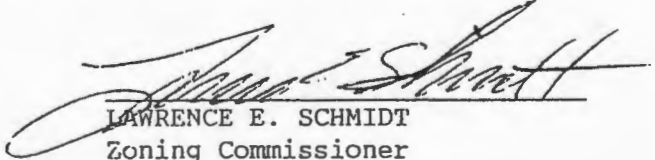
ORDER

The Applicants have requested a use permit for a Class A Child Care Center on the subject property, known as 6411 Liberty Road, pursuant to Sections 424.4A, 424.5A and 500.4 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property has been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation submitted.

The Applicant has filed the supporting affidavits as required by Sections 424.4A and 500.4 of the B.C.Z.R. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 424.4A, 424.5A and 500.4 of the B.C.Z.R.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1994 that a Use Permit for a Class A Child Care Center at the above-captioned location be and is hereby GRANTED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dennis Agboh
3127 Ripple Road, Baltimore, Md. 21244

Case File

PETITIONER'S

EXHIBIT NO. 4

11-1-11
2-17-11
10-004-50H
Agboh
CBA Pet. Ex 3

(Case 86-493)

2010-0004-SPH

TB
9-10-09

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and map attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 20-202 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or the Deputy Zoning Commissioner should approve the proposed use of the property.

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

I, or we, agree to pay expenses of the above Special Hearing, including, but not limited to, the cost of this Petition, and further agree to and we to be bound by the zoning regulations and decisions of the Baltimore County Zoning Commission and/or the Deputy Zoning Commissioner.

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Phone No.

ORDERED BY THE Zoning Commissioner of Baltimore County, this 11th day of April, 1986, that the subject matter of the petition be advertised as required by the Zoning Law of Baltimore County, in two consecutive of general circulation through-out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County at Room 106, County Office Building in Towson, Baltimore County, Maryland on the 11th day of May, 1986, at 11:00 o'clock a.m.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Directed to: Charles E. Fogle Date of Posting: May 6, 1986
Posted for: Charles E. Fogle
Publication: Charles E. Fogle
Location of property: SW corner of Liberty Rd. and Forest Hill Ave.
Location of Sign: SW corner of Liberty and Forest Hill Ave.
Number of Signs: 1
Posted by: J. J. [Signature] Date of return: 5-18-86
Number of Signs: 1

To Whom It May Concern,

Beginning at a point on the southeast corner of Liberty Road (80 feet wide) and Forest Hill Avenue (100 feet wide) and running thence along the southeast side of Liberty Road south 77 degrees and 23 East 80 feet, 77 feet 75 inches thence leaving said right of way and running south 75 degrees 03 East 80 feet, 143 feet thence south 77 degrees 46 East 80 feet, 66 feet to the northwest side of Forest Hill Avenue, thence along the right of way North 32 degrees 20 East 80 feet, 143 feet 8 inches to the point of beginning.

Shown on 6411 Liberty Road in the 2nd Election District.

PETITION FOR SPECIAL HEARING
2nd Election District
Case No. 86-493-SPH

LOCATION: Southwest Corner of Liberty Road and Forest Hill Avenue (6411 Liberty Road)
DATE AND TIME: Tuesday, June 3, 1986, at 11:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Special Hearing to approve a Class 4 child care center

Bring the property of Charles E. Fogle, et al to show on plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
JAMES J. JARVIS
ZONING COMMISSIONER
OF BALTIMORE COUNTY

LEGAL NOTICE

NOTICE TO THE PUBLIC
The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and map attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 20-202 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commission and/or the Deputy Zoning Commissioner should approve the proposed use of the property.

CERTIFICATE OF PUBLICATION
76895

Filleville, Md., May 16, 1986
I CERTIFY, that the annexed advertisement issued in the FILLEVILLE STAR, a weekly newspaper published in Filleville, Baltimore County, Maryland before the 1st day of June, 1986, at 11:00 a.m.
I publication appearing on the 1st day of June, 1986
the second publication appearing on the 1st day of June, 1986
the third publication appearing on the 1st day of June, 1986

THE NOTARIES SIGN

[Signature]
Notary
Cost of Advertisement \$25.00

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SUBJECT: Liberty Rd. & Forest Hill Ave. : OF BALTIMORE COUNTY
Case No. 86-493-SPH
Charles E. Fogle, et al, :
Petitioners

CITY OF APPEARANCE

Please enter the appearance of the People's Channel in the above-captioned matter. Notices should be sent of any hearing or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
People's Channel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Channel
Room 231, Court House
Towson, Maryland 21204
931-1118

I HEREBY CERTIFY that on this 6th day of May, 1986, a copy of the Exempting Entry of Appearance was mailed to Mr. and Mrs. Charles E. Fogle, 6411 Liberty Rd., Baltimore, MD 21207, Baltimore County.

[Signature]
Peter Max Zimmerman

Mr. Charles E. Fogle
Mrs. Frances E. Fogle
6411 Liberty Road
Baltimore, Maryland 21207

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
SUBJECT: Liberty Rd. and Forest Hill Ave.
(6411 Liberty Rd.)
2nd Election District
Charles E. Fogle, et al - Petitioners
Case No. 86-493-SPH

TIME: 11:00 a.m.
DATE: Tuesday, June 3, 1986
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL SERVICES
MISCELLANEOUS CASH RECEIPT

No. 023850

CBA Pet. Ex 4 Agboh 10-004-SPH 2-17-11

IN RE: PETITION SPECIAL HEARING	*	BEFORE THE
SW/Corner of Liberty Rd.	*	DEPUTY ZONING COMMISSIONER
and Forest Hill Avenue	*	
(6411 Liberty Road)	*	OF BALTIMORE COUNTY
2nd Election District	*	
Charles E. Feagin, et ux,	*	Case No. 86-493-SPH
Petitioners	*	

* * * * *

The Petitioners herein request a special hearing to approve a Class "A" child care center.

Testimony by the Petitioners indicated that the owners purchased and moved into a large house which they considered ideal for a Class "A" child care center. They propose the establishment of a center for no more than 12 children, including their own children, under six years of age. There would be no more than four employees; hours would not extend beyond 7:00 AM to 6:00 PM Monday through Friday. An extensive parking pad on Forest Hill Avenue would enable three or four vehicles to park for drop off/pick up of children and to turn around. No sign is planned. The owner/operator received her education in the field from the Community College of Baltimore.

Several neighbors and the President of Lochearn Improvement Association spoke in protest. There is a tremendous amount of traffic on Liberty Road. Forest Hill Avenue has no sidewalks and is very narrow. There is not ample space to park and turn around. Deep concern was expressed on the fragile balance in the Liberty Road area. In addition, fear was expressed that approval of a Class "A" child care center at this location would set a precedent for the granting of numerous special exceptions, hearings and variances, and would lead to rezoning in this area for uses other than

RECEIVED FOR FILING

DATE 6/16/86

BY *[Signature]*

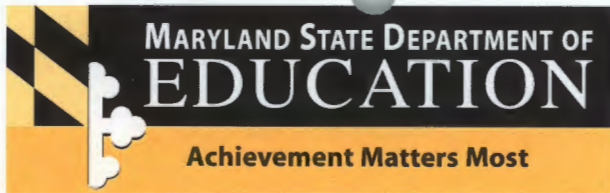
RECEIVED FOR FILING

CHA Pet. Ex 5 10-004-SPH 2-17-11 Aaboh

PETITIONER'S

EXHIBIT NO.

3



Nancy S. Grasmick
State Superintendent of Schools

Rolf Grafwallner
Assistant State Superintendent

Division of Early Childhood Development • Office of Child Care • Region 3
409 Washington Avenue, Suite LL8 • Towson, MD 21204-4907 • 410-583-6200 • TTY/TDD 410-333-6442

February 15, 2011

Mr. Francis X. Borgerding, Jr.
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Re: Enigma Learning Center
6411 Liberty Road
Baltimore, MD 21207

Dear Mr. Borgerding:

In response to your request for information from the file of Enigma Learning Center, enclosed please find a copy of the Zoning approval and Use and Occupancy approval for Enigma Learning Center, located at 6411 Liberty Road, Baltimore, Maryland 21207. Enigma Learning Center was issued a child care center license at this location on December 29, 2009, with an expiration date of November 30, 2011. Kim Walters is the operator of Enigma Learning Center. Our understanding is that Dennis and Elizabeth Agboh own the property which is leased to Ms. Walters.

I have also enclosed a copy of the most recently revised child care center license for Enigma Learning Center. I believe that the copy of the center's license that I gave to you on Friday, February 11, 2011 was not the most recently revised one. The enclosed copy is the most recently revised license. This license was revised on March 31, 2010.

If you should need any further information, please contact the office at 410-583-6200.

Sincerely,

Rose Marie Hayes
Regional Manager
MSDE Office of Child Care

RMH/rh

CBA Pet. Ex 6 Agboh 10-004-SPH 2-17-11

Case No: 10-004-SPH Case Name: Agboh

Exhibit List

Party: People's Counsel Date: 2-17-11

Exhibit No:	Description:
✓ 1	Google Map
✓ 2	MOAT
✓ 3	Mail History w/ Ms. Walters
✓ 4	letter from P. Zimmerman to A. Jablon ³⁻²⁹⁻⁰⁹
✓ 5	Pet. for Sp Hearing
✓ 6	MOAT
✓ 7	letter from P. Zimmerman Oct - 14 - 2009
✓ 8	letter from P. Zimmerman to Kotroco 12-29-09
✓ 9	Petition for Sp Ex 2010-0314-SPHXA
IP only ✓ 10A-D	child care center Inspection report
✓ 11	Appeal letter from Kim Walters
✓ 12	letter from Holzer to Walters 10-13-10
✓ 13	letter from Dir. Kotroco to C. Holzer 12-21-10
✓ 14	Bill No. 200 - 90
VERIFIED BY <u>trw</u> DATE: <u>2/17/11</u>	

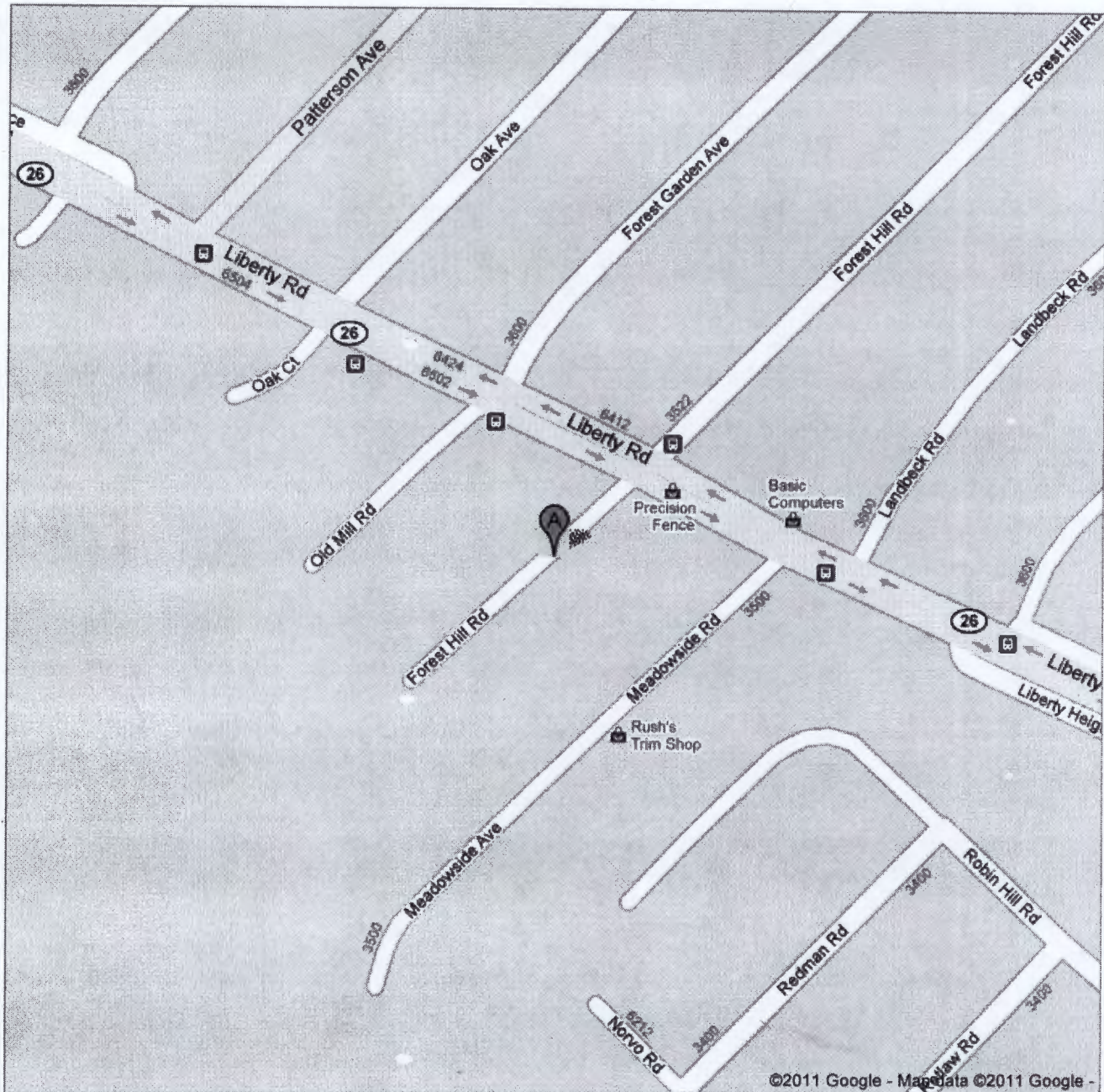
Google maps

Address **6411 Liberty Rd**
Baltimore, MD 21207

Get Google Maps on your phone



Text the word "GMAPS" to 466453



CBA P.C. Ex#1 Agboh 10-004-SPH 2-17-11

 Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw2.3d)	Go Back View Map New Search
--	---

Account Identifier: District - 02 Account Number - 0220660170

Owner Information

Owner Name: AGBOH DENNIS K AGBOH ELIZABETH J Mailing Address: 116 NOB HILL PARK DR REISTERSTOWN MD 21136-4609	Use: RESIDENTIAL Principal Residence: NO Deed Reference: 1) /10589/ 696 2)
--	--

Location & Structure Information

Premises Address 6411 LIBERTY RD	Legal Description PT LT 9-10 6411 LIBERTY RD SW LUTHER SMITH PLAT
--	---

Map 88	Grid 9	Parcel 71	Sub District	Subdivision	Section	Block	Lot 9	Assessment Area 1	Plat No:	Plat Ref: 7/ 194
---------------	---------------	------------------	---------------------	--------------------	----------------	--------------	--------------	--------------------------	-----------------	-------------------------

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built 1920	Enclosed Area 1,683 SF	Property Land Area 10,510.00 SF	County Use 04
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	52,870	52,870		
Improvements:	129,080	129,080		
Total:	181,950	181,950	181,950	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: SMITH WILLIAM M	Date: 06/15/1994	Price: \$72,500
Type: NOT ARMS-LENGTH	Deed1: /10589/ 696	Deed2:
Seller: SECRETARY OF HOU SING AND	Date: 06/19/1990	Price: \$63,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8512/ 590	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

CBA P.C. Ex #2 Agboh 10-004-584 2-17-11

10-314-SPHXA

Dennis and Elizabeth Agboh /Legal Owners/Petitioners
Kimberly Walters, Lessee d/b/a Egnima Learning
6411 Liberty Road / 2nd Election District; 2nd Councilmanic
District

Re: SPHXA – Special Exception for Class B Child Care Center, Variance and Special Hearing requests

8/26/10 Findings of Fact and Conclusion of Law issued by Deputy Zoning Commissioner DENYING
Special Exception request, DISMISSING AS MOOT the Variance requests, and DENYING
the Special Hearing requests.

1/25/11 Hearing scheduled for 2/17/11 at 1 PM.
Case No.: 10-004-SPH will commence at 9 AM

Notices sent to the following:

c: Appellant : Kimberly Walters, Lessee
d.b.a Enigma Learning

Counsel for Petitioner/Legal Owner : Francis X. Borgerding, Jr., Esquire
Petitioner/Legal Owner : Dennis and Elizabeth Agboh

James S. Patton

Peter Max Zimmerman

People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Judge

Arnold Jablon, Director/PAI

Nancy West, Assistant County Attorney

Jeff Mayhew, Deputy Director/Office of Planning

Michael Field, County Attorney, Office of Law

Board Notified

2/1/11 Mail returned from Ms. Walters with new address.

2/2/11 Updated address list. Resent to new address with copy of returned envelope.

2/10/11 Ms. Walter called and requested PP due to emergency surgery. Faxed notice from
Patient First.

2/11/11 LM for Chair re: PP – Spoke to Ms. Waters informed her that Chair was
reviewing, but the note was not from surgeon and was not within the PP time
period according to the rules.

Spoke to Mr. Schmidt that notice of PP was received but that a determination had
not been made by the Chairman.

10-004-SPH 2-17-11
CBA PC. Ex 3 Agboh



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 29, 1995

Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL EXCEPTION
AND ZONING VARIANCE
6411 Liberty Road, corner SW/S Liberty
Road, NW/S Forest Hill Avenue, 2nd
Election District, 2nd Councilmanic
DENNIS & ELIZABETH AGBOH, Petitioners
Case No. 95-248-XA

Dear Mr. Jablon:

Please enter an appeal of PEOPLE'S COUNSEL FOR BALTIMORE COUNTY to the County Board of Appeals from the order dated March 1, 1995 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caj

cc: John Trueschler, Esquire

RECEIVED

MAR 29 1995

ZADN

11-C1-2
H05-100-01
CBA P.C.4 Agboh 10-004-58H 2-17-11



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6411 Liberty Road, Baltimore, Maryland 21207

which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

The removal of the restriction #1 in Case # 86-493-SP4 that states that a Class A Group childcare center may only be operated on the site so long as Francis E. Feagin is the resident operator of the center.

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Dennis K. Agboh

Name - Type or Print

Signature

Elizabeth J. Agboh

Name - Type or Print

Signature

116 Nob Hill Park Drive 410-833-3027/443-474-0637

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

Dennis K. Agboh

Name

116 Nob Hill Park Drive

410-833-3027/443-885-4557

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2010-0004-SP4

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

JE

Date

7/9/09

CBA Agboh P.C. Ex 5 10-004-SP4 2-17-11

**Maryland Department of Assessments and Taxation****Taxpayer Services Division**

301 West Preston Street W Baltimore, MD 21201 (2007 vw1.1)

[Main Menu](#) | [Security Interest Filings \(UCC\)](#) | [Business Entity Information](#)
([Charter/Personal Property](#)) [New Search](#) | [Rate Stabilization Notices](#) | [Get Forms](#) | [Certificate of Status](#) | [Image Availability](#) | [SDAT Home](#)

Taxpayer Services Division

Entity Name: ENIGMA LEARNING CENTER
Dept ID #: T00302932

Ack #: 1000361998711018**Locations**

ENIGMA LEARNING CENTER
6411 LIBERTY ROAD
BALTIMORE, MD 21207

Owners

KIM M WALTERS
20 GWYNNSWOOD ROAD
OWINGS MILLS, MD 21117

PC 6

CBA P.C. Ex # 6 A76ch 10-004-504 2-17-11



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 14, 2009

HAND-DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

OCT 14 2009

Re: PETITION FOR SPECIAL HEARING
Dennis K. And Elizabeth Agboh
6411 Liberty Road
Case No: 10-04-SPH

ZONING COMMISSIONER

Dear Mr. Bostwick:

Please accept this letter as a Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law, and Order dated September 22, 2009 in the above case.

Petitioners' description of the zoning history at 6411 Liberty Road, as recited in the present opinion, appears to be incomplete. As stated on page 3, Zoning Commissioner Lawrence Schmidt did approve the Agboh's petition for special exception and variances for a Class B Group Child Care Center on March 1, 1995. Case No. 95-248-XA. However, there is no mention of the fact that our office appealed the decision to the County Board of Appeals, and that petitioners subsequently withdrew the petitions. This is shown in the enclosed documents, including attorney John Gontrum's January 2, 1997 letter of withdrawal and the CBA's January 21, 1997 Order of Dismissal.

So, the initial 1995 Zoning Commissioner approval of a Class B Group Child Care Center culminated in the 1997 withdrawal and dismissal of the petitions at the CBA. This negated and rendered void the Zoning Commissioner approval. Indeed, if there were a valid final approval of a Class B group child care center, there would be no need for the present petition to approve the lesser Class A group child care center.

The current request is to alter the 1986 Order allowing Frances Feagin to be the resident operator of a Class A group child care center. BCZR § 424.4.A permits a group child care center, Class A, as an accessory use in a single-family detached dwelling. The petition here lists the Agboh's address as 116 Nob Hill Park Drive in Reisterstown. The enclosed SDAT data is in accord. This suggests and indicates that the Agboh's petition does not qualify because it does not appear they would be resident operators. Therefore, the change is not merely of ownership but also of use.

CBA P.C. #7 Agboh 10-004-SPH 2-17-11



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 6411 Liberty Road, Baltimore, MD

which is presently zoned D.R. 5.5

Deed Reference: 10589 / 696 Tax Account # 0220680170

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

TO PERMIT A CLASS "B" CHILD CARE FACILITY

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

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

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

Contract Purchaser/Lessee:

Kim Walters, dba Egnima Learning

Name - Type or Print

Signature

6411 Liberty Road

Address

Baltimore

MD

Telephone No.

21207

City

State

Zip Code

Attorney For Petitioner:

J. Carroll Holzer, Esq.

Name - Type or Print

Signature

Holzer & Lee

Company

508 Fairmont Ave.

410-825-6961

Address

Towson

MD

Telephone No.

21286

City

State

Zip Code

Legal Owner(s):

Dennis Agboh

Name - Type or Print

Signature

Elizabeth Agboh

Name - Type or Print

Signature

116 Nob Hill Park Drive

Address

Reisterstown

MD

Telephone No.

21136

City

State

Zip Code

Representative to be Contacted:

James S. Patton, P.E.

Name

780 Elkridge Landing Road

410-691-0205

Address

Linthicum

MD

Telephone No.

21090

City

State

Zip Code

Case No. 2010-0314-SPHXA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 5/13/10

11-11-10 HOS-100-01 10-004-884 2-17-11
CRA P.C. # 9 Agboh

RECEIVED

SEP 21 2010

9/21/2010

I Kimberly Marie Walters want to appeal #
Case # 2010-0314-SPHXA issued on
August 26, 2010

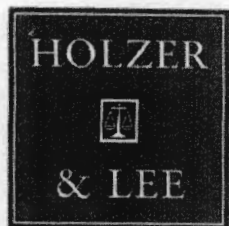
Kim M Walters

Kimberly Walters
20 Gwynnswood road
Owings Mills. MD 21117
410-504-3713

RECEIVED

SEP 21 2010

CBA P.C. Ex # H Agbek 10-004-SPH 2-17-11



LAW OFFICES

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1907-1989

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E-MAIL: JCHOLZER@CAVTEL.NET

cd
P42

October 13, 2010

#7917

Ms. Kim Walters
20 Gwynnswood Road
Owings Mills, Maryland 21117

RE: *In the Matter of: Dennis and Elizabeth Agboh*
6411 Liberty Road
Case No.: 2010-0314-SPHXA

Dear Kim:

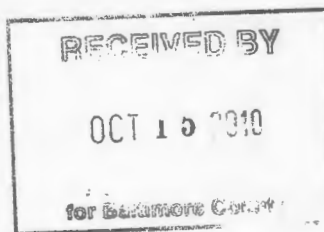
Thank you for dropping off your *pro se* appeal that you filed on September 21, 2010. In that I did not know whether or not you filed an appeal, Mr. Agboh came in to see me regarding the same matter. I have determined that I cannot represent either one of you and I sent Mr. Agboh a letter to that effect. I am hereby advising you that I will not be able to represent you before the County Board of Appeals in the above-captioned case. You should seek other counsel before the matter gets scheduled by the County Board of Appeals.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County



11-11-11
2-17-11
10-004-SPH
CBA P.C. Ex 12 Agboh



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

December 21, 2010

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case: 2010-0314-SPHXA, 6411 Liberty Road

Please be advised that an appeal of the above-referenced case was filed in this office on September 21, 2010 by your client Kimberly Walters. 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,

Timothy Kotroco
Director

TK:kl

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Kimberly Walters, 20 Gwynnswood Road, Owings Mills 21117
Dennis & Elizabeth Agboh, 116 Nob Hill Park Dr., Reisterstown 21136
James Patton, 780 Elkridge Landing Road, Linthicum 21090

P.C.
#13

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1990, LEGISLATIVE DAY NO. 19

BILL NO. 200-90

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, October 15, 1990

A BILL ENTITLED

AN ACT concerning

Child Care Centers

FOR the purpose of amending the Baltimore County Zoning Regulations in order to permit Child Care Centers in D.R. Zones as a matter of right or by Special Exception depending upon the number of children provided for at the center and subject to certain standards and requirements; providing exceptions to residential transition area requirements in certain cases; and generally relating to the regulation of child care centers in Baltimore County.

BY repealing

Section 424.5A. and B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B01.1.A.10B, 1B01.1.B.1.c.10.A, 1B01.1.C.6.B.,

424.5.A. and B. and 424.7

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Section 424.1.B.

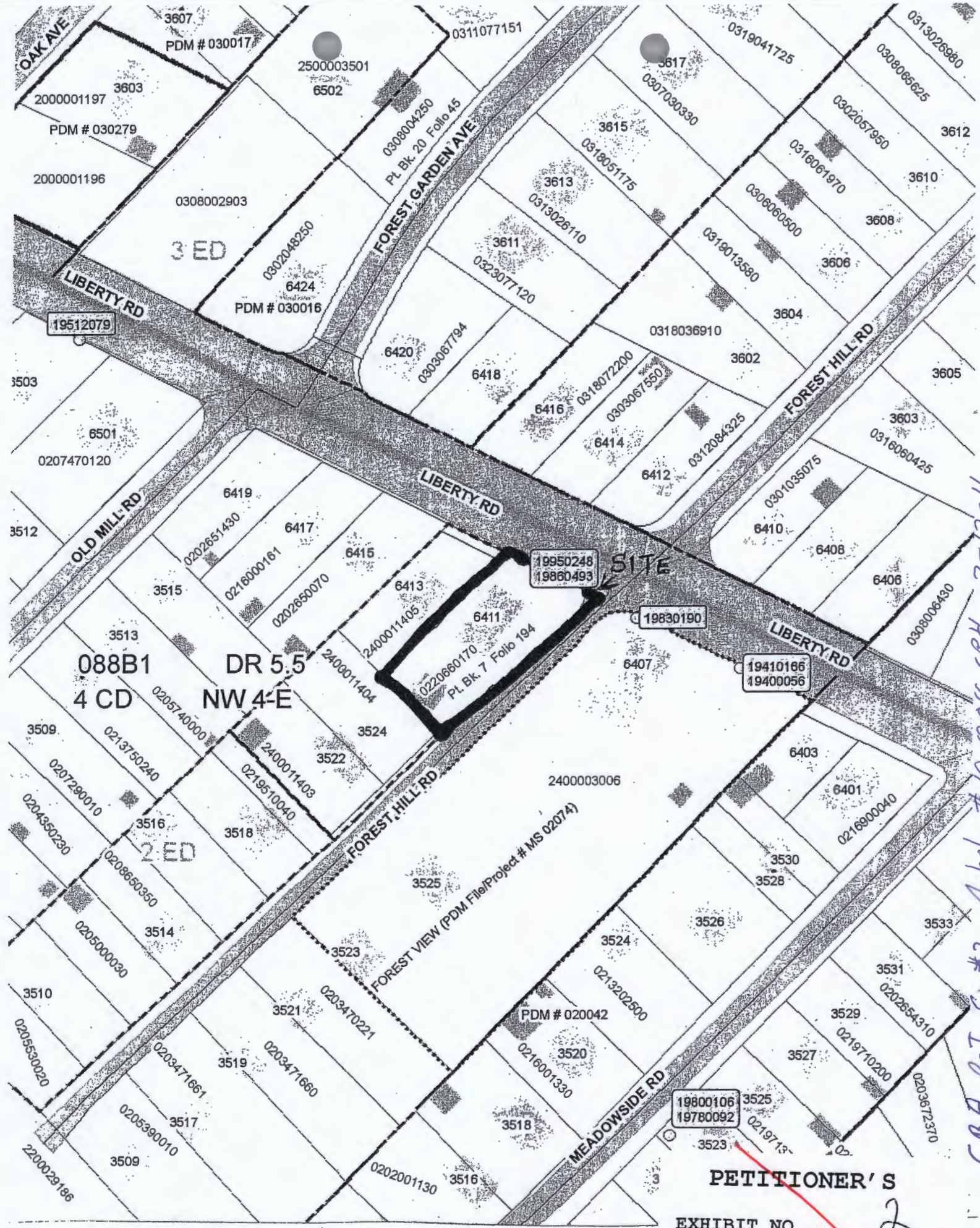
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report, dated November 16, 1989, from the Planning Board and has held a public hearing thereon on January 30, 1990, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 424.5A. and B. of the Baltimore County
3. Zoning Regulations, as amended, be and it is hereby repealed.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

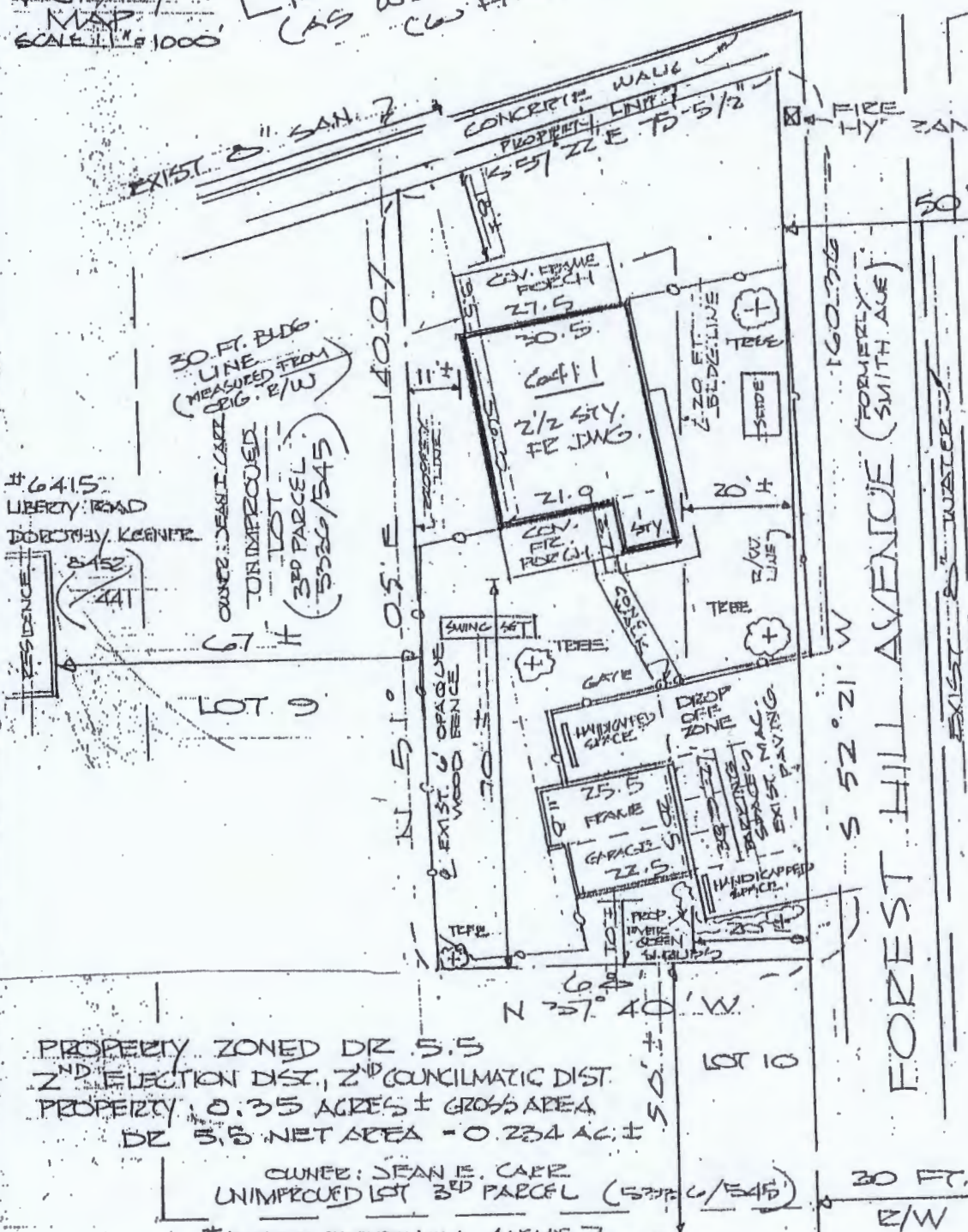
CBA P.C. Ex #14 Agboh 10-004-58H 2-17-11



ZONING MAP FOR 6411 Liberty Road, Baltimore, MD 21

PETITIONER'S
EXHIBIT NO. 2

LIBERTY ROAD (MD. RTE. 26)
 (AS W/ 4' WID TO 30 FT.)
 (66 FT. PAVING)
 VICINITY MAP
 SCALE 1" = 100'



#6407 LIBERTY ROAD
 OWNER: KENNETH COLEMAN
 DEED REF. (PT. PARCEL 6237/6266)

BUILDING DATA
 EXISTING BLDG (2800 SQ. FT.)
 IS TO BE USED EXCLUSIVELY
 AS GROUP CHILD CARE
 CENTER FOR UP TO 35
 CHILDREN.

PARKING DATA
 FOR GROUP CHILD CARE
 CTR OR NURSERY SCHOOL
 - 1 SPACE PER EMPLOYEE
 NO. OF EMPLOYEES = 5
 NO. OF PARKING SPACES
 REQ'D = 5
 NO. OF PARKING SPACES
 PROVIDED = 5
 TYPICAL SIZE 8.5 X 1.5

NOTE:
 CLASS A CHILD
 CARE PERMIT
 HAS BEEN
 GRANTED IN
 1986 & 1994
 CLASS B
 CHILD CARE
 PERMIT WAS
 GRANTED IN
 1995

PROPERTY ZONED DR 5.5
 2ND ELECTION DIST., 2ND COUNCILMATIC DIST.
 PROPERTY: 0.35 ACRES ± GROSS AREA
 DR 5.5 NET AREA - 0.234 AC. ±

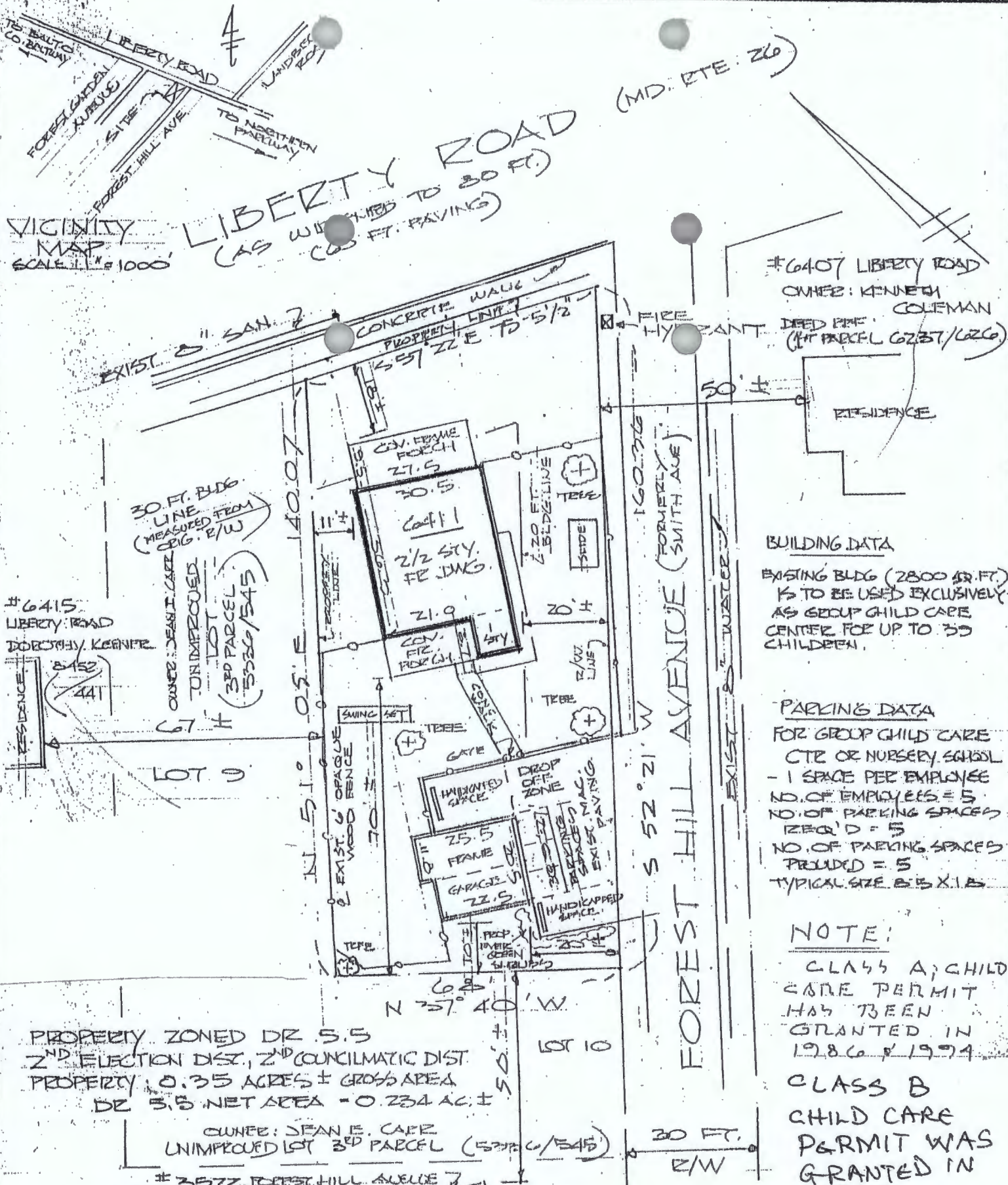
OWNER: JEAN E. CAER
 UNIMPROVED LOT 3RD PARCEL (5326/545)

This reproduction subject to 1% reduction in scale.
 I hereby certify that I have made a survey of this lot
 for the purpose of locating the improvements thereon
 and that they are located as shown.

PORTION OF LOTS 9 & 10, PLAT OF
 PROPERTY OF LUTHER C. SMITH, PLAT
 BOOK W.P.C. No. 7, FOLIO 194

This plat is not to be used for the
 establishment of property lines.

Dennis Agboh #10-004-SPH 2-17-11

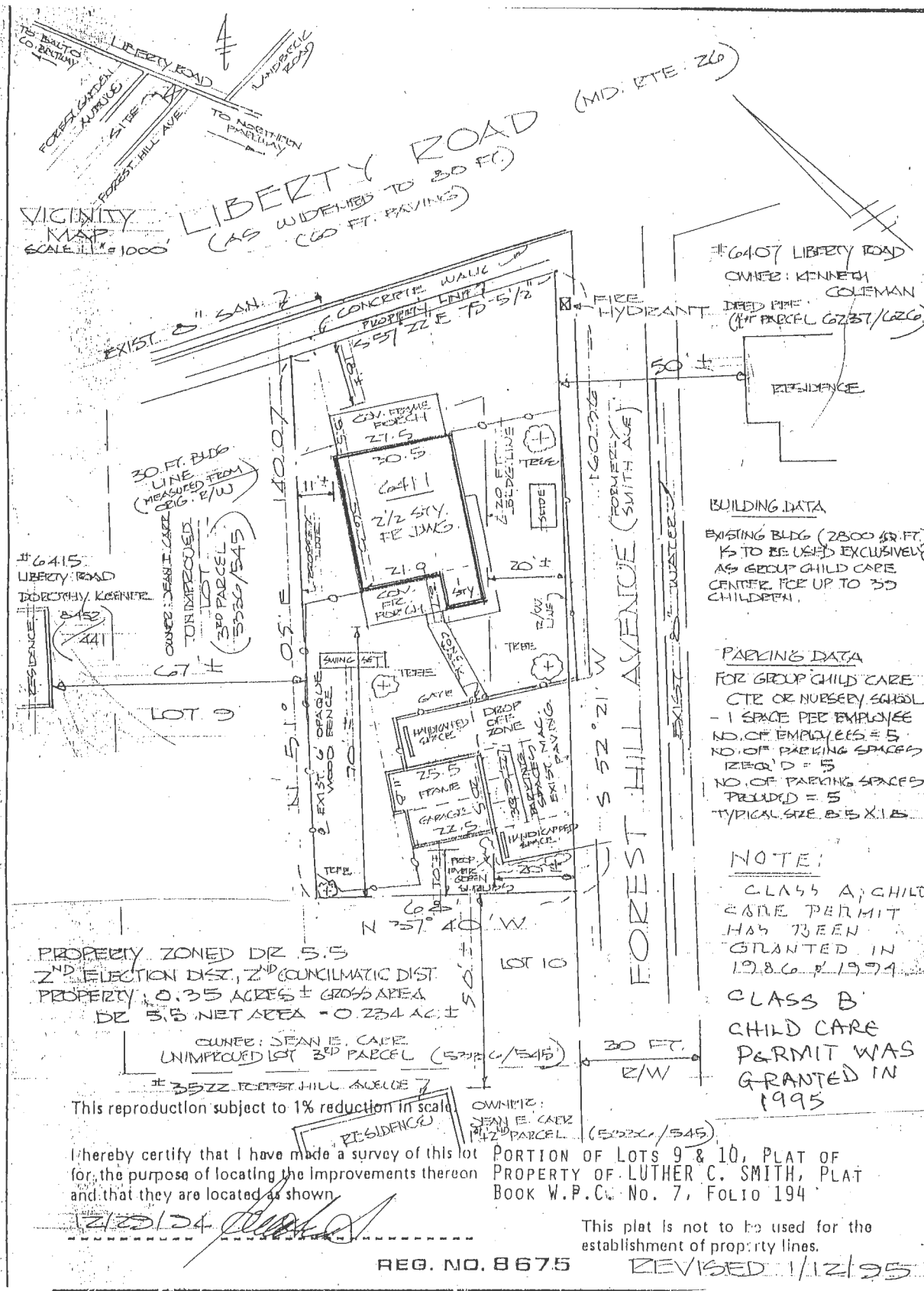


This reproduction subject to 1% reduction in scale

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

PORTION OF LOTS 9 & 10, PLAT OF PROPERTY OF LUTHER C. SMITH, PLAT BOOK W.P.C. No. 7, FOLIO 194

This plat is not to be used for the establishment of property lines



BUILDING DATA

EXISTING BLDG (2800 SQ. FT.)
IS TO BE USED EXCLUSIVELY
AS GROUP CHILD CARE
CENTER FOR UP TO 30
CHILDREN.

PARKING DATA

FOR GROUP CHILD CARE
CTR OR NURSERY SCHOOL
- 1 SPACE PER EMPLOYEE
NO. OF EMPLOYEES = 5
NO. OF PARKING SPACES
REQ'D = 5
NO. OF PARKING SPACES
PROVD = 5
TYPICAL SIZE 8'5" X 15'

NOTE:

CLASS A CHILD
CARE PERMIT
HAS BEEN
GRANTED IN
12.8.6 P. 19.74

CLASS B
CHILD CARE
PERMIT WAS
GRANTED IN
1995

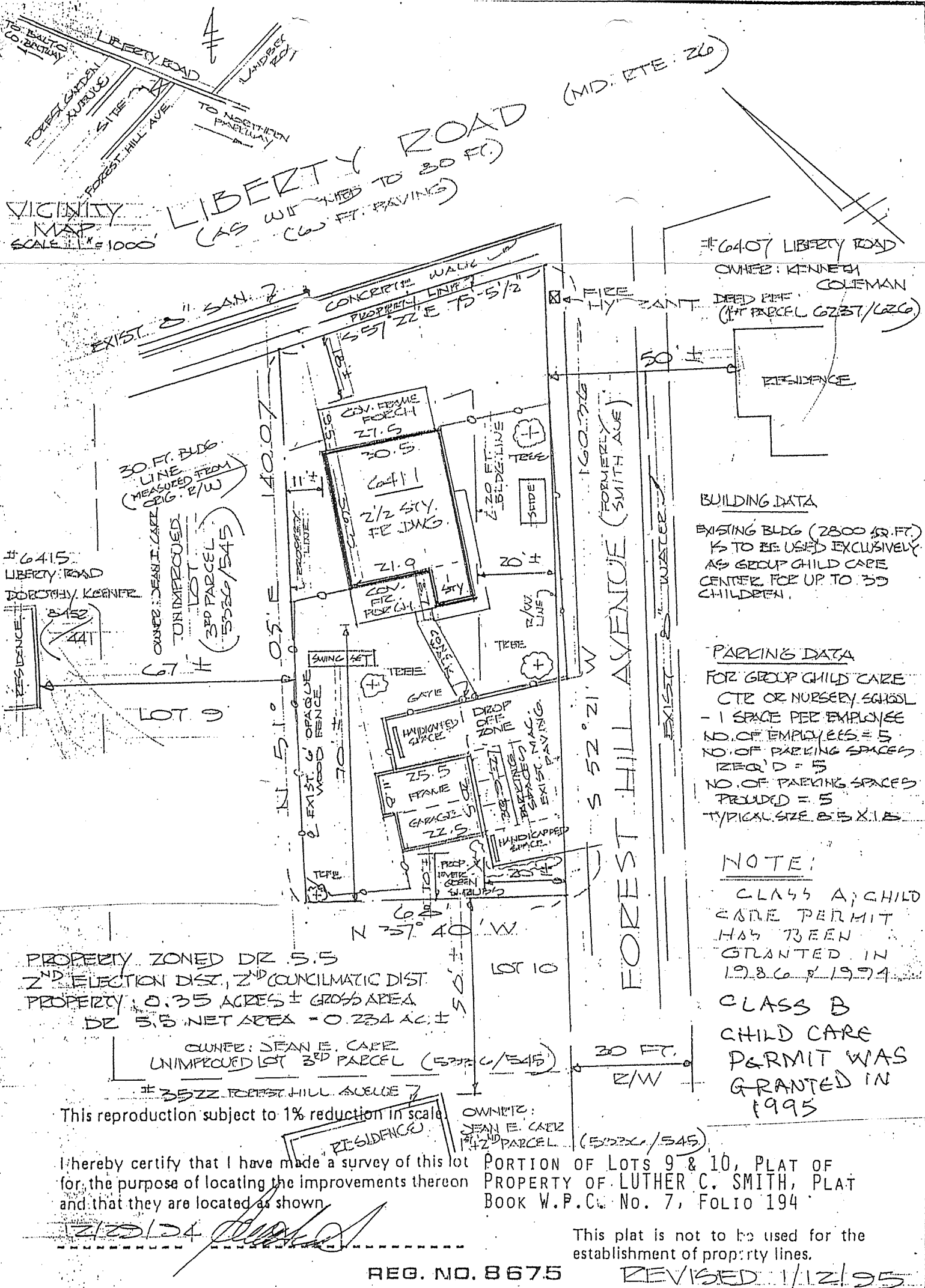
This reproduction subject to 1% reduction in scale

I hereby certify that I have made a survey of this lot
for the purpose of locating the improvements thereon
and that they are located as shown.

PLAT TO ACCOMPANY PETITION FOR CASE # 86-493-SPH SPECIAL HEARING

Property Address: 6411 Liberty Road, Baltimore, MD 21207

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



PLAT TO ACCOMPANY PETITION FOR CASE # 86-493-SPH
SPECIAL HEARING

Property Address: 6411 Liberty Road, Baltimore, MD 21207

Owner: Dennis and Elizabeth Agboh
116 Nob Hill Park Drive, Reisterstown, MD

PETITIONER'S

EXHIBIT NO.

