

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

S/Side of Prestwood Road, 230' E of c/line of
Moorehead Road
1st Election District
1st Councilmanic District
(907 Prestwood Road)

Thomas M. & Lynda A. Davenport
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0327-SPHA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Thomas M. and Lynda A. Davenport, the legal property owners. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a Use Permit for a Class A Group Child Care Center (maximum of 12 children). Petitioners are also requesting Variance relief from Section 424.1 of the B.C.Z.R. to permit a fence for the play area of a Class A Group Child Care Center to be located zero (0) feet from the property line in lieu of the required 20 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requested relief were Thomas and Lynda Davenport, property owners. Walter Hollman, President of the Westview Park Community Association, attended the hearing and advised that the Association was not opposed to Petitioners' requests. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

Testimony and evidence revealed that the subject property is approximately 7,000 square feet, zoned D.R.5.5, and is improved by a single family dwelling.

ORDER RECEIVED FOR FILING

Date 6-17-11

By [Signature]

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning on June 2, 2011, oppose the Petitioners' request for the following reasons:

1. The Deputy Zoning Commissioner on 10/31/05 denied the previous request for a Class A Group Child Care Center at this location.
2. The petitioner's site plan isn't in compliance with Section 424.4.A.1.e of the BCZR. It doesn't show the parking arrangement, and it doesn't show the proximity of dwellings on two adjacent lots (i.e., 906 and 908 Bardswell Road).
3. The petitioner currently operates a Family Child Care Home as an accessory use at this location. Denial of this request doesn't deprive the petitioner of a reasonable use of the property for childcare.
4. The site is a small residential lot located in a neighborhood of similar sized lots. The proposed use is excessive for this particular lot and the neighborhood.
5. The site doesn't have adequate parking. The lot whereon the proposed Class A Group Child Care Center would be located is also used as a private residence. This lot has two off-street parking spaces. The parking spaces are located side-by-side in the front yard. Pursuant to Section 409.6 of the BCZR, at least 4 off-street parking spaces should be provided (two spaces for the residence and at least 2 spaces for the Group Child Care Center). Although 4 parking spaces should be provided, it would be necessary to remove vertical curbing and pave a substantial portion of the front yard in order to provide 2 additional spaces. The arrangement and location of the 4 parking spaces would be greatly inconsistent and incompatible with the parking pattern on surrounding properties.
6. There does not appear to be any legitimate justification for practical difficulty or unreasonable hardship to grant the requested variance."

In addition, the Office of Planning stated in its ZAC comment, the following:

The Administrative Law Judge should determine whether the proposed Class A Group Child Care Center must comply with the following sections of the BCZR: minimum lot size (424.7.A), setbacks (424.7.B), and location of parking, drop-off and delivery areas (424.7.C).

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested.

The first issue concerns the "use permit" required for a Group Child Care Center, Class A, which allows an owner to provide care for not more than 12 children. Under the B.C.Z.R, the primary test used to determine whether such use is appropriate is whether the proposed operation

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Date 6-17-11

By [Signature]

would be detrimental to the "health, safety or general welfare of the surrounding community." B.C.Z.R. § 424.4.A.6.c. In this case, the available evidence suggests the answer to this inquiry is "definitely not."

Petitioner is licensed by the State of Maryland and has been a child care provider for over 20 years. She currently cares for up to 8 children, and seeks to have up to 12 children at any one time. In 2003, she constructed an addition at the rear of her home to accommodate the day care operation, and she has a generous sized play area with the requisite stockade fence, as shown on Exhibit 1. The Petitioner has received no community complaints concerning the operation of her facility; indeed, the file contains ten (10) letters from neighbors/clients expressing enthusiastic support for Petitioner's requests. See Exhibit 4. In addition, the file contains a petition signed by sixteen (16) adjoining neighbors on Prestwood and Bradshaw Roads, indicating support for Petitioner's requests. See Exhibit 3.

Petitioner testified the center will operate 5 days/week and would likely generate six (6) vehicle trips in the morning and six in the evening when the children are picked up. In these circumstances, and especially in light of the unanimous support from the neighbors and community association, I find that the operation of the Group Child Care Center, Class A would not be in any way injurious to the public health, safety and welfare. To the contrary, Petitioner's proven track record of success and excellence in the child care field suggests the center will be a positive addition to the community and provide a valuable, much needed service to working parents, as well as enhanced economic opportunities for Petitioner and her staff of one or two employees.

I am not unmindful of Deputy Zoning Commissioner Murphy's prior Order with respect to this property or the Office of Planning's adverse comments. As to the former, at the time of the

ORDER RECEIVED FOR FILING

Date 6-17-11

By [Signature]

2005 hearing in that case, the Westview Park Community Association voiced opposition to Petitioner's request, which understandably factored into the denial of the use permit. That is not the case in the present setting. As to the Office of Planning's comments, I do not believe that Petitioner's request is subject to B.C.Z.R. 424.7.A (lot size), 424.7.B (setbacks) and 424.7.C (parking). These requirements are more germane to Group Child Care Centers operated as a principal, rather than accessory, use. I reviewed several prior zoning Orders concerning Group Child Care Centers, and none discussed or even motioned these provisions. Perhaps more to the point, Petitioner presented a series of photographs of several Group Child Care Facilities located in Baltimore County (See Exhibit 2) and it is obvious none of the operations comply with B.C.Z.R. 424.7.A, B and C.

As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The stockade fence (mandated by the B.C.Z.R.) has been in its present location for over 8 years, and the variance therefore legitimizes the "on site" conditions.

I further find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. Finally, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare, as amply demonstrated by the lack of community opposition and the letters of support from adjoining neighbors.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 6-17-11

By [Signature]

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 17 day of June, 2011 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a Use Permit for a Class A Group Child Care Center (maximum of 12 children), be and is hereby GRANTED, and

IT IS FURTHER ORDERED that Petitioners' Variance request from Section 424.1 of the B.C.Z.R. to permit a fence for the play area of a Class A Group Child Care Center to be located zero (0) feet from the property line in lieu of the required 20 feet, be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioners are advised that they may apply for any required building 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 the 30-day appeal period from the date of 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-17-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 17, 2011

THOMAS M. & LYND A. DAVENPORT
907 PRESTWOOD ROAD
CATONSVILLE MD 21228

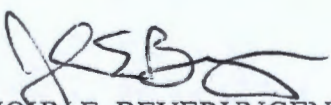
Re: Petition for Special Hearing and Variance
Case No. 2011-0327-SPHA
Property: 907 Prestwood Road

Dear Mr. and Mrs. Davenport:

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, Approvals and Inspections. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure

c: Walter Hollman, President, Westview Park Community Association, 6400 Baltimore National Pike, Box 537, Catonsville MD 21228-3921



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 907 Prestwood Road
which is presently zoned DRS.5

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

A Use Permit for a Class A Group Childcare Center (Maximum of 12 children)

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):

Thomas M. Davenport
Name - Type or Print _____

Thomas M. Davenport
Signature _____

Lynda G. Davenport
Name - Type or Print _____

Lynda G. Davenport
Signature _____

907 Prestwood Rd. 410719888
Address _____ Telephone No. _____

Catonsville MD. 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0327-SPHA

Reviewed By D.T. Date 5/5/11

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 6-17-11

By [Signature]



TAX. ACCO # 0108301710

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 907 PRESTWOOD RD.
which is presently zoned D.R. 5.5

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 Variance from Section(s) 424.1 (BCZR)

TO PERMIT A FENCE FOR THE PLAY AREA OF A CLASS A GROUP CHILD CARE CENTER TO BE LOCATED 0- FEET FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20- FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Date 6-17-11
Address _____ Telephone No. _____
By [Signature]
City _____ State _____ Zip Code _____

ORDER RECEIVED FOR FILING
Date 6-17-11

Legal Owner(s):

Thomas M. Davenport
Name - Type or Print _____
Thomas M. Davenport
Signature _____
Lynda A. Davenport
Name - Type or Print _____
Lynda A. Davenport
Signature _____
907 Prestwood Rd. 410 719-5506
Address _____ Telephone No. _____
Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 5/5/11

Zoning Description for **907 PRESTWOOD ROAD**

Beginning at a point on the south side of Prestwood Road having a 50-foot right-of-way and 230-feet east of the centerline of Moorehead Road having a 50-foot right-of-way.

Being Lot #22 in the Subdivision known as "Westview Park" as recorded in Baltimore County Plat Book #22, Folio #23 containing 7,000 square feet. Also known as 907 Prestwood Road and located in the 1st Election District and 1st Councilmanic District.

2011-0327-SPHA

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

No. **69051**

Date: **5/5/11**

Fund	Dept	Unit	Sub Unit	Rev. Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		1150					150.00

Total: **150.00**

Rec
From: **LINDA DAVENPORT**

For: **2011-0307-SP4A**
907 WESTWOOD RD
D THOMPSON

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0327-SPHA

907 Prestwood Road

S/S Prestwood Road, 230 feet east of centerline of Moorhead Road

1st Election District — 1st Councilmanic District

Legal Owners: Thomas & Lynda Davenport

Special Hearing: to approve a use permit for a Class A Group Childcare Center with a maximum of 12 children.

Variance: to permit a fence for the play area of a class A group Child Care Center to be located 0 feet from the property line in lieu of the required 20 feet.

Hearing: Wednesday, June 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

IT 05/21/11 May 24

276352



501 N. Calvert Street, Baltimore, MD 21278

June 6, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on May 24, 2011.

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

PATUXENT PUBLISHING COMPANY

By:

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 5/22/11

RE: Case Number: 2011-0327 SPHA

Petitioner/Developer: Lynda Davenport

Date of Hearing/Closing: 6/8/11 1:30 PM

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 907 Prestwood Rd

The sign(s) were posted on 5/22/11
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 24, 2011 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Thomas Davenport
907 Prestwood Road
Catonsville, MD 21228

410-719-8826

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0327-SPHA

907 Prestwood Road

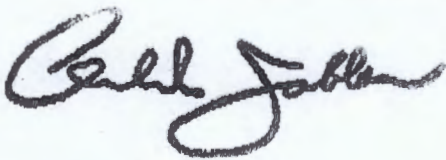
S/s Prestwood Road, 230 feet east of centerline of Moorehead Road

1st Election District – 1st Councilmanic District

Legal Owners: Thomas & Lynda Davenport

Special Hearing to approve a use permit for a Class A Group Childcare Center with a maximum of 12 children. Variance to permit a fence for the play area of a class A group Child Care Center to be located 0 feet from the property line in lieu of the required 20 feet.

Hearing: Wednesday, June 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 16, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0327-SPHA

907 Prestwood Road

S/s Prestwood Road, 230 feet east of centerline of Moorehead Road

1st Election District – 1st Councilmanic District

Legal Owners: Thomas & Lynda Davenport

Special Hearing to approve a use permit for a Class A Group Childcare Center with a maximum of 12 children. Variance to permit a fence for the play area of a class A group Child Care Center to be located 0 feet from the property line in lieu of the required 20 feet.

Hearing: Wednesday, June 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Thomas & Lynda Davenport, 907 Prestwood Road, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0327-SPHA

Petitioner: DAVENPORT

Address or Location: 907 PRESTWOOD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. THOMAS M. DAVENPORT

Address: 907 PRESTWOOD RD.

CATONSVILLE, MD 21228

Telephone Number: 410-719-8826



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 26, 2011

Mr. & Mrs. Davenport
907 Prestwood Road
Catonsville, MD 21228

RE: Case Number 2011-0327 SPHA, 907 Prestwood Road

Dear Mr. Gibbons,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204

JB 6/8 1:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: May 31, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 907 Prestwood Road

INFORMATION:

Item Number: 11-327

Petitioner: Thomas M. Davenport

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

RECEIVED

JUN 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

In 2005, the petitioner requested special hearing relief and variances to approve a Class A Group Child Care Center which was denied on 10/31/05 by the Deputy Zoning Commissioner in Case No. 06-099-SPHA. The Office of Planning did not support the petitioner's previous request for approval of a Class A Group Child Care Center (see attached correspondence dated 9/13/05).

This office opposes the petitioner's current request for approval of a Class A Group Child Care Center for the following reasons:

1. The Deputy Zoning Commissioner on 10/31/05 denied the previous request for a Class A Group Child Care Center at this location.
2. The petitioner's site plan isn't in compliance with Section 424.4.A.1.e of the BCZR. It doesn't show the parking arrangement, and it doesn't show the proximity of dwellings on two adjacent lots (i.e., 906 and 908 Bardswell Road).
3. The petitioner currently operates a Family Child Care Home as an accessory use at this location. Denial of this request doesn't deprive the petitioner of a reasonable use of the property for childcare.
4. The site is a small residential lot located in a neighborhood of similar sized lots. The proposed use is excessive for this particular lot and the neighborhood.
5. The site doesn't have adequate parking. The lot whereon the proposed Class A Group Child Care Center would be located is also used as a private residence. This lot has two off-street parking spaces. The parking spaces are located side-by-side in the front yard. Pursuant to Section 409.6 of the BCZR, at least 4 off-street parking spaces should be provided (two spaces for the residence and at least 2 spaces for the Group Child Care Center). Although 4 parking spaces should be provided, it would be necessary to remove vertical curbing and pave a substantial portion of the front yard in order to provide 2 additional spaces. The arrangement and location of the 4 parking

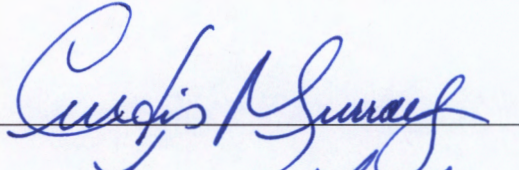
spaces would be greatly inconsistent and incompatible with the parking pattern on surrounding properties.

6. There does not appear to be any legitimate justification for practical difficulty or unreasonable hardship to grant the requested variance.

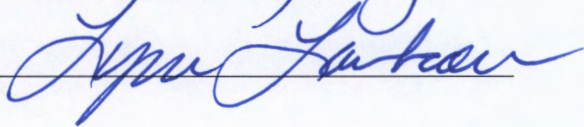
The Administrative Law Judge should determine whether the proposed Class A Group Child Care Center must comply with the following sections of the BCZR: minimum lot size (424.7.A), setbacks (424.7.B), and location of parking, drop-off and delivery areas (424.7.C).

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 13, 2005

RECEIVED

SEP 14 2005

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

ZONING COMMISSIONER

SUBJECT: 907 Prestwood Road

INFORMATION:

Item Number: 6-099

Petitioner: Lynda A. Davenport

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is unable to support the petitioner's request. The site is a small residential lot located in a neighborhood of similar sized lots. The proposed use appears to be excessive for the lot and the neighborhood. The proposed Class A Group Child Care Center clearly does not comply with the following BCZR requirements: fencing (424.1.B), minimum lot size (424.7.A), setbacks (424.7.B), and location of parking, drop-off and delivery areas (424.7.C). There does not appear to be any legitimate practical difficulty or unreasonable hardship to justify the requested variances.

As an alternative, the petitioner should request the approval of a Family Child Care Home at this location, as that type of use would be more appropriate for the area.

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

Prepared by:

Curtis Huerfano

Division Chief:

Lynda A. Davenport

AFK/LL: CM

JS 6/8 1:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-327-SPHA
Address 907 Prestwood Road
(Davenport Property)

Zoning Advisory Committee Meeting of May 16, 2011.

X The Department of Environmental Protection and Sustainability has no
comments on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



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

State Highway
Administration

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

Maryland Department of Transportation

JB
6-8-11

Herring
6/8/11

Date: 5-17-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

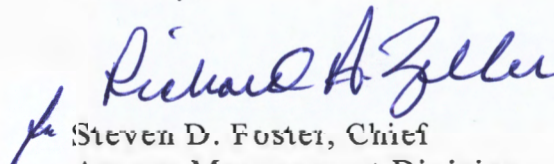
RE: Baltimore County
Item No. 2011-0327-SPHA
Variance Special Hearing
Thomas & Lynda Davenport
907 Prestwood Road

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. 2011-0327-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 17, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 16, 2011**

Item No.:

Administrative Variance: 2011-0324A, 2011-0328A – 0329A.

Special Hearing: 2011-0152-SPHA, 2011-0330-SPH.

Variance: 2011- 0152-SPHA, 2011-0326A, 2011-0327-SPHA, 2011-0331A – 0332A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 17, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 16, 2011**

Item No.:

Special Hearing: 2011-0327-SPHA

Comments:

The proposed building shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code; Bill # 48-10.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 25, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2011
Item Nos. 2011-152, 324, 326, 327, 328, 329, 331
And 332

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05302011 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
907 Prestwood Road; S/S Prestwood Road, * ADMINISTRATIVE LAW
230' E of c/line Moorehead Road *
1st Election & 1st Councilmanic Districts * JUDGE FOR
Legal Owner(s): Thomas & Lynda Davenport *
Petitioner(s) * BALTIMORE COUNTY
* 2011-327-SPHA

* * * * *

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

MAY 13 2011

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 13th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Thomas & Lynda Davenport, 907 Prestwood Road, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

May 3, 2011

Lawrence M. Stahl, Esquire
Baltimore County Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Stahl:

Attached please find a copy of Resolution 49-11 concerning the public disclosure of Thomas M. Davenport, an employee of the Baltimore County Department of Recreation and Parks. Mr. Davenport has applied for permission to increase the capacity of the day care center operated at his residence at 907 Prestwood Court, Catonsville, Maryland 21228.

This Resolution was approved by the County Council at its May 3, 2011 meeting and is being forwarded to you for appropriate action.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Peddicord", is written over a horizontal line.

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Thomas M. Davenport, Sr.

Tom Quirk
FIRST DISTRICT

Vicki Almond
SECOND DISTRICT

Todd Huff
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Cathy Bevins
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 9

Resolution No. 49-11

Mr. Tom Quirk, Councilman

By the County Council, May 2, 2011

A RESOLUTION concerning the public disclosure of Thomas M. Davenport, Sr., an employee of the Baltimore County Department of Recreation and Parks.

WHEREAS, Thomas M. Davenport, Sr., an employee of the Baltimore County Department of Recreation and Parks, has applied for permission to increase the capacity of the day care center operated at his residence at 907 Prestwood Court, Catonsville, Maryland 21228; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Thomas M. Davenport, Sr., does not contravene the public welfare.

Contact Us



Westview Park Improvement & Civic Association
6400 Baltimore National Pike, Box 537
Catonsville, MD 21228-3921
www.westviewpark.org

Officers

Walter B Hollman Sr
President
410.455.5335

Ganiyu Raji
Vice President
410.788.0090

Genie Poplawski
Treasurer
410.788.4833

Theresa Dorsey
Secretary

Clifton Cole
Sergeant-at-Arms

Board of Governors

Beverly Bachmann

Don Blackman

Rosa Crowell

Wanda L Williams

Jackie Lynam

Louise Scott

George Valkos

Mary Jo Valkos

Jodene Bosset

Mary Breland

Appointed Committee Chairs

Citizens on Patrol (COP)

Jackie Lynam
410.788.8969

Zoning

Nathaniel A Opher Sr
410.788.1229

Membership

Roy Fredrick
410.747.4336

Fund-Raising

Patrice Washington
410.747.1820

Welcome

Vacant
410.455.5335

Newsletter

Wanda L Williams
newsletter@westviewpark.org

Social

Rosalind Hobson
410.744.2968

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 01 Account Number - 0108301710

Owner Information

Owner Name:	DAVENPORT THOMAS M DAVENPORT LYND A	Use:	RESIDENTIAL
Mailing Address:	907 PRESTWOOD RD BALTIMORE MD 21228	Principal Residence:	YES
		Deed Reference:	1) /08917/ 00143 2)

Location & Structure Information

Premises Address

907 PRESTWOOD RD
0-0000

Legal Description

WESTVIEW PK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0095	0013	0179		0000	3B	M	22	1	Plat Ref: 0022/0023

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	2,354 SF	7,000 SF	04

Stories	Basement	Type	Exterior
2.000000	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	97,000	85,000		
Improvements:	204,940	153,700		
Total:	301,940	238,700	238,700	238,700
Preferential Land:	0			0

Transfer Information

Seller:	DEVLIN DANIEL THOMAS	Date:	09/19/1991	Price:	\$104,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/08917/ 00143	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	* NONE *

Lynda's Tender Love Daycare

My Dear New Neighbor, I'm asking would you have any rejection if I would operate a class A Day Care Center. Which would allied my Day care to have twelve kids. I'm currently License for eight Kids. Thank You for Your Support and Time. Thursday, November 11, 2010

Lynda Davenport

Name

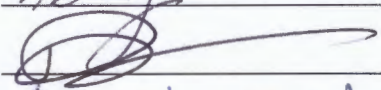
Address

Robert Sawille

904 Prestwood Rd. Catonsville MD 21038

MBailly

913 Prestwood Rd.



903. Prestwood Rd.

Cateasha Marshall

906 Prestwood Rd

State of MD, Baltimore County on this 16th day of February 2011, personally appeared before me the said named Linda Davenport

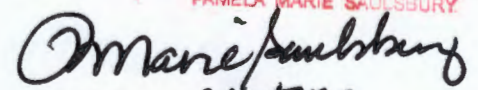
Known to me to be person described in and

who executed the foregoing instrument and

he (or she) acknowledged that he (or she) acknowledged that he (or she) executed the same, and being duly sworn by me.

My commission expires 11/05/11

Embossed Hereon is My
Baltimore County, Maryland Notary Public Seal
My Commission Expires November 05, 2011
PAMELA MARIE SAULSBURY


Signature of Notary
Public

February 23, 2011

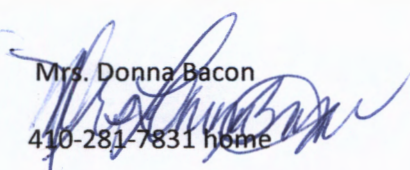
To Whom It May Concern:

I Donna Bacon a former parent of Lynda's Tender Love Day Care, support Mrs. Lynda Davenport with becoming a Day Care Center. I believe that her center would be an asset to the community.

My daughter Paris Bacon was once a child in the day care in which she's now employed part time. Before she was employed, Mrs. Davenport allowed my daughter to complete some of the community service hours needed to graduate. Lynda also gave her business number to the high school in her neighborhood offering any student in need, to come and complete service hours needed to graduate. Just one of the things she does to give back to the community.

Lynda cares deeply for all the children that's in her day care and because of that, the parents speak very high of her, so much so that she has a waiting list and have even had to turn some away.

Making Lynda's Tender Love Day Care a center, would only be an asset to the community that would allow her to provide care for the working parents in the community and employ another person.


Mrs. Donna Bacon

410-281-7831 home

410-598-5788 cell

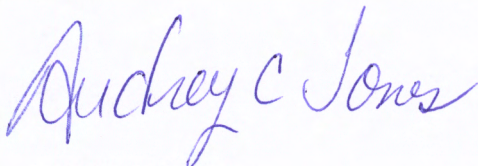
Audrey C. Jones
5905 Charnwood Road
Baltimore, MD 21228

February 16, 2011

To Whom It May Concern:

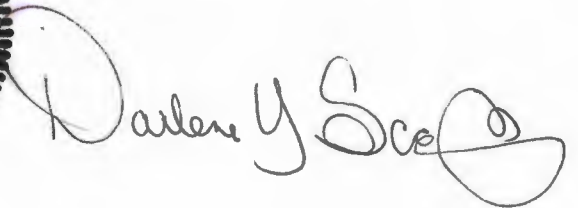
My name is Audrey Jones and I have known Mrs. Lynda Davenport for over 18 years. Our affiliation began when I started as a licensed foster parent for the Baltimore City Department of Social Services. Mrs. Davenport provided day care services to all of my foster children while they were in my care. My oldest daughter, who attended Mrs. Davenport's day care, now works for her completing her work study program and prior to this had completed her service learning hours with Mrs. Davenport. I feel the care she provides is exceptional and she is very much devoted to helping her community, as well as the children she cares for. Mrs. Davenport has continuously worked toward maintaining an excellent reputation with the families she serves and she has worked hard to provide a nurturing environment. She has always made learning fun for her children. Throughout the years, I have always known her to keep a safe and healthy environment for all of the children in her care. It has been more than a pleasure to work with Mrs. Davenport for the time I have and I appreciate the standards she sets for the children who enter her care. If I can be of any further assistance, please feel free to contact me at (410) 719-6268.

Sincerely,



Audrey C. Jones





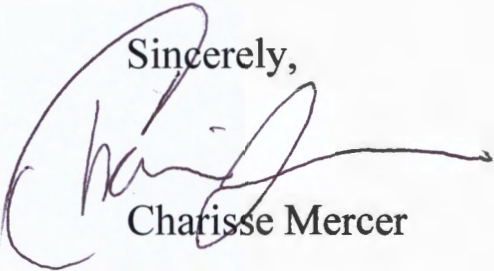
May 19, 2011

To Whom It May Concern:

My son has been attending Lynda's Daycare for the last three years, prior to attending Lynda's Daycare my son was didn't talk much and kept to himself. But because of the love and dedication that was shown to him by Lynda and her staff my son is now very active and is talking a lot. Lynda and her staff do weekly activities that helped to stimulate his growth. Since being at Lynda's my son knows his ABC's, he can count to 20, and he recognizes his letters.

I could never repay Lynda and her staff for the love and one on one attention they have given my son. I believe many children need to be able to benefit from the excellent service that Lynda and her staff provides.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Charisse Mercer', with a large, stylized initial 'C' and a long horizontal flourish extending to the right.

Charisse Mercer

10/12/05

IN RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
S/side of Prestwood Road, 230 ft. east of
Moorehead Road
(907 Prestwood Road)
1st Election District
1st Councilmanic District
Lynda A. and Thomas M. Davenport
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
*
* OF BALTIMORE COUNTY
*
* **CASE NO. 06-099-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing and Variance for the property located at 907 Prestwood Road, in the western area of Baltimore County. The Petition was filed by Lynda A. and Thomas M. Davenport, the Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve (A Use Permit for) a Class A Group Child Care Center (Maximum of 12 Children).

In addition the Petitioners requested a variance from Sections 424.7.A & B and 424.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an outdoor play area with a fence setback of 0 feet in lieu of the minimum required setback of 20 feet; a lot area of 0.16 acre in lieu of the required one acre; a side yard setback of 0 feet & 15.5 feet to the side property line in lieu of the required 50 feet; a vegetative buffer of 0 feet in lieu of the required 20 feet and 0 feet rear setback in lieu of the required 50 feet.

The property was posted with Notice of Hearing on September 27, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 27, 2005, to notify any interested persons of the scheduled hearing date.



Lynda's Tender Love Daycare

My Dear Neighbors, September 2005 I asked if you would have any problems with me operating a class A daycare center and you signed a petition. Thank you very much for your support. I'm writing this letter because I have not gave up and I wish to further pursue my goal. I just have a question to ask. And once again I'd like to thank you for your support. It would be of great importance if you can put your name and address saying either yes or no if in 2005 you talked to the president of the association Mr. Steve Whisler at the time I was applying for my center license. Thank you for your time.

Name	Address	Response
Solo	908 Prestwood Road	No have not spoken w/ Steven Whisler
Cook, Paul	901 Prestwood Rd	NO
Mrs. James Chynm	904 Bardswell Rd.	NO
Mrs. Anthony Morris	908 Bardswell Rd.	NO
Mrs. Diana (name)	914 Bardswell Rd	NO
Marion O Brown	905 Prestwood Rd	No
Joan (name)	900 Prestwood Rd	No
Shirley Lewis	902 Prestwood Rd	No
Sharon (name)	923 Prestwood Rd	no
Elizabeth (name)	909 Prestwood Rd	NO
Janice (name)	906 Bardswell Rd	NO
Maeda Smith	910 Bardswell Rd	NO

State of MD, Baltimore County on this
16th day of February 2011 personally
appeared before me the said
named Lynda Davenport known to me to be
person described in and who executed
the foregoing instrument and he (or she)
acknowledged that he (or she) executed the
same, and being duly sworn by me

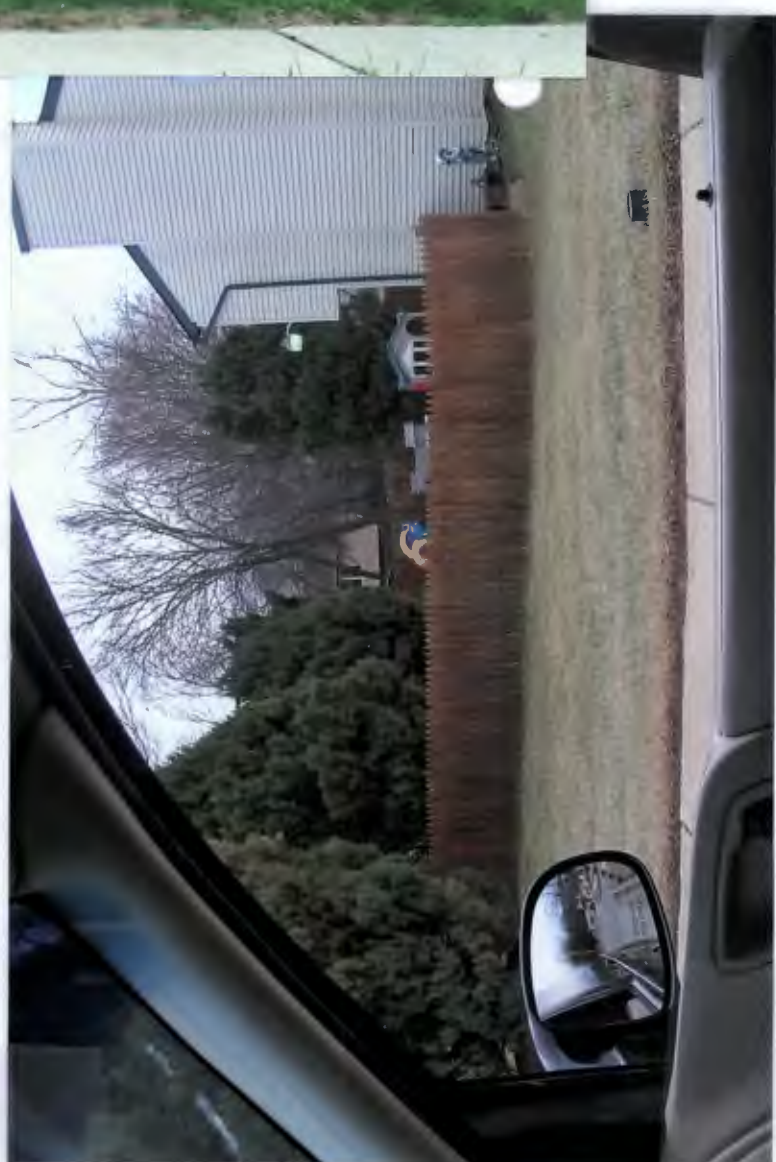
My Commission expires 11/5/11

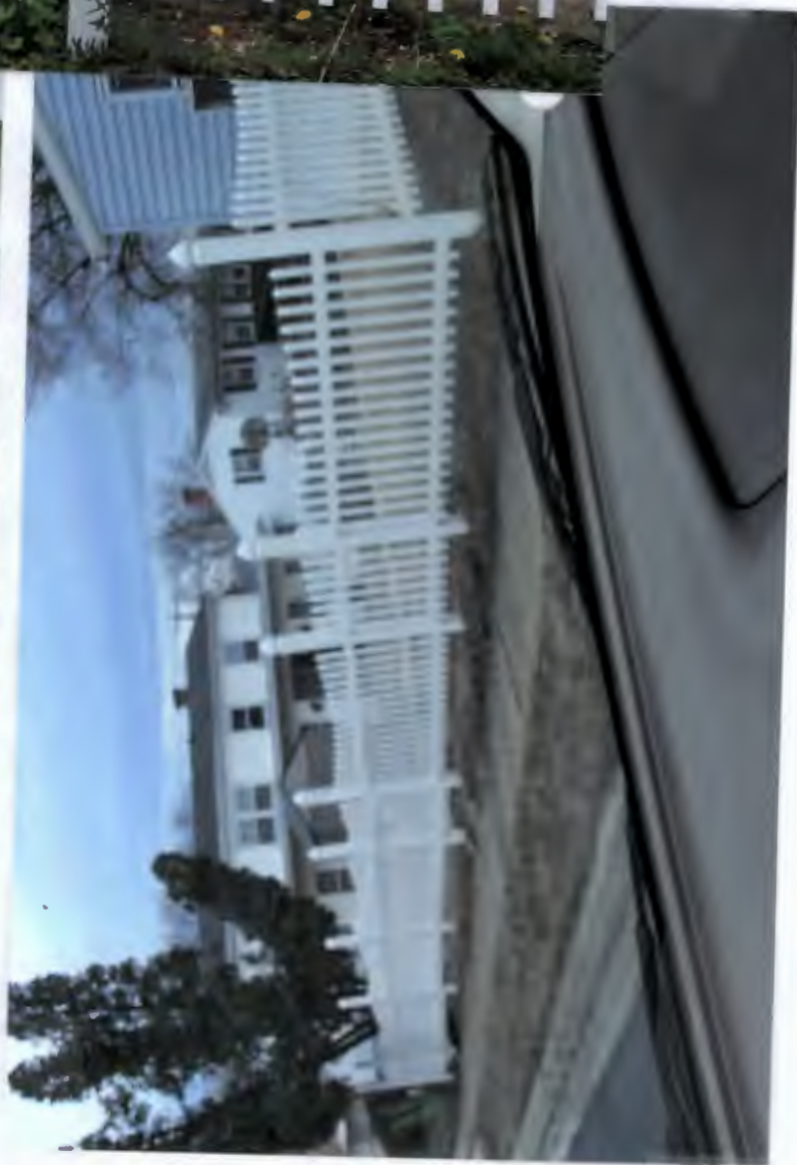
Signature of Notary
public

Embossed Hereon to my
Baltimore County Maryland Notary Public Seal
My Commission Expires November 05, 2011
PAMELA MARIE SAULSBURY

Signature of Notary









907

0119716890

0118472560

Lot # 24

0111670300

Lot # 22

Lot # 23

Lot # 10

Pt. Bk./Folio # 022024

0103473330

Lot # 20

903

0103001880

Pt. Bk. 22, Folio 24

Lot # 19

0111570630

Lot # 11

Lot # 12
0104002830

0111150050

Lot # 13

0119610030

Pt. Bk. 22, Folio 23

Lot # 14

Lot # 15
0108551330

902

Lot # 16
0107291270

PRESTWOOD RD

PDM # 010084

1-CD

095A3

DR 5.5

SITE

907

0108301710

20060099

Lot # 22

0112202370

Lot # 23

911

Lot # 24
0102370950

0102651940

Lot # 25 913

Pt. Bk./Folio # 022023

903

Lot # 20
0113754010

905

Lot # 21
0102572640

Lot # 19
0103473980

Lot # 12
0110000780

Lot # 13
0112591960

Lot # 14
0107150730

Lot # 15
0113750270

Lot # 16
0103471940

Lot # 17
0119001270

0110001230
Lot # 18

BARDSWELL RD

Lot # 26

0103670690
Lot # 25

0111001500

Lot # 24
909

0112201210

Lot # 23

907

Lot # 22
0107410490

0123001940

2011-0327-SPHA

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 907 Prestwood Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Westview Park

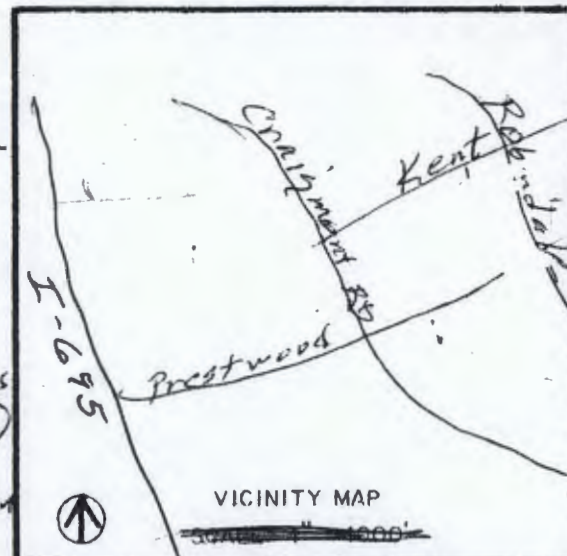
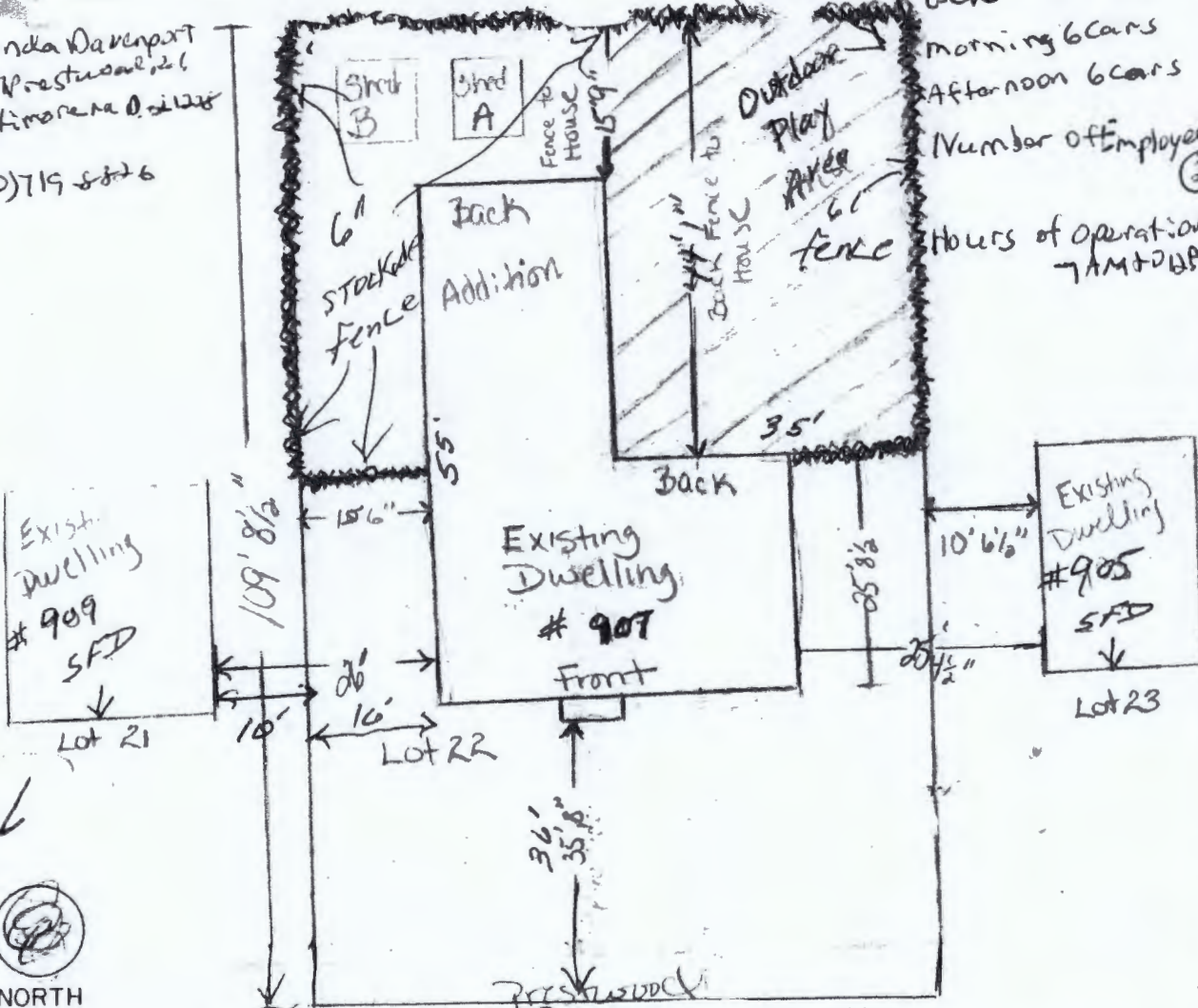
PLAT BOOK #22 FOLIO #23 LOT #22 SECTION #3B Block M

OWNER Thomas & Linda Davenport

Days of Week 5 Days
No. of children enrolled 12
Estimated amount of Traffic
General's cars
Morning 6 cars
Afternoon 6 cars
Number of Employees (2)
Hours of operation
7 AM to 2 PM

XXXX = fence

Lynda Davenport
907 Prestwood Rd
By Kimora A. D. 12/28
(410) 719-8826



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 095A3

ZONING DRS.5

LOT SIZE 0.16 7000#
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING 06-099-SPHA

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 0327 2011-
0327-SPHA

PREPARED BY Alicia Singleton

SCALE OF DRAWING: 1" = 20'