

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

W/side of Maudes Way
(5516 Maudes Way)
11th Election District
5th Council District

John C. and Maleena M. Kantorski
Petitioners

* BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2012-0227-SPHA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

By letter dated May 29, 2012, the Office of People's Counsel filed a Motion for Reconsideration in the above-captioned case, "mainly for the purpose of clarification and the addition of a condition to reflect that the operator of the child care facility must also reside on the premises." By way of background, the Petitioners, John and Maleena Kantorski, were granted special hearing and variance relief by Order dated April 30, 2012, to operate a Class A Child Care facility in their home in the Honeygo area.

In People's Counsel's motion for reconsideration, Mr. Zimmerman asks that the April 30, 2012 Order be amended to include a condition that the operator of the child care facility must also be a resident of the dwelling. In this case, Mr. and Mrs. Kantorski are in fact the owners and residents of the single family dwelling at 5516 Maudes Way, and they would therefore satisfy this condition, which I am more than willing to include as an amendment or clarification of the prior Order.

Leaving this case aside for a moment, I was unable to find any Maryland law addressing this specific issue, nor does the Baltimore County Zoning Regulations or Zoning Commissioner's Policy Manual specifically state whether or not an accessory use in a residential dwelling must be conducted by an occupier of the premises. I was however able to locate two fairly recent out-of-

ORDER RECEIVED FOR FILING

Date 6-5-12

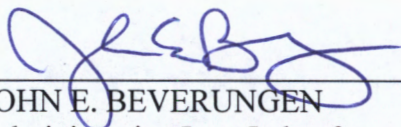
By [Signature]

state cases, both of which held that an "accessory use" does not include a proprietary enterprise conducted or operated by non-occupiers of the premises in question. Harbour Town Associates, Ltd., v. City of Noblesville, 540 N.E. 2d 1283 (Ind. Ct. App.1989) (apartment owners leasing boat docks to non-residents constitutes a commercial use that was not permissible accessory use of the property); Oronoque Village Condominium Association v. Bargas, 1990 WL 272029 (Conn. 1990) (same). Thus, it would appear that under generally applicable principles of zoning law, an accessory use in residential premises must be conducted by an owner or occupier of that dwelling.

As such, and in light of the above, this shall serve as a clarification of the April 30, 2012 Order issued in the above-referenced case, and a condition is hereby added to reflect that the operator of the Class A Child Care facility must also reside on the residential premises on which the facility is operated.

Dated this 5 day of June, 2012.

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 6-5-12

By MB 2



KEVIN KAMENETZ
County Executive

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

June 5, 2012

PETER MAX ZIMMERMAN
PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY
105 WEST CHESAPEAKE AVENUE
ROOM 204
TOWSON MD 21204

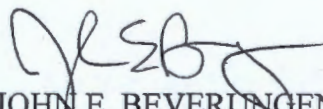
RE: Petitions for Special Hearing and Variance
Order on Motion for Reconsideration
Case No.: 2012-0227-SPHA
Property: 5516 Maudes Way

Dear Mr. Zimmerman:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: John C. Kantorski, Jr. and Maleena M. Kantorski, 5516 Maudes Way, White Marsh, MD 21162



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 29, 2012

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Petition for Use Permit and Variance
John & Maleena Kantorski
5516 Maudes Way
Case No. 2012-227-SPHA

RECEIVED
MAY 28 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Beverungen,

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Order and Opinion dated April 30, 2012 in the above-referenced case. This is mainly for the purpose of clarification and the addition of a condition to reflect that the operator of the child care facility must also reside on the premises.

Pursuant to BCZR Section 424.4, a Group Child Care Center, Class A (up to 12 children) is permitted by use permit as an accessory use only within a single-family detached dwelling, subject to additional enumerated requirements. The April 30, 2012 Order does not specify this limitation. As a result, there is a reasonable concern that this limitation may in the future be overlooked.

Petitioners have requested a use permit for such a facility at their Maudes Way residence in the Honeygo area. They have also requested a variance from the BCZR Section 424.1.B outdoor play space setback and fence standards. They site plan identifies their property as .4 acre in size and zoned D.R. 2H. The April 30, 2012 opinion grants the use permit and the variance.

Meanwhile, BCZR Section 424.7 establishes bulk (area, parking, height) standards for all group child care centers in all D.R. (Density-Residential Zones: minimum acreage (1-acre); minimum setbacks, parking drop off and delivery; maximum height; and maximum impervious surface coverage. Clearly, the proposal does not meet the minimum acreage and setback standards.

John Beverungen, Administrative Law Judge

May 29, 2012

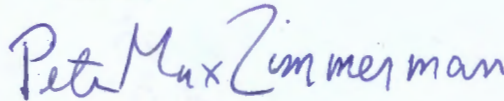
Page 2

So far as we can tell, the zoning office has not viewed the BCZR Section 424.7 bulk (area, parking, height) standards as applicable to Class A Group Child Centers accessory to dwellings. The basis for this exemption may be the thought that a residential child care facility is not so commercial in character as a facility operated by a non-resident. But BCZR Section 424.7 (in contrast to BCZR Section 424.5) does not differentiate between accessory and principal use child care centers.

In any event, for the present case, we ask that the April 30, 2012 Order at least be amended to include a condition that the operator of the facility must also be a resident of the dwelling. This was highlighted in a recent County Board of Appeals decision, where such a condition was included. We attach the CBA's May 19, 2011 opinion in Dennis and Elizabeth Agboh, 6411 Liberty Road, No. 10-004-SPH.

Thank you for your consideration of this motion for reconsideration.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

Attachments: BCZR Sections 424.1, 424.4, 424.5, and 424.7.

County Board of Appeals opinion, Case No. 10-004-SPH (Agboh)

cc: John and Maleena Kantorski, Petitioners
Carl Richards, Zoning Supervisor\
Lynn Lanham and Curtis Murray, Department of Planning

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

W/side of Maudes Way
(5516 Maudes Way)
11th Election District
5th Council District

John C. and Maleena M. Kantorski
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2012-0227-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, John C. and Maleena M. Kantorski. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a use permit for a group child care center Class A with a maximum of 12 children. The Petitioners are also seeking variance relief from Section 424.1.B of the B.C.Z.R., to permit an outdoor play space with an open aluminum rail fence as close as 2' setback from the property line in lieu of the required solid wood stockade/panel fence with a 20' setback from the property line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case were Petitioners John C. and Maleena M. Kantorski. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no ZAC comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is zoned DR 2 H, and contains 17,424 square feet (0.40 acre). The site is improved with an attractive single family dwelling, and the rear yard is fenced and contains approximately 5,500 square feet of open space, which is used as a play area for the children. Mrs. Kantorski has been a licensed child care provider for three years, and has operated the Love and Sun Learning Center on the subject premises with eight children enrolled. Mrs. Kantorski, who was a former Baltimore County school teacher and vice principal, now seeks to expand the center to accommodate up to 12 children, and to do so required Petitioners to comply with additional State licensing requirements and the B.C.Z.R.

Turning first to the Petition for Special Hearing, I am persuaded to grant the requested relief. A Group Child Care Center, Class A, as defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) is a "group child care center wherein group child care is provided for no more than 12 children at one time." Section 424.4 of the B.C.Z.R. enumerates the specific requirements for a Group Child Care center as an accessory use.

The Petitioner testified that the play space in the rear yard is enclosed with a 5' tall aluminum fence, as shown in Exhibit 2. The Petitioner also advised that there were no group child care facilities or nursery schools adjoining her property. Petitioner indicated the Maryland State Department of Education in February 2012 adopted new regulations for "Large Child Care Homes" (permitting up to 12 children), and she explained that the State told her the application could not be processed and approved until she received zoning approval from the County. Thus, the Petitioners have satisfied the requirements of B.C.Z.R. § 424, and the use permit will be granted.

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the play area on the subject property is presently enclosed with a new and attractive fence, and it would be unreasonable to insist that the fence be relocated simply to accommodate the 20' setback in B.C.Z.R. § 424.1. This is especially the case here, where the Petitioners' lot adjoins a wooded area, so the children will not disturb neighbors (or vice versa). I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners, given they would need to relocate the fence.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of community opposition and County reviewing agencies. In fact, the Petitioners' submitted a lengthy list of signatures from neighbors expressing enthusiastic support for the Center.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 30th day of April, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a use permit for a group child care center Class A with a maximum of 12 children, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date A-30-12

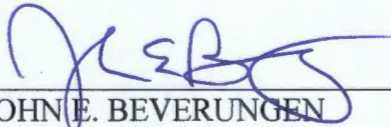
By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 424.1.B of the B.C.Z.R., to permit an outdoor play space with an open aluminum rail fence as close as 2' setback from the property line in lieu of the required solid wood stockade/panel fence with a 20' setback from the property line, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. Receipt of a Large Child Care Home license/certification from the State of Maryland.
2. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 4-30-12

By DW



KEVIN KAMENETZ
County Executive

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

April 30, 2012

John C. Kantorski, Jr.
Maleena M. Kantorski
5516 Maudes Way
White Marsh, Maryland 21162

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0227-SPHA
Property: 5516 Maudes Way

Dear Mr. and Mrs. Kantorski:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 5516 Maudes Way, White Marsh 21162 which is presently zoned DR2H
 Deed References: 25846/00057 10 Digit Tax Account # 2500003412
 Property Owner(s) Printed Name(s) John C. Kantorski, Jr. Maleena M. Kantorski

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve use permit for a group child care center Class A for a maximum of 12 children

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) 424.1.B, BCZR, to permit an outdoor play space with an open aluminum rail fence as close as 2ft setback from the property line in lieu of the required solid wood stockade / Panel fence with a 20 ft setback from the property line of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

John C. Kantorski, Jr. Maleena M. Kantorski

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5516 Maudes Way White Marsh MD

Mailing Address

City

State

21162, 410-458-6368, maleena@loveandsun.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Maleena Kantorski

Name - Type or Print

Signature

5516 Maudes Way White Marsh MD

Mailing Address

City

State

21162, 410-458-6368, maleena@loveandsun.net

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0227-SPA Filing Date 3/21/12

Do Not Schedule Dates: _____

Reviewer GH/SP

ZONING PROPERTY DESCRIPTION FOR
5516 MAUDES WAY, WHITE MARSH, MARYLAND 21162

Beginning at a point on the west side of Maudes Way which is 50 feet wide at the distance of 760 feet of the centerline of the nearest improved intersecting street, Philadelphia Road, which is 80 feet wide.

Being Lot #9 in the subdivision of Hagan-Hall Property as recorded in Baltimore County Plat Book #78, Folio # 211, containing 17,424 square feet. Located in the 11th Election District and 5th Council District.

2012-0227-A ⁵⁻¹⁸

Certificate of Posting

RE: Case NO. 2012-0227-SPHA

Petitioner/Developer _____

Mr. & Mrs. Kantarski

Date of Hearing/Closing 4/26/12

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

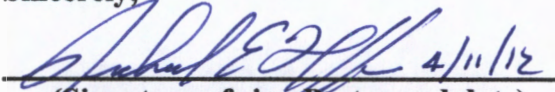
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

5516 Maudes Way

The sign(s) were posted on 4/11/12
(Month, Day, Year)

Sincerely,

 4/11/12
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2012-0227-SPHA

Petitioner/Developer: _____

Mr. & Mrs. Kantarski

Date of Hearing/Closing: 4/26/12



5516 Maudes Way

Posting Date: 4/11/12

[Signature] 4/11/12
(Signature and date of sign poster)

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

No.

81366

Date:

3/21/12

PAID RECEIPT

BUSINESS ADDRESS TIME ORG
3/22/2012 3:21:20 PM 44:26 2

ARG M502 MAIL JCVH JEL
X RECEIPT # 775419 3/21/2012 OFLH

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	896	0000		6150						150.00

Total:

150.00

Rec
From:

5516 Maudes Way

For:

2012-0227-SP+IA
Kantoriski

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0227-SPHA
5516 Maudes Way
W/side of Maudes Way
11th Election District
5th Councilmanic District
Legal Owner(s): John and
Maleena Kantarski
Variance: to permit an out-
door play space with an
open aluminum rail fence
as close as 2 feet setback
from the property line in
lieu of the required solid
wood stockade/panel fence
with a 20 foot setback from
the property line. **Special
Hearing:** to approve a use
permit for a group child
care center Class A for a
maximum of 12 children.
**Hearing: Thursday, April
26, 2012 at 2:30 p.m. in
Room 205, Jefferson
Building, 105 West Chesa-
peake Avenue, Towson
21204.**

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT 04/651 April 10 301420

CERTIFICATE OF PUBLICATION

4/12/, 2012

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 4/10/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

April 2, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0227-SPHA

5516 Maudes Way

W/side of Maudes Way

11th Election District – 5th Councilmanic District

Legal Owners: John and Maleena Kantarski

Variance to permit an outdoor play space with an open aluminum rail fence as close as 2 feet setback from the property line in lieu of the required solid wood stockade/panel fence with a 20 foot setback from the property line. Special Hearing to approve a use permit for a group child care center Class A for a maximum of 12 children.

Hearing: Thursday, April ²⁶16, 2012 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the hearing information.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Kantarski, 5516 Maudes Way, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., APRIL 11, 2012.**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
Maleena Kantarski
5516 Maudes Way
White Marsh, MD 21162

410-458-6368

NOTICE OF ZONING HEARING

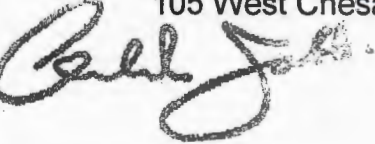
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0227-SPHA

5516 Maudes Way
W/side of Maudes Way
11th Election District – 5th Councilmanic District
Legal Owners: John and Maleena Kantarski

Variance to permit an outdoor play space with an open aluminum rail fence as close as 2 feet setback from the property line in lieu of the required solid wood stockade/panel fence with a 20 foot setback from the property line. Special Hearing to approve a use permit for a group child care center Class A for a maximum of 12 children.

Hearing: Thursday, April 16, 2012 at 2:30 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 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.

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/neighborhood 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: 2012-0227-SPHA

Petitioner: John C. Kantorski, Jr. / Maleena M. Kantorski

Address or Location: 5516 Maudes Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Maleena Kantorski

Address: 5516 Maudes Way
White Marsh, MD 21162

Telephone Number: 410-458-6368

2012-0227-SPHA



KEVIN KAMENETZ
County Executive

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

April 17, 2012

John C. & Maleena M. Kantaski
5516 Maudes Way
White Marsh, MD 21162

RE: Case Number: 2012-0227A, Address: 5516 Maudes Way, 21162.

Dear Mr. & Ms. Warner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 21, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style with a large, stylized "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0227-SHA
Variance
John & Malene Kantorowski
5516 Mandes Way

Dear Ms. Lewis:

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. 2012-0227-A.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 30, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item Nos. 2012-222,224,225,226,227
And 228

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-04092012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 26, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5516 Maudes Way

INFORMATION:

Item Number: 12-227
Petitioner: John Kanterski
Zoning: DR 2H
Requested Action: Special Hearing

RECEIVED

MAY 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

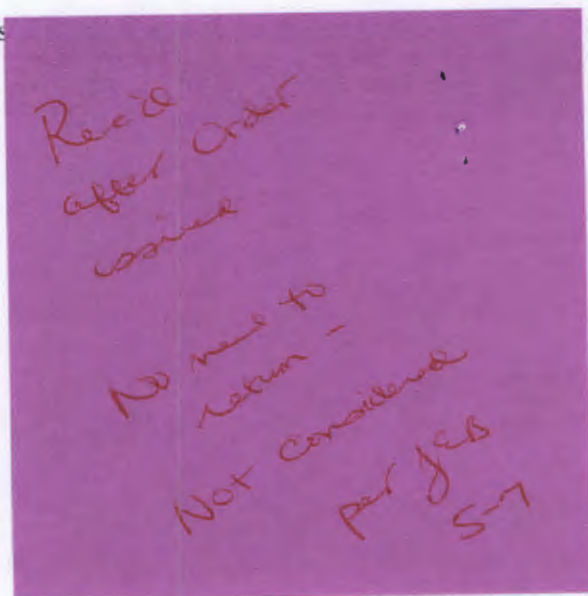
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning supports the petitioner's special hearing request for a use permit for a Class A group child care center with a maximum of 12 children. The subject lot has an extensive driveway to accommodate pick up and drop off of the children and therefore should not cause a parking or travel way conflict in the neighborhood.

Furthermore, the Department of Planning supports the petitioner's variance request to permit an outdoor play area with an open aluminum rail fence as close as 2-feet from the property line in lieu of the required solid wood stockade/panel fence that is setback 20-feet from the property line. It appears from the site plan and site observation that the rear yard directly abuts a wooded area and a 10-foot drainage and utility easement as opposed to another residential lot. Additionally, the subject dwelling is already situated to the rear of neighboring dwellings on both sides, the proposed aluminum fencing would be behind the subject dwelling and would be barely visible from Maudes Way and other residences.

For further information concerning the matters stated here in, please call 3480.

Prepared by:

Division Chief:
AVA/LL: CM



RE: PETITION FOR VARIANCE
5516 Maudes Way; W/S Maudes Way
11th Election & 5th Councilmanic Districts
Legal Owner(s): John & Maleena Kantorski
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-227-A

* * * * *

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

APR 02 2012

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 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Maleena Kantorski, 5516 Maudes Way, White Marsh, MD 21162, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/26/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/27/2012 9:57 AM
Subject: ZAC Comments - Distribution Mtg. of 3/26/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0222-A - 1518 Kirkwood Road
 No hearing date in data base as of today

2012-0223-SPHA - 3520 Glenwood Road - **CRITICAL AREA & FLOODPLAIN**
 No hearing date in data base as of today

2012-0224-A - 11823 Manor Road
 Administrative Variance - Closing Date: 4/16/12

2012-0225-A - 7015 Sollers Point Road
 No hearing date in data base as of today

2012-0226-A - 604 Kahn Drive
 No hearing date in data base as of today

2012-0227-A - 5516 Maudes Way
 No hearing date in data base as of today

2012-0228-A - 112 Ridge Field Road
 Administrative Variance - Closing Date: 4/16/12

Thanks.

Debbie Wiley
 Legal Administrative Secretary
 Office of Administrative Hearings
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

JB 4-26-12
Signed w/Concl.
4-30-12

M E M O R A N D U M

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0227-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ~~Case File~~
Office of Administrative Hearings

APPLICATION FOR CHILD CARE CENTER **CLASS A**USE PERMIT

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

Proposed Child Care Center Location:

Election District 11
Subdivision Brookfield Manor Hagan-Hall Property
Street Address 5516 Maudes Way, White Marsh, 21162
Lot Number 9 Block Number _____
*If no lot or block number, give distance to nearest intersecting street _____ feet, north / south / east / west of _____ Street / Road / Avenue
Lot Size 0.400 Acres x _____

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

The Young School
5009 Honeygo Center Drive
Perry Hall, MD

General Information:

- A. Name and Address of Applicant/Operator
Maleena Kantorski
5516 Maudes Way
White Marsh, MD 21162 Telephone Number 410-458-6368
- B. Number of Employees 2 (myself) Hours of Operation 7:30 am - 5 pm
Days of Week Monday - Friday
- C. Number of Children Enrolled ≤ 12
- D. Estimated Amount of Traffic Generated:
Morning ≤ 12 cars 7:30 - 9 dropoff Afternoon ≤ 12 cars 3:30 - 5 pick up
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area(s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit
- F. Snapshot of the Structure

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

Maleena M Kantorski
Applicant's Signature

2012-0227-SPHA

ZONING USE PERMIT
PLAN FOR CLASS "A" CHILD CARE CENTER

Located at
5516 Maudes Way
White Marsh, Maryland 21162
11th election district
as an accessory use

Property Owner:
John C. Kantorski, Jr.
Maleena M. Kantorski
5516 Maudes Way
White Marsh, MD 21162
Phone: 410-458-6368

Plan Date: 3/6/2012

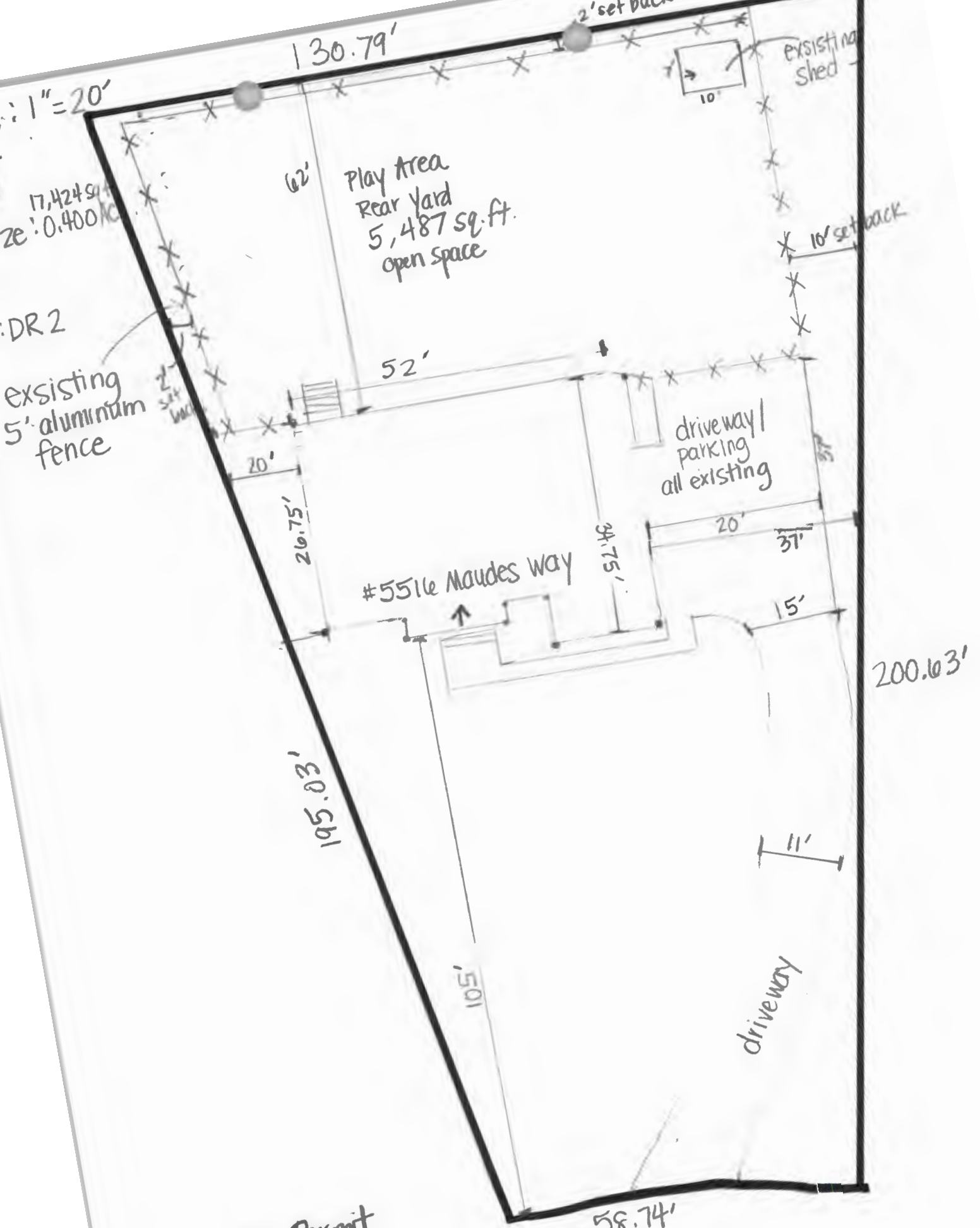
Lot size: 0.400 acre/17,424 sq.ft.
Zone DR 2

Parking: 1 space per teacher/employee
All parking uses shown existed prior to date of this plan.

Existing floor areas:
1st and 2nd floors: 2,619 square feet
Basement use for nursery school: 528 square feet
Existing garage: N/A

There have not been exterior enlargements to this building in the past five years.

No signs are proposed. Any future signs will comply with Sect 413.1 BCZR and zoning sign policies or be varianced.



Zoning Use Permit
Plan for Class "A"
Child Care Center
5516 Maudes Way
MD 21162

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google

Vicinity Map





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/5/12

Lot # 5

ROAD

NEW LIFE BAPTIST CHURCH (PDM File/Project #)

1117010490

Lot # 6

Pt. Bk. 78, Folio 211

2500003409

5510

20050593

Lot # 7

2500003410

5512

5514

2500003411

Lot # 8

20040150

5514

DR 2 H

PDM # 110901

BEAN RUN SUBAREA

073A1

5 CD

11 ED

2500003412

Lot # 9

NE 10'

HAGAN-HALL PROPERTY (PDM File/Project # 11-901)

5513

Lot # 14

2500003417

5518

2500003413

Lot # 10

Lot # 13
2500003416

HAGAN, ROBERT H. PROPERTY (PDM File/Project #)

2500003421

5517

5519

2500003414

Lot # 11

20050593

2500003415

Lot # 12

2200023047

20050688

Lot # 24

2200023046

Pt. Bk. 67, Folio 89

20040458

Lot # 23

Pt. Bk./Folio # 067089

DR 3.5 H

PDM # 110660

Lot # 22
2200023045

2200023044

20060612

Lot # 21

2200023043

Lot # 20

Lot # 19

EDWIN CT

20110

2012-0227-SPHA

CASE NAME 5516 Mardas Way
CASE NUMBER 2012-227-SATs
DATE 4-26-12

[illegible]

Case No.: 2012-0227-SPHA

Exhibit Sheet

6/4/12 PR
DW 4-30-12

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	(4) Color Photos	
No. 3	Signatures of Neighbors	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2

5516 Maudes Way
White Marsh, Maryland 21162



As a resident of the Hagan-Hall property of White Marsh, Maryland 21162, I support a Use Permit being granted for a Group Child Care Center Class A for a maximum of 12 children for 5516 Maudes Way, legal owners John and Maleena Kantorski.

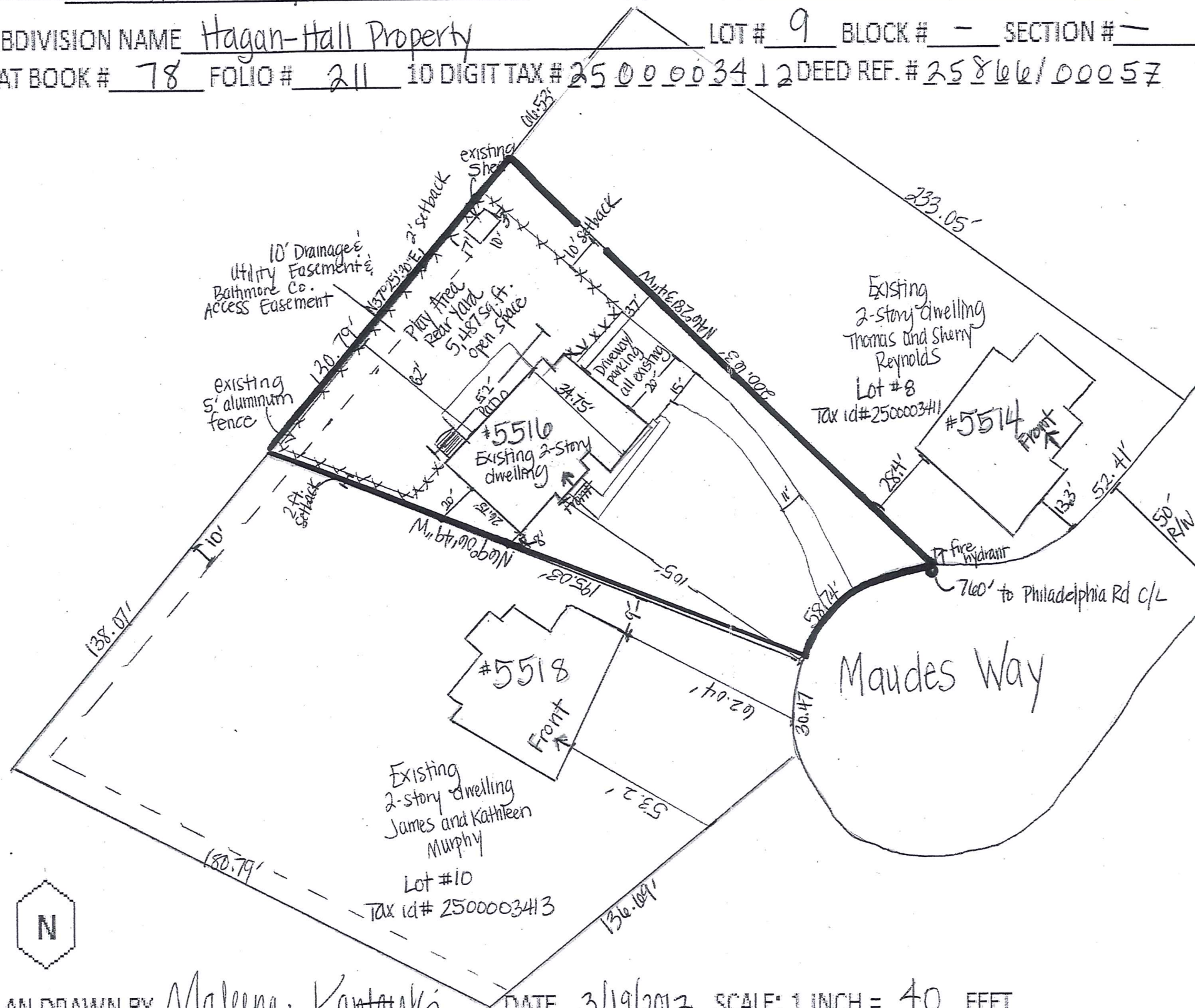
Name	Signature/Date	Address
<u>Chanel Jackson</u>	<u>Chanel Jack</u> / 04/21/12	<u>5512 Maudes Way 21162</u>
<u>John Woulridge</u>	<u>John Woulridge</u> / 4/21/12	<u>5508 MAUDES WAY 21162</u>
<u>Girlye Reyes</u>	<u>Girlye</u> / 4/21/12	<u>5502 Maudes Way 21162</u>
<u>Anthony Harris</u>	<u>AH</u> / 4/21/12	<u>5501 Maudes way 21162</u>
<u>Jon Perkins</u>	<u>Jon Perkins</u> / 4/21/12	<u>5513 Maudes Way 21162</u>
<u>Josephine Terrill</u>	<u>J Terrill</u> / 4/21/12	<u>5515 Maudes Way 21162</u>
<u>Laura Tetteris</u>	<u>Laura Tetteris</u> / 4/23/12	<u>5504 Maudes way 21162</u>
<u>Lisa Bayne</u>	<u>Lisa Bayne</u> / 4/25/12	<u>5517 Maudes Way 21162</u>
<u>Ming Zhu</u>	<u>Ming Zhu</u> / 4-25-12	<u>5514 Maudes way, 21162</u>
<u>James Murphy</u>	<u>James Murphy</u> / 4/25/12	<u>5518 MAUDES way 21162</u>
<u>Shari Reynolds</u>	<u>Shari Reynolds</u> / 4/25/12	<u>5514 Maudes Way 21162</u>
<u>Thomas Reynolds</u>	<u>Thomas Reynolds</u> / 4/25/12	<u>5514 Maude way 21162</u>
_____	_____ / _____	_____
_____	_____ / _____	_____
_____	_____ / _____	_____

PETITIONER'S

EXHIBIT NO.

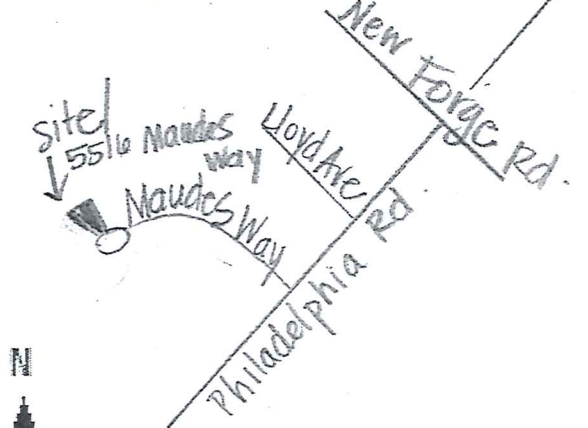
3

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 5516 Maudes Way, White Marsh OWNER(S) NAME(S) John C. Kantarski, Jr. Maleena M Kantarski
 SUBDIVISION NAME Hagan-Hall Property LOT # 9 BLOCK # - SECTION # -
 PLAT BOOK # 78 FOLIO # 211 10 DIGIT TAX # 25 00 00 34 12 DEED REF. # 25 866 / 000 57



PLAN DRAWN BY Maleena Kantarski DATE 3/19/2012 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 73 A 1
 SITE ZONED DR 2 H
 ELECTION DISTRICT 11th
 COUNCIL DISTRICT 5th
 LOT AREA ACREAGE 0.40
 OR SQUARE FEET 17,424
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE -
 SEWER IS:
 PUBLIC X PRIVATE -
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

N/A

EX 1.

2012-0227-SPHA