

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 27 day of June, 2014, that River's Edge Learning Center located at 601 Tampa Rd Essex, MD 21221 should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate a: Class A
Group Child Care Center

(Maximum 12) Case No. 2012-0263-SPHA
113877
Permit (or Receipt) Number

Carl J. Fabbro
Director, Permits, Approvals and Inspections

Planner's Initials G.H.

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

S/Side of Tampa Road, corner of Waterford *
Road and Tampa Road *
15th Election District *
7th Councilmanic District *
(601 Tampa Road) *

Jesse Goles *
Petitioner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2012-0263-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Jesse Goles, the legal property owner. Petitioner is 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). Petitioner is also requesting Variance relief from Section 424.1.B of the B.C.Z.R. to permit an existing 146 linear foot fence with a height of 40" and a setback of 6" from the property line and an existing 138 linear foot fence with a height of 6' and a setback of 6" from the property line in lieu of the required 20' and 20' property line setbacks, respectively. 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 was Petitioner Jesse Goles and his wife Ashley. 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 13,680 square feet and is zoned D.R.5.5.

ORDER RECEIVED FOR FILING

Date 10-20-12

By [Signature]

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS), dated May 18, 2012, which indicate that Petitioner must comply with certain Critical Area laws, as set forth at B.C.Z.R. 500.14.

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. Ms. Goles, who owns and lives at the subject property indicated she has a State license for a Group Large Child Care Center for a maximum of 12 children. Under the B.C.Z.R, the primary test used to determine whether such use is appropriate is whether the proposed operation would be detrimental to the “health, safety or general welfare of the surrounding community.” B.C.Z.R. § 424.4.A.6.c. In essence, this is akin to the standard for special exception relief.

Ms. Goles and her husband are articulate and sincere individuals. They also have the strong support of the entire neighborhood, as indicated by the Petition marked as Exhibit 4. The Petitioner’s home is attractive and sits on a corner lot, with ample play space for children and a large driveway for the parents to drop off and pick up their children.

Petitioner testified the center will operate 5 days/week (from 7:30 a.m. to 5:00 p.m.) and would likely generate five to six vehicle trips in the morning and five to six in the evening when the children are picked up. At least three or four of the families are within walking distance. In these circumstances, 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, the center will be

ORDER RECEIVED FOR FILING

Date 6-20-12

By [Signature]

height of 6' and a setback of 6" from the property line in lieu of the required 20' setbacks, respectively, be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioner is advised that she may apply for any required permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with the ZAC comment received from DEPS, dated May 18, 2012; a copy of which is attached and made a part hereof.

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 6-20-12

4

By 

615 10 AM
205

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

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

DATE: May 18, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0263-SPHA
Address 601 Tampa Road
(Goles Property)

Zoning Advisory Committee Meeting of April 30, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This non-waterfront property is located in a Limited Development Area within the Chesapeake Bay Critical Area. The relief requested for use of the site as a child care center, and for the fences will not increase lot coverage on the property. EPS has determined that adverse impacts on water quality from the pollutants discharged can be minimized by compliance with Critical Area requirements.
2. The property must comply with all LDA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements. The fences, and use of the site as a child care center will have no direct impact on these requirements. Maintaining a 15% tree cover, and staying within lot coverage requirements will conserve fish, wildlife, and plant habitat.
3. The proposed uses are permitted under the State-mandated Critical Area regulations provided that the property is in compliance with all Critical Area requirements. Compliance with the Critical Area requirements can allow the subject property to be consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis; Environmental Impact Review

C:\DOCUME~1\DWILEY~1\BA2\LOCALS~1\Temp\XPgrpwise\ZAC 12-0263-SPHA 601 Tampa Road.doc

ORDER RECEIVED FOR FILING

Date 6-20-12

By [Signature]



KEVIN KAMENETZ
County Executive

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

June 20, 2012

JESSE GOLES
601 TAMPA ROAD
ESSEX MD 21221

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0263-SPHA
Property: 601 Tampa Road

Dear Mr. Goles:

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure



PETITION FOR ZONING HEARING(S)

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 1001 Tampa Rd Essex, MD 21221 which is presently zoned DR 5.5

Deed References: 20800/00490 10 Digit Tax Account # 15 02371410

Property Owner(s) Printed Name(s) Jesse and Ashley Goles

(SELECT THE HEARING(S) BY MARKING X 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. X 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 Class A Group Child Care center 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. X a Variance from Section(s)

* See Attached *

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

Date

Mailing Address

By

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Jesse Goles

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0263-SPHA Filing Date 4/29/12

Do Not Schedule Dates: _____

Reviewer BR/CH

424.1.B to permit an existing 146 linear foot fence with a height of 40 inches and a setback of 6 inches from the property line and an existing 138 linear foot fence with a height of 6 feet and a setback of 6 inches from the property line in lieu of the required 20 ft. and 20 feet property line setbacks, respectively.

2012-0203-SPHA

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 601 TAMPA RD.

BEGINNING AT A POINT ON THE SOUTH SIDE OF TAMPA RD. WHICH IS 50' WIDE AT THE CORNER OF WATERFORD RD. WHICH IS 50' WIDE. * BEING LOT #87 IN THE SUBDIVISION OF HYDE PARK. AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #9, FOLIO #59 CONTAINING 11868.82 SQUARE FEET. ALSO KNOWN AS 601 TAMPA RD. AND LOCATED IN THE 15th ELECTION DISTRICT, 4th COUNCILMANIC DISTRICT.

Item #

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

No. 82036
 Date: 4/20/12

PAID RECEIPT

BUSINESS NO. 4204 TIME 10:04
 4/23/2012 4/20/2012 09:38:50 2
 REG NO. 2 MAIL JEN JEE
 RECEIPT # 71674 4/20/2012 DEPT
 DEPT 5 SDN DRUG REHABILITATION
 CR NO. 082036
 Receipt for \$150.00
 \$150.00 PAID BY CASH
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6030						150.00

Total: 150.00

Rec From: Jesse Golden Gales
 For: Child day Care Class A
2012-0263-SD/HA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

6/5 10am
2012**Debra Wiley - ZAC Comments - Distribution Mtg. of April 30th**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:30 AM
Subject: ZAC Comments - Distribution Mtg. of April 30th

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.

2012-0258-XA - 8710 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0262-SPHA - 200 E. Burke Avenue
No hearing date assigned in data base as of 5/2

2012-0263-SPHA - 601 Tampa Road
No hearing date assigned in data base as of 5/2

2012-0264-SPH - 10815 Pulaski Highway
No hearing date assigned in data base as of 5/2

2012-0265-SPH - 10240 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0267-XA - 7303 Old Battle Grove Road
No hearing date assigned in data base as of 5/2

2012-0268-A - 7815 Denton Avenue
Administrative Variance - Closing Date: 5/21/12

2012-0269-A - 6808 North Point Road
No hearing date assigned in data base as of 5/2

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



KEVIN KAMENETZ
County Executive

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

June 5, 2012

Jessie Goles
601 Tampa Road
Essex, MD 21221

RE: Case Number: 2012-0263-SPHA, Address: 601 Tampa Road, 21221

Dear Mr. Goles:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 20, 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, reading "W. Carl Richards, Jr." in a cursive style.

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: 5-2-12

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

RE: Baltimore County
Item No 2012-0263-SHA
Special Hearing Varinus
Jesse Gales
601 Tampa Road.

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. 2012-0263-SHA.

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", is written over a light blue rectangular background.

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: May 7, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2012
Item Nos. 2012-0258, 0262, 0263, 0264, 0265, 0267
And 0269

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-05142012-NO COMMENTS.doc

Certificate of Posting

RE: Case NO. 2012-0263-SPHA

Petitioner/Developer _____

Jesse Goles

Date of Hearing/Closing 6/15/12

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 _____

601 Tampa Road

The sign(s) were posted on 5/25/12
(Month, Day, Year)

Sincerely,

(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

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

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2012-0263-SPHA

Petitioner/Developer: _____

Jesse Goles

Date of Hearing/Closing: 6/15/12



601 Tampa Road

Posting Date: 5/25/12

(Signature and date of sign poster)

From: "Dick Hoffman" <dick_e@comcast.net>
To: <Administrativehearings@baltimorecountymd.gov>
Date: 6/7/2012 11:28 AM
Subject: Case # 2012-0263-SPHA
Attachments: Certificate of Posting-601 Tampa Rd.- photo.doc; Certificate of Posting -601 Tampa Rd..doc

Debra,

Attached is a copy of the posting certification for 601 Tampa Rd. as requested.

The signed copy will be delivered to Kristen by 1:00 P.M. today.

Thanks,
Dickh

FAX

**To: Debra Wiley
410-887-3468**

**From: Dick Hoffman
410-879-3122**

**Re: 601 Tampa Rd.
Case # 2012-0263-SPHA**

Debra,

Per your instruction to Mrs. Ashley Goles, I am forwarding herewith a copy of the Posting Certification and Photo for the subject property. Copies will be delivered to Kristen today.

**Thanks,
Dick Hoffman,
Sign Poster**

(3 sheets, including this cover)

Fallston, Md. 21047

(City, State, Zip Code)

410-879-3122

(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2012-0263-SPIIA

Petitioner/Developer: _____

Jesse Goles

Date of Hearing/Closing: 6/15/12

Certificate of Posting

RE: Case NO. 2012-0263-SPHA

Petitioner/Developer _____

Jesse Goles

Date of Hearing/Closing 6/15/12

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

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(Month, Day, Year)

Sincerely,

(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047

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: # 2012-0263-SPHA

601 Tampa Road
S/S of Tampa Road, corner of Waterford Road and Tampa Road

15th Election District-7th Councilmanic District

Legal Owner(s): Jesse Goles

Special Hearing for use permit for a Class A Group Child Care Center for a maximum of 12 children.

Variance: to permit an existing 146 linear foot fence with a height of 40 inches and a setback of 6 inches from the property line and an existing 138 linear foot fence with a height of 6 feet and a setback of 6 inches from the property line in lieu of the required 20 feet and 20 feet property line setbacks, respectively.

Hearing: Friday, June 15, 2012 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.

05/377 May 24

303614

CERTIFICATE OF PUBLICATION

5/24/ 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 5/24/ 2012.

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

J. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

May 21, 2012

NEW 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: 2012-0263-SPHA

601 Tampa Road

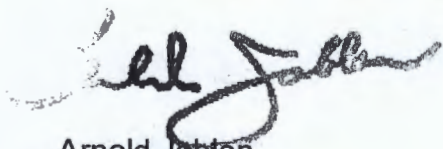
S/s of Tampa Road, corner of Waterford Road and Tampa Road

15th Election District – 7th Councilmanic District

Legal Owners: Jesse Goles

Special Hearing for use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing 146 linear foot fence with a height of 40 inches and a setback of 6 inches from the property line and an existing 138 linear foot fence with a height of 6 feet and a setback of 6 inches from the property line in lieu of the required 20 feet and 20 feet property line setbacks, respectively.

Hearing: Friday, June 15, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Jesse Goles, 601 Tampa Rd., Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 26, 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
Thursday, May 24, 2012 Issue - Jeffersonian

Please forward billing to:
Jesse Goles
601 Tampa Road
Essex, MD 21221

443-848-6660

NOTICE OF ZONING HEARING

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CASE NUMBER: 2012-0263-SPHA

601 Tampa Road

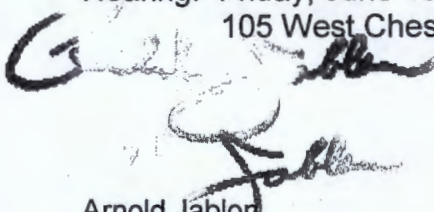
S/s of Tampa Road, corner of Waterford Road and Tampa Road

15th Election District – 7th Councilmanic District

Legal Owners: Jesse Goles

Special Hearing for use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing 146 linear foot fence with a height of 40 inches and a setback of 6 inches from the property line and an existing 138 linear foot fence with a height of 6 feet and a setback of 6 inches from the property line in lieu of the required 20 feet and 20 feet property line setbacks, respectively.

Hearing: Friday, June 15, 2012 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 THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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601 Tampa Road

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Hearing: Tuesday, June 5, 2012 at 10:00 a.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.

JT 05/700 May 15 303237

CERTIFICATE OF PUBLICATION

5/17, 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 5/15, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 15, 2012 Issue - Jeffersonian

Please forward billing to:

Jesse Goles
601 Tampa Road
Essex, MD 21221

443-848-6660

NOTICE OF ZONING HEARING

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601 Tampa Road

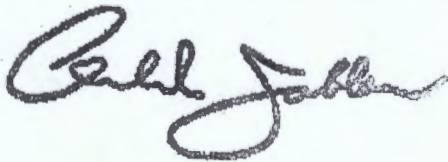
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105 West Chesapeake Avenue, Towson 21204



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.
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KEVIN KAMENETZ
County Executive

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

May 7, 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: 2012-0263-SPHA

601 Tampa Road

S/s of Tampa Road, corner of Waterford Road and Tampa Road

15th Election District – 7th Councilmanic District

Legal Owners: Jesse Goles

Special Hearing for use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing 146 linear foot fence with a height of 40 inches and a setback of 6 inches from the property line and an existing 138 linear foot fence with a height of 6 feet and a setback of 6 inches from the property line in lieu of the required 20 feet and 20 feet property line setbacks, respectively.

Hearing: Tuesday, June 5, 2012 10:00 AM
105 West Chesapeake Avenue, Towson Building,

Arnold Jablon
Director

AJ:kl

C: Jesse Goles, 601 Tampa

NOTES: (1) THE PETITION
APPROVED POS

- (2) HEARINGS ARE AVAILABLE 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.

SIGN POSTED BY AN
SDAY, MAY 16, 2012.

Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

www.baltimorecountymd.gov

5/14/12
Notice wasn't posted,
petitioner was on
vacation, rescheduled

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
601 Tampa Road; S/S Tampa Road, corner * OF ADMINISTRATIVE
Of Waterford Road & Tampa Road *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Jesse Goles *
Petitioner(s) * BALTIMORE COUNTY
* 2012-263-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 04 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 4th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Jesse Goles, 601 Tampa Road, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2012-0263-SPHA

Petitioner: Jesse Gales

Address or Location: 601 Tampa RD Essex MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jesse Gales

Address: 601 Tampa RD
Essex MD 21221

Telephone Number: 443-848-6660

Revised 2/17/11 DT

MEMORANDUM

DATE: July 23, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0263-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 20, 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

CASE NAME 2012-263 - SPHA
CASE NUMBER _____
DATE 6/15/12

[illegible]

IN RE: PETITION FOR VARIANCE
SE Corner Tampa Road & Waterford Road
(601 Tampa Road)
15th Election District
7th Council District

Jesse Goles, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER

OF
BALTIMORE COUNTY

Case No. 07-327-A

Prior Case
07-327-A

3/22/07

Granted

Restrict.

B. Wainman

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jesse Goles, and his wife, Ashley Goles. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Page S-14, Policy Manual, Page 1B-26) to permit a proposed dwelling on a corner lot to have a side yard street building line setback as close as 8 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Jesse and Ashley Goles, property owners, and William J. Winter, of Heritage Homes, the contractor retained to construct the proposed single-family dwelling. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped corner lot located at the intersection of Tampa Road and Waterford Road in eastern Baltimore County. The property is identified as Lot 87 of the subdivision known as Hyde Park, which is an older waterfront community that was recorded in the Land Records of Baltimore County in May 1930. Although not immediately adjacent to the water, the property is located not far from Back

Prior Case 2007-0327-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

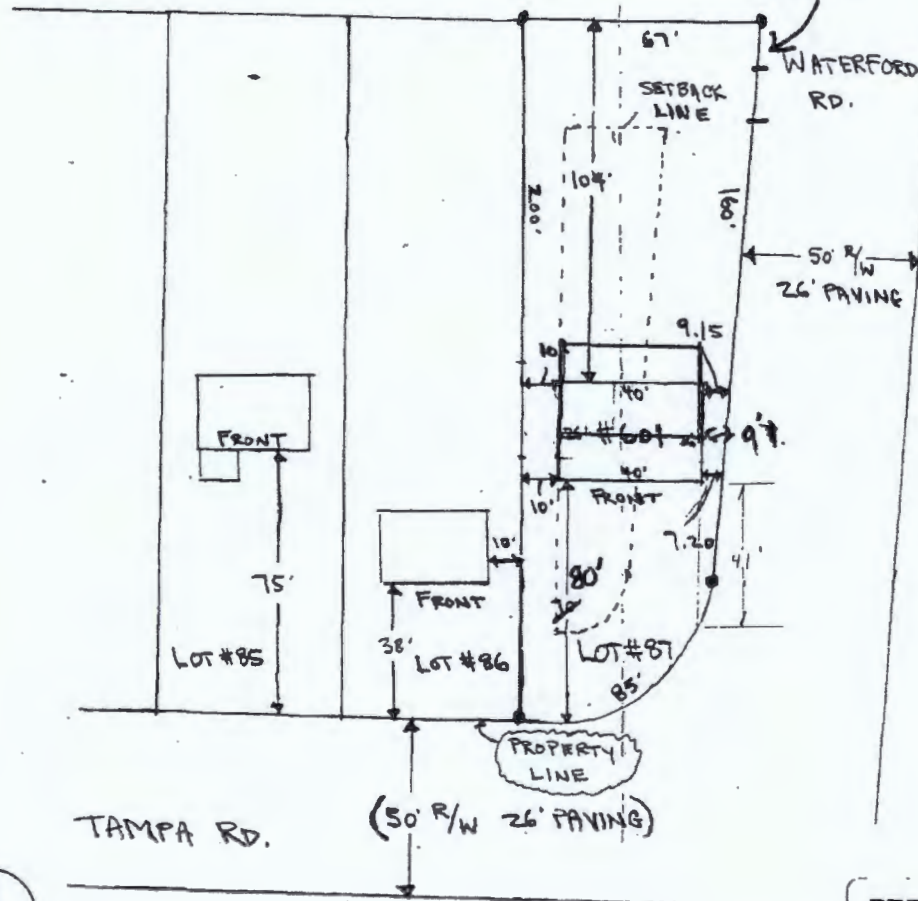
PROPERTY ADDRESS 601 TAMPA ROAD

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

SUBDIVISION NAME HYDE PARK

PLAT BOOK # 9 FOLIO # 59 LOT # 87 SECTION #

OWNER Jesse Gales



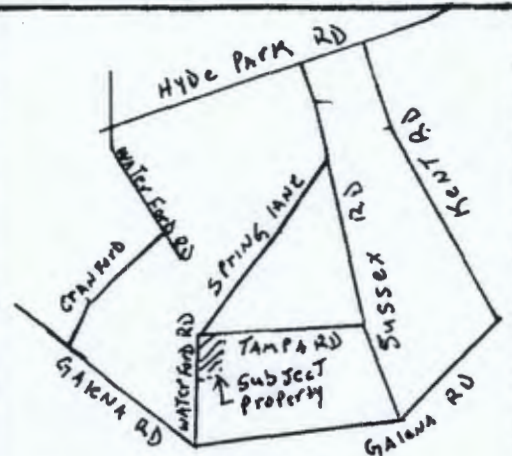
NORTH

PREPARED BY JRC

SCALE OF DRAWING: 1" = 40'

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 097C3

ZONING DR 5.5

LOT SIZE 0.27 11868.825
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

ZONING OFFICE USE ONLY
REVIEWED BY RJD ITEM # 1 CASE # 07-327-A

2012-0263-SPHA

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5-7

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC5-18 CSA

DEPS

(if not received, date e-mail sent _____)

Comments

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

5-2

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2007-0321-A See stipulation + order)

NEWSPAPER ADVERTISEMENT

Date: 5-24-12

SIGN POSTING

Date: Rec'd 6-7-12 by HoffmanSp to MS. Debra 3:05 pm. She'll have sign posted for to OAH.

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Case No.:

2012-263-SPHA

193
7/23/12

Exhibit Sheet

6/20/12
pg

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photo of fences	
No. 3	Photo of Dwelling	
No. 4	Petition w/ neighbors' signatures	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO.

3

Hyde Park Neighbors who I have spoken with regarding my desire to convert River's Edge to a LFC and MSDE licensed-preschool

Class A Group Large Family Childcare Center for: 601 Tampa Road Baltimore, Maryland 21221

NAME: (signature)

Address:

- | | |
|-----------------------------|------------------------|
| 1. <i>Spols</i> | 1413 SUSSEX Rd |
| 2. <i>Debbie Hargett</i> | 605 TAMPA Rd |
| 3. <i>Stanley Balderson</i> | 1512 Galena Rd |
| 4. <i>Ben Densh</i> | 609 Tampa Rd |
| 5. <i>Sharon Weaver</i> | 609 TAMPA Rd. |
| 6. <i>Kent Murray</i> | 1508 COLZNA Rd. |
| 7. <i>Amy M Plotz</i> | 1448 Galena Rd. |
| 8. <i>Ralph Balderson</i> | 601 Spring Lane |
| 9. <i>Ed Arfye</i> | 1452 Kent rd Hyde Park |
| 10. <i>Linda Williams</i> | 608 Spring Lane |

PETITIONER'S

EXHIBIT NO.

4

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1502371410

Owner Information

Owner Name:	GOLES JESSE A PRUGH ASHLEY K	Use:	RESIDENTIAL
Mailing Address:	601 TAMPA RD BALTIMORE MD 21221-6038	Principal Residence:	YES
		Deed Reference:	1) /20866/ 00490 2)

Location & Structure Information

Premises Address

601 TAMPA RD
0-0000

Legal Description

SE COR WATERFORD RD
HYDE PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0097	0023	0287		0000			87	3	
									Plat Ref: 0009/ 0059

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	2,120 SF	13,680 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	75,400	75,400		
Improvements:	259,200	170,400		
Total:	334,600	245,800	334,600	245,800
Preferential Land:	0			0

Transfer Information

Seller:	KUTZ SANDRA J	Date:	10/21/2004	Price:	\$30,000
Type:	ARMS LENGTH VACANT	Deed1:	/20866/ 00490	Deed2:	
Seller:	KUTZ RAYMOND M,SR	Date:	02/05/1996	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/11418/ 00088	Deed2:	
Seller:	BIELANSKI THADDEUS J	Date:	04/23/1975	Price:	\$4,500
Type:	ARMS LENGTH IMPROVED	Deed1:	/05523/ 00448	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:		Special Tax Recapture:
Exempt Class:		NONE

Homestead Application Information

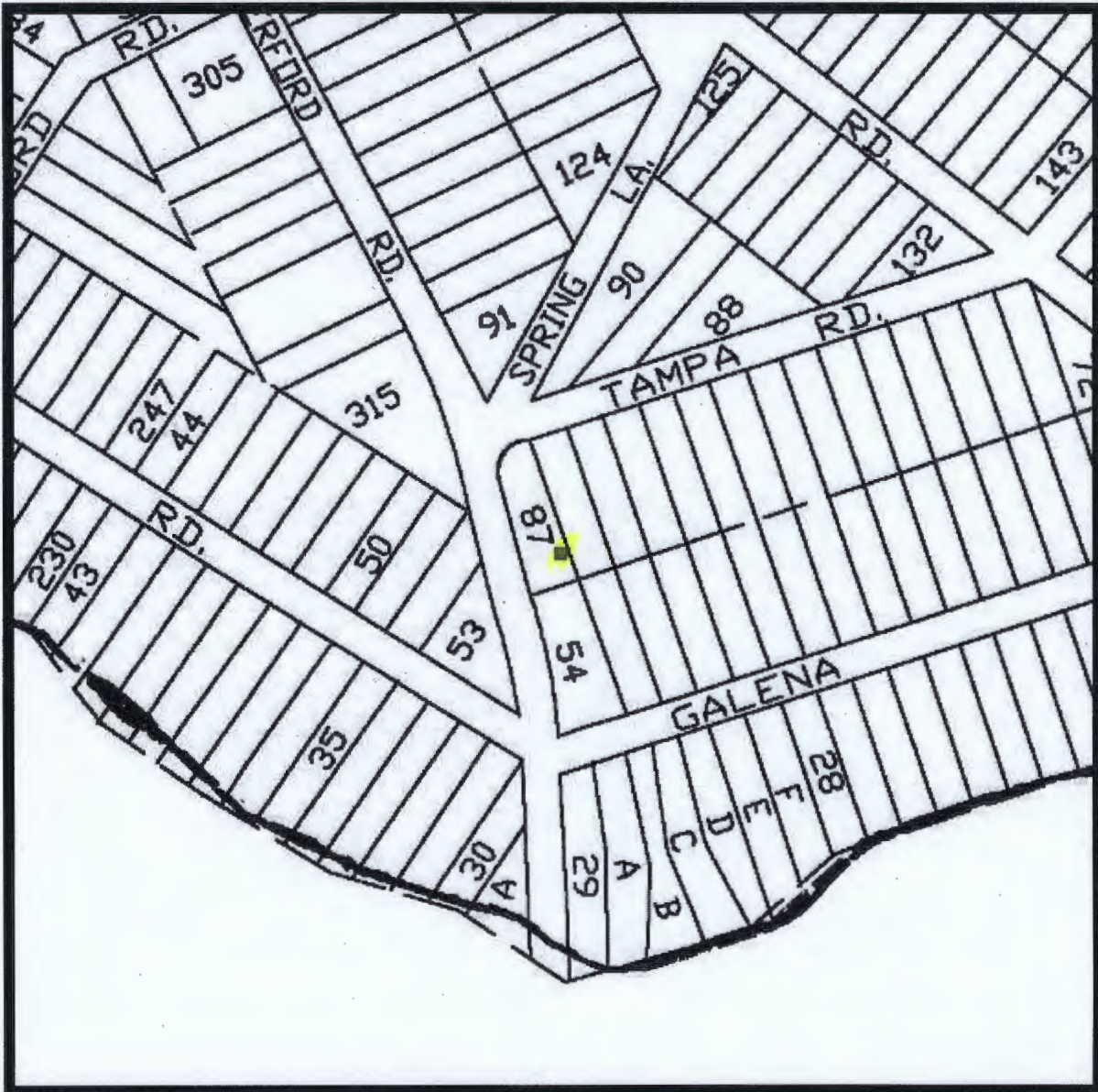
Homestead Application Status: Approved 06/02/2011



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

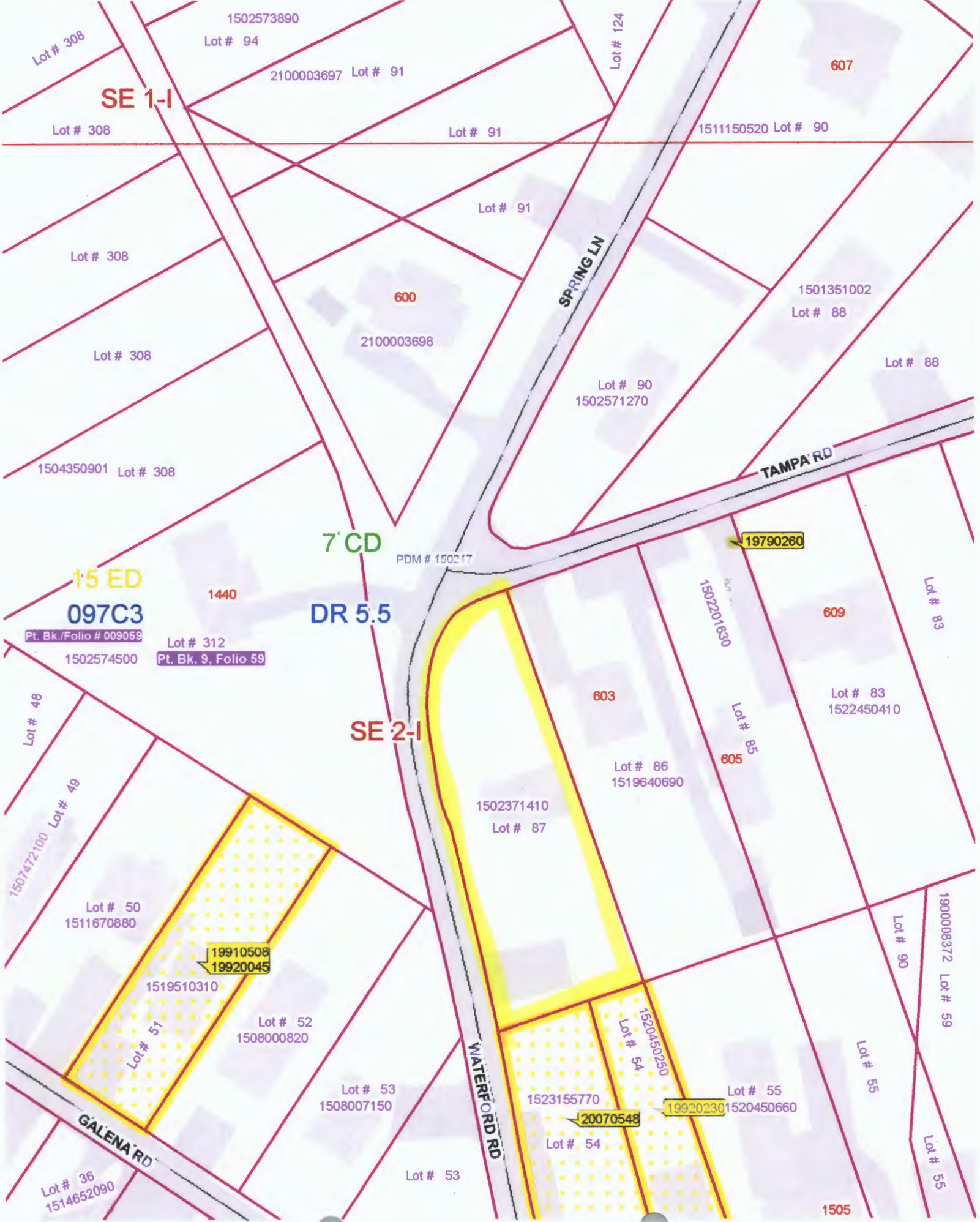
District - 15 Account Number - 1502371410



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



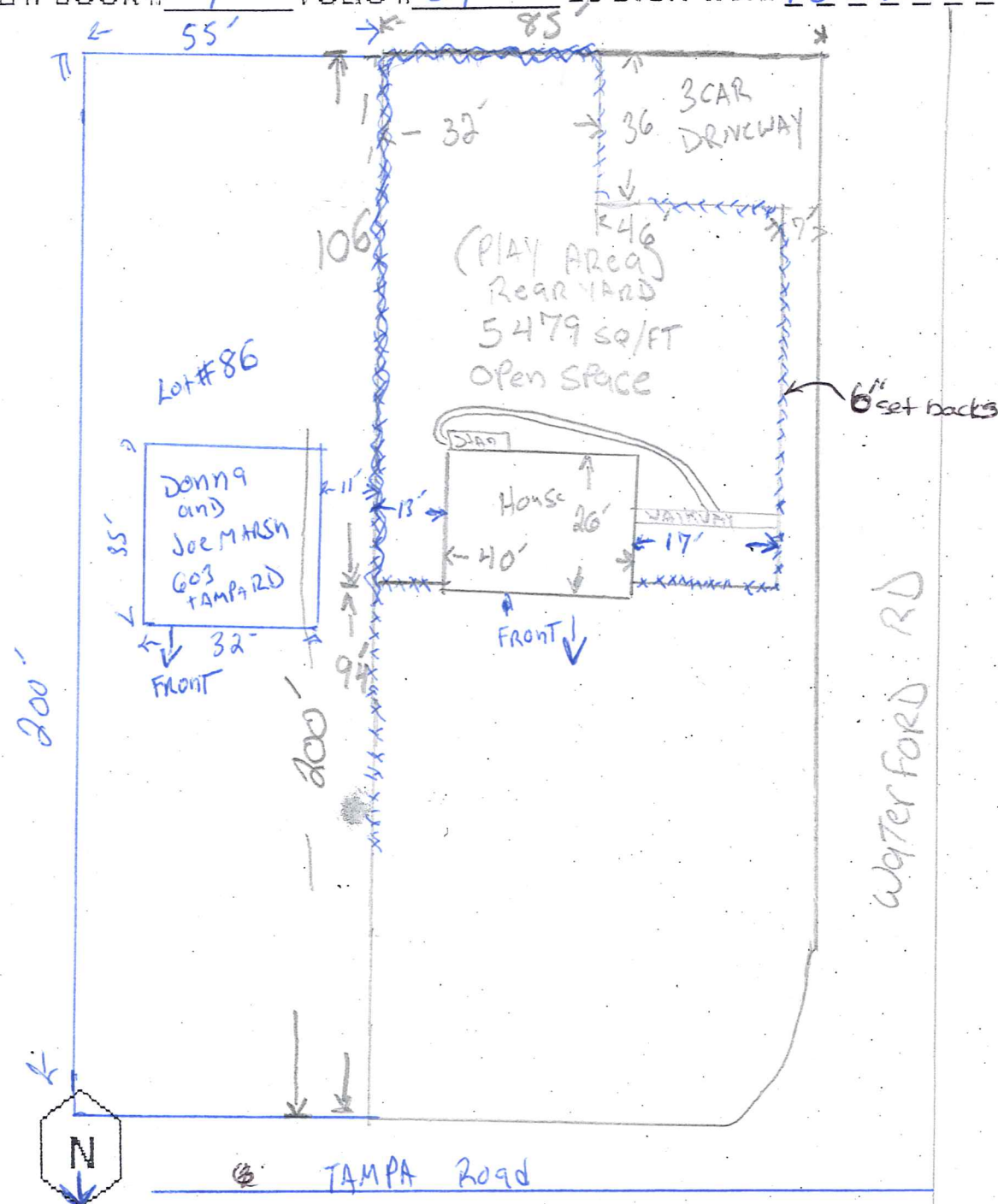
2012 0263-SPHA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 601 Tampa RD Essex MD 21221 OWNER(S) NAME(S) Jesse and Ashley Gales

SUBDIVISION NAME Hyde Park LOT # 87 BLOCK # N/A SECTION # N/A

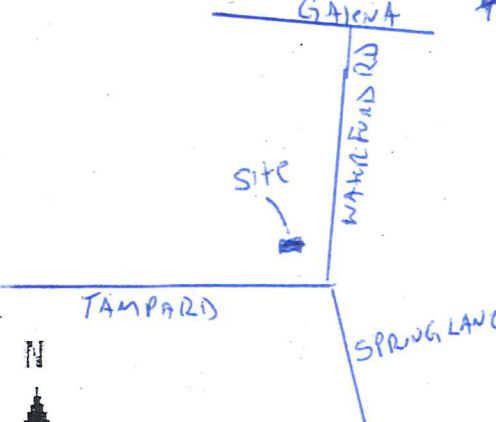
PLAT BOOK # 9 FOLIO # 59 10 DIGIT TAX # 15 023 71410 DEED REF. # 20 866/00490



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 30 FEET

xxx = Fence 40'
xxx = Fence 72'

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 097C3

SITE ZONED DR5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE 1368

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2007-0327-A

VIOLATION CASE INFO:

None

-South East corner
of Tampa Road and Waterford
Road

424.4

a. # of employees - 2

b. # of children
enrolled - 12

c. Hours - 7³⁰am - 5⁰⁰pm

d. Estimated traffic -
5-6 cars (since 3-4
children are within
walking distance)

PETITIONER'S

EXHIBIT NO. 1

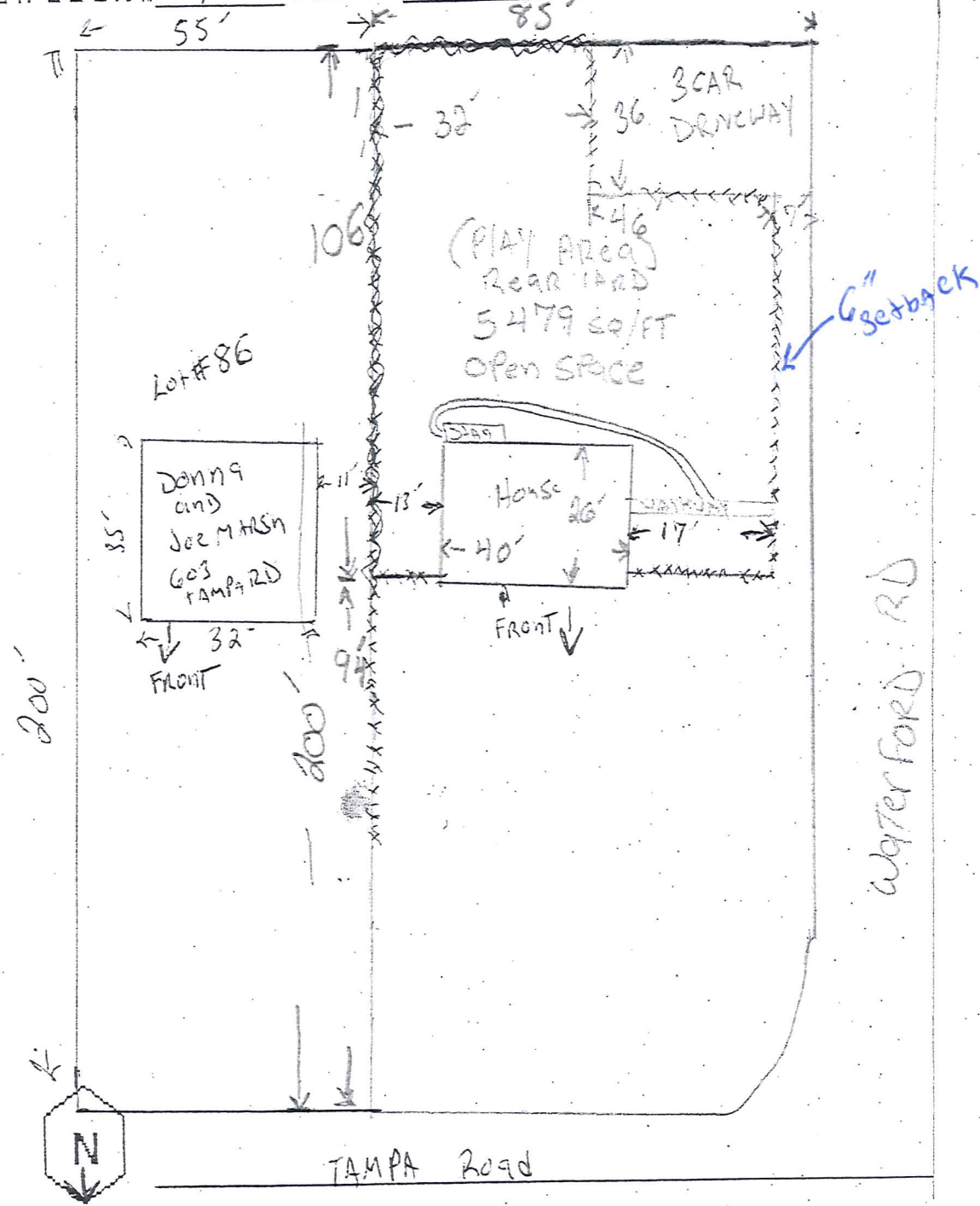
2012-0263-SPHA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 601 Tampa RD Essex MD 21221 OWNER(S) NAME(S) Jesse and Ashley Gales

SUBDIVISION NAME Hyde Park LOT # 87 BLOCK # N/A SECTION # N/A

PLAT BOOK # 9 FOLIO # 59 10 DIGIT TAX # 15 023 7 1410 DEED REF. # 20 866/00490



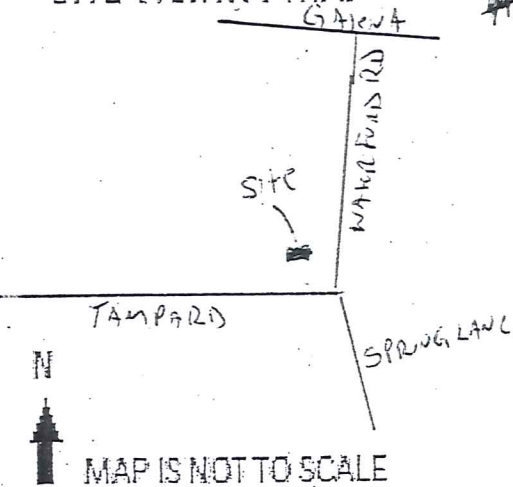
PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 30 FEET

xxx = Fence 40'
 xxx = Fence 72'

SITE VICINITY MAP



ZONING MAP # 097C3
 SITE ZONED DR 5.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 1368
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC X PRIVATE _____
 SEWER IS: PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
2007-0327-A

VIOLATION CASE INFO:

-South EAST CORNER
 OF Tampa Road and Waterford
 Road

- 424.4
- a. # of employees - 2
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