

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

NE side of Fox Meadow Road, 430' SE of
c/line of Burnbrook
(6732 Fox Meadow Road)
2nd Election District
4th Council District

Terry C. and Dana E. Shird
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

CASE NO. 2012-0306-SPHA

* * * * *

**ORDER ON MOTION FOR RECONSIDERATION/
AMENDED ORDER**

By Order dated August 1, 2012, the Petitioners were granted Special Hearing and Variance relief permitting the operation of a Class A Group Child Care Center at the above premises. By letter dated August 21, 2012, the Office of People's Counsel sought reconsideration of that Order, concerning certain conditions which it believed should be included in the Order.

Having reviewed that Motion, I am inclined to agree that the referenced conditions should have been included within the Order granting the relief, and I will therefore grant the Motion and issue an Amended Order in the case.

THEREFORE, IT IS ORDERED this 22nd day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration filed by the Office of People's Counsel, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Page 3 of the August 1, 2012 Order in the above case, be and hereby is AMENDED, to include the following provisions which shall serve as additional conditions to the relief granted:

ORDER RECEIVED FOR FILING

Date 8-22-12

By [Signature]

1. The Petitioners, Terry and Dana Shird, reside in the dwelling known as 6732 Fox Meadow Road, which is the location of the approved Class A Group Child Care Center. The Petitioners must continue to reside in these premises so long as the child care center is operated at this location.
2. The Petitioners must "stagger" the arrival and departure of the children between the hours of 6:00 AM and 6:00 PM, in order to minimize any traffic congestion and/or negative impacts upon surrounding neighbors.

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 8-22-12

By DLW



KEVIN KAMENETZ
County Executive

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

August 22, 2012

Terry C. Shird
6732 Fox Meadow Road
Baltimore, Maryland 21207

RE: **MOTION FOR RECONSIDERATION/AMENDED ORDER**
Petition for Special Hearing and Variance
Case No.: 2012-0306-SPHA
Property: 6732 Fox Meadow Road

Dear Ms. Shird:

Enclosed please find a copy of the Motion for Reconsideration/Amended Order 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", followed by a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

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



KEVIN KAMENETZ
County Executive

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

August 1, 2012

Terry C. Shird
6732 Fox Meadow Road
Baltimore, Maryland 21207

RE: Petition for Special Hearing and Variance
Case No.: 2012-0306-SPHA
Property: 6732 Fox Meadow Road

Dear Ms. Shird:

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", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

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

NE side of Fox Meadow Road, 430' SE of
c/line of Burnbrook
(6732 Fox Meadow Road)
2nd Election District
4th Council District

Terry C. and Dana E. Shird
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0306-SPHA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed the legal owners, Terry C. and Dana E. Shird, who also reside at the subject property. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve a use permit for a Class A Group Child Care Center for a maximum of 12 children. The Petitioners are also seeking variance relief from Section 424.1 of the B.C.Z.R., to permit an existing fence (146 linear feet) with a height of 42" and a setback of 0" from the property line in lieu of the required 5' height and 20' property line setbacks respectively. 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 was Petitioner Terry C. Shird. There were no Protestants or other interested persons in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 8-1-12

By [Signature]

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

Testimony and evidence revealed that the subject property is 9,900 square feet and is zoned DR 5.5. The Petitioner has been licensed by the State of Maryland for 12 years to provide child day care, and has in fact operated a center for up to eight (8) children at the present location. Due to increased demand, the Petitioner would like to expand her center and care for up to 12 children, and the State has licensed her for that level of operation. The Petitioner explained that she "staggers" the arrival and departure of the children between the hours of 6:00 AM to 6:00 PM, so that any given child will not be at her center for more than eight (8) hours. The Petitioner explained that her neighbors are very supportive of her operation; and a photo of the location (Exhibit 2) shows that the dwelling is well-maintained and has a large fenced yard in the rear with children's play equipment.

In light of the testimony and exhibits presented, I am convinced the Petitioner's operation is well run and successful, and would in no way be detrimental to the community's health, safety and welfare.

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. Specifically, the Petitioner's rear yard has been fenced for over 12 years, and thus she is dealing with long-existing site conditions. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioners would be unable to continue their group day care

ORDER RECEIVED FOR FILING

Date 8-1-12

By [Signature]

operation.

Finally, as discussed earlier, 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.

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

THEREFORE, IT IS ORDERED, this 1st day of August, 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 determine whether or not the Administrative Law Judge should approve a use permit for a Class A Group Child Care Center for a maximum of 12 children, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the requested variance relief from Section 424.1 of the B.C.Z.R., to permit an existing fence (146 linear feet) with a height of 42" and a setback of 0" from the property line in lieu of the required 5' height and 20' property line setbacks, respectively, be and are hereby GRANTED.

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

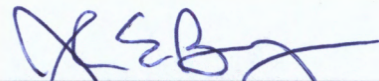
1. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever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

ORDER RECEIVED FOR FILING

Date 8-1-12

By [Signature]

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 8-1-12

By DLW



PETITION FOR ZONING HEARING(S)

To be filed with Department of Permits, Approvals and Inspections

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

Address 6732 Foxmeadow Rd Baltimore, MD which is presently zoned DRS.5
 Deed References: 17354/00104 10 Digit Tax Account # 0204201770
 Property Owner(s) Printed Name(s) Terry Shird

(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) 424.1 to permit an existing fence (146 linear feet) with a height of 42 inches and a set back of 0 inches from the property line in lieu of required 5 ft, and 20 feet property line setbacks respectively.
 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

Date

Signature

By

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Terry Woodbik-Shird / Dana Shird
 Name #1 - Type or Print Name #2 - Type or Print

Terry Shird / Dana Shird
 Signature #1 Signature #2

6732 Foxmeadow Rd Gwynn Oak, MD
 Mailing Address City State

21207 / 4102819766 / mymommie40086@yahoo.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Terry Shird
 Name - Type or Print

Terry Shird
 Signature

6732 Foxmeadow Rd Gwynn Oak, MD
 Mailing Address City State

21207 / 4102819766 / mymommie40086@yahoo.com
 Zip Code Telephone # Email Address

CASE NUMBER 2012-0306SPA Filing Date 6/1/12 Do Not Schedule Dates: Reviewer G.H

Zoning Property Description for 6732 Fox Meadow Road

Beginning at the point on the north-east side of Fox Meadow Road, which is 50 feet right of way width wide, at the distance of 430 feet south-east of centerline of the nearest improved intersecting street Burnbrook Lane which is 50 feet wide right of way.

Being Lot#20, Block A, Section#2, in the Subdivision of Deerfield as recorded in Baltimore County Plat Book #31, Folio 130, containing 9,900 square feet, located in 2nd Election District and 4th Council District.

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

No. **83482**

Date: **6/1/12**

PAID RECEIPT

BUSINESS ACTUAL TIME
6/04/2012 6/01/2012 10:22:45

REG MSD6 WALKIN ITAY TST

>>RECEIPT # 666201 6/01/2012

Dept 5 528 ZONING VERIFICATION

OR NO. 083482

Recpt Tot \$150.00

\$0.00 CK \$160.00

\$10.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					150.00

Total: **150.00**

Rec From:

Terry Shird

For:

Child care

2012-0306-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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 2nd Election District
Subdivision Deerfield
Street Address 6732 Fox Meadow Rd Baltimore MD 21207
Lot Number 20 Block Number A
*If no lot or block number, give distance to nearest intersecting street _____ feet, north / south / east / west of _____ Street / Road / Avenue
Lot Size _____ x _____

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

Child day care Extraordinaire Learning Center
6700 Windsor Blvd
410 594-9654

General Information:

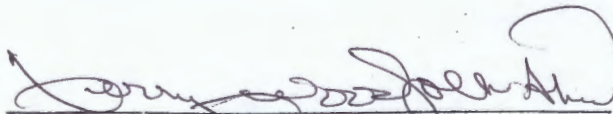
A. Name and Address of Applicant/Operator

Terry Woodfolk-Shird
6732 Fox Meadow Rd Baltimore MD 21207

Telephone Number 410 281 9766 - 443 956 1209B. Number of Employees 2 Hours of Operation 6am - 6pm
Days of Week M-FC. Number of Children Enrolled 12D. Estimated Amount of Traffic Generated:
Morning 6 Afternoon 6E. 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.


Applicant's Signature

2012-0306-SPAIA

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: 2012-0306-SPHA

Petitioner: Terry Shird

Address or Location: 6732 Fox Meadow RD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: Terry Shird

Address: 6732 Fox Meadow Rd

Baltimore MD 21207

Telephone Number: 410 281 9766

CERTIFICATE OF POSTING

RE: Case No 2012-0306-SPHA

Petitioner/Developer TERRY
WOODFOLK-SHIRD & DANA SHIRD

Date Of Hearing/Closing: 7/31/12

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 6732 FOX MEADOW RD

This sign(s) were posted on July 10, 2012
Month Day Year

Sincerely,

Martin Ogle 7/10/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

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

CASE# 2012-0306-SPHA

ROOM 205, JEFFERSON BUILDING 105
PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: TUESDAY, JULY 31, 2012
AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO DETERMINE WHETHER OR NOT
THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE A USE
PERMIT FOR A CLASS A GROUP CHILD CARE CENTER FOR A
MAXIMUM 12 CHILDREN. VARIANCE TO PERMIT AN EXISTING
FENCE (144 LINEAR FEET) WITH A HEIGHT OF 42 INCHES AND A
SETBACK OF 0 INCHES FROM THE PROPERTY LINE IN LIEU OF
THE REQUIRED 5 FT. AND 20 FT. PROPERTY LINE RESPECTIVELY

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
311 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

FOR THE PLANNING BOARD, TOWSON BOARD OF APPEALS, AND BOARD OF ZONING ADJUDICATORS
MEETING IS HANDICAP ACCESSIBLE

Mychal 7/10/12



KEVIN KAMENETZ
County Executive

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

June 25, 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: 2012-0238-SPHA-0306-SPHA

6732 Fox Meadow Road

2nd Election District – 4th Councilmanic District

Legal Owners: Terry Woodfolk-Shird & Dana Shird

Special Hearing to determine whether or not the Administrative Law Judge should approve a use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing fence (146 linear feet) with a height of 42 inches and a setback of 0 inches from the property line in lieu of the required 5 ft. and 20 ft., property line setbacks respectively.

Hearing: Tuesday, July 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Shird, 6732 Fox Meadow Road, Gwynn Oak 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 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, July 10, 2012 Issue - Jeffersonian

Please forward billing to:

Terry Shird
6732 Fox Meadow Road
Baltimore, MD 21207

410-281-9766

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: ~~2012-0238-SPHA~~ 2012-0306-SPHA

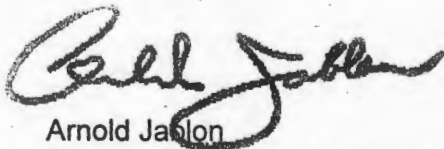
6732 Fox Meadow Road

2nd Election District – 4th Councilmanic District

Legal Owners: Terry Woodfolk-Shird & Dana Shird

Special Hearing to determine whether or not the Administrative Law Judge should approve a use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing fence (146 linear feet) with a height of 42 inches and a setback of 0 inches from the property line in lieu of the required 5 ft. and 20 ft., property line setbacks respectively.

Hearing: Tuesday, July 31, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jaslon

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.

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

6732 Fox Meadow Road; NE/S of Fox
Meadow Road, 430' SE of c/line Burnbrook
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Terry & Dana Shird
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-306-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.

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

RECEIVED

JUN 13 2012

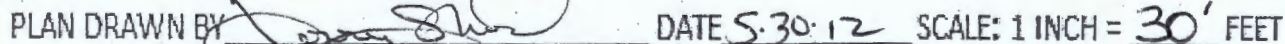
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of June, 2012, a copy of the foregoing Entry of Appearance was mailed to Terry Shird, 6732 Fox Meadow Road, Gwynn Oak Maryland 21207, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLAT BOOK # 3 | FOLIO # 130 10 DIGIT TAX # 020420170 DEED REF. # 12354 / 00106



N/A

088A1

DR 5.5

NW 4-F

4 CD

088A2

19840185

6714

Pt. Bk. 6712032, Folio 0071

19980027



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

August 21, 2012

HAND DELIVERED

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

Re: Terry & Dana Shird
6732 Fox Meadow Road
Case No.: 2012-306-SPHA

RECEIVED

AUG 21 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 August 1, 2012 in the above-referenced case, in the nature of clarification.

BCZR Section 424.4.A sets forth, among other things, the requirement that a Class A Group Child Center, with a maximum of 12 children at one time, be accessory to a single-family detached dwelling. The Petitioners here do reside in such a dwelling at the site of their proposed child care center, so it appears that this is currently satisfied.

We ask, however, that there be included in the order a condition to recognize this point, so that there is no departure from this requirement either by the Petitioners or any potential future operator of the facility. In addition, insofar as the staggering of arrivals and departures between 6:00 A.M. and 6:00 P.M. appears to be an important factor in preventing or minimizing traffic and access problems, it appears reasonable to include this as a condition so as to maintain the current situation, which apparently helps make the operation acceptable to the neighbors.

Thank you in advance for your reconsideration of this matter.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Terry & Dana Shird

M E M O R A N D U M

DATE: September 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0306-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

6-14

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

NU

7-11

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

NC

FIRE DEPARTMENT

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

6-12

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

(Missing 7/25)
Date: _____

SIGN POSTING

Date: _____

7-10-12

by

Ogle

20 days

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Maryland Department of Assessments and Taxation
 Real Property Data Search (vw2.2A)
 BALTIMORE COUNTY

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

District - 02 Account Number - 0204201770

Owner Information

SHIRD DANA E
 SHIRD TERRY C

6732 FOX MEADOW RD
 BALTIMORE MD 21207-5682

Use:
Principal Residence:
Deed Reference:

RESIDENTIAL
 YES
 1) /17354/ 00106
 2)

Location & Structure Information

Premises Address

6732 FOX MEADOW RD
 0-0000

Legal Description

6732 FOX MEADOW RD
 DEERFIELD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0088	0008	0462		0000	2	A	20	1	Plat Ref:	0031/ 0130

Town
Ad Valorem
Tax Class
 NONE

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1968	1,092 SF	9,900 SF	04
Stories	Basement	Type	Exterior
1.000000	YES	SPLIT FOYER SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	65,220	65,200		
Improvements:	177,140	144,300		
Total:	242,360	209,500	209,500	209,500
Preferential Land:	0			0

Transfer Information

Seller:	JONES KEVIN FREDERICK	Date:	01/10/2003	Price:	\$143,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/17354/ 00106	Deed2:	
Seller:	JONES KEVIN FREDERICK	Date:	09/22/1998	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/13165/ 00550	Deed2:	
Seller:	FRIEND HILTON W	Date:	06/27/1997	Price:	\$126,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/12261/ 00175	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:
Exempt Class:
Special Tax Recapture:
 NONE

Homestead Application Information

Homestead Application Status: Approved 06/01/2012



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

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

District - 02 Account Number - 0204201770



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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: July 10, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0306-SPHA
Address 6732 Fox Meadow Road
(Shird Property)

Zoning Advisory Committee Meeting of June 4, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 11 2012

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

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

July 24, 2012

Dana Shird and Terry Woodfolk-Shird
6732 Fox Meadow Road
Baltimore MD 21207

RE: Case Number: 2012-0306 SPHA, Address: 6732 Fox Meadow Road

Dear Mr. & Ms. Shird:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 1, 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: 6-12-12

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

RE: Baltimore County
Item No 2012-0306-SPHA
Special Hearing Variance
Terry & Dana Shind
6732 Fox Meadow 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. 2012-0306-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).

Sincerely,

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: June 14, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For June 18, 2012
Item Nos. 2012-0301, 0302, 0303, 0305, 0306, 0307, 0308, and 0309

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-06182012-NO COMMENTS.doc

JB 7/31
10 AM

Case No.: 2012-0306-SPHA

Exhibit Sheet

9-24-12 DW
DW 8/1/12

Petitioner/Developer

Protestants

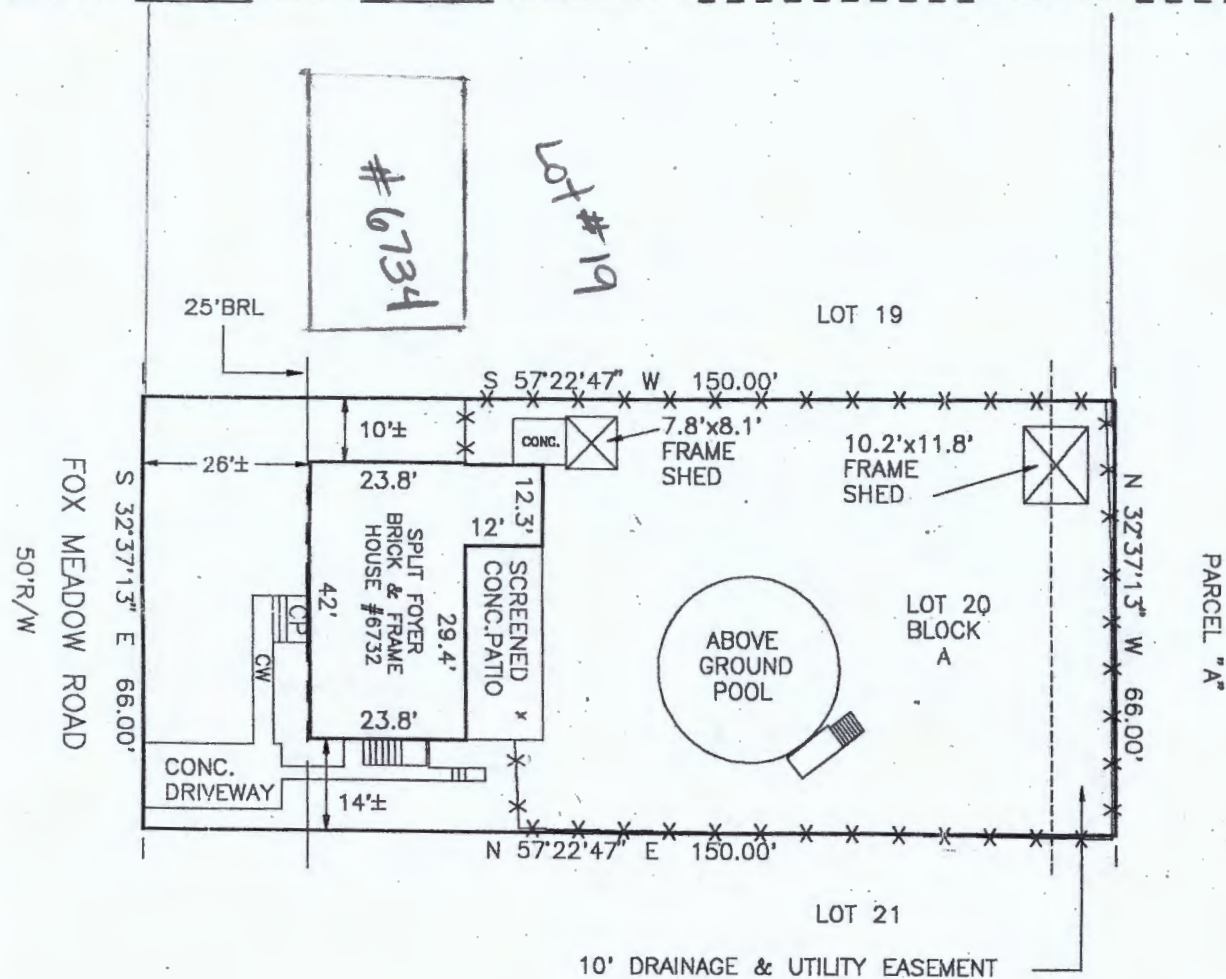
No. 1	Site Plan	
No. 2	Photo Dwelling	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 6732 Fox Meadow RD OWNER(S) NAME(S) Terry Shier / DANA Shier

SUBDIVISION NAME Deerfield LOT # 20 BLOCK # A SECTION # 2

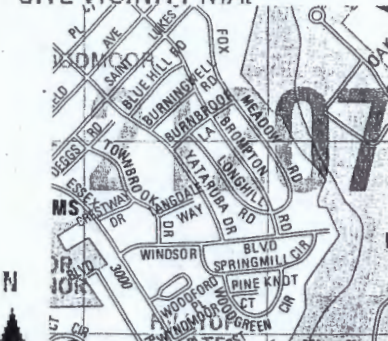
PLAT BOOK # 31 FOLIO # 130 10 DIGIT TAX # 020420170 DEED REF. # L2354 / 00106



PETITIONER'S

EXHIBIT NO.

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 038A2

SITE ZONED DR 5.5

ELECTION DISTRICT 2nd

COUNCIL DISTRICT 4th

LOT AREA ACREAGE

OR SQUARE FEET 9,900.4

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

N/A

VIOLATION CASE INFO:

N/A

PLAN DRAWN BY

DATE 5.30.12 SCALE: 1 INCH = 30' FEET

2012-0306-SP414

