

6/27/13

IN THE MATTER OF  
THE APPLICATION OF  
THE BELVEDERE BAPTIST CHURCH OF  
BALTIMORE – LEGAL OWNER  
DAVENPORT PRESCHOOL, LLC – LESSEE  
PETITIONER FOR SPECIAL EXCEPTION ON  
PROPERTY LOCATED AT  
1301 CHEVERLY ROAD

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\*  
\* CASE NO. 13-166-X

9<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT

\* \* \* \* \*

**ORDER OF DISMISSAL**

This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire as counsel for Wayne Skinner, Richard and Joan Magnani, Ron and Jill Link, Jane and Jim Brennan, Helen Kraft, Mr. and Mrs. Richard Prescatore, Mr. and Mrs. Edward Shapiro, Mat Shapiro, Linda Lilly, Mr. and Mrs. Dan Driscoll, Mr. and Mrs. Bob Rubear, Andrea Koller, Terry Stifter, Mr. and Mrs. Ken Houck, Mary Kay Pogen, Marylee Harman, and Aimee Jurao, Protestants/Appellants, from a final decision of the Administrative Law Judge dated March 28, 2013, in which the requested zoning relief was granted.

**WHEREAS**, the Board is in receipt of a hand delivered letter of voluntary withdrawal of appeal filed on June 21, 2013, by J. Carroll Holzer, Esquire, as counsel for the Protestants/Appellants, (a copy of which is attached hereto and made a part hereof); and

**WHEREAS**, said Protestants/Appellants request that the appeal taken in this matter be withdrawn and dismissed as of June 21, 2013,

**IT IS ORDERED** this 27<sup>th</sup> day of June, 2013 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 13-166-X be and the same is hereby **DISMISSED** with prejudice.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Andrew M. Belt, Chairman



Board of Appeals of Baltimore County

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

June 27, 2013

Jason Vettori, Esquire  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue, Ste 200  
Towson, MD 21204

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, MD 21286

RE: *In the Matter of: The Belvedere Baptist Church of Baltimore – Legal Owner*  
*Davenport Preschool, LLC – Lessee*  
Case No.: 13-166-X

Dear Messrs. Vettori and Holzer:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysunhra "Sunny" Cannington  
Legal Secretary and Acting Administrator

Enclosure  
Duplicate Original Cover Letter

c: Belvedere Baptist Church of Baltimore  
Davenport Preschool, LLC  
Carl Dyhrberg  
Wayne Skinner  
Richard and Joan Magnani  
Jim and Jan Brennan  
Ron and Jill Link  
Helen Kraft  
Richard and Susan Prescatore  
Edward and Terry Shapiro  
Matt Shapiro  
Linda Lilly  
Dan and Theresa Driscoll  
Mr. and Mrs. Bob Rubear  
Andrea Koller  
Terrance Stifter  
Mr. and Mrs. Ken Houck  
Mary Kay Pogen  
Marylee Hannan  
Aimee Jurao  
Timothy and Ellen Mering

Andrea Otis  
Dr. Ross and Julie Sugar  
Catherine Azzam  
William H. Thrush, Jr.  
Stephen W. Bird, President/Hampton Gardens Community Assoc.  
Dr. Don Thomas  
Maria Duckett, DDS  
Joseph and Virginia Murphy  
Paul Carney  
Mary Lee Richardson  
Vicki Young/Ivy Envelope Services, LLC  
Luke Harlan  
Ericka Leonard  
Lawrence M. Stahl, Managing Administrative Law Judge  
John E. Beverungen, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Department of Planning  
Nancy West, Assistant County Attorney  
Michael Field, County Attorney, Office of Law  
Office of People's Counsel

RECEIVED

BALTIMORE COUNTY  
BOARD OF APPEALS

IN RE: PETITION FOR  
SPECIAL EXCEPTION

(1301 Cheverly Road)

9<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District

The Belvedere Baptist Church of Baltimore  
Legal Owner  
Davenport Preschool LLC  
Lessee

Petitioners

\* BEFORE THE  
\* COUNTY BOARD OF  
\* APPEALS  
\* FOR  
\* BALTIMORE COUNTY  
\*  
\* Case No.: 2013-0166-X  
\*

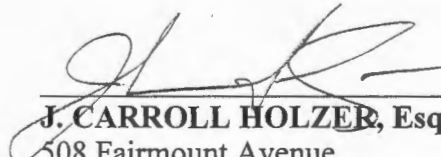
\* \* \* \* \*

**NOTICE OF WITHDRAWAL OF APPEAL**

*Mr. Wayne Skinner*, 1020 Hart Road, Towson, Maryland 21286, *Richard* and  
*Joan Magnani*, 1021 Valewood Road, Baltimore, Maryland 21286, *Ron* and *Jill Link*, of  
1310 Denby Road, Baltimore, Maryland 21286, *Jan* and *Jim Brennan*, 1308 Denby Road,  
Baltimore, Maryland 21286, *Ms. Helen Kraft*, 1008 Valewood Road, Baltimore, Maryland  
21286, *Mr. & Mrs. Richard Prescatore*, 1001 Hart Road, Baltimore, Maryland 21286,  
*Mr. & Mrs. Edward Shapiro*, 1017 Hart Road, Baltimore, Maryland 21286, *Mr. Matt Shapiro*,  
1024 Hart Road, Baltimore, Maryland 21286, *Ms. Linda Lilly*, 1110 Valewood Road,  
Baltimore, Maryland 21286, *Mr. & Mrs. Dan Driscoll*, 1312 Cheverly Road, Baltimore,  
Maryland 21286, *Mr. & Mrs. Bob Rubear*, 1003 Valewood Road, Baltimore, Maryland 21286,  
*Ms. Andrea Koller* and *Mr. Terry Stifter*, 1112 Valewood Road, Towson, Maryland 21286,  
*Mr. & Mrs. Ken Houck*, 1103 Valewood Road, Baltimore, Maryland 21286,

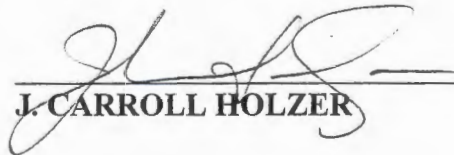
*Ms. Mary Kay Pogen* and *Ms. Marylee Harman*, 1302 Midmeadow Road, Baltimore, Maryland 21286, and *Ms. Aimee Jurao*, 1309 Denby Road, Baltimore, Maryland 21286, Appellants, by their attorney, *J. Carroll Holzer, Esquire*, HEREBY WITHDRAW THEIR APPEAL as to ALL APPELLANTS in the above referenced matter effective immediately.

Respectfully submitted,

  
**J. CARROLL HOLZER, Esquire**  
508 Fairmount Avenue  
Towson, Maryland 21286  
410-825-6961  
Attorney for Appellants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on the 21<sup>st</sup> day of June, 2013, a copy of the Notice of Withdrawal of Appeal was mailed first class, postage prepaid, to: David K. Gildea, Esquire, Smith, Gildea & Schmidt, 600 Washington Ave., Towson, Maryland 21204.

  
**J. CARROLL HOLZER**



KEVIN KAMENETZ  
County Executive

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
JOHN E. BEVERUNGEN  
Administrative Law Judge

May 7, 2013

Scott E. Massengill  
401 N. Charles Street  
Baltimore, Maryland 21201

**RECEIVED**  
MAY 7 2013

RE: **APPEAL TO BOARD OF APPEALS**  
Case No. 2013-0166-X  
Location: 1301 Cheverly Road

BALTIMORE COUNTY  
BOARD OF APPEALS

Dear Mr. Massengill:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 26, 2013. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL  
Managing Administrative Law Judge  
for Baltimore County

LMS:slh

c: Baltimore County Board of Appeals  
People's Counsel for Baltimore County  
Wayne Skinner, 1020 Hart Road, Towson, Maryland 21286  
Linda Lilly, 1110 Valewood Road, Towson, Maryland 21286  
Ellen Mering, 1025 Hart Road, Towson, Maryland 21286  
Ron Link, 1310 Denby Road, Towson, Maryland 21286  
Rich & Susan Pescatore, 1001 Hart Road, Towson, Maryland 21286  
Theresa Driscoll, 1312 Cheverly Road, Towson, Maryland 21286  
Andrea Otis, 805 Seaward Road, Towson, Maryland 21286

Ericka Leonard, 26 Bantry Ct., Baltimore, Maryland 21237  
Edward & Terry Shapiro, 1017 Hart Road, Towson, Maryland 21286  
Terrance Stifter, 1112 Valewood Road, Towson, Maryland 21286  
Julie Sugar, 2 Pickford Ct., Towson, Maryland 21286  
Catherine Azzam, 1006 Timber Trail Road, Towson, Maryland 21286  
William H. Thrush, Jr., 1013 Valewood Road, Towson, Maryland 21286  
Stephen Bird, 1314 Midmeadow Road, Towson, Maryland 21286  
Joan Magnani, 1021 Valewood Road, Towson, Maryland 21286  
Carl Dyhrberg, 1619 Mussula Road, Towson, Maryland 21286

APPEAL

Petition for Special Exception  
(1301 Cheverly Road)  
9<sup>th</sup> Election District - 3<sup>rd</sup> Councilmanic District  
Legal Owners: The Belvedere Baptist Church of Baltimore

Case No. 2013-0166-X

Special Exception  
Petition for Variance (January 14, 2013)

- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (February 15, 2013)
- ✓ Certificate of Publication (The Jeffersonian - February 21, 2013)
- ✓ Certificate of Posting (February 23, 2013) by Linda O'Keefe
- ✓ Entry of Appearance by People's Counsel (January 24, 2013)
- Petitioner(s) Sign-in Sheet - N/A
- ✓ Citizen(s) Sign-in Sheet - 1 sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioner(s) Exhibits
  - ✓ 1. Site Plan
- Protestant(s) Exhibits None
- ✓ Miscellaneous (Not Marked as Exhibits) - Letters & E-mails
- ✓ Administrative Law Judge Order (GRANTED - March 28, 2013)
- ✓ Notice of Appeal - April 26, 2013 from Wayne Skinner

RECEIVED  
MAY 7 2013

BALTIMORE COUNTY  
BOARD OF APPEALS

Address List

*Petitioners/Legal Owners:*

Belvedere Baptist Church of  
Baltimore  
P.O. Box 42240  
Baltimore, MD 21284  
(Legal Owners)

Davenport Preschool, LLC  
1301 Cheverly Road  
Towson, MD 21286  
(Lessee)

Scott E. Massengal, Esquire  
401 N. Charles Street  
Baltimore, MD 21201

Carl Dyhrberg  
1619 Mussula Road  
Towson, MD 21286

*Protestants/Appellants:*

J. Carroll Holzer, Esquire  
508 Fairmount Avenue  
Towson, MD 21286

Wayne Skinner  
1020 Hart Road  
Towson, MD 21286

Richard and Joan Magnani  
1021 Valewood Road  
Baltimore, MD 21286

Jim and Jan Brennan  
1308 Denby Road  
Baltimore, MD 21286

Ron and Jill Link  
1310 Denby Road  
Baltimore, MD 21286

Helen Kraft  
1008 Valewood Road  
Baltimore, MD 21286

Richard and Susan Prescatore  
1001 Hart Road  
Baltimore, MD 21286

Edward and Terry Shapiro  
1017 Hart Road  
Baltimore, MD 21286

Matt Shapiro  
1024 Hart Road  
Baltimore, MD 21286

Linda Lilly  
1110 Valewood Road  
Baltimore, MD 21286

Dan and Theresa Driscoll  
1312 Cheverly Road  
Baltimore, MD 21286

Mr. and Mrs. Bob Rubear  
1003 Valewood Road  
Baltimore, MD 21286

Andrea Koller  
Terrance Stifter  
1112 Valewood Road  
Baltimore, MD 21286

Mr. and Mrs. Ken Houck  
1103 Valewood Road  
Baltimore, MD 21286

Mary Kay Pogen  
Marylee Hannan  
1302 Midmeadow Road  
Baltimore, MD 21286

Aimee Jurao  
1309 Denby Road  
Baltimore, MD 21286

*Interoffice:*

Office of People's Counsel  
Lawrence M. Stahl, Managing Administrative Law Judge  
John E. Beverungen, Administrative Law Judge  
Arnold Jablon, Director/PAI  
Andrea Van Arsdale, Director/Department of Planning  
Nancy West, Assistant County Attorney  
Michael Field, County Attorney, Office of Law

**APPEAL**

**Petition for Special Exception  
(1301 Cheverly Road)  
9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: The Belvedere Baptist Church of Baltimore**

**Case No. 2013-0166-X**

Petition for Variance (January 14, 2013)

Zoning Description of Property

Notice of Zoning Hearing (February 15, 2013)

Certificate of Publication (The Jeffersonian – February 21, 2013)

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Entry of Appearance by People's Counsel (January 24, 2013)

Petitioner(s) Sign-in Sheet – N/A

Citizen(s) Sign-in Sheet – 1 sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan

Protestant(s) Exhibits - None

Miscellaneous (Not Marked as Exhibits) – Letters & E-mails

Administrative Law Judge Order (GRANTED – March 28, 2013)

Notice of Appeal – April 26, 2013 from Wayne Skinner

4/25/13

IN RE: PETITION FOR  
SPECIAL EXCEPTION

(1301 Cheverly Road)

9<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District

The Belvedere Baptist Church of Baltimore  
Legal Owner  
Davenport Preschool LLC  
Lessee

Petitioners

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR  
\* BALTIMORE COUNTY  
\*  
\* Case No.: 2013-0166-X  
\*

\* \* \* \* \*

### NOTICE OF APPEAL

**Mr. Wayne Skinner**, 1020 Hart Road, Towson, Maryland 21286, **Richard** and **Joan Magnani**, 1021 Valewood Road, Baltimore, Maryland 21286, **Ron** and **Jill Link**, of 1310 Denby Road, Baltimore, Maryland 21286, **Jan** and **Jim Brennan**, 1308 Denby Road, Baltimore, Maryland 21286, **Ms. Helen Kraft**, 1008 Valewood Road, Baltimore, Maryland 21286, **Mr. & Mrs. Richard Prescatore**, 1001 Hart Road, Baltimore, Maryland 21286, **Mr. & Mrs. Edward Shapiro**, 1017 Hart Road, Baltimore, Maryland 21286, **Mr. Matt Shapiro**, 1024 Hart Road, Baltimore, Maryland 21286, **Ms. Linda Lilly**, 1110 Valewood Road, Baltimore, Maryland 21286, **Mr. & Mrs. Dan Driscoll**, 1312 Cheverly Road, Baltimore, Maryland 21286, **Mr. & Mrs. Bob Rubear**, 1003 Valewood Road, Baltimore, Maryland 21286, **Ms. Andrea Koller** and **Mr. Terry Stifter**, 1112 Valewood Road, Towson, Maryland 21286, **Mr. & Mrs. Ken Houck**, 1103 Valewood Road, Baltimore, Maryland 21286,

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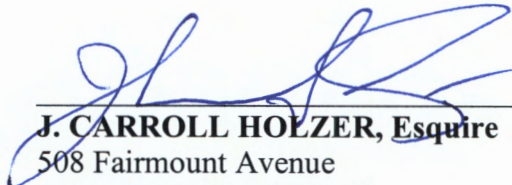
APR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

**Ms. Mary Kay Pogen** and **Ms. Marylee Harman**, 1302 Midmeadow Road, Baltimore, Maryland 21286 and **Ms. Aimee Jurao**, 1309 Denby Road, Baltimore, Maryland 21286, Appellants, by their attorney, **J. Carroll Holzer, Esquire**, feeling aggrieved by the Decision of the Administrative Law Judge in the above referenced matter, hereby file this appeal to the County Board of Appeals from the Administrative Law Judge's Opinion & Order on the Petition for Special Exception pursuant to §424.5.A dated March 28, 2013. (See attached Order).

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs. Appellants were parties below and fully participated in the proceedings.

Respectfully submitted,

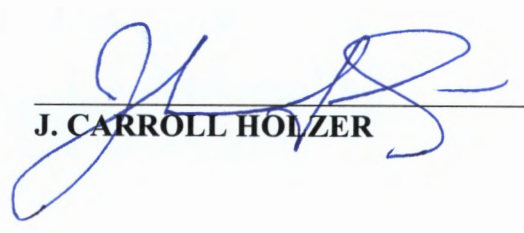


---

**J. CARROLL HOLZER, Esquire**  
508 Fairmount Avenue  
Towson, Maryland 21286  
410-825-6961  
Attorney for Appellants

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on the 25<sup>th</sup> day of April 2013, a copy of the Notice of Appeal was mailed first class, postage prepaid, to: Scott Edward Massengill, Esquire, Harrison Law Group, Suite 600, 40 West Chesapeake Avenue, Towson, Maryland 21204.

  
\_\_\_\_\_  
J. CARROLL HOLZER

3/28/13

IN RE: PETITION FOR SPECIAL EXCEPTION \*

BEFORE THE

(1301 Cheverly Road)

9<sup>th</sup> Election District \*

OFFICE OF

3<sup>rd</sup> Councilman District

The Belvedere Baptist Church of Baltimore \*

ADMINISTRATIVE HEARINGS

*Legal Owner*

Davenport Preschool LLC \*

FOR BALTIMORE COUNTY

*Lessee*

Petitioners \*

Case No. 2013-0166-X

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 1301 Cheverly Road. The Petition was filed by Scott E. Massengill, Esquire, on behalf of the legal owner of the subject property, The Belvedere Baptist Church of Baltimore, and the lessee, Davenport Preschool LLC., ("Petitioners"). The Special Exception Petition seeks relief pursuant to §424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a class B Group Child Care Center for more than 40 children in an existing church in a DR zone. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the hearing was Elizabeth Harlan, the operator of the proposed facility. Scott E. Massengill, Esquire attended and represented the Petitioners. Several members of the community (whose names are listed in the case file) attended the hearing and expressed concerns regarding the proposal. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 3-28-13

By Den

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was from the Department of Planning (DOP), which expressed support for the petition.

Testimony and evidence offered at the hearing revealed that the subject property is 12.711 acres and is zoned DR 1. There was a great deal of confusion at the hearing concerning the exact nature of the program proposed. The Hampton Gardens Community Association has not had an opportunity to meet and formally vote on the proposal, which is unfortunate given that many disputes are often able to be resolved if there is sufficient dialogue before the actual zoning hearing. In any event, that did not occur here.

Under the DR-1 zoning classification, the Petitioner would be permitted to operate a class B child care facility, with up to 40 children, as of right, without the necessity of a hearing or further approvals from the County. BCZR § 1B01.1.A.12. The Petitioner proposes to enroll in excess of 40 children, and in that event the Regulations require a special exception to do so, pursuant to BCZR § 424.5. The Regulations also require that the facility be licensed by State authorities, contain a fenced play area, and not be located adjacent to an existing group child care center. BCZR § 424.1. The Petitioner has (or will) satisfy these requirements. In addition, the Regulations specify certain lot size, building height and setback requirements for child care centers, and as noted on the site plan (Petitioner's Exhibit 1) these are satisfied.

A final preliminary issue concerns whether or not the Residential Transition Area (RTA) regulations are applicable. BCZR §1B01.1.B.1.g.(11). Those regulations are designed to ensure that similar housing types are built adjacent to one another or, if that is not the case, that adequate buffers be provided. BCZR § 1B01.1.B.1. Those concerns are not implicated here, especially since the Petitioner is proposing an adaptive reuse of an existing church that was constructed over 30

ORDER RECEIVED FOR FILING  
2 Date 3-28-13  
By ADN

years ago. Regardless, even assuming the RTA regulations were applicable, the existing church building (as shown on the plan) is set back over 400' from the front and side property boundaries, and 225' from the rear boundary. Exhibit 1, note 8. As such, more than adequate buffers are provided by this large site.

#### SPECIAL EXCEPTION LAW

As noted above, Petitioners seek special exception relief under §424.5.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a class B Group Child Care Center for more than 40 children in an existing church in a DR zone. Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

This is a unique case in many respects. The Petitioner proposes to operate a class B child care facility in a residential zone, pursuant to a special exception. While that, in and of itself, isn't particularly unusual, the site and infrastructure are. Specifically, the Petitioner proposes to lease (and eventually purchase) the existing Belvedere Baptist Church in the neighborhood, which is situated on a nearly 13 acre parcel. As discussed at the hearing, under the BCZR the Petitioner could theoretically have over 1,000 children at the center, using the ratio set forth at BCZR § 424.7. Of course, the Petitioner is not proposing such a number, and State law and regulations would provide an independent limit on the number of children at the center. I simply point this out

ORDER RECEIVED FOR FILING

Date 3-28-13

By den

to show that, in a case like this with a large parcel, the application of the BCZR can produce anomalous (and probably unintended) results.

In any event, the residents who spoke at the hearing identified one overriding concern with the proposal: traffic. As was correctly noted, if the Petitioner enrolled 150 children (full time) at the center, that would equate to 600 vehicle "trips" on a daily (Monday-Friday) basis. Ms. Harlan testified that in her experience (she characterized it as her "best guess" based on her 6 years of experience in this field) this number would be closer to 400, given that some parents will enroll more than one child, and there may be some carpooling. Even so, that is undoubtedly a lot of traffic, especially in a rural residential neighborhood (zoned DR-1) consisting of 160 homes. I can certainly understand (and if I lived there would share) the sentiments expressed by residents, that the use would in many respects disturb the peace and quiet of this neighborhood.

But, though it may sound illogical, this is exactly the type of inherent adverse effect that the legislature was presumed to have anticipated when it allowed the use by special exception. In other words, most uses for which a special exception is required are regarded as "potentially troublesome because of noise, traffic, congestion...." Montgomery County v. Butler, 417 Md. 271, 297 (2010). For sure, any large child care center with 100+ children will generate a large volume of traffic, and thus that impact is "inherent" in the use. In other words, a child care center with 100+ children would generate the exact same volume of traffic at any location in a DR zone as it would at the present site. Several residents noted that the neighborhood has no street lights and/or sidewalks, but this too is also true for many residential neighborhoods in the County, especially in the more sparsely populated DR-1 and DR-2 zones. Thus, I think those concerns are also "inherent" adverse effects arising from the operation of a large child care center in a residential zone.

ORDER RECEIVED FOR FILING

Date 3-28-13

4 By pen

To warrant the denial of a special exception, the opponents must show that the use, at the particular location proposed, would have "non-inherent adverse effects." Id. at 282. In this case, I do not believe the Protestants made such a showing. Thus, I believe that I am obliged by the BCZR and case law to grant the Petition, though I will also impose conditions on the relief that may help to mitigate the impacts upon the community.

The most significant condition concerns the number of children at the center. As discussed at the hearing, some of the younger children (2 and 3 year olds mainly) will attend on a part-time schedule, either M-W-F or Tue & Thurs. Ms. Harlan indicated that two such children in essence count as one "full time" enrollment, since they "share" the calendar week. Further complicating matters is that even though all children are dropped off in the morning, some small number (Ms. Harlan estimated between 10-15) of children will be picked-up by their parents at mid-day, rather than at the end of the day. Some citizens urged that an "enrollment cap" be applied, but on further reflection it doesn't seem like this would be subject to verification by County authorities, since this is a private enterprise, and the childrens' enrollment records would not be open to inspection. Instead, I think the only meaningful, and enforceable, restriction concerns the maximum number of children that can be at the facility on any given day.

In that regard, I believe that 120 children is an appropriate figure, based upon Ms. Harlan's testimony. Ms. Harlan described the number of classes she would like to have, which would be situated in nine classrooms. She indicated that according to her calculations, State child care regulations would allow no more than approximately 135 children at any one time within the facility as planned. She also described the child care center at which she previously was employed (that was also located in a church), and indicated it had 120 full time students, which correlated to about 95 families, given that some parents had multiple children enrolled. Finally, she stated that

ORDER RECEIVED FOR FILING

Date

3-28-13

By

Den

her goal with this center is to enroll 150 children, which after deducting approximately 30 children who would be part-time and "sharing" one full time slot (as described in the preceding paragraph), would mean that approximately 120 children would be attending the center on any given day. With respect to the number of vehicle "trips" generated on a daily basis, one would imagine that the number of families would be between 95-100, based on Ms. Harlan's previous experience. As such, based on the evidence and testimony in the case, I believe it is reasonable to assume that somewhere in the neighborhood of 400 vehicle trips on a daily (M-F) basis will be generated when this proposed facility is at capacity, which Ms. Harlan anticipated would take at least a year.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 28<sup>th</sup> day of March, 2013, that the Petition for Special Exception relief under §424.5.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a class B Group Child Care Center for more than 40 children in an existing church in a DR zone, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 3-28-13

By den

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall have no more than 120 children in the facility at any one time, unless state regulations or fire and life safety regulations provide a lower number which would prevail.
3. The morning drop off hours are limited to 7:30 a.m. - 9:00 a.m., and the afternoon pickup shall be between the hours of 3:00 p.m. - 5:45 p.m. Though a small percentage of children (approximately 10%) will attend the program for half-day and be picked up at mid-day, there shall be no drop off of children outside of the 7:30 a.m.- 9:00 a.m. period.

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

JEB/sln

  
\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-28-13  
By slr



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

March 28, 2013

Scott E. Massengill, Esquire  
401 N. Charles Street  
Baltimore, Maryland 21201

RE: Petition for Special Exception  
Case No.: 2013-0166-X  
Property: 1301 Cheverly Road

Dear Mr. Massengill:

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 dark ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

- c: Wayne Skinner, 1020 Hart Road, Towson, Maryland 21286  
Linda Lilly, 1110 Valewood Road, Towson, Maryland 21286  
Ellen Mering, 1025 Hart Road, Towson, Maryland 21286  
Ron Link, 1310 Denby Road, Towson, Maryland 21286  
Rich & Susan Pescatore, 1001 Hart Road, Towson, Maryland 21286  
Theresa Driscoll, 1312 Cheverly Road, Towson, Maryland 21286  
Andrea Otis, 805 Seaward Road, Towson, Maryland 21286  
Ericka Leonard, 26 Bantry Ct., Baltimore, Maryland 21237  
Edward & Terry Shapiro, 1017 Hart Road, Towson, Maryland 21286

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468

[www.baltimorecountymd.gov](http://www.baltimorecountymd.gov)

Terrance Stifter, 1112 Valewood Road, Towson, Maryland 21286  
Julie Sugar, 2 Pickford Ct., Towson, Maryland 21286  
Catherine Azzam, 1006 Timber Trail Road, Towson, Maryland 21286  
William H. Thrush, Jr., 1013 Valewood Road, Towson, Maryland 21286  
Stephen Bird, 1314 Midmeadow Road, Towson, Maryland 21286  
Joan Magnani, 1021 Valewood Road, Towson, Maryland.21286  
Carl Dyhrberg, 1619 Mussula Road, Towson, Maryland 21286



# 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 1301 Cheverly Road, Towson, MD 21286 which is presently zoned DR1

Deed References: /20932/00156 10 Digit Tax Account # 0902650491

Property Owner(s) Printed Name(s) Belvedere Christian Church

(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.    a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3424.5.A TO PERMIT A CLASS B GROUP CHILD CARE CENTER FOR MORE THAN 40 CHILDREN IN AN EXISTING CHURCH IN A D.R. ZONE

3.    a Variance from Section(s)

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)

TO BE PRESENTED AT HEARING

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:

Davenport Preschool, LLC

Name- Type or Print

[Signature]

Signature

1301 Cheverly Road, Towson, MD

Mailing Address City State

21286 / (410) 241 9052 / liz@hartan.com

Zip Code Telephone # Email Address

## Attorney for Petitioner:

Scott E. MASSENGILL

Name- Type or Print

[Signature]

Signature

401 N. CHARLES ST. BALT. MD

Mailing Address City State

21201 / 410-727-2443 / SMASSENGILL@25RM.COM 21286 / (443) 465 6899 / cddesignconsultants@yahoo.com

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

The Belvedere Baptist Church of Baltimore

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]

Signature #1

Signature #2

PO Box 42240 BALTIMORE MD

Mailing Address City State

21284 / 717-253-3247 / relate24@charter.net

Zip Code Telephone # Email Address

## Representative to be contacted:

Carl Dyhrberg

Name - Type or Print

[Signature]

Signature

1619 Mussula Road Towson MD

Mailing Address City State

ORDER RECEIVED FOR FILING

Date

3-28-13

By

[Signature]

CASE NUMBER: 2013-0166-X

Filing Date: 1/14/13

Do Not Schedule Dates:

Reviewer: GH/AT

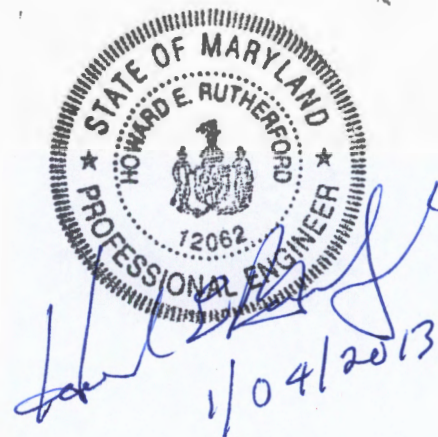
## ZONING DESCRIPTION FOR 1301 CHEVERLY ROAD

Beginning at the southwest end of Cheverly Road, which is 50 feet wide at the distance of 240 feet South of the centerline of the nearest improved intersecting street, Valewood Road, which is 50.01 feet wide, thence binding on the south end of Cheverly Road, North 69 degrees 34 minutes East 50.01 feet, thence leaving Cheverly Road, North 69 degrees 34 minutes East 624.16 feet and South 12 degrees 19 minutes 02 seconds East 646.76 feet to a point in or near the centerline of Hart Road, thence running in or near the centerline of Hart Road, South 66 degrees 57 minutes 04 seconds West 25.46 feet, South 61 degrees 22 minutes 30 seconds West 282.52 feet, North 82 degrees 32 minutes 30 seconds West 165.00 feet, South 69 degrees 31 minutes 30 seconds West 131.32 feet and South 77 degrees 44 minutes 30 seconds West 320.15 feet, thence leaving Hart Road, North 12 degrees 19 minutes 02 seconds West 564.74 feet and North 69 degrees 34 minutes East 236.53 feet to the place of beginning.

Also known as 1301 Cheverly Road and located in the 9<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 12062, Expiration Date: 8/04/2014



2013-0166-X

# 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: 2013 - 0166 - X

Petitioner: Davenport Preschool, LLC

Address or Location: 1301 Cheverly Road, Towson, MD 21286

#### **PLEASE FORWARD ADVERTISING BILL TO:**

Name: Liz Harlen

Address: 1301 Cheverly Road

Towson

MD 21286

Telephone Number: (410) 241 9052

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

No.

94027

Date:

1/14/13

PAID RECEIPT

BUSINESS ACTUAL TIME DRN  
1/14/2013 1/14/2013 09:13:29 5

RECEIVED WALKIN FOS LRB  
RECEIPT # 634624 1/14/2013 OFR

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150           |             |          |         | \$450  |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |

5 328 ZONING VERIFICATION  
094027  
Rec'd Tot \$450.00  
\$450.00 OK \$0.00 CA  
Baltimore County, Maryland

Total:

\$450

Rec

From:

DAVENPORT PRESCHOOL

For:

1301 CHEVERLY RD

2013-0166-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

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

94698

No.

Date:

4/26/13

| Fund | Dept | Unit | Sub Unit | Rev<br>Source/<br>Obj | Sub<br>Rev/<br>Sub Obj | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|-----------------------|------------------------|------|-----|---------|--------|
| 001  | 806  | 0000 |          | 6150                  |                        |      |     |         |        |
|      |      |      |          |                       |                        |      |     |         |        |
|      |      |      |          |                       |                        |      |     |         |        |
|      |      |      |          |                       |                        |      |     |         |        |
|      |      |      |          |                       |                        |      |     |         |        |

Total:

385.00

Rec  
From:

Wayne Skinner

For:

2013-0166-X

1301 Chewerly Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

RECEIVED  
4/26/2013 4:00 PM  
\$385.00  
BALTIMORE COUNTY, MARYLAND

**CASHIER'S  
VALIDATION**

**NOTICE OF ZONING HEARING**

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

**Case: #2013-0166-X**

1301 Cheverly Road

SW Cheverly Road, 240 Ft. S/of centerline of Valewood Road

9th Election District - 3rd Councilmanic District

Legal Owner: The Belvedere Baptist Church of Baltimore

Contract Purchaser: Davenport Preschool, LLC

**Special Exception:** to permit a Class B Group Child Care Center for more than 40 children in an existing church in a D.R. zone.

**Hearing:** Friday, March 15, 2013 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.  
2/307 February 21 906026



501 N. Calvert Street, Baltimore, MD 21278

February 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on February 21, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

*Susan Wilkinson*

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 02/26/2013

**Case Number:** 2013-0166-X

**Petitioner / Developer:** SCOTT MASSENGILL~DAVENPORT  
PRESCHOOL~BELVEDERE BAPTIST CHURCH of BALTIMORE~  
CARL DYHRBERG of C D DESIGN CONSULTANTS

**Date of Hearing (Closing):** MARCH 15, 2013

This is to certify under the penalties of perjury that the necessary sign(s)  
required by law were posted conspicuously on the property located at:  
1301 CHEVERLY ROAD

**The sign(s) were posted on: FEBRUARY 23, 2013**



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, February 21, 2013 Issue - Jeffersonian

Please forward billing to:  
Liz Harlen  
1301 Cheverly Road  
Towson, MD 21286

410-241-9052

---

### NOTICE OF ZONING HEARING

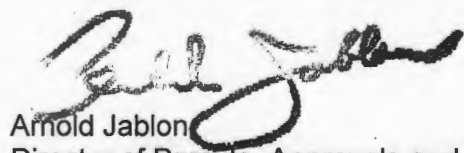
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2013-0166-X**

1301 Cheverly Road  
SW Cheverly Road, 240 ft. S/of centerline of Valewood Road  
9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: The Belvedere Baptist Church of Baltimore  
Contract Purchaser: Davenport Preschool, LLC

Special Exception to permit a Class B Group Child Care Center for more than 40 children in an existing church in a D.R. zone.

Hearing: Friday, March 15, 2013 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.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ  
County Executive

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

February 15, 2013

## 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: 2013-0166-X**

1301 Cheverly Road

SW Cheverly Road, 240 ft. S/of centerline of Valewood Road

9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: The Belvedere Baptist Church of Baltimore

Contract Purchaser: Davenport Preschool, LLC

Special Exception to permit a Class B Group Child Care Center for more than 40 children in an existing church in a D.R. zone.

Hearing: Friday, March 15, 2013 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp.

Arnold Jablon  
Director

AJ:kl

C: Scott Massengill, 401 N. Charles Street, Baltimore 21201  
Davenport Preschool, 1301 Cheverly Road, Towson 21286  
Belvedere Baptist Church of Baltimore, P.O. Box 42240, Baltimore 21284  
Carl Dyhrberg, 1619 Mussula Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 23, 2013.**
- (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.



## Board of Appeals of Baltimore County

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

May 9, 2013

## NOTICE OF ASSIGNMENT

**CASE #: 13-166-X      IN THE MATTER OF: The Belvedere Baptist Church of Baltimore /  
Legal Owner / Petitioner**  
1301 Cheverly Road / 9<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

Re: Petition for Special Exception to permit a Class B Group Childcare Center for more than 40 children in an existing church in a D.R. zone.

3/28/13 Opinion and Order of Administrative Law Judge wherein the requested relief was GRANTED with restrictions.

**ASSIGNED FOR: TUESDAY, JUNE 25, 2013, AT 10:00 A.M.**

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

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

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

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

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

**Theresa R. Shelton, Administrator**

|    |                                     |                                                                                                                                                                                                                                                                                                                                                           |
|----|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| c: | Attorney for Petitioner/Legal Owner | : Scott E. Massengill, Esquire                                                                                                                                                                                                                                                                                                                            |
|    | Legal Owner                         | : Belvedere Baptist Church of Baltimore                                                                                                                                                                                                                                                                                                                   |
|    | Lessee                              | : Davenport Preschool, LLC                                                                                                                                                                                                                                                                                                                                |
|    |                                     | Carl Dyhrberg                                                                                                                                                                                                                                                                                                                                             |
|    | Counsel for Appellants              | : J. Carroll Holzer, Esquire                                                                                                                                                                                                                                                                                                                              |
|    | Appellants                          | : Wayne Skinner, Richard and Joan Magnani, Jim and Jan Brennan,<br>Ron and Jill Link, Helen Kraft, Richard and Susan Prescatore,<br>Edward and Terry Shapiro, Matt Shapiro, Linda Lilly, Dan and<br>Theresa Driscoll, Mr. and Mrs. Bob Rubear, Andrea Koller,<br>Terrance Stifter, Mr. and Mrs. Ken Houck, Mary Kay Pogen,<br>Marylee Hannan, Aimee Jurao |

Timothy and Ellen Mering, Andrea Otis, Dr. Ross and Julie Sugar, Catherine Azzam, William H. Thrush, Jr., Stephen W. Bird, President/Hampton Gardens Community Assoc., Dr. Don Thomas, Maria Duckett, DDS, Joseph and Virginia Murphy Paul Carney, Mary Lee Richardson, Vicki Young/Ivy Envelope Services, LLC, Luke Harlan, Ericka Leonard

Lawrence M. Stahl, Managing Administrative Law Judge, John E. Beverungen, Administrative Law Judge  
Arnold Jablon, Director/PAJ, Andrea Van Arsdale, Director/Department of Planning, Nancy West, Assistant County Attorney,  
Michael Field, County Attorney, Office of Law, Office of People's Counsel



KEVIN KAMENETZ  
County Executive

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

March 6, 2013

The Belvedere Baptist Church of Baltimore  
P. O. Box 42240  
Baltimore MD 21284

RE: Case Number: 2013-0166, Address: 1301 Cheverly Road, 21286

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 14, 2013. 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.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286  
Liz Harlen, 1301 Cheverly Road, Towson MD 21286  
Scott E. Massengill, 401 N. Charles Street, Baltimore MD 21201

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** February 19, 2013

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 1301 Cheverly Road

**INFORMATION:**

**Item Number:** 13-166

**Petitioner:** The Belvedere Baptist Church of Baltimore

**Zoning:** DR 1

**Requested Action:** Special Exception

**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a special exception. The proposed childcare center will be located within the existing church, so there will be no noticeable changes to the exterior of the building.

However, there will be an increase in traffic, due to the nature of a childcare operation. Nonetheless, this Department opines that the impact will be minimal. As such, the Department of Planning further opines that this proposal is appropriate for the area and will not be detrimental to the health, safety, or general welfare of the surrounding community.

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

**Prepared by:**

**Division Chief:**  
AVA/LL: CM

**RECEIVED**

**FEB 21 2013**

**OFFICE OF ADMINISTRATIVE HEARINGS**

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



Darrell B. Mobley, Acting Secretary  
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-25-13

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

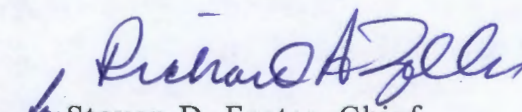
RE: Baltimore County  
Item No 2013-0166-X  
*Special Exception*  
*The Belvue Ave Baptist Church*  
*of Baltimore*  
*1301 Cheverly Road*

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. 2013-0166-X.

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

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 30, 2013

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 28, 2013  
Item Nos. 2013-0151,0153,0154,0156,0157,0158,0159,0160,0161,0162,  
0163,0164,0165,0166,0167,0168,0169, and 0172.

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

DAK:CEN  
Cc: file

|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL EXCEPTION                                | * | BEFORE THE OFFICE |
| 1301 Cheverly Road; SW of Cheverly Road,                          |   |                   |
| 240' S c/line of Valewood Road                                    | * | OF ADMINSTRATIVE  |
| 9 <sup>th</sup> Election & 3 <sup>rd</sup> Councilmanic Districts |   |                   |
| Legal Owner(s): Belvedere Baptist Church                          | * | HEARINGS FOR      |
| Of Baltimore                                                      |   |                   |
| Contract Purchaser(s): Davenport Preschool                        | * | BALTIMORE COUNTY  |
| Petitioner(s)                                                     |   |                   |
|                                                                   | * | 2013-166-X        |

\* \* \* \* \*

### 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

JAN 24 2013

*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 24th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Carol Dyhrberg, 1619 Mussula Road, Towson, Maryland 21286 and Scott Massengell, 401 N. Charles Street, Baltimore, Maryland 21201, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

RECEIVED

JUN 21 2013

BALTIMORE COUNTY  
BOARD OF APPEALS

IN THE MATTER OF:

The Belvedere Baptist Church  
Of Baltimore

1301 Cheverly Road

9<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

BEFORE THE

BOARD OF APPEALS

OF

BALTIMORE COUNTY

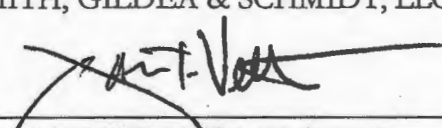
CASE NO: 13-166-X

\* \* \* \* \*

ENTRY OF APPEARANCE

Pursuant to Rule 6 of the Baltimore County Board of Appeals Rules of Practice and Procedure,  
please enter the appearance of JASON T. VETTORI, ESQUIRE, and SMITH, GILDEA &  
SCHMIDT, LLC as attorneys for the Petitioners in the above-captioned case.

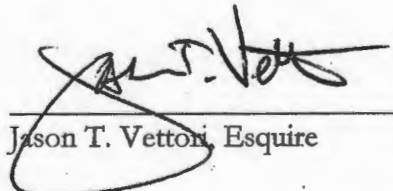
SMITH, GILDEA & SCHMIDT, LLC

  
\_\_\_\_\_  
JASON T. VETTORI, ESQUIRE  
600 Washington Avenue, Suite 200  
Towson, MD 21204  
410-821-0070  
Attorneys for Petitioners

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20 day of June 2013, a copy of the foregoing document was  
mailed via first class mail to:

J. Carroll Holzer, Esquire  
Holzer & Lee  
508 Fairmount Avenue  
Towson, MD 21204

  
\_\_\_\_\_  
Jason T. Vettori, Esquire

**Administrative Hearings - Case #2013-0166-X**

---

**From:** "Julie Sugar" <julie.sugar@verizon.net>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/11/2013 10:37 AM  
**Subject:** Case #2013-0166-X  
**Attachments:** Sugar-Letter-DavenportPreschool.doc

---

**Case #2013-0166-X**

2 Pickford Court  
Towson, MD 21286

11 March 2013

Mr. John Beverungen, Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue  
Towson, MD 21204

Dear Mr. Beverungen,

We are writing in reference to the March 15<sup>th</sup> zoning exception hearing for Davenport Preschool, to be located at 1301 Cheverly Road, Towson, MD 21286. This property is located in the middle of our neighborhood of 160 homes, Hampton Gardens.

We understand you are considering a request to grant a zoning exception to allow Davenport Preschool to enroll more than 40 children. We are writing to let you know that the 400+ additional one way trips through our neighborhood if the school is expanded to allow 150 children will present unsafe roads for our small neighborhood of 160 homes. We have many senior citizens who walk daily and young bicycle riders and without sidewalks, we worry about their safety.

We respectfully request that Davenport Preschool be granted an exception to allow an enrollment of 120 students. We believe our roads may double in traffic with 120 students but this would be a safe limit to allow for pedestrian traffic.

Thank you for your consideration,

**Dr. and Mrs. Ross C. Sugar**

**Administrative Hearings - Opposition to CASE# 2013-0166-X**

---

**From:** "Vicki Young" <vickiyoung@ivyenvelope.com>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/11/2013 11:15 AM  
**Subject:** Opposition to CASE# 2013-0166-X  
**CC:** <eshapiro@jhmi.edu>

---

Dear Judge Beverungen:

My name is Victoria A Young and I own a home at 1306B Denby Road located in Hampton Gardens in Towson. I would like to vehemently oppose the approval of any change in zoning that would result in allowing The Davenport School to expand from its current proposed size of 40 children to 150 children. There is only one road in and out of the neighborhood. The neighborhood road was not intended for this kind of high volume usage and I feel it will ultimately affect the value of the neighborhood. In addition, I am very concerned about the safety of our children playing and walking in the neighborhood as there are no sidewalks.

I appreciate your serious consideration of this matter.

Sincerely,

**Vicki Young**

Victoria A. Young, Owner  
IVY Envelope Services, LLC  
PO Box 20092  
Baltimore, MD 21284  
410-235-1489 phone  
410-235-2489 fax  
*IVY Envelope Services is 100% woman-owned business.*  
*MDOT certified MBE #05-322*

**Administrative Hearings - Case No. 2013-0166-x Davenport Pre School**

---

**From:** <marylee227@comcast.net>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/11/2013 12:42 PM  
**Subject:** Case No. 2013-0166-x Davenport Pre School

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To Whom It May Concern:

I am writing to express my concern for the application for pre-school in my neighborhood. I feel our neighborhood would not be able to handle the increased traffic that would come with a large pre-school. We have no sidewalks and people rarely obey the speed limit of 25 mph. I walk my dog and always have to be careful. There are curves that fast drivers would not be able to see me. Also we have many school buses coming in our neighborhoods and the children have to wait in the street because there is no place for them other than the street.

I feel that the requested number of 150 students is too many but I would accept 100 or less.

Sincerely,  
**Mary Lee Richardson**  
 1305 Denby Road, Towson, Maryland 21286

**Administrative Hearings - Proposed use of Belvedere Church as a pre-school**

---

**From:** Paul Carney <brit\_paul\_carney@yahoo.com>  
**To:** "administrativehearings@baltimorecountymd.gov" <administrativehearings@b...  
**Date:** 3/12/2013 7:46 AM  
**Subject:** Proposed use of Belvedere Church as a pre-school

---

To whom it may concern

Re: Case # 2013-0166-X.

I live at 1201 Hart Road and, as such would be one of the people impacted by the change in the number of children attending this establishment if it is allowed to increase to 150. Having now heard Ms Harlan's explanation of how this number would be catered for I have no hesitation in approving the extension that she has proposed and the use of this building as a pre-school.

Sincerely

Paul Carney

---

We do not heal the past by dwelling there; we heal the past by living fully in the present.  
Marianne Williamson

**Administrative Hearings - #2013-0166-X**

---

**From:** Ellen Mering <emering@gmail.com>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/12/2013 10:29 PM  
**Subject:** #2013-0166-X

---

**To:** 'administrativehearings@baltimorecountymd.gov'  
**Subject:** '#2013-0166-X'

**Case #2013-0166-X**

1025 Hart Road

Towson, Md 21286

13 March 2013

Mr. John Beverungen, Administrative Law Judge

Baltimore County Zoning Office

105 West Chesapeake Avenue

Towson, MD 21204

RECEIVED

MAR 13 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Beverungen,

We are writing in reference to the March 15<sup>th</sup> zoning exception hearing for Davenport Preschool, to be located at 1301 Cheverly Road, Towson, MD 21286. This property is located in the middle of our neighborhood of 160 homes, Hampton Gardens.

We understand you are considering a request to grant a zoning exception to allow Davenport Preschool to enroll more than 40 children. We are writing to let you know that the 400+ additional one way trips through our neighborhood, if the school is expanded to allow 150 children, will present a hazardous condition. We have no sidewalks, in some places- small narrow streets and we are concerned about young bicycle riders and the many folks that walk in the neighborhood. We are also concerned about the amount of traffic that will increase coming out onto Providence road during rush hour traffic. We welcome the Preschool but frankly are concerned about the amount of traffic that this will add to our small neighborhood.

About a monthly ago a letter stated that the neighborhood was totally behind this project. This is clearly not true. Please reassess this situation.

We respectfully request that Davenport Preschool be granted an exception to allow an enrollment of 120 students. We believe our roads may double in traffic with 120 students but this would be a safer limit to allow for pedestrian traffic.

Thank you for your consideration,

Mr. and Mrs. Timothy E. Mering

410-808-3634

--

**Administrative Hearings - Zoning Exception Hearing Case 2013-0166X**

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**From:** Maria Duckett <mgeduckett@yahoo.com>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/12/2013 10:33 PM  
**Subject:** Zoning Exception Hearing Case 2013-0166X

---

Maria Duckett, DDS  
1306 Midmeadow Rd.  
Towson, MD 21286

RECEIVED

March 12, 2013

MAR 13 2013

Re: Case #2013-0166X

OFFICE OF ADMINISTRATIVE HEARINGS

Mr. John Beverungen  
Administrative Law Judge  
105 W. Chesapeake Ave.  
Towson, MD 21204

Dear Mr. Beverungen:

I am writing in regards to the Zoning Exception Hearing scheduled for Friday, March 15 at 1:30. The property in question is the Hampton Gardens Community. I will not be able to come to the meeting, but I would like to let you know my opinion. I have been a resident of this community for 20 years. This has been a wonderful neighborhood to live in. Liz Harlan is already respected by many members of the community. She has been the Swim Team Director for the Hampton Pool for the past 2 years.

I feel that the Davenport Pre-School would be a great addition to our neighborhood and it would also be a very positive use of the church that has been vacant. An expansion of the zoning to 150 students is extremely reasonable. Ms. Harlan should be able to have enough students to be able to sustain and acquire this large piece of property. If she is not able to have enough students, there is a greater chance of this business venture failing. We may ultimately have another business there with much more traffic than the pre-school would produce.

An increase in traffic is expected with any additional business, etc. With a pre-school, parents drop off their children at different times, so the volume of traffic at any specific time should not be that high. The addition of speed bumps on Valewood Rd. would probably curtail speeding.

I hope that you will allow the zoning exception that will enable Ms. Harlan to expand the number of children enrolled. Thank you for your consideration.

Sincerely,  
Maria Duckett

**Administrative Hearings - Case #2013-0166-X**

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**From:** Mary Kay Pogar <mkpa84@yahoo.com>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/13/2013 11:16 AM  
**Subject:** Case #2013-0166-X

RECEIVED

MAR 13 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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Judge Beverungen,

We are nearly ten-year residents of Hampton Gardens, the neighborhood which is the site and subject of the zoning hearing this Friday, March 15, Case #2013-0166-X.

While we support the efforts of the preschool director, Liz Harlan, we are concerned about the marked increase in traffic this preschool will bring to our peaceful and quiet neighborhood. We understand that this change is inevitable, but we are concerned that the exception to the zoning which Ms. Harlan seeks does not have a cap on enrollment for the school.

The exception Ms. Harlan seeks asks only that an increase above 40 students be allowed. We believe that leaving the increase open-ended, which would potentially allow for a significantly larger enrollment in the future, would change the character of the neighborhood and would dramatically decrease the quality of life for its residents.

In your decision to change the zoning, please consider designating a cap to the exception, at 150-165 students. This would allow Ms. Harlan to establish a viable school without unduly stressing the infrastructure and character of the neighborhood.

Thank you,  
Mary Kay Pogar  
Marylee Hannan  
Midmeadow Road  
Towson

**Administrative Hearings - Case #2013-0166-X**

---

**From:** "AndiTerry" <kollerstifter@comcast.net>  
**To:** <administrativehearings@baltimorecountymd.gov>  
**Date:** 3/12/2013 7:31 PM  
**Subject:** Case #2013-0166-X  
**Attachments:** zoning letter.docx

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Case #2013-0166-X

Andrea Koller and Terrance Stifter  
1112 Valewood Rd  
Towson MD 21286  
March 11, 2013

RECEIVED

MAR 13 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Mr. John Beverungen, Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue  
Towson, MD 21204

Dear Mr. Beverungen,

It is our understanding that you will be presiding over zoning-exception hearing Case #2013-0166-X on Friday, March 15<sup>th</sup> and the results of this hearing will greatly impact our community. Davenport Preschool, a full-time, year-round daycare, is requesting a zoning exception to permit attendance of over 40 children, with the goal of enrolling 150 at their new campus in the middle of Hampton Gardens neighborhood.

Hampton Gardens is a 160-home, self-contained community with one main ingress and egress. The neighborhood is comprised of five streets and three courts, and is situated off Providence Road. As a main artery leading from the Loch Raven Reservoir area into Towson, Providence Road is too narrow to safely support the existing traffic as it makes its way down to the beltway or into Towson. The proposed daycare is **more than three times the size** of our nearest similar facilities – Providence Child Care Center and Towson United Methodist Church – and the enormous influx in traffic it will bring to the area will tax our already congested roads.

We are very concerned about the amount of car traffic this daycare will bring into the neighborhood – a community with no sidewalks but plenty of pedestrians. A child-care center of such a size would bring significantly more traffic down our dead-end streets – up to 600 trips in and out a day if 150 cars are to travel the route.

A letter has been circulated to the press and zoning office stating that the entire neighborhood endorses the project but clearly this is not true. We are asking you to cap enrollment at 100 students in an effort to head off traffic issues before they begin. Our streets can't support this number of cars and the safety of our neighbors is in jeopardy.

Sincerely,  
Andrea Koller and Terrance Stifter

**Administrative Hearings - Proposed use of Belvedere Church as a pre-school**

---

**From:** Paul Carney <brit\_paul\_carney@yahoo.com>  
**To:** "administrativehearings@baltimorecountymd.gov" <administrativehearings@b...  
**Date:** 3/12/2013 7:46 AM  
**Subject:** Proposed use of Belvedere Church as a pre-school

---

RECEIVED

To whom it may concern

MAR 13 2013

Re: Case # 2013-0166-X.

OFFICE OF ADMINISTRATIVE HEARINGS

I live at 1201 Hart Road and, as such would be one of the people impacted by the change in the number of children attending this establishment if it is allowed to increase to 150. Having now heard Ms Harlan's explanation of how this number would be catered for I have no hesitation in approving the extension that she has proposed and the use of this building as a pre-school.

Sincerely

Paul Carney

---

We do not heal the past by dwelling there; we heal the past by living fully in the present.  
Marianne Williamson

JB 3/15  
1:30 PM

**From:** Theresa A Shapiro <tshapiro@jhmi.edu>  
**To:** <jbeverungen@baltimorecountymd.gov>, <administrativehearings@baltimoreco...>  
**CC:** <tshapiro@jhmi.edu>, <eshapiro@jhmi.edu>  
**Date:** 3/17/2013 3:07 PM  
**Subject:** Case 2013-0166-X

17 March 2012

John E. Beverungen  
Administrative Law Judge  
Via email

CASE#2013-0166-X

Dear Judge Beverungen,

This is to thank you for overseeing Friday's proceedings on this case (a great deal of the cordial atmosphere was established by the interested and respectful tone you set) and also to clarify a point I was trying to make near the end of the meeting, relating to any cap you may wish to apply. There seem to be two distinct options in this: total number of students enrolled vs total number of students in the building. They are quite different in terms of the resulting number of car trips required.

From Mrs. Harlan's initial statement, it was my understanding that for a viable business she would eventually need to enroll 150 total students. Considering part-time students, siblings, carpoolers, etc her best guess was that this would translate into 100 cars/day through the neighborhood. This in turn translates into ~400 one way trips/day plus the 50/day reckoned for teachers.

This is very different from capping at 150 students in the building.

To bring 150 students to the building would require many more cars/day (up to 150) and obviously there can be no discounting this number on the basis of part-time students. There would be a reduction attributable to siblings and carpoolers, but it was my understanding from Mrs. Harlan's presentation that these were significantly less common than the part-timers used in her (above) analysis to reduce car trips from 150 to 100. Indeed, late in the meeting I believe I heard her say that she would need to enroll some 185 total students to realize a building capacity of 150.

Capping at 150 total enrolled students entails ~450 car trips/day; capping at 150 in the building entails up to 650 car trips/day.

Given the several safety issues highlighted at the meeting I hope that if a cap is to be applied you will consider making it between 40 and 150 total enrolled, rather than between 40 and 150 occupancy. A total enrollment cap would reflect compromise by both parties: the neighborhood going up from current allowable ~160 to ~450 trips/day, Davenport down from potential ~650 to ~450 trips/day. Enrollment-based cap is also much more straightforward for compliance and assessment purposes. A cap on building occupancy would entail compromise by the neighborhood but not the school.

Thank you for considering this matter.

Sincerely,  
Theresa A. Shapiro

**From:** Shari Fedak <sfedak@sgs-law.com>  
**To:** "'kcannington@baltimorecountymd.gov"' <kcannington@baltimorecountymd.gov>  
**Date:** 6/20/2013 5:01 PM  
**Subject:** In re: Belvedere Baptist Church - 13-166-X  
**Attachments:** Entry of Appearance and Subpeona - 13-166-X.PDF

Ms. Cannington:

Attached hereto please find this firm's Entry of Appearance in the above captioned case, as well as a subpoena. Should you have any questions, please do not hesitate to contact myself or Jason Vettori of this office.

Best regards,

Shari Fedak  
Smith, Gildea & Schmidt, Ilc  
600 Washington Avenue  
Suite 200  
Towson, MD 21204  
(410) 821-0070  
(410) 821-0071 - fax

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

RECEIVED

JUN 21 2013

BALTIMORE COUNTY  
BOARD OF APPEALS

## John Beverungen

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**From:** John Beverungen

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As we said in Gowl v. Atlantic Richfield Co., 27 Md.App. 410, 417, 341 A.2d 832, 836 (1975):

'We recognize that traffic impact is a sufficient basis to deny a zoning application, including an application for a special exception. Templeton v. County Council, 21 Md.App. 636, 321 A.2d 778 (1974); Temmink v. Board of Zoning Appeals, 212 Md. 6, 128 A.2d 256 (1956); Hardesty v. Zoning Board, 211 Md. 172, 126 A.2d 621 (1956). But traffic impact on an application for a special exception ought to be measured against that which could arise under permissible use, and not merely on existing traffic loads around the undeveloped premises. Where, as here, the potential volume of traffic under the requested use would appear to be no greater than that which would arise from permitted uses, we believe it arbitrary, capricious and illegal to deny the application for special exception on vehicular traffic grounds.'

Shultz v. Prits, 291 Md. 1, 8 (1981)  
(protestants hired traffic expert)

**John Beverungen**

---

**From:** John Beverungen

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Tag   
to  
Print  
4  
☐**4. Anderson v. Sawyer,**

23 Md.App. 612, 329 A.2d 716, Md.App., December 16, 1974 (NO. 98)

...which are lacking in probative value. Rockville Fuel, supra, at 257 Md. 193, 262 A.2d 504-505 A qualified traffic expert, presented by the applicant, testified with respect to the traffic impact which the proposed use would have upon Sunberry Road. His opinion was based upon a study of the traffic...

...could comfortably and safely accommodate the volume of traffic to be generated by the proposed use. In contrast, the only expert testimony presented to the contrary was that of Eugene J. Clifford, director of traffic engineering for Baltimore County. He stated that, although he had not made a study of traffic at the location of...

...special exception would result in traffic congestion on Sunberry Road. Thus, the testimony presented by the protestants neither contradicts nor rebutts that of the appellant's qualified traffic expert to the effect that Sunberry Road is capable of absorbing the increase in traffic which the proposed use would generate. There are no facts provided by either the expert or the laymen to support the conclusion that increased traffic on Sunberry Road is 'undesirable' or that traffic congestion will, in fact, result from the increase in traffic to be generated by the proposed use. Consequently, the testimony presented to the Board to show that the grant of.....

IN THE MATTER OF:  
The Belvedere Baptist Church  
of Baltimore

1301 Cheverly Road

9TH ELECTION DISTRICT

3RD COUNCILMATIC DISTRICT

\* \* \* \* \*

\* BEFORE THE  
\* BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO.: 13-166-X

**SUBPOENA**

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on Tuesday, June 25, 2013, at 10:00 a.m. a.m./p.m. in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Keisha Maxwell - Office of Child Care Region 3  
Address: 409 Washington Avenue, Suite LL8  
Towson, MD 21204-4907

Requested by:

Name: Jason T. Vettori, Esquire  
Firm: Smith, Gildea & Schmidt, LLC  
Address: 600 Washington Avenue, Suite 200  
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests ( ) the Sheriff, ( ) Private Process Server, to issue the summons set forth herein.

**RECEIVED**  
**JUN 21 2013**

BALTIMORE COUNTY  
BOARD OF APPEALS

Sunny Cannington  
Board of Appeals for Baltimore County

File



## Hampton Gardens Community Association Towson, MD 21286

March 1, 2013  
Case #2013-0166-X

Baltimore County Zoning Office  
111 West Chesapeake Avenue  
Towson, MD 21204

Dear Baltimore County Zoning Office:

We are writing this letter on behalf of the Hampton Gardens Community Association regarding the Davenport Preschool, sited for the existing Belvedere Christian Church property located at 1301 Cheverly Road, Towson, MD 21286 in the heart of our community. This letter should replace our earlier letter dated January 3, 2013 for the hearing on this case scheduled for March 15, 2013.

The property on which the preschool will be located is situated on nearly 13 acres in the middle of our quiet neighborhood. This site has served as a de facto gathering place for our community and appreciated as a neighborhood green space and we have been hoping for a good fit to come along.

We have met with Liz Harlan, Director of Davenport Preschool and have welcomed her to our neighborhood. Our initial understanding was that the preschool would accommodate 40 children. We now understand a zoning exception has been filed to allow the preschool to accommodate 150 children. It seems likely the limit will easily be reached since there is currently a waiting list of 95 children with the school not set to open until August 2013.

Some neighbors have expressed concern over the extra traffic expected due to the cars that will be transporting the 150 children to our neighborhood of 160 homes. As a neighborhood association, we do not wish to work against our neighbors with these concerns. We are hopeful a compromise can be reached in the zoning hearing that will keep the neighborhood safe and manage the extra traffic.

While we endorse the concept of a preschool, we ask that you please work with our neighbors to keep our neighborhood safe.

Thank you for your consideration,

Hampton Gardens Community Association  
Board of Directors



## Hampton Gardens Community Association Towson, MD 21286

March 1, 2013

Case #2013-0166-X

Mr. John Beverungen, Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue  
Towson, MD 21204

Dear Mr. Beverungen:

We are writing this letter on behalf of the Hampton Gardens Community Association regarding the Davenport Preschool, sited for the property located at 1301 Cheverly Road, Towson, MD 21204. Our earlier letter dated January 3, 2013 for the zoning exception request to increase enrollment to 150.

The property on which the preschool is located is in the middle of our quiet neighborhood. This site has been a neighborhood green space and we appreciate the association regarding the property located at 1301 Cheverly Road, Towson, MD 21204. Our earlier letter dated January 3, 2013 for the zoning exception request to increase enrollment to 150.

We have met with Liz Harlan, Director of Davenport Preschool and have welcomed her to our neighborhood. Our initial understanding was that the preschool would accommodate 40 children. We now understand a zoning exception has been filed to allow the preschool to accommodate 150 children. It seems likely the limit will easily be reached since there is currently a waiting list of 95 children with the school not set to open until August 2013.

Some neighbors have expressed concern over the extra traffic expected due to the cars that will be transporting the 150 children to our neighborhood of 160 homes. As a neighborhood association, we do not wish to work against our neighbors with these concerns. We are hopeful a compromise can be reached in the zoning hearing that will keep the neighborhood safe and manage the extra traffic.

While we endorse the concept of a preschool, we ask that you please work with our neighbors to keep our neighborhood safe.

Thank you for your consideration,

Hampton Gardens Community Association

RECEIVED  
Please accept this  
official HGCA letter  
to replace the one  
attached from Jan.  
The Jan. letter  
was written in an  
unofficial capacity  
before HGCA knew  
of Ms. Harlan's  
zoning exception request  
to increase enrollment  
to 150.  
Thank you!  
Julie Sugar HGCA  
Treasurer

ARINGS

association regarding the  
property located at 1301  
Cheverly Road, Towson, MD 21204. Our earlier  
letter dated January 3, 2013 for the zoning exception request to increase enrollment to 150.

in the middle of our  
community and appreciated  
the association regarding the property located at 1301 Cheverly Road, Towson, MD 21204. Our earlier letter dated January 3, 2013 for the zoning exception request to increase enrollment to 150.

January 3<sup>rd</sup>, 2013

To Whom It May Concern:

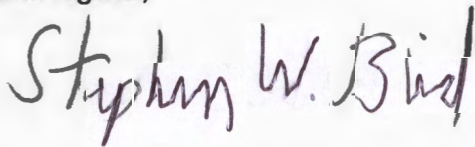
I am writing this letter on behalf of the Hampton Gardens Neighborhood Association in support of Liz Harlan's concept for Davenport Preschool, sited for the existing Belvedere Christian Church building located at 1301 Cheverly Road, Towson, MD 21286 in the heart of our community. Situated on nearly 13 acres, this site has served as a de facto gathering place for our community – for dog walkers, athletics, cub scouts or just a space to be in an open green space.

As a long-time resident of this community, I know the value that our resident members place on good neighbors. But beyond neighborliness, our association has faced numerous challenges over the past couple years in finding the right fit for what we believe will not only have a limited development and traffic impact on our tightknit community, but will actually serve to enhance the value of our properties and serve as an asset to our neighborhood families.

As the former director of a prominent preschool in the heart of Towson, and the swim coach for Hampton Pool for the past three years, Ms. Harlan, the director of Davenport Preschool, has already established deep ties in the Towson community, and specifically here in our Hampton neighborhood. I can think of no better fit than a preschool dedicated to serving the diverse needs of our families with young children, with a focus on education that views community engagement as central to its teaching philosophy.

We welcome her, her faculty, and the loyal families who will join her in building the Davenport Preschool, and the Hampton Gardens Neighborhood Association endorses the concept with no reservations. Please feel free to contact me directly at 443.465.0687 with any questions, and I thank you for your consideration.

Warm regards,

A handwritten signature in dark ink, reading "Stephen W. Bird". The signature is written in a cursive, flowing style.

President, Hampton Gardens Neighborhood Association

2013-0166X

March 11, 2013

Mr. John Beverungen  
Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue  
Towson, MD 21204

RECEIVED

MAR 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

**Re: Case #2013-0166-X**

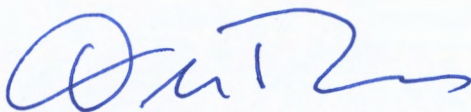
Dear Judge Beverungen:

Regarding the zoning issue for Case #2013-0166-X regarding the use of the Belvidere Church in Hampton Gardens for a new day care center, I am totally opposed to granting a waiver to allow 150 children enrollment.

This property is located right in the center of our quiet neighborhood and would bring significant traffic to our streets. Many of our residents recreationally walk with and without pets, and many small children ride their bikes on the streets. As there are no sidewalks for them to use, the additional traffic would significantly impact the quality of life and safety in the neighborhood.

I urge you to oppose the waiver for expansion to 150 children.

Most Sincerely,



Don Thomas  
1029 Hart Rd.  
Towson, MD 21286

Daniel & Theresa Driscoll  
1312 Cheverly Road  
Towson, Maryland MD 21286  
(410) 823-7957

---

March 7, 2013

Mr. John Beverungen  
Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue Room 105  
Towson, MD 21204

RECEIVED

MAR 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

RE: CASE NUMBER: 2013-1066X  
1301 Cheverly Road  
SW Cherverly Road , 240FT S/of centerline of Valewood  
Legal Owner: The Belvedere Baptist Church of Baltimore  
Contract Purchaser: Davenport Preschool, LLC

Dear Mr. Jalon:

We are writing to express our concern about the zoning change to the property listed. Before purchasing our house in November of 1991, we investigated the Church and the flow of traffic into the neighborhood. We determined that 50 cars going to Church on a Sunday morning was not a problem.

Right now there are 44 marked parking spaces in the front lot and 76 in the back parking lot. In the 22 years we have lived here we have never seen both lots filled for a church service. On any given Sunday, the front lot would be filled and only a handful of cars, about ten, in the back lot. In the last ten years, there have been less than 20 cars going to church on any given Sunday morning. For about a year the church rented the building to another church on Sunday afternoon. This church just filled the front lot. The only time there was an overflow of cars was when a large church (3,000 members) investigated buying the property.

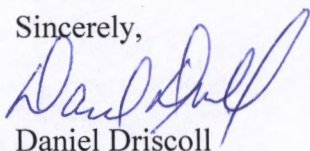
There is only one way into the church property and that is down Valewood and up Cheverly. There are no sidewalks or street lights in the neighborhood. There is a stop sign on Valewood right at Denby. This corner is a major school bus pickup and drop-off for children in the Hampton Community and is a dangerous intersection. Because there are no sidewalks in the neighborhood, everyone walks in the road. There are over 20 dog walkers, children riding their bikes, plus a number of neighbors that walk the streets for exercise including individuals from Providence Road and Seminary Road.

Enclosed is a projection of the increased traffic flow. The chart compares current usage to expected flow based on the new owner desire to increase enrollment to 150 kids. Traffic flow into the community would increase 2257%, which is a substantial zoning impact. The increase is even greater if you compare it to current traffic flow for the church property. Such a dramatic increase in traffic is both dangerous and disruptive to the people living in the Hampton Community. We cannot believe Andrea Van Arsdales stated, "that the traffic impact will be minimal." How can a 2257% increase in traffic flow be minimal? We want to see 170,000 cars past your house and you say that it is minimal. Furthermore, the letter signed by Steve Bird was not written by him and does not express all of the community's concerns. There was never a Hampton Community Association meeting held to determine the community's support for a preschool in excess of 40 children.

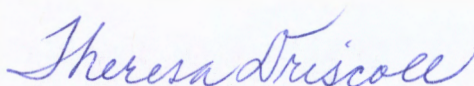
The original Zoning Board's decision saw a need to limit the property to 40 children 30 years ago. Since that time the numbers of cars on the roads have increased, making the Board's decision the correct one. Overturning the decision would place individuals especially children in the community at risk and harm the Hampton Community by substantially increasing traffic flow by over 160,000 cars into a limited access community. Furthermore, the traffic increase would occur during morning and afternoon rush hour and not throughout the day.

Parents dropping-off their children are not concerned with our community's safety but their need to drop off and get to work as fast as possible. Even when picking up in the late afternoon they would be rushing in the dark to pick up and get to their next destination as quickly as possible. Now-a-days, it is a common occurrence for individuals to drive fast, to talk on cell phones, and to text without concern for other's safety. The larger the expansion, the more it would exponentially jeopardize the safety of our community, present traffic flow and not in a "MINIMAL WAY."

Sincerely,



Daniel Driscoll



Theresa Driscoll

Enclosures

1017 Hart Road  
Towson, MD 21286  
March 9, 2013

Mr. John Beverungen  
Administrative Law Judge  
Baltimore County Zoning Office  
105 West Chesapeake Avenue  
Towson, MD 21204

RECEIVED

MAR 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Case #2013-0166-X

Dear Mr. Beverungen,

Hampton Gardens is a small neighborhood with about 160 homes, located one mile north of the beltway, accessed off Providence Road. This proposed zoning exception, which would allow expansion of the Davenport pre-school from 40 to 150 students, would introduce major traffic problems for this community and would eventually require extensive roadwork and expense to prevent congestion and assure public safety.

The school is located at the far end of the community, and parents dropping off and picking up children would use one of two small streets, Hart Road and Valewood Road, to access the school from Providence Road. At a community meeting with the school's developer on March 6 it was concluded that parents would make 400 one way trips daily, concentrated at morning rush hour, at noon, and at about 3PM. There would be additional road usage by teachers and other services necessary to maintain a busy enterprise.

While most participants at the community meeting welcomed the Davenport School into our neighborhood, they felt that it should be limited in size and impact on traffic. We urge the zoning board to limit the school size to 120 students. The developer has indicated that the enterprise would be profitable at that size. The impact on neighborhood traffic might then be acceptable.

Sincerely,

*Edward P. Shapiro*  
*Theresa Shapiro*

Edward P. Shapiro  
Theresa A. Shapiro

1306C Denby Rd,

Towson,

MD, 21286.

3/12/13.

Re: Case #: 2013-0166-X.

Dear Judge Beverungen,

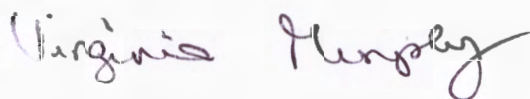
Enclosed is a signed copy of an email sent by my husband to our community members regarding the Davenport Preschool, planned for what was the Belvedere Baptist Church.

We give our full support for granting the Special Exception without any restrictions.

Our reasons are documented in the enclosed email.

Sincerely,

Virginia Murphy



RECEIVED

MAR 14 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Hello to all our neighbors,

This is from Joseph and Virginia Murphy at 1306C Denby Road.

Thanks to everyone for sharing and circulating all the information and opinions on the Davenport Preschool.

Because of work commitments, we were not able to attend the meeting on March 6th and ( same reason ) we will not be able to attend the hearing on Friday 15th.

However, in our stead, we are sending a letter to the Administrative Law Judge ( Mr. John Beverungen ) expressing our full support for granting the Special Exception without any restrictions.

Our reasoning:

In all the correspondence, the common positive thread has been that the Davenport Preschool would be a strong and valuable addition to the community. The only common negative thread has been concern about the increased traffic load and ways in which this could be mitigated.

We believe that the Davenport Preschool would be a wonderful and positive addition to the community. Increased traffic is a downside but this is going to happen anyway at some stage in the future. Inevitably, the Belvedere Baptist Church property will be sold at one time or another for some educational, religious, commercial or industrial purpose.

Inevitably, there will be increased traffic but we certainly feel much more comfortable with traffic consisting of Moms dropping their kids to to a safe and friendly preschool environment than possible increased traffic to and from a commercial/industrial development. In advance of Friday's hearing, the Baltimore County Dept. of Planning has given it's opinion that "due to the nature of a childcare operation, the impact of this traffic will be minimal ( easy for them to say, I know ) and that the proposal would not be detrimental to the health, safety or welfare of the surrounding community".

A lot of thought has gone into ways in which this traffic could be limited or minimized, primarily be placing restrictions on the number of children in the Preschool. This might be a very practical approach in a static situation but Liz Harlan explained very clearly the dynamics of her 5 year lease for the property, the annual increase in the rent and the obligation to purchase the property after 5 years. Tying her hands behind her back by limiting the number of students is, to us, a recipe for failure.

We are giving our opinion as one family only, not in any official capacity in the community, by sending a letter in support of granting the Special Exception without any restrictions.

Regards to all,

Joseph Murphy M.D.  
Virginia Murphy M.D.

*Joseph B. Murphy*  
*Virginia E. Murphy*

RECEIVED

MAR 14 2013

OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED

MAY 02 2013

May 1, 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Beverungen,

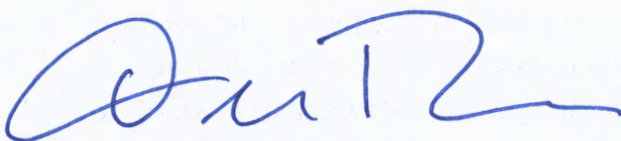
I am writing to you in regard to Case #2013-0166-X, a Petition for Special Exception allowing Davenport Preschool expanded enrollment at the Belvedere Church property at 1301 Cheverly Road.

Many of the Hampton Garden residents were taken aback earlier this week to learn that Davenport Preschool had agreed to rent out part of their facilities to ChurchOne which will be holding regular church services on the property. I was personally shocked to learn of these plans as they were not presented as part of their plan during the original hearing you held on the matter back in March. Adding this church will bring additional unwanted traffic to our quiet neighborhood and impact the safety on our otherwise quiet streets. As if this wasn't enough, we learned yesterday of Davenport Preschool's plan to rent out the fields on the property to Dynasty Sports Academy which will be conducting regular soccer practices there and bring in yet additional traffic. There seems to be no end in sight for the expanded commercial use of this once quiet church property located right in the middle of our neighborhood. In short I believe the business model for Davenport Preschool may not be suitable for this property and that they should look elsewhere for a new location.

I urge you to consider the additional traffic being proposed by Davenport Preschool and consider reducing the expanded student enrollment headcount from 120 to something less to compensate for the additional traffic that the new church and soccer academy will bring to our neighborhood.

I think that Davenport Preschool is acting in an extremely underhanded manner. By getting their Petition for Special Exception granted first and then announcing their additional plans to expand use of this property is nothing short of a deceptive and dishonest approach. I urge you to re-open this case in light of the new information that has been presented.

Please help us protect the safety, peace of our neighborhood, and property values of our homes.



Dr. Don Thomas  
NASA Astronaut, retired  
1029 Hart Rd.  
Towson, MD 21286

PLEASE PRINT CLEARLY

CASE NAME \_\_\_\_\_

CASE NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

## CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

|                        |                      |                    |                                 |
|------------------------|----------------------|--------------------|---------------------------------|
| WAYNE SKINNER          | 1020 HART RD         | Towson MD 21286    | Wskinner101@verizon.net         |
| Linda Lilly            | 1110 Valewood Rd     | Towson MD 21286    | Linda-Lilly@grillseasonings.com |
| Alex Mering            | 1025 Hart Rd         | "                  | emering@gmail.com               |
| Tom Link               | 1210 Dempsey Rd      | Towson MD 21286    |                                 |
| RICH PESCATORE         | 1001 HART RD.        | Towson MD 21286    |                                 |
| Theresa Driscoll       | 1312 Cheverly Rd     | Towson MD 21286    | tdriscoll@comcast.net           |
| Andrea Otis            | 805 Seaword Rd.      | Towson MD 21286    |                                 |
| Ericka Leonardo        | 26 Banting Ct        | Baltimore MD 21237 |                                 |
| Terry Shapiro          | 1017 Hart Rd         | Towson MD 21286    |                                 |
| Mark Shapiro           | 1024 HART RD         | TOWSON MD 21286    | ONEIL_RASHGUARD@yahoo.com       |
| Edward Shapiro         | 1017 Hart Rd         | Towson MD 21286    | eshapiro@jhmi.edu               |
| TERRANCE STIFTER       | 1112 VALEWOOD RD     | TOWSON MD 21286    | terrystifter@comcast.net        |
| Julie Sugar            | 2 PICKFORD CT        | TOWSON, MD 21286   | julie.sugar@verizon.net         |
| Jusan Pescatore        | 1001 Hart Rd         | Towson, MD 21286   |                                 |
| Catherine Azzam        | 1006 Timber Trail Rd | Towson, MD 21286   | wachomom67@yahoo.com            |
| Wile Harlan            | 23 Old Forge GARTH   | SPARKS, MD 21152   | luka@MARKHMARKETING.com         |
| William H. Thrush, Jr. | 1013 Valewood Rd.    | Towson, MD 21286   | wthrush@yahoo.com               |
| Stacy Bird             | 1314 Midway Rd       | Towson MD 21286    |                                 |
| Jean Magnani           | 1021 Valewood Rd     | Towson, MD 21286   | jeanmagnani@comcast.net         |
| C. D'HERBES            | 1617 MUSSULA RD      | TOWSON 21286       |                                 |
|                        |                      |                    |                                 |
|                        |                      |                    |                                 |
|                        |                      |                    |                                 |

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw5.1A)  
BALTIMORE COUNTY

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

**Account Identifier:**

District - 09 Account Number - 0902650491

**Owner Information**

**Owner Name:** BELVEDERE CHRISTIAN CHURCH **Use:** COMMERCIAL  
**Mailing Address:** 1301 CHEVERLY RD **Principal Residence:** NO  
BALTIMORE MD 21286-1624 **Deed Reference:** 1) /20932/ 00156  
2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
1301 CHEVERLY RD 12.711 AC PAR EXMPT  
BALTIMORE MD 21286-1624 NS HART RD  
2400FT E PROVIDENCE RD

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:  |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|
| 0061 | 0024 | 0104   |              | 0000        |         |       |     | 2               | Plat Ref: |

**Special Tax Areas** **Town** NONE  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 1981                    | 21655         | 12.7100 AC         | 01         |

**Stories** **Basement** **Type** **Exterior**  
CHURCH

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2011 | 07/01/2012           | 07/01/2013 |
| <b>Land</b>               | 3,813,000  | 3,813,000  |                      |            |
| <b>Improvements:</b>      | 3,340,600  | 3,381,000  |                      |            |
| <b>Total:</b>             | 7,153,600  | 7,194,000  | 7,180,533            | 7,194,000  |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

|                                                   |                             |                        |
|---------------------------------------------------|-----------------------------|------------------------|
| <b>Seller:</b> TRUSTEES BEL VEDERE BAPTIST CHURCH | <b>Date:</b> 09/30/2003     | <b>Price:</b> \$0      |
| <b>Type:</b> NON-ARMS LENGTH OTHER                | <b>Deed1:</b> /20932/ 00156 | <b>Deed2:</b>          |
| <b>Seller:</b> BREIDENSTEIN AUGUST P              | <b>Date:</b> 03/01/1971     | <b>Price:</b> \$63,000 |
| <b>Type:</b> ARMS LENGTH IMPROVED                 | <b>Deed1:</b> /05169/ 00423 | <b>Deed2:</b>          |
| <b>Seller:</b>                                    | <b>Date:</b>                | <b>Price:</b>          |
| <b>Type:</b>                                      | <b>Deed1:</b>               | <b>Deed2:</b>          |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2012   | 07/01/2013   |
|----------------------------|-------|--------------|--------------|
| <b>County</b>              | 700   | 6,940,532.00 | 6,940,532.00 |
| <b>State</b>               | 700   | 6,940,532.00 | 6,940,532.00 |
| <b>Municipal</b>           | 700   | 0.00         | 0.00         |

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

**Homestead Application Information**

**Homestead Application Status:** No Application

2013-0166-X

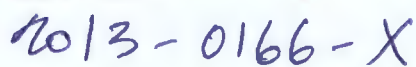
Case No.: 2013-166-X

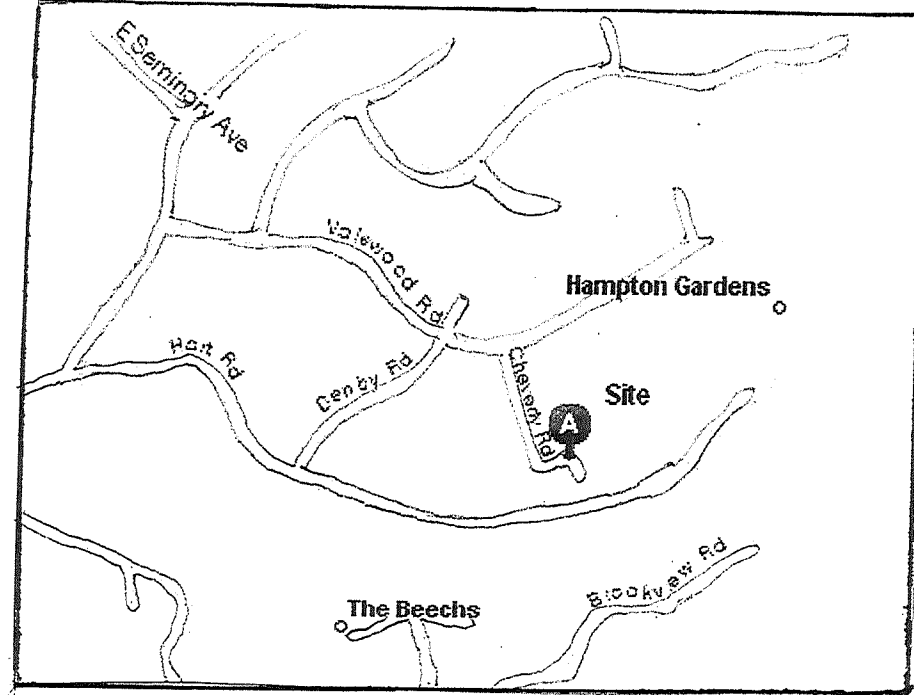
Exhibit Sheet

Petitioner/Developer

Protestant

|        |           |  |
|--------|-----------|--|
| No. 1  | Site plan |  |
| No. 2  |           |  |
| No. 3  |           |  |
| No. 4  |           |  |
| No. 5  |           |  |
| No. 6  |           |  |
| No. 7  |           |  |
| No. 8  |           |  |
| No. 9  |           |  |
| No. 10 |           |  |
| No. 11 |           |  |
| No. 12 |           |  |





VICINITY MAP  
NOT TO SCALE

LAND OF  
DANIEL & THERESA DRISCOLL  
1312 CHEVERLY ROAD  
TAX # - 0915251386  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 10  
DEED REF : /08880/00379  
PLAT REF : /0330/0108  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL

LAND OF  
YOUNG CANG KEUM  
1313 CHEVERLY ROAD  
TAX # - 240003128  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 1  
DEED REF : /29668/00150  
PLAT REF : /0075/0030  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL

LAND OF  
PARK CHENG SUK  
1107 VALEWOOD ROAD  
TAX # - 0910251389  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 3  
DEED REF : /28578/00001  
PLAT REF : /0030/0108  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL

LAND OF  
BOBBY & TWYLA RITTER  
1109 VALEWOOD ROAD  
TAX # - 0910251390  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 4  
DEED REF : /28753/00028  
PLAT REF : /0030/0108  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL

LAND OF  
LARRY & CHERLYN CLEAVINGER  
1111 VALEWOOD ROAD  
TAX # - 0910251391  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 5  
DEED REF : /08844/00735  
PLAT REF : /0030/0108  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL

LAND OF  
SHAMS PIRZADEH & NAEINI SAJADI  
1113 VALEWOOD ROAD  
TAX # - 0910251391  
TAX MAP - 0061 GRID # 0024  
PARCEL 0358 LOT 6  
DEED REF : /21616/00482  
PLAT REF : /0030/0108  
HAMPTON GARDENS  
ZONED : DR1 & DR2  
USE : RESIDENTIAL



Architectural & Development Consultants

1619 Mussula Road, Towson, MD 21286  
Telephone: (443) 465 6899 Facsimile: (443) 320 1597  
Email: cddesignconsultants@yahoo.com

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.  
License No. 12062, Expiration Date: 8/9/2014



GENERAL NOTES

- OWNER  
BELVEDERE CHRISTIAN CHURCH  
1301 CHEVERLY ROAD  
BALTIMORE, MD 21286
- APPLICANT / LEASEE  
DAVENPORT PRESCHOOL LLC  
1301 CHEVERLY ROAD  
BALTIMORE, MD 21286  
TELEPHONE: (410) 241 9052
- SITE AREA  
553,691.16 SQ. FT. OR 12.711 ACRES
- BUILDING AREA  
PRESCHOOL - 14,950 SQ. FT.  
AUDITORIUM - 6,705 SQ. FT.  
IMPLIMENT GARAGE - 1,080 SQ. FT.  
SITE COVERAGE - 4.1%
- UTILITIES  
PUBLIC WATER  
PRIVATE SEPTIC
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON THE F.I.R.M. MAPS
- PARKING CALCULATIONS  
CHURCH / AUDITORIUM - 452 SEAT - 75 PARKING SPACES  
PRESCHOOL - 20 TEACHERS / SUPPORT STAFF - 20 SPACES  
TOTAL REQUIRED - 95 SPACES  
PROVIDED - 119 SPACES INCLUDING 3 HANDICAPPED.
- SETBACKS  

|       | REQUIRED      | PROVIDED |
|-------|---------------|----------|
| FRONT | 70'           | 430'     |
| SIDE  | 25' TOTAL 50' | 420'     |
| REAR  | 50'           | 225'     |
- HEIGHT OF STRUCTURE  
MAX. PERMITTED - 40'  
EXISTING & PROPOSED - 24'
- DEED REFERENCE - /20932/00156
- TAX ACCOUNT # - 0902650491
- CONCILMANIC DISTRICT - 3
- REGION PLANING DISTRICT - 42
- CENSUS TRACT - 490100
- WATERSHED - LOCH RAVEN RESERVOIR
- ZONING - DR1  
(PER 1"-200' ZONING MAP 061C3)
- TAX MAP 0061 PARCEL 0014 GRID # 0024
- USE : COMMERCIAL
- PREVIOUS ZONING CASES ON FILE: 1996-0508-SPHX
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE HISTORIC ITSELF.
- THIS DRAWING WAS PREPARED BASED ON THE DRAWINGS PREVIOUSLY PREPARED IN JULY 1975 BY :  
PURDUM & JESCHKE - CONSULTING ENGINEERS & LAND SURVEYORS  
1023 N CALVERT STREET, BALTIMORE MD 21202
- AT THE TIME OF THE PREPARATION OF THAT PLAN, BALTIMORE COUNTY HAD DEFINED NO RIGHT OF WAY WIDTH FOR HART ROAD.
- ATTORNEY FOR APPLICANT  
MR SCOTT E. MASSENGILL  
ROLLINS, SMALLKIN, RICHARDS & MACKIN  
401 NORTH CHARLES STREET  
BALTIMORE, MD 21201  
TELEPHONE: (410) 727 2443

LAND OF  
LAWRENCE & PATRICIA WILLIAMS  
1210 HART ROAD  
TAX # - 2300004307  
TAX MAP - 0061 GRID # 0024  
PARCEL 0238 LOT 1  
DEED REF : /13339/00459  
PLAT # : MS  
ZONED : DR1  
USE : RESIDENTIAL

LAND OF  
JOHANNA MANNING  
1111 HART ROAD  
TAX # - 0913209950  
TAX MAP - 0061 GRID # 0024  
PARCEL 0081  
DEED REF : /23149/00383  
ZONED : DR1  
USE : RESIDENTIAL

LAND OF  
BINKS & KEITH CARNEY  
1201 HART ROAD  
TAX # - 0307582120  
TAX MAP - 0061 GRID # 0024  
PARCEL 0146  
DEED REF : /25520/00166  
ZONED : DR1  
USE : RESIDENTIAL

LAND OF  
DUNCAN & SUSAN WALKER  
1214 A BROOKVIEW ROAD  
TAX # - 210008504  
TAX MAP - 0061 GRID # 0024  
PARCEL 0417 LOT 3B  
DEED REF : /12146/00732  
ZONED : DR1  
USE : RESIDENTIAL

LAND OF  
FRANZ & ANNA VELLA-CAMILLERI  
HART ROAD  
TAX # - 0906573300  
TAX MAP - 0061 GRID # 0024  
PARCEL 0442

DEED REF : /08753/00793  
ZONED : DR1  
USE : RESIDENTIAL

LAND OF  
NASTY 1570 SPORTS LLC  
1550 HART ROAD  
TAX # - 0907470600  
TAX MAP - 0061 GRID # 0024  
PARCEL 0250  
DEED REF : /20916/00571  
ZONED : DR1  
USE : COMMERCIAL

Plan To Accompany  
A Special Exemption Application  
For The Davenport Preschool  
At 1301 Cheverly Road, Towson, MD 21286

Drawing  
No.  
DP01  
Scale ~ 1 : 40