



KEVIN KAMENETZ
County Executive

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

June 20, 2013

Deborah C. Dopkin, PA
P.O. Box 323
Brooklandville, Maryland 21022

RE: Petitions for Special Hearing, Special Exception and Variance
Case No.: 2013-0246-SPHXA
Property: 2200 N. Rolling Road

Dear Mrs. Dopkin:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Paul Lee, 10710 Gilroy Road, Hunt Valley, Maryland 21031

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(2200 N. Rolling Road) *
1st Election District
1st Councilmanic District
Jamil & Makina Hagans
Legal Owners
Electra B. Collins
Contract Purchaser/Lessee

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0246-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Deborah C. Dopkin, PA, on behalf of the legal owners, Jamil and Makina Hagans. The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to: (1) approve Class 'B' Group Child Care Center adjoining an existing Family Child Care Center; and (2) approve Class 'B' Group Child Care Center in a DR 5.5 zone.

A Petition for Special Exception was filed pursuant to B.C.Z.R., to approve Class 'B' Group Child Care Center (as a principal use) and RTA is applicable.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. to: (1) allow a fence setback of 0 ft. in lieu of the required 20 ft. for outdoor play area; (2) allow an area of 0.54 acre in lieu of the required 1 acre for the first 40 children (if required); (3) allow side yard setbacks of 32 ft. and 30 ft. with 0 ft. of perimeter vegetative buffer in lieu of the required 50 ft. from property line with 20 ft. of perimeter vegetative buffer on both sides; and (4) allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards.

ORDER RECEIVED FOR FILING

Date

6/20/13

By

Sen

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Electra B. Collins and Paul Lee from Century Engineering, the firm that prepared the site plan. Deborah C. Dopkin, PA, appeared as counsel and represented the Petitioner. Dianne Franklin, who lives across the street from the subject property, attended the hearing and expressed concern in reference to the traffic congestion and safety. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was submitted by the Department of Planning (DOP) dated May 29, 2013. That agency indicated it did not oppose the petitions, and believed the relief would not negatively impact the community.

SPECIAL HEARING

The Petition for Special Hearing seeks to permit a child care center adjoining an existing child care center, which is otherwise forbidden by B.C.Z.R. § 424.1. But the circumstances in this case are such that the relief should be granted.

The Petitioner (Electra Collins) currently operates a child care facility at 2112 N. Rolling Road. A child care facility has operated at this location for over 40 years, and serves twenty-four (24) children between 6 weeks and 2 years of age. The Petitioner, who has provided licensed child care for many years, currently provides care for children between 3-5 years of age at a nearby church, but she explained the building is antiquated and lacks modern amenities.

The dwelling at 2200 N. Rolling Road (the subject property) has been vacant, and the Petitioner believes that a child care facility (for children between 3-5 years of age) would be an

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By

Sen

appropriate use. Ms. Collins explained that many parents would have children attending both of the centers, and that the proposal would provide a convenient option for her clients, many of which work at the Social Security Administration, which is located just to the west of the subject property. In these circumstances, I believe the grant of Special Hearing relief is appropriate, and the relief will not jeopardize the welfare of the community.

SPECIAL EXCEPTION

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.

In this case, there was some evidence presented that the use could negatively impact the community. Specifically, Ms. Franklin (who lives across the street from the subject property) testified that Rolling Road is an extremely busy (and often dangerous) roadway. She indicated that the Petitioner has a very positive reputation in the community, but she was concerned about the number of cars coming and going each day from the proposed facility, especially when the entrance/exits for the existing facility and the proposed facility were essentially adjoining.

In response to this testimony, Petitioner's counsel indicated she would discuss with her engineer (Mr. Lee) whether a consolidated entry and exit point could be provided that would serve both facilities. On June 18, 2013, the Petitioner submitted a red-lined site plan that does just that: there will be one entrance and one exit off of Rolling Road, connected by a semi-circular one-way driveway. See Exhibit 7. I believe this method of ingress/egress to the facility

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Date 6/20/13
By den

will streamline the operation and, by eliminating essentially redundant access points, provide enhanced safety and traffic flow. Traffic safety and congestion are the most frequently raised concerns at zoning hearings, and while the changes proposed here will not guarantee there will be no problems, I at the same time find that the measures proposed address the concerns raised by Ms. Franklin, and that the Petition for Special Exception should be granted. Though the subject property is apparently located in a residential transition area (RTA), the B.C.Z.R. provides an exception to those restrictions for (among other things) a Class B child care center. The use here will complement the existing child care facility next door, and will be compatible with the surrounding community.

One final note concerns the plan approved in Case No.: 08-117-SPH. In that matter, former Zoning Commissioner Wiseman approved an expansion of the premises at 2112 N. Rolling Road for a child care facility. The site plan showed a driveway serving that dwelling, and as discussed above, that driveway will now serve as a combined entrance for both 2112 and 2200 (the subject property) Rolling Road. I believe the red-lined plan approved in this case constitutes a slight modification of the plan approved by Mr. Wiseman, but is in other respects consistent with the terms and spirit of the Order in 2008-117-SPH.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

ORDER RECEIVED FOR FILING

Date 6/20/13

By Den

The Petitioner has met this test. The property is adjacent to an existing child care facility that is operated by the same owner. The existing facility serves children 6 weeks of age to 2 years old, while the proposed facility will serve children 3 to 5 years of age. The property is thus unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to operate a Class B child care center. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the support of the County and community.

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

THEREFORE, IT IS ORDERED this 20th day of June, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to: (1) approve Class 'B' Group Child Care Center adjoining an existing Family Child Care Center; and (2) approve Class 'B' Group Child Care Center, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to the B.C.Z.R., to approve Class 'B' Group Child Care Center and RTA is applicable, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance relief to: (1) allow a fence setback of 0 ft. in lieu of the required 20 ft. for outdoor play area; (2) allow an area of 0.54 acre in lieu of the required 1 acre for the first 40 children (if required); (3) allow side yard setbacks of 32 ft. and 30 ft. with 0 ft. of perimeter vegetative buffer in lieu of the required 50 ft.

ORDER RECEIVED FOR FILING

Date 6/20/13
By DLH

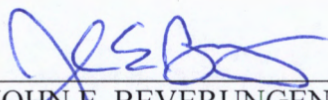
from property line with 20 ft. of perimeter vegetative buffer on both sides; and (4) allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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 6/20/13
By Den



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 2200 N. ROLLING ROAD

which is presently zoned DR 5.5

Deed References:

10 Digit Tax Account #: 2100005141, 0105340150

Property Owner(s) Printed Name(s) JAMIL & MAKINA HAGANS, ELECTRA COLLINS

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

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

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

SEE ATTACHED

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

SEE ATTACHED

3. X a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate ORDER PRESENTED AT HEARING. If you need additional space, you may add an attachment to this petition)

To be presented at hearing.

Date 6/20/13

By Den

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).

ELECTRA B. COLLINS

Contract Purchaser/Lessee:

Ms. Electra B. Collins

Name- Type or Print

Signature

2112 N. Rolling Road Balto., MD

Mailing Address City State

21244 / 410-298-4824 /

Zip Code Telephone # Email Address

Attorney for Petitioner:

Deborah C. Dopkin, PA

Name- Type or Print

Signature

P.O. Box 323 Brooklandville Maryland

Mailing Address City State

21022 / 410-821-0200 /

Zip Code Telephone # Email Address com

Legal Owners (Petitioners):

Jamil Hagans

Name #1 - Type or Print

Signature #1

8917 Greens Lane

Mailing Address

21133
Zip Code

410-298-4824
Telephone #

Email Address

Signature

Makina Hagans

Name #2 - Type or Print

Signature #2

Randallstown Maryland

City State

Representative to be contacted:

Paul Lee

Name - Type or Print

Signature

10710 Gilroy Road Hunt Valley MD

Mailing Address City State

21031 / 443-589-2400 /

Zip Code Telephone # Email Address

CASE NUMBER 2013-0246-SP4XB Filing Date 4/23/13

Do Not Schedule Dates:

Reviewer JF

PETITION FOR ZONING HEARING

1. X Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should
 1. Approve Class 'B' Group Child Care Center adjoining an existing Family Child Care Center.
 2. Approve Class 'B' Group Child Care Center pursuant to Section 1.BO1.1.B.1.g C11) and Section 424.7 of the BCZR.
2. X Special Exception under the Zoning Regulations of Baltimore County to use the herein described property
 1. To approve Class 'B' Group Child Care Center and RTA is applicable.
3. X Variance from Sections:
 1. Section 424.1.B (BCZR) to allow a fence setback of 0' in lieu of the required 20' for outdoor play area.
 2. Section 424.7.A (BCZR) to allow an area of 0.54 Ac. in lieu of the required 1 acre for the first 40 children (if required).
 3. Section 424.7.B (BCZR) to allow side yard setbacks of 32' and 30' with 0' feet of perimeter vegetative buffer in lieu of the required 50' from property line with 20' of perimeter vegetative buffer on both sides.
 4. Section 424.7.C (BCZR) to allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards.
 5. And for any other further relief may be deemed necessary by the Administrative Law Judge of Baltimore County.

**ZONING DESCRIPTION
2200 N. ROLLING ROAD****ELECT. DIST. ICI BALTIMORE COUNTY, MD**

BEGINNING FOR THE SAME at a point on the west side of Rolling Road – 70 R/W said point being North 14° 25' 41" W – 183'± from the center of paving of Munford Road, thence leaving said west side of Rolling Road and running for 3 following courses and distances (as surveyed).

- 1) South 45° 54' 27" W – 187.73
- 2) North 19° 39' 57" W – 160.00'
- 3) North 58° 12' 12" E – 169.13' to intersect a point on the west side of Reisterstown Road thence running with and binding on said west side of Rolling Road.
- 4) South 22° 22' 30" E – 118.04 (as surveyed) to the place of beginning.

Containing 23,522 S.F.± or 0.54 acres of land more or less.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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 - 0246 - SP4XΔ

Petitioner: ELECTRA B. COLLINS

Address or Location: 2200 N. ROLLING ROAD BALTO MD 21244

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELECTRA B. COLLINS

Address: 2112 N. ROLLING ROAD
BALTO. MD 21244

Telephone Number: 410-298-4824

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

No. **098545**

Date: **4-23-13**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 4/25/2013 4/23/2013 11:41:56 2

REG 0502 WALTON JOHN JEE
 RECEIPT # 822157 4/23/2013 0914
 REP 5 520 BIRTH VERIFICATION
 CR NO. 098545

Recpt Tot 1750.00
 1750.00 CH 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
051	806	0900		6150					750.00

Total: **750.00**

Rec From: **Temple Christian 2013-0246-SPHXA**

For: **Variance, SPH and X**
2200 North Rolling Rd.

CASH 2013-0246-SPHXA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 23, 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 May 21, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0246-SPHXA

2200 N. Rolling Road

W/s Rolling Road at a distance of 183 ft. n/from centerline of Munford Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Jamil & Makina Hagans

Contract Purchaser: Electra Collins

Special Hearing to approve Class B Group Child Care Center adjoining an existing Family Child Care Center; to approve Class B Group Child Care Center. **Special Exception** to approve Class B Group Child Care Center and RTA is applicable. **Variance:** to allow a fence setback of 0' in lieu of the required 20' for outdoor play area; to allow an area of 0.54 ac. in lieu of the required 1 acre for the first 40 children (if required); to allow side yard setbacks of 32' and 30' with 0' feet of perimeter vegetative buffer in lieu of the required 50' from property line with 20' of perimeter vegetative buffer on both sides. To allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards; and for any other and further relief deemed necessary by the Administrative Law Judge of Baltimore County.

Hearing: Friday, June 7, 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.

JT 05/21 May 21

923285

CERTIFICATE OF POSTING

2013-0246-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Ectetra Collins

June 7, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2200 North Rolling Rd

May 18, 2013

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster) **May 18, 2013**
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # **2013-0246-SPHXA**

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

ROOM 205, JEFFERSON BUILDING
PLACE: **105 W. CHESAPEAKE AVE, TOWSON MD 21204**

DATE AND TIME: **Friday, June 7, 2013 at 1:30 p.m.**

REQUEST: *Special Hearing* to approve Class B Group Child Care Center adjoining an existing Family Child Care Center, to approve Class B Group Child Care Center, and *Exception* to approve Class B Group Child Care Center and RTA is applicable. *Variance* to allow a fence setback of 0' in lieu of the required 20' for outdoor play area; to allow an area of 0.54 ac. in lieu of the required 1 acre for the first 40 children

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 867-1391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # **2013-0246-SPHXA (Continued)**

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

ROOM 205, JEFFERSON BUILDING
PLACE: **105 W. CHESAPEAKE AVE, TOWSON MD 21204**

DATE AND TIME: **Friday, June 7, 2013 at 1:30 p.m.**

REQUEST: (if required), to allow side yard setbacks of 32' and 30' with 0' feet of perimeter vegetative buffer in lieu of the required 50' from property line with 20' of perimeter vegetative buffer on both sides. To allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards; and for any other and further relief deemed necessary by the Administrative Law Judge of Baltimore County.

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HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # **2013-0246-SPHXA (Continued)**

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

ROOM 205, JEFFERSON BUILDING
PLACE: **105 W. CHESAPEAKE AVE, TOWSON MD 21204**

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DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 16, 2013 Issue - Jeffersonian

Please forward billing to:
Electra Collins
2112 N. Rolling Road
Baltimore, MD 21244

410-298-4824

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0246-SPHXA

2200 N. Rolling Road

W/s Rolling Road at a distance of 183 ft. n/from centerline of Munford Road

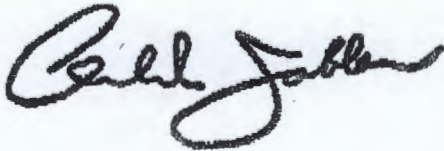
1st Election District – 1st Councilmanic District

Legal Owners: Jamil & Makina Hagans

Contract Purchaser: Electra Collins

Special Hearing to approve Class B Group Child Care Center adjoining an existing Family Child Care Center; to approve Class B Group Child Care Center. Special Exception to approve Class B Group Child Care Center and RTA is applicable. Variance to allow a fence setback of 0' in lieu of the required 20' for outdoor play area; to allow an area of 0.54 ac. in lieu of the required 1 acre for the first 40 children (if required); to allow side yard setbacks of 32' and 30' with 0' feet of perimeter vegetative buffer in lieu of the required 50' from property line with 20' of perimeter vegetative buffer on both sides. To allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards; and for any other and further relief deemed necessary by the Administrative Law Judge of Baltimore County.

Hearing: Friday, June 7, 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

May 8, 2013

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

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1st Election District – 1st Councilmanic District

Legal Owners: Jamil & Makina Hagans

Contract Purchaser: Electra Collins

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105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Deborah Dopkin, P.O. Box 323, Brooklandville 21022
Electra Collins, 2112 N. Rolling Road, Baltimore 21244
Mr. & Mrs. Hagans, 8917 Greens Lane, Randallstown 21133
Paul Lee, 10710 Gilroy Road, Hunt Valley 21031

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 18, 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.

MEMORANDUM

DATE: July 25, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0246-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 22, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
2200 North Rolling Road; W/S Rolling Road,	*	OF ADMINSTRATIVE
183' N from c/line of Munford Road		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Jamil & Makina Hagans		
Contract Purchaser(s): Electra Collins	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-246-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAY 07 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 7th day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to Paul Lee, 10710 Gilroy Road, Hunt Valley, MD 21031 and Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0246-
SPHXA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

5/13/13

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

N/C

5/9/13

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

N/C

FIRE DEPARTMENT

5/29/13

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

C

5/2/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/21/13

SIGN POSTING

Date:

5/18/13

by Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Genuine Title LLC
File No. 13-77458
Tax ID # 01-0105340150

This Deed, made this 16th day of April, 2013, by and between Rabeth M. Eitemiller, GRANTOR, and Jamil V. Hagans, Makina C. Hagans and Electra B. Collins, GRANTEES.

- Witnesseth -

That for and in consideration of the sum of One Hundred Ninety Thousand And 00/100 Dollars (\$190,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Jamil V. Hagans, Makina C. Hagans and Electra B. Collins, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

ALL that lot or parcel of ground situate, lying and being the First Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the end of the first or North 47-1/2 degrees East 66 perch line of the first parcel of land described in the Deed from William C. Reinhold, widower, to Marie R. Mullineaux and Milburn I. Mullineaux, her husband, and George C. Clive Reinhold, dated January 2nd, 1926, and recorded among the Land Records of Baltimore County, Maryland, in Liber W.P.C. No. 627, Folio 598, etc., said point of beginning being also at the beginning of the North 18 degrees West 26-1/2 perches line in said first parcel, and running thence with said last mentioned line North 18 degrees West one hundred feet, and thence for lines of division now made, the two following courses and distances, South 47-1/2 degrees West and parallel to the aforesaid North 47-1/2 degrees East 66 perch line, two hundred feet to a point and thence South 18 degrees East and parallel to the first line of this description one hundred feet to intersect the aforesaid North 47-1/2 degrees East 66 perch line, and thence with the last mentioned line North 47-1/2 degrees East two hundred feet to the place of beginning.

****FOR INFORMATIONAL PURPOSES ONLY****

The improvements thereon being known as 2200 Rolling Road (a/k/a 2200 N. Rolling Road), Windsor Mill, MD 21244

BEING the same property conveyed to Ferdinand C. Eitemiller, Jr. and Rabeth M. Eitemiller from Marie R. Mullineaux and Milburn L. Mullineaux, by Deed dated March 23, 1955, and recorded on March 26, 1955 among the Land Records of Baltimore County, Maryland, in Liber 2667, Folio 93. The said Ferdinand C. Eitemiller, Jr. having departed this life on or about December 24, 2012, thereby vesting title to Rabeth M. Eitemiller, the surviving tenant by the entirety.

Tax ID No. 01-0105340150

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Jamil V. Hagans, Makina C. Hagans and Electra B. Collins, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple.

And the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

As Witness the hand and seal of said Grantor, the day and year first above written.

WITNESS:

Rabeth M. Eitemiller (Seal)
Rabeth M. Eitemiller, Surviving Tenant by
the Entirety

STATE OF MARYLAND
COUNTY OF BALTIMORE

} ss

I hereby certify that on this 16th day of April, 2013, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Rabeth M. Eitemiller, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
My commission expires _____

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

AFTER RECORDING, PLEASE RETURN TO:
Genuine Title LLC
11155 Dolfield Blvd, Ste 100
Owings Mills MD 21117

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: May 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2013
Item Nos. 2013- 0241, 0244, 0245, 0246, 0248, 0250, 0251, 0252, 0253
and 0254.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 9, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0246-SPHXA
Address 2200 North Rolling Road
(Hagans Property)

Zoning Advisory Committee Meeting of May 6, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

MAY 09 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

MAY 30 2013

SUBJECT: 2200 Rolling road

Item Number: 13-246

Petitioner: Jamil Hagane

Zoning: DR 5.5

Requested Action: Special Exception, Special Hearing and Variance

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner seeks zoning relief to permit a Class B Group Child Care Center of the following type:

1. A Special Hearing to approve a Class 'B' Group Child Care center adjoining an existing Family Child Care Center and to approve a Class 'B' Group Child Care Center;
2. A Special Exception to approve a Class 'B' Group Child Care Center and RTA if applicable; and
3. Four variances to allow:
 - A fence setback of 0' in lieu of the required 20' for outdoor play area;
 - An area of 0.54 ac in lieu of the required 1 acre for the first 40 children
 - A side yard setbacks of 32' and 30' with 0' feet of perimeter vegetative buffer in lieu of the required 50' from property line with 20' of perimeter vegetative buffer on both sides; and
 - To allow parking, drop off and delivery areas to be located in the front yard in lieu of the required side or required rear yards.

In light of the circumstances surrounding this petition and subject property, the Department of Planning does not oppose the request. Additionally, the petitioner's request does not appear to negatively impact the health, safety or general welfare of the locale impacted.

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

Prepared By:

Division Chief:

AVA/LL:cjm

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

FASCIMILE: 410-779-9352

June 17, 2013

RECEIVED

JUN 18 2013

The Honorable John Beverungen
Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

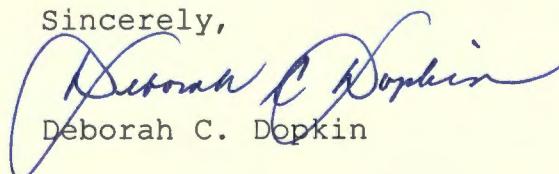
RE: 2200 N. Rolling Road and 2112 N. Rolling Road
Case No. 2013-0246-SPHXA and No. 2008-117-SPH

Dear Judge Beverungen:

Thank you for holding the record open in the above captioned matter. Paul Lee of Century Engineering, the Petitioner's engineer, has prepared a red-lined plan and detail showing a reconfigured entrance, exit and parking area. Please note that the reconfigured area effectively combines ingress and egress to the proposed Child Care Center and the existing adjoin Child Care at 2112 N. Rolling Road by creating a one-way in and one-way out driveway, eliminating two existing curb-cuts, and effectively combining the sites. The reconfigured area may also be used for drop-off and pick up of children. As proposed, the access should minimize traffic conflicts and enhance traffic safety. The proposed additional parking on the subject site is unchanged. The revision modifies the site plan approved in Case No. 2008-117-SPH, and I would appreciate your noting that this minor modification is in keeping with that decision.

I believe this proposal addresses the concerns raised and discussed at the hearing before you on June 7, 2013. If either I, Mr. Lee or Ms. Collins may provide any additional information, please contact me.

Sincerely,



Deborah C. Dopkin

CC: Electra Collins
Encl.

JB 6-7-13

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

FASCIMILE: 410-779-9352

July 1, 2013

The Honorable John Beverungen
Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: 2200 N. Rolling Road
Case No. 2013-0246-SPHXA

Dear Judge Beverungen:

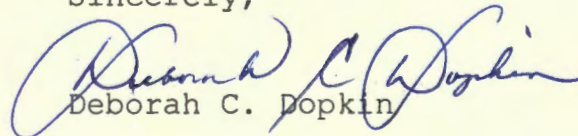
This letter is in response to a recent conversation I had with People's Counsel, Peter Max Zimmerman about the above captioned case. Mr. Zimmerman raised a concern that I clarify that the Petitioner's intention at this time is to limit the number of children at 2200 N. Rolling Road to *no more than forty (40) children*.

Therefore, this letter is intended to supplement the file and confirm that the Petitioner intends there be no more than forty children at the day care center at the above location, and further intended to clarify that any increase in the future to provide for more than forty children will require that this case be amended.

I would appreciate your acknowledging receipt of this letter, either by return correspondence or by email to me and to Mr. Zimmerman.

Thank you in advance.

Sincerely,


Deborah C. Dopkin

CC: Electra Collins
Peter Max Zimmerman, Esquire

RECEIVED
RECEIVED

JL 05 2013

ADMINISTRATIVE HEARINGS
ADMINISTRATIVE HEARINGS

for
the file
w/ copy of
my
email.

Debra Wiley - 2013-0246-SPHXA

From: John Beverungen
To: Deborah Dopkin; Peter Zimmerman
Date: 7/8/2013 10:38 AM
Subject: 2013-0246-SPHXA
CC: Debra Wiley; Sherry Nuffer

Counsel,

I am in receipt of Ms. Dopkin's July 1, 2013 letter, confirming that no more than 40 children will attend the day care facility at 2200 N. Rolling Rd. Any increase in the number of children at the facility would require further zoning relief.

A copy of Ms. Dopkin's letter, and this email, will be placed in the case file.

John Beverungen
ALJ

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-2-13

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

RE: Baltimore County
Item No. 2013-0246-SPHXA
Special Hearing Variance
Special Exception
Family of Makina Hagans
2200 N. Rolling 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. 2013-0246-SPHXA.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

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



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Jamil & Makina Hagans
8917 Greens Lane
Randallstown MD 21133

RE: Case Number: 2013-0246 SPHXA, Address: 2200 N. Rolling Road

Dear Mr. & Ms. Hagans:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 23, 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, reading "W. Carl Richards, Jr.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Paul Lee, 10710 Gilroy Road, Hunt Valley MD 21031
Ms. Electra B. Collins, 2112 N. Rolling Road, Baltimore MD 21244
Deborah C. Dopkin, PA, P O Box 323, Brooklandville MD 21022

CASE NAME Collins
CASE NUMBER 2013-0246 SPN/XA
DATE 6-7-2013

[illegible]

CASE NAME Collins
CASE NUMBER 2013-246 SP+XA
DATE 6-7-13

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Dianne Franklin 2112 N. Rolling

Windsor Mill, MD 21294

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 01 Account Number - 0105340150

Owner Information

Owner Name:	EITEMILLER FERD C JR EITEMILLER RABETH M	Use:	RESIDENTIAL
Mailing Address:	10303 CASTLEFIELD ST ELLCOTT CITY MD 21042-5866	Principal Residence:	NO
		Deed Reference:	1) /02667/ 00093 2)

Location & Structure Information

Premises Address	Legal Description
2200 ROLLING RD BALTIMORE 21244-1825	.4101 AC WS ROLLING RD 600FT S DOGWOOD RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0087	0023	0178		0000				1	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,751 SF	17,863 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	81,200	61,900		
Improvements:	134,900	108,100		
Total:	216,100	170,000	216,100	170,000
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

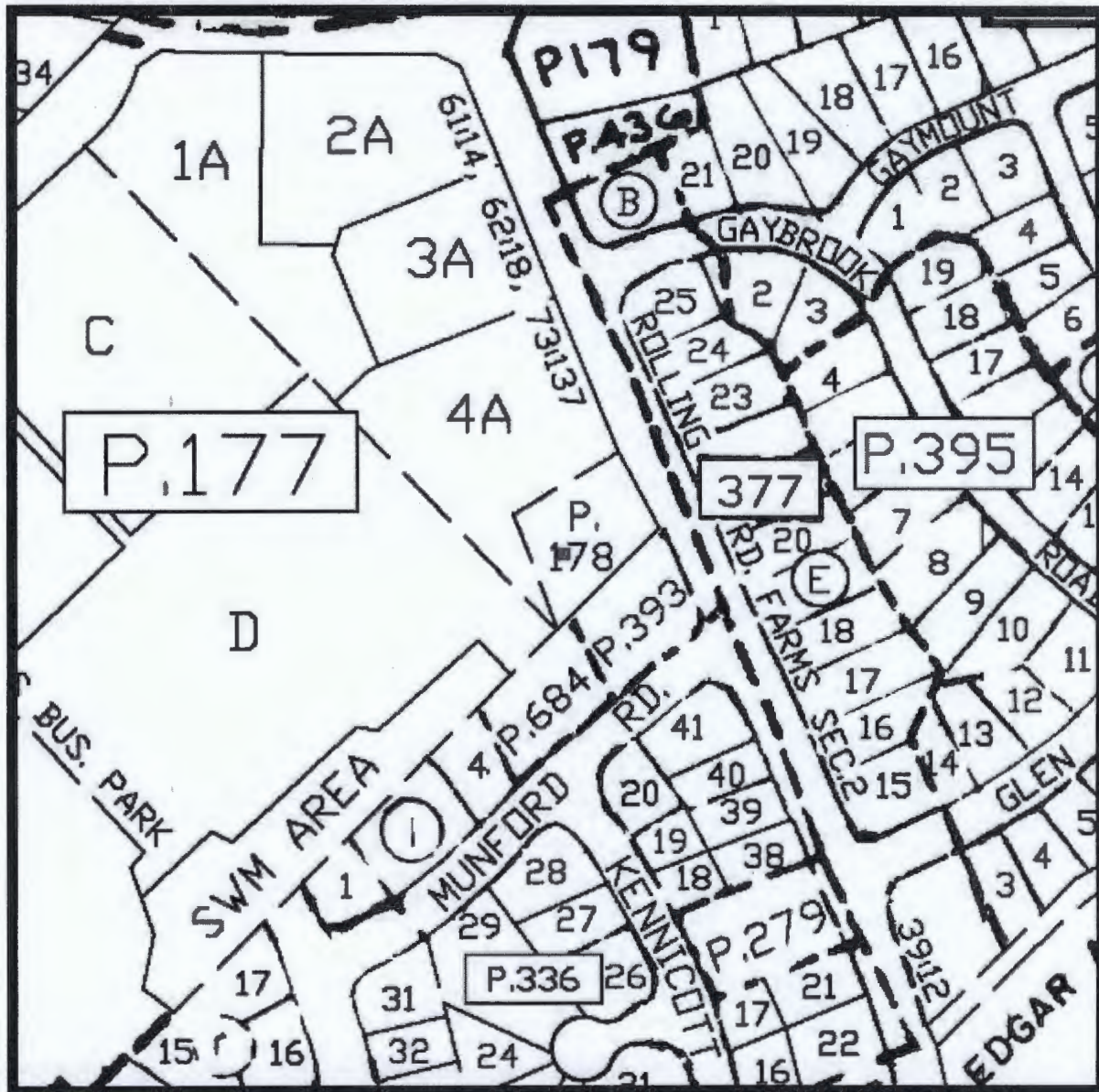
Homestead Application Status:	Approved 05/31/2012
--------------------------------------	---------------------



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

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

District - 01 Account Number - 0105340150



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

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

Case No.: 2013-246 SPHXA

Exhibit Sheet

SLR
6-20-13

Petitioner/Developer

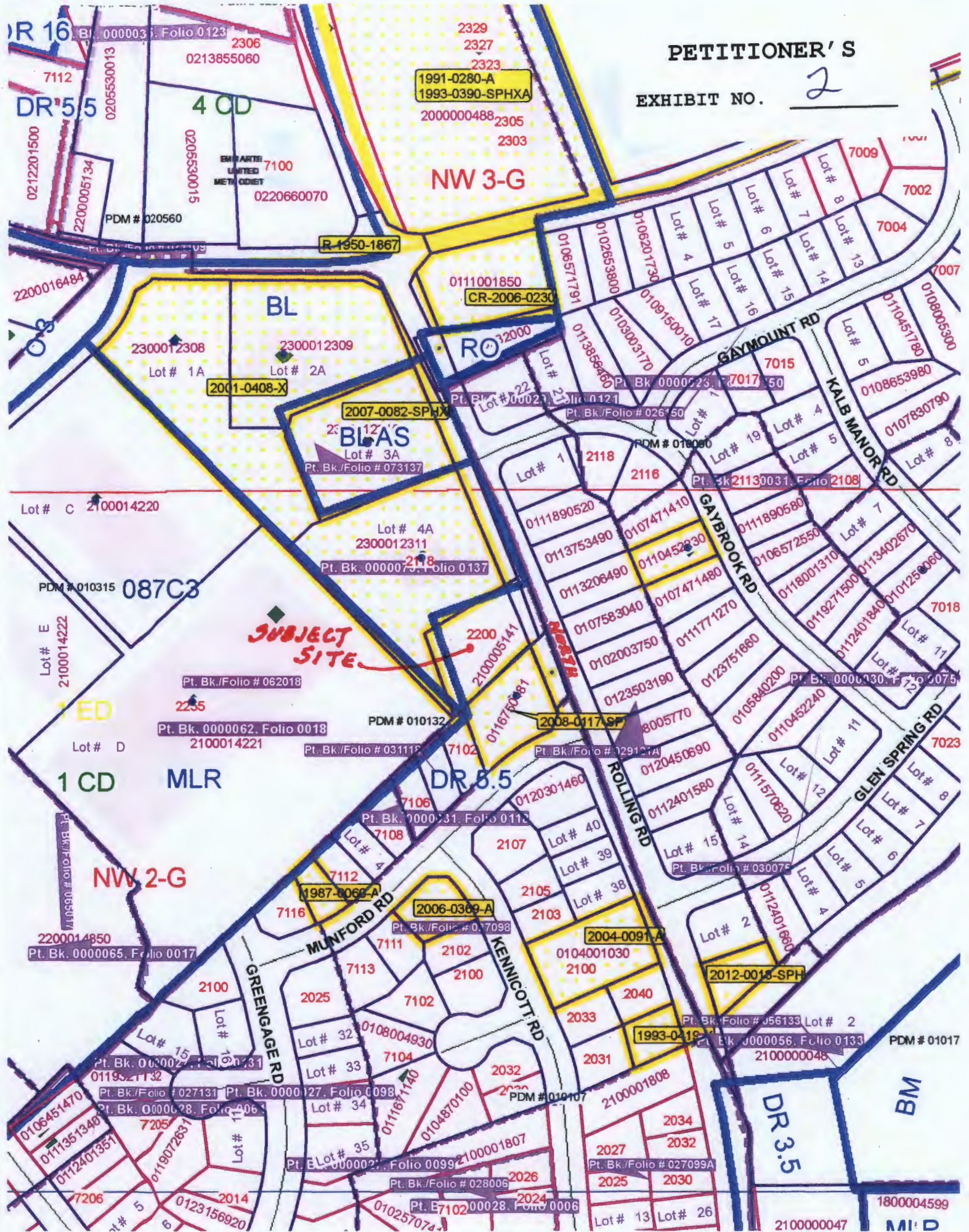
192
7-25-13

Protestant

No. 1	Site plan	
No. 2	Zoning map	
No. 3	Google Earth map + photos	
No. 4	Order in 08-117-SPH	
No. 5	Collins resume	
No. 6	Appraisal photos	
No. 7	red-lined plan	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 2



1" = 200' CASE 2013-0246-SPHXA 4-2-13



Google earth

feet
meters

3000
900



PETITIONER'S

EXHIBIT NO. 3



Google earth

feet 8
meters 2



PETITIONER' S

EXHIBIT NO. _____



Google earth

feet
meters





Google earth



PETITIONER'S

IN RE: PETITION FOR SPECIAL HEARING

EXHIBIT NO. 4

NW Corner of Munford Road and
Rolling Road

(2112 North Rolling Road)

1st Election District

1st Council District

Electra B. Collins

Petitioner

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-117-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Electra B. Collins, through her attorney, Deborah C. Dopkin, Esquire. The Petitioner requests a special hearing to amend the previously approved plan and Restriction No. 7 in Special Exception Case No. 65-179-X to now permit the enrollment age of children to begin at 6 weeks until 6 years of age in lieu of the required 3 years to 6 years, and to allow an expansion to the rear of the existing day nursery building of 339 square feet which represents 25% of the building area granted in special exception Case No. 65-179-X on December 21, 1964. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Electra B. Collins, property owner, her attorney, Deborah C. Dopkin, Esquire, and Paul Lee, a registered civil engineer with Century Engineering, Inc., the consultant who prepared the site plan for this property. There were no Protestants or other interested parties in attendance. Letters of support were presented by neighbors and parents who had children in the "Successful Children Learning Center" day care, which were received as Petitioner's Exhibits 10 and 11, respectively.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located at the northwest corner of Munford and Rolling Roads in the Woodlawn/Security area of the County. The property contains a gross area of 23,607 square feet (0.54 acres), zoned D.R.5.5 and is improved with a one-story, single-family dwelling (55' x 25')

(Petitioner's Exhibit 7) illustrates that she has extensive experience in early childhood education and administration. She and her staff are all certified as required by State law, and the day nursery is licensed (Petitioner's Exhibit 8). A full schedule of activities is provided, as are visiting guest presentations, and occasional field trips. According to Ms. Collins, most of the children come from families who live or work in the area. Ms. Collins spoke to her neighbors prior to the hearing and as previously indicated they presented letters and petitions in support of the requested relief. In particular, she has had to turn away younger siblings of children in her care because of the age restriction. In that the needs of working families have changed over the past forty (40) years, many parents need day care for children from the age of infancy on.¹ In addition, Ms. Collins presented a study prepared by the State of Maryland identifying Baltimore County as an area in need of day care for this age group.

This petition for special hearing relief comes before me as an existing non-conforming use. Under Section 104.3 of the B.C.Z.R. such uses may be extended no more than 25%, and the subject request falls within this limitation, and is within the confines of the zoning regulations and therefore should be approved. As set forth above, the Petitioner is not seeking any increase in the number of children attending the facility, nor is she seeking or in need of variance relief. As explained, the necessity for day care for working parents and particularly in this area has grown over the time period when this day nursery first received approval to operate. In addition, the surrounding area has been developed as a major employment and commercial area. The day care center has operated continuously at the same location without problem for over forty years and seeks to change to respond to the needs of the community it serves. Insofar as the day nursery continues in its present mode of operation, it appears that the use should not unreasonably burden the streets and their neighbors. After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of the regulations. I find that Condition No. 7 of the earlier approvals should no longer limit the age of

¹ At the time of this Commission's prior Order(s) in the 1960's, societies' needs for child care did not arise until a child attained the age of three years. This was primarily due to a mother staying home with her infant child until it became self-sufficient.

ELECTRA B. COLLINS
8917 Greens Lane
Randallstown, Maryland 21133
410-298-4824 Work
443-668-8518 Cellular

SUMMARY

I am seeking to expand my services to provide more children with the opportunity to grow and develop to their fullest potential.

WORK HISTORY

1. Program Director/ Owner, Successful Children Learning Center & Temple Christian Learning Center

- Recruits volunteers and hire staff.
- Directly supervise all employees and volunteers.
- Develops program standards and insures adherences to those standards.
- Insures the adherence of personnel practices and procedures.
- Supervises the development of in-service training programs, attends workshops, seminars, and meetings related to child development and management development.
- Plans, organizes and supervises the daily operations of the child care center.
- Conducts assessment and periodic wage review.
- Ensures that center is clean and well maintained in keeping with the Health Department and Department of Education standards.
- Manages child care center.
- Purchase child care equipment.
- Implements the curriculum.
- Coordinates staff development training on child growth and development.
- Prepares budgets and perform all record keeping.
- Maintains collegial work environment.
- Communicates with parents to keep them apprised of daily activities and progress.
- Insures program compliance with federal, state and local regulations.
- Advocate for children at all times.

2. Director of Planning and Development, Morgan Christian Child Care Center

- Oversaw planning and development for the child care center.
- Worked under direction of the Morgan Christian Center Board of Trustees.
- Made program reports to the Project Manager of Morgan State University, The Morgan Christian Center Board of Trustees, Child Care Administration and the Advisory Board.
- Organized and worked with an Advisory Committee of early childhood professionals.
- Hired and supervised an Executive Director.
- Arranged and coordinated meetings with the Child Care Administration and staff and other supporting agencies as necessary.
- Met with the architect as needed to ensure that the facility and play area met regulations and the needs of the program.
- Assisted the Executive Director in developing center and classroom environment.
- Created an internship program.
- Secured equipment, furnishings and resources for the center.
- Coordinated an Open House for the opening of the MCCC center.

PETITIONER' S

EXHIBIT NO. 5

3. Program Monitor, Maryland Department of Human Services, Child Care Administration

- Assist in the supervision of programs contracted through the Child Care and Development Fund and other special projects, through the preparation and application of management tools, reports, program evaluation, and the provision of technical assistance.
- Assist in planning and preparation of contracts, solicitations, budgets and reports; the evaluation of proposals; and other functional areas vital to program progress.
- Identify and analyze needs and gaps in child care services that affect accessibility and quality and make effective recommendations based on trends and analysis.
- Advise departmental officials, officials of other agencies, potential applicants for funding, current applicants, current fund recipients, and the public on program policies and procedures and the availability of child care funding.
- Review and analyze State and Federal laws and regulations governing the administration of child care funding. Recommend policy and procedural changes based on State and Federal requirements.
- Assist with developing and coordinating planning for Maryland's State Plan for Child Care and Development Funds in order to access federal child care funds.
- Prepares correspondence for signature of Governor, Secretary of DHR, CCA's Executive Director and Director of the Office of Program Development in response to inquiries from public officials and the general public.

4. Fiscal Contracts Manager, Mayor's Office for Children, Youth and Families

- Managed the appropriation of a \$5.1 million budget to improve family and children services according to governmental accounting and budgeting standards.
- Identified and secured funding options available to promote children and youth programs.
- Provided support to the Commission for Children and Youth, Baltimore City Commission for Women and the Baltimore City Youth Council.
- Prepared monthly reports and analysis of agency programs.
- Reviewed grant applications in accordance with mandated federal, state and local policies, procedures and regulations.
- Collected, compiled and organized data to develop criteria for grant processing.
- Planned and directed the operation of child care programs, approved the development of long-ranged program goals, managed and developed program funds and organization.
- Coordinated the preparation of grant proposals by monitoring the process, writing and approval of grant applications.
- Reviewed, directed and approved the preparation and administration of program budgets.
- Oversaw the provision of services to program recipients monitoring program services for quality, proficiency and equity.

5. Child Care Coordinator, Mayor's Office for Children, Youth and Families

- Designed, implemented and directed the preparation of grants for child care services and prevention and intervention strategies.
- Coordinated the Mayor's Annual Child Care Conference.
- Assessed the needs of children and youth according to age, location and special services.
- Identified and maintained inventory of public and private services available to children, youth and families.
- Developed strategies to fulfill the academic and social needs of children and youth in Baltimore City.
- Coordinated program activities with other agencies and organizations explaining program services to and obtaining financial and other assistance from such agencies and organizations.

- Prepared briefings and summaries on program activities for submission to various stakeholder groups.
- Reviewed and wrote reports and memoranda recommending revisions in legislation concerning programs, submitted some reports to superiors for review and approval.
- Reviewed, analyzed and responded to local, state and federal legislation, policies and procedures to determine appropriate course of action to be taken on behalf of children, youth and families.
- Prepared and presented oral presentations for the Mayor in absencia.
- Addressed community groups and other organizations as a representative of the Mayor presenting, explaining and promoting programs and services.
- Helped to identify potential partnerships, collaborators, new initiatives and opportunities by identifying gaps and assets in child care service delivery systems.
- Prepared correspondence for signature of the Mayor and Director of MOCYF in response to inquiries from public.

6. Program Director/Owner, Peaceful Dwellings

- Planned, organized and supervised the daily operations of the assisted living facility.
- Recruited, trained evaluated, promoted and when necessary, dismissed program staff.
- Planned, implemented and coordinated program activities for the elderly.
- Performed bookkeeping and budget preparation.
- Prepared payroll, scheduled appointments and provided care management.
- Processed health care insurance and prepared medical billing.
- Remained in compliance with licensing agency without any violations.

7. Child Care Director, Playkeepers, Inc.

- Planned, organized and supervised the daily operations of the child care center.
- Communicated effective strategies in the dynamics of children in groups.
- Managed child care center.
- Purchased child care equipment.
- Implemented curriculum.
- Coordinated staff development training on child growth and development.
- Prepared monthly reports.
- Maintained collegial work environment.
- Communicated with parents to keep them apprised of daily activities and progress.

EDUCATION

Bachelor of Science, Business Administration, Sojourner-Douglass College, 1990, Suma cum Laude

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Jamil & Makina Hagans	File No.: 5367
Property Address: 2200 N. Rolling Road	Case No.: 244-0399629
City: Windsor Mill	State: MD Zip: 21244
Lender: Christensen Financial, Inc Cor	



FRONT VIEW OF SUBJECT PROPERTY

Appraised Date: March 20, 2013
Appraised Value: \$ 190,000



REAR VIEW OF SUBJECT PROPERTY



STREET SCENE

PETITIONER'S

EXHIBIT NO. 6

ADDITIONAL PHOTOS OF SUBJECT PROPERTY

Borrower: Jamil & Makina Hagans	File No.: 5367
Property Address: 2200 N. Rolling Road	Case No.: 244-0399629
City: Windsor Mill	State: MD
Lender: Christensen Financial, Inc Cor	Zip: 21244



OPPOSITE FRONT VIEW



OPPOSITE REAR VIEW



REAR YARD

RMC
Appraisal Services

ADDITIONAL PHOTOS OF SUBJECT PROPERTY

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SIDE ENTRANCES



REAR YARD



SIDE ENTRANCE



REAR YARD



FRONT YARD - FACING SOUTH
No view of commercial properties



FRONT YARD - FACING NORTH
No view of commercial properties

ADDITIONAL PHOTOS OF SUBJECT PROPERTY

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 City: Windsor Mill
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File No.: 5367
 Case No.: 244-0399629
 State: MD
 Zip: 21244



LIVING ROOM



DINING ROOM



KITCHEN



KITCHEN



BREAKFAST AREA/KITCHEN EXIT



BEDROOM



BEDROOM



BEDROOM



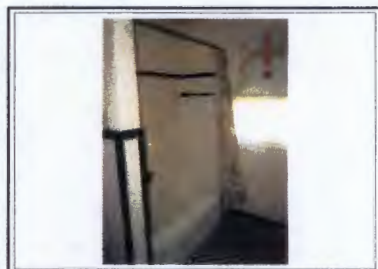
MASTER BATH



MASTER BATH



HALL BATH



HALL BATH

ADDITIONAL PHOTOS OF SUBJECT PROPERTY

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BASEMENT CLUBROOM



BASEMENT UTILITY AREA



BASEMENT EXIT/LAUNDRY AREA



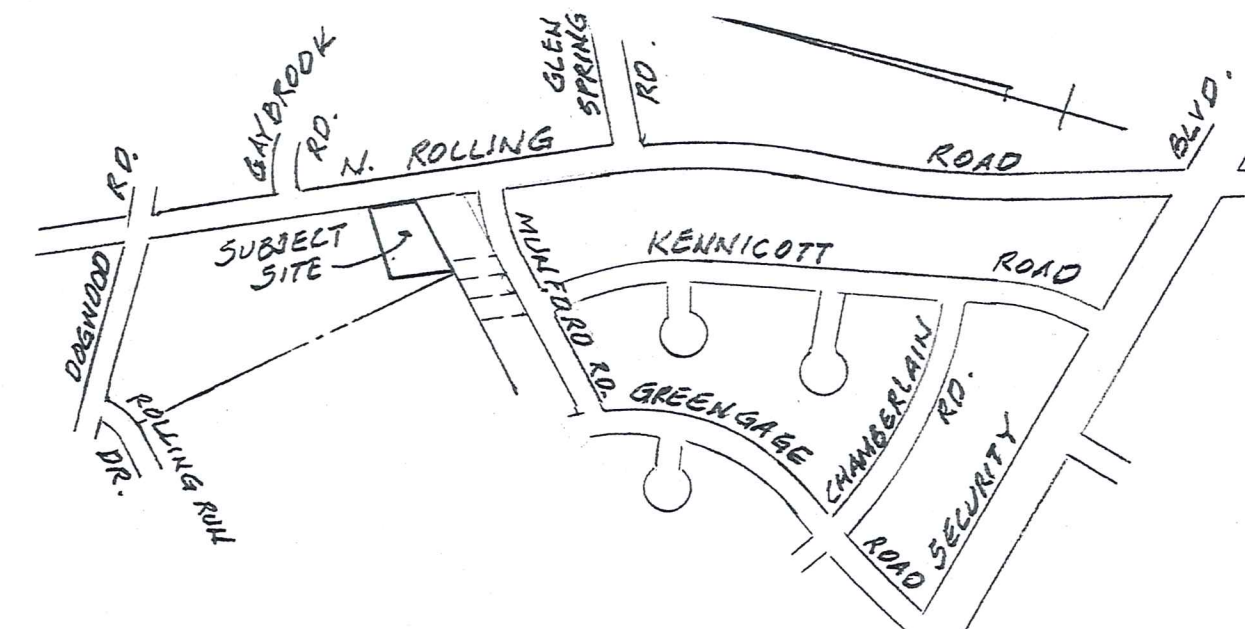
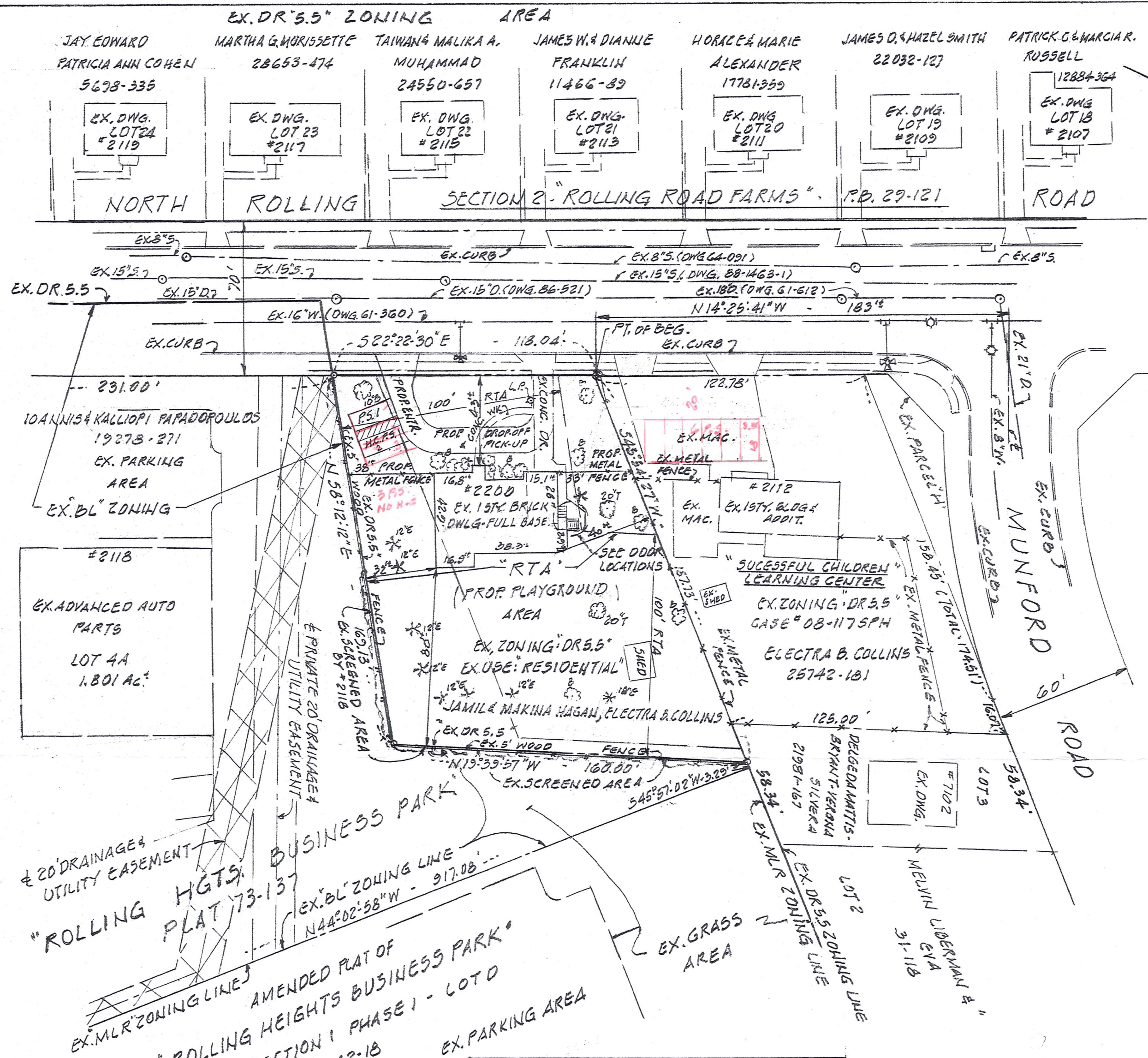
BASEMENT UTILITY AREA



HVAC-HWH



BASEMENT - UNFINISHED AREA



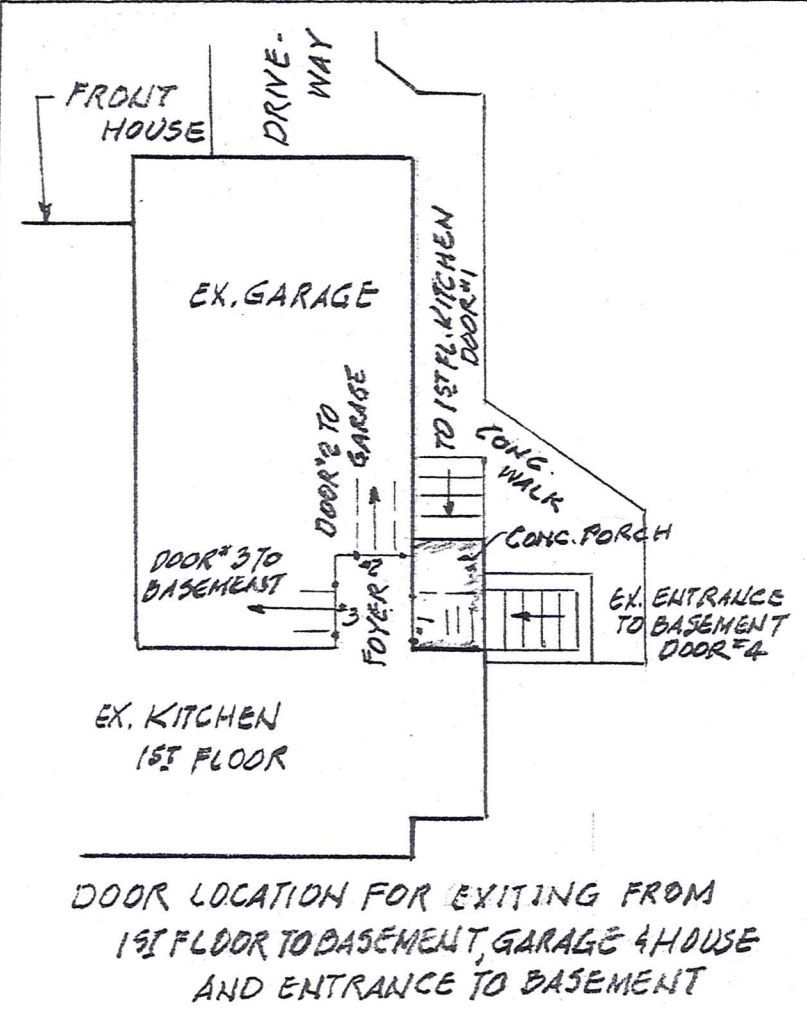
GENERAL NOTES:

1. AREA OF PROPERTY = 23,522 S.F. ± (0.54 AC. ±) GROSS 26,095 S.F. ± (0.60 AC. ±)
2. EXISTING ZONING OF PROPERTY = "DR 5.5"
3. EXISTING USE OF PROPERTY = RESIDENTIAL - EXISTING DWELLING WITH FULL BASEMENT & GARAGE
4. PROPOSED ZONING OF PROPERTY = "DR 5.5" W/SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = CLASS B GROUP CHILD CARE CENTER
6. AREA OF EXISTING BUILDING: ENCLOSED AREA (NOT INCL. GARAGE) = 1,751 S.F. ±, 1ST FLOOR & 1,751 S.F. ± BASEMENT
7. PETITIONER REQUESTING A SPECIAL EXCEPTION TO APPROVE CLASS "B" GROUP CHILD CARE CENTER SUBJECT TO RTA REGULATIONS.
8. PETITIONER REQUESTING A SPECIAL HEARING TO APPROVE GROUP CHILD CARE CENTER ADJOINING AN EXISTING FAMILY CHILD CARE CENTER.
9. PETITIONER REQUESTING VARIANCES: (SEC. 1B01.1.B.1.a.1) & (424.1.B & 424.7 A, B & C)
 - (a) SEE ATTACHED SHEET PETITION FOR ZONING HEARING SECT. 424.1.B - 0' FENCE SETBACK OUTDOOR PLAY AREA, SECT. 424.7 TO AREA OF 0.54 AC. IN LIEN OF 1AC, SECT. 424.7.B SIDE YARD SETBACK AND SECT. 424.7.C DROP OFF & PICK UP LOCATION.
 - (b) TO ALLOW A FENCE SETBACK OF 0' IN LIEU OF THE REQUIRED 20' FOR OUTDOOR PLAY AREA SECT. 424.1.B (BCZR) AND
 - (c) FOR ANY OTHER FURTHER RELIEF MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY.
10. PROPOSED CLASS B GROUP CHILD CARE CENTER
 - (a) NUMBER OF EMPLOYEES = 8 (ALL BUS TRANSPORTATION ONLY).
 - (b) NUMBER OF CHILDREN TO BE ENROLLED = 39
 - (c) HOURS OF OPERATION: 6:30 a.m. TO 6:00 p.m. (SAME AS EXISTING CASE #08-117-SP-H)
 - (d) AGE LIMIT OF CHILDREN: 6 WEEKS TO 6 YEARS, (e) PICK UP AND DELIVERY: DROP OFF AND PICK UPS REQUIRED BY OWNER (NO PARKING REQUIRED - OWNER TO UTILIZE GARAGE USE ONLY).
11. DAY CARE WILL NOT OPERATE ON SUNDAYS AND HOLIDAYS.
12. PROPERTY SERVED BY PUBLIC UTILITIES.
13. TRAFFIC GENERATED IS NOT A PROBLEM.
14. THERE IS AN EXISTING 5' WOOD PANEL FENCE ALONG THE NORTH PROPERTY LINE WHICH ADJOINS ANY EXISTING 5' WOOD FENCE ALONG THE WEST (REAR YARD) PROPERTY LINE. METAL FENCE IS EXISTING ALONG THE SOUTH PROPERTY LINE OF PROPERTY ADJOINING THE EXISTING GROUP CHILD CARE CENTER AT 2112 N. ROLLING ROAD WHICH IS OWNED BY THE PETITIONER OF SUBJECT SITE.
15. PROPERTY LOCATED ON BALTIMORE COUNTY ZONING MAP
16. IMPERVIOUS AREA LESS THAN 25%

CASE# 2013-0246-SPHXA

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL EXCEPTION & VARIANCES
AND SPECIAL HEARING
CLASS "B" GROUP CHILD CARE CENTER
2200 NORTH ROLLING ROAD
ELECT. DIST. 13C1
SCALE: 1"=40'

BALTIMORE CO. MD.
APRIL 2, 2013



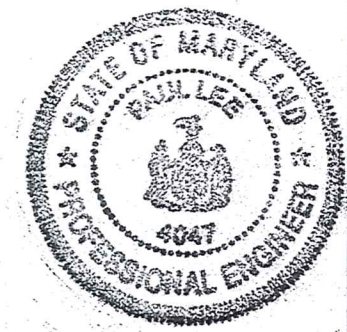
PETITIONER:

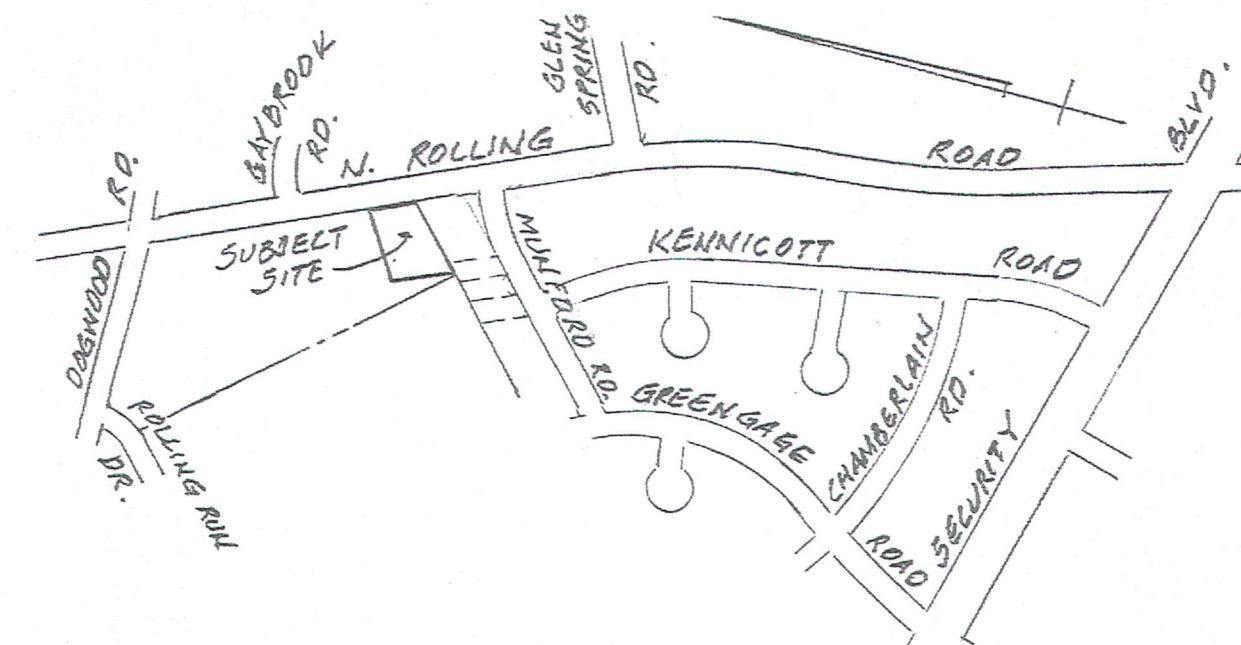
ELECTRA B. COLLINS
2112 N. ROLLING ROAD
BALTIMORE, MARYLAND 21244

ENGINEER:

CENTURY
ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (443) 589-2400 Fax: (443) 589-2401

PETITIONER'S
EXHIBIT NO. 1





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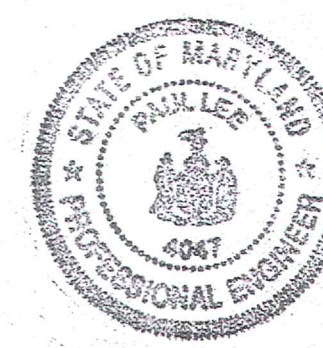
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FOR
SPECIAL EXCEPTION & VARIANCES
AND SPECIAL HEARING
CLASS "B" GROUP CHILD CARE CENTER
"2200 NORTH ROLLING ROAD"
ELECT. DIST. 13C1 BALTIMORE CO. MD
SCALE: 1"=40' APRIL 2, 2013

PETITIONER:

ELECTRA B. COLLINS
2112 N. ROLLING ROAD
BALTIMORE, MARYLAND 21244

ENGINEER:

Century
ENGINEERING
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: (443) 589-2400 Fax: (443) 589-2401



Peterson's #