

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 27 day of July, 2016, that Ana Jimenez located at 940 Olmstead Road 21208 should be and the

(Individual or business name)
(Street address)

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

Child Care Center -

12 Children (case # 2015-0170-A)

142859
Permit (or Receipt) Number

[Signature]
Director, Permits, Approvals and Inspections

Planner's Initials gr

APPLICATION FOR CHILD CARE CENTER CLASS A

USE PERMIT

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

Proposed Child Care Location:

Election District 3
Subdivision Sudbrook
Street Address 940 Olmstead Rd
Lot Number 13 Block Number N/A
*If no lot or block number, give distance to nearest intersecting street,
134' feet, (north) / south / east / west of
McHenry Rd Street / (Road) / Avenue
Lot Size 7500 / 150' x 50'

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

Millford Mill Church Development
Center 915 Millford Rd Baltimore
MD 21208

General Information:

- A. Name and Address of Applicant/Operator
Ana Jimenez
940 Olmstead Rd Pikesville MD 21208
Telephone Number 443-690-5872
- B. Number of Employees 1 Hours of Operation 7am-6pm
Days of Week Monday to Friday
- C. Number of Children Enrolled 12
- D. Estimated Amount of Traffic Generated:
Morning 6 vehicles Afternoon 6 vehicles
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area (s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit.
- F. Snapshot of the Structure

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

Ana Jimenez

Applicant's Signature

APPLICATION FOR CHILD CARE CENTER CLASS A

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Ana Jimenez

Applicant's Signature



KEVIN KAMENETZ
County Executive

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

April 14, 2015

Ramon Gonzalez Vera
Ana Jimenez
940 Olmstead Road
Pikesville, Maryland 21208

RE: Petitions for Special Hearing and Variance
Property: 940 Olmstead Road
Case No.: 2015-0170-SPHA

Dear Petitioners:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County 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

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(940 Olmstead Road) *

3rd Election District *

2nd Council District *

Ramon Gonzalez Vera &

Ana Jimenez *

Legal Owners

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0170-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a use permit to allow a Class A Group Child Care Center. In addition, a Petition for Variance seeks the following: (1) to permit a chain-link fence in lieu of the required stockade fence; and (2) to allow a 0 ft. setback in lieu of 20 ft. for the fence.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Ana Jimenez. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review. These will be discussed below.

The subject property is approximately 7500 sq. ft. and is zoned D.R. 5. The property is improved with a modest single family dwelling, and is situated in the Sudbrook Park community. The Petitioners purchased the home in July 2014, and since that time Ms. Jimenez has operated in her home a family day care with seven (7) children. Ms. Jimenez is licensed by the Maryland State

ORDER RECEIVED FOR FILING

Date

4/14/15

By

Den

Department of Education (Ex. No. 5), and has an Associate's degree in early-childhood education. She is currently receiving training from the Montessori School, and will receive certification from that organization in June 2015.

The Bureau of DPR recommended Petitioners comply with the fence requirements and observe the 20' setback found in B.C.Z.R. §424.1. That agency also indicated a landscape plan would be required. The DOP opposed the request, citing the lack of adequate off-street parking, which could cause congested and/or dangerous conditions in the neighborhood.

The existing fence was erected many years ago, and Ms. Jiminez noted it is identical to the chain link fencing used to enclose the other small yards throughout the neighborhood. The Petitioners' lot, like others in the community, is 50' wide. If the 20' fence setback was observed, the Petitioners would have just a 10' wide strip of usable rear yard space. The reality is that the fence setback requirement has been historically relaxed or waived in cases of this nature; if the Regulations were strictly interpreted it is likely that most of the in-home child care centers throughout the County could not satisfy the requirements. The dwelling is attractive and well-kept, and I do not believe that a landscape plan should be required in this case, where the only change taking place is that the number of children in the day care is being increased from 7 to 9. Under the B.C.Z.R., a "Family Child Care Home" (§101.1) with "no more than eight children at one time" is permitted by right as an accessory use in a dwelling "in all zones." B.C.Z.R. §424.3. There are no parking, fencing or landscape requirements imposed on such a use.

With regard to the DOP's comment, it is true there is no off street parking available. Even so, Ms. Jiminez has operated for nearly a year a day care with 7 children, and there have been no complaints or incidents of any kind. Ms. Jiminez reminds parents in writing (Ex. No. 7) that the drop off and pick up process must be completed in 5 minutes or less, and that they should not double park on Olmstead Road. Finally, the Petitioners presented letters of support from all

ORDER RECEIVED FOR FILING

adjacent neighbors (a few of which have children in Ms. Jiminez's care) and the Sudbrook Park Community Association. Exhibit Nos. 2-4.

To obtain variance relief a petitioner must show:

- (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).

Petitioners have met this test. The fence was installed 10+ years ago, and thus Petitioners are confronted with a unique and existing site condition. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioners would be unable to operate the child care facility. 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 Petitioners' neighbors and the Sudbrook Park Community Association.

The Petition for Special Hearing seeks a use permit for a Class A Group Child Care Center as an accessory use. Under the B.C.Z.R., such a use is permitted by right in all D.R. zones, B.C.Z.R. §424.4.A, subject to any restrictions imposed in the Order to ensure that the child-care center will not have a detrimental impact upon the community. The Order below will restrict the center to a maximum number of nine (9) children, and in my opinion the operation will not have a negative impact upon the neighborhood.

THEREFORE, IT IS ORDERED this 14th day of April, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") for a use permit to allow a Class A Group Child Care Center, be and is hereby GRANTED;

ORDER RECEIVED FOR FILING

Date 4/14/15
By ser

IT IS FURTHER ORDERED that the Petition for Variance as follows: (1) to permit a chain-link fence in lieu of the required stockade fence; and (2) to allow a 0 ft. setback in lieu of 20 ft. for 280 linear ft. of fence , be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Group Child Care Center shall have a maximum of nine (9) children.
3. The child care facility shall operate only between the hours of 7:30 am to 6:00 pm Monday through Friday.

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 4/14/15
By sen



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 940 Olmstead Rd which is presently zoned DRS-5
Deed References: 35251/00116 10 Digit Tax Account # 0323036620
Property Owner(s) Printed Name(s) Ramon Gonzalez Vera

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
Special Hearing for a use permit to allow a Class A Group child care center
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s) 424.1 To permit a chainlink fence in lieu of the required stockade and to allow a 0 foot setback in lieu of 20 feet for 280 Linear feet of fence.

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

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Ramon Gonzalez Vera Ana Jimenez
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

940 Olmstead Rd Pikesville MD
Mailing Address City State

21208 410 215 8997 montessoribna@gmail
Zip Code Telephone # Email Address

Representative to be contacted:

Ana Jimenez
Name - Type or Print

Signature

940 Olmstead Pikesville MD
Mailing Address City State

21208 443 690 5372 montessoribna@gmail
Zip Code Telephone # Email Address

CASE NUMBER 2015-0170-924A Filing Date 2/11/15

Do Not Schedule Dates:

Reviewer G. H

PART A:

ZONING PROPERTY DESCRIPTION FOR 940 Olmstead Rd Pikesville, MD 21208.

*Beginning at a point on the East side of Olmstead Rd which is 50' ft wide at the distance of 134' ft North of the centerline of the nearest improved intersecting street McHenry Rd which is 25' ft wide.

PART B:

OPTION 2 Subdivision Lot – lot is part of record plat):

Being Lot # (13), Block (), Section #(4) in the subdivision of Sudbrook Park as recorded in Baltimore County Plat Book #(0012), Folio # (), containing 7500 SF. Located in the (3) Election District and (2) Council District.

2015-0170 SPHA

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

No: **119796**

Date: **2/11/15**

PAID RECEIPT

BUSINESS ACTUAL TIME GRN
 2/12/2015 2/11/2015 14:43:57 5

REG MDS WALKIN RDS LRD
 RECEIPT # 783459 2/11/2015 OFLN

5 520 ZONING VERIFICATION
 119796

Recpt Tot \$150.00
 \$150.00 CA \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
0001	800	0000		150						150.00

Total: **150.00**

Rec From: **Ana Jimenez**

For: **Special Hearing 22 permit**
Jarlane - 904 Olmstead Rd
2015-0170-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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: 2015-0170-SPHA
Petitioner: Ana Jimenez
Address or Location: 940 Olmstead Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ana Jimenez
Address: 940 Olmstead Road
Pikesville, Md 21208
Telephone Number: 443-690-5372



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3125520

Sold To:

Ana Jimenez - CU00429137
940 Olmstead Rd
Pikesville, MD 21208

Bill To:

Ana Jimenez - CU00429137
940 Olmstead Rd
Pikesville, MD 21208

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 19, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0170-SPHA

940 Olmstead Road
E/s Olmstead Road, 134-ft. n/of centerline of McHenry Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s) Ramon Gonzalez Vera & Ana Jimenez

Special Hearing: for a Use Permit to allow a Class A Group Childcare Center.

Variance: to permit a chain link fence in lieu of the required stockade and to allow a 0 foot setback in lieu of 20 feet for 280 linear feet of fence.

Hearing: Friday, April 10, 2015 at 10:00 am 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.

3/23/2015 March 19

3125520

CERTIFICATE OF POSTING

CASE NO: 2015-0170-SHA

PETITIONER/DEVELOPER

RAMON BONZALES VELA

ANA TIMENEZ

DATE OF HEARING/CLOSING:

APRIL 10, 2015

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

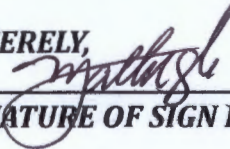
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

940 OLNSTEAD ROAD

THIS SIGN(S) WERE POSTED ON MARCH 21, 2015
(MONTH, DAY, YEAR)

SINCERELY,

 3/21/15
SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**



myah 3/21/15



KEVIN KAMENETZ
County Executive

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

February 27, 2015

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: 2015-0170-SPHA

940 Olmstead Road

E/s Olmstead Road, 134 ft. n/of centerline of McHenry Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Ramon Gonzalez Vera & Ana Jimenez

Special Hearing for a Use Permit to allow a Class A Group Childcare Center. Variance to permit a chain link fence in lieu of the required stockade and to allow a 0 foot setback in lieu of 20 feet for 280 linear feet of fence.

Hearing: Friday, April 10, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Vera & Jimenez, 940 Olmstead Road, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 21, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 19, 2015 Issue - Jeffersonian

Please forward billing to:
Ana Jimenez
940 Olmstead Road
Pikesville, MD 21208

443-690-5372

NOTICE OF ZONING HEARING

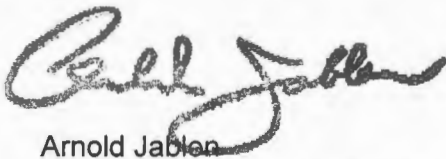
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E/s Olmstead Road, 134 ft. n/of centerline of McHenry Road
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Legal Owners: Ramon Gonzalez Vera & Ana Jimenez

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: May 18, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0170-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 14, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NO. 2015-0170-SPHA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

2/20/15

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

C

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

FIRE DEPARTMENT

3/9/15

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

C

2/18/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/19/15

SIGN POSTING

Date:

3/21/15

by

cg12

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

April 1, 2015

Ramon Gonzalez Vera
Ana Jimenez
940 Olmstead Road
Pikesville MD 21208

RE: Case Number: 2015-0170 SPHA, Address: 940 Olmstead Road

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 February 11, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/18/15

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

RE: Baltimore County
Item No 2015-0170-SPHA
Special Hearing Variance
Ramon Gonzalez Vera & Ana
Jimenez.
940 Olmstead 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. 2015-0170-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

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

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 940 Olmstead Road

MAR 11 2015

INFORMATION:

Item Number: 15-170

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Ramon Gonzalez Vera, Ana Jimenez

Zoning: DR 5.5

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition and accompanying site plan requesting a Class A Group Child Care Center and to permit a chain-link fence in lieu of the required solid wood stockade or panel fence with a 0 foot setback in lieu of the required 20 feet.

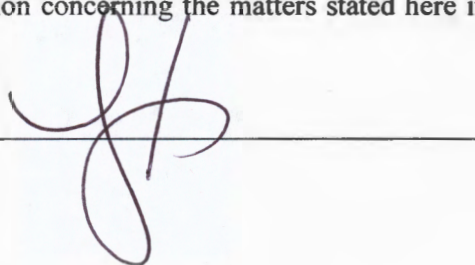
The Department of Planning does not support the Special Exception for 940 Olmstead Road. Upon staff site inspection, it is confirmed that no off-street parking exists on site in support of the current principal residential and accessory family child care home use of the property. Additionally, no off-street pickup and drop off area is provided or proposed.

The Department of Planning recommends that further intensification of the use of the property through the establishment of a Class A Group Child Care Center is contrary to the goals of the Sudbrook Community Plan. Specifically, Action 1b states: "to preserve the historic fabric of the community's older homes and to prevent the introduction of commercial uses". Utilization of the street for the increased parking requirement and also for repeated daily pick-up and drop-offs will change the residential fabric and feel of the neighborhood thereby adversely impacting other residential properties on that street. More importantly the proposal, in overly relying on the public street for its function, creates a potential safety hazard.

The Department of Planning recognizes the Petition for Variance will be moot if the Special Exception is not granted. That notwithstanding, the department is not in support of a 0 foot setback in any case and recommends at minimum a setback of .5 foot for a fence serving any purpose.

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

Project Planner:
AVA/LTM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2015
Item No. 2015-0170

DATE: February 20, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

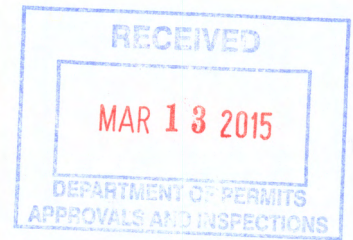
The petitioner should comply with fence requirements and provide stockade style and setback of 20'. A Landscape Plan will be required for change of use.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0170-02232015.doc

3/17/15
WO



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 940 Olmstead Road

INFORMATION:

Item Number: 15-170

Petitioner: Ramon Gonzalez Vera, Ana Jimenez

Zoning: DR 5.5

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition and accompanying site plan requesting a Class A Group Child Care Center and to permit a chain-link fence in lieu of the required solid wood stockade or panel fence with a 0 foot setback in lieu of the required 20 feet.

The Department of Planning does not support the Special Exception for 940 Olmstead Road. Upon staff site inspection, it is confirmed that no off-street parking exists on site in support of the current principal residential and accessory family child care home use of the property. Additionally, no off-street pickup and drop off area is provided or proposed.

The Department of Planning recommends that further intensification of the use of the property through the establishment of a Class A Group Child Care Center is contrary to the goals of the Sudbrook Community Plan. Specifically, Action 1b states: "to preserve the historic fabric of the community's older homes and to prevent the introduction of commercial uses". Utilization of the street for the increased parking requirement and also for repeated daily pick-up and drop-offs will change the residential fabric and feel of the neighborhood thereby adversely impacting other residential properties on that street. More importantly the proposal, in overly relying on the public street for its function, creates a potential safety hazard.

The Department of Planning recognizes the Petition for Variance will be moot if the Special Exception is not granted. That notwithstanding, the department is not in support of a 0 foot setback in any case and recommends at minimum a setback of .5 foot for a fence serving any purpose.

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

Project Planner: _____
AVA/LTM

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
940 Olmstead Road; E/S Olmstead Road,
134' N of c/line McHenry Road
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Ramon Gonzalez Vera
& Ana Jimenez

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-170-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 18 2015

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 18th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to Ana Jimenez, 940 Olmstead Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



MCHENRY RD

2 CD
078A2 DR 5.5
3 ED NW 7-F

OLMSTEAD RD

MCHENRY RD

Lot # 8

609
0307030340

0303024600
Lot # 7

0308032960
Lot # 6

0308066775
Lot # 5

1018
Lot # 4 0304051840

Lot # 3 0306047160

Lot # 9

0308002625
Pt. Bk. 0000012, Folio 00051

Lot # 2 0303001500

Lot # 10

613
0323036200

Lot # 15
0314010425

Lot # 1 0308056960

PAI # 030006

Pt. Bk./Folio # 012051A

Lot # 14
0308066725

Lot # 13
0323036620

PAI # 030006

Lot # 12
0319087990

Lot # 11
0311035850

Lot # 5
0310025325

Lot # 6
0316061670

938

936

940

942

939

937

935

Lot # 12
0325030090

Lot # 11
0302005200

Lot # 10
0302004600

Lot # 9
0306060610

Lot # 8
0312001500

0313024830
Lot # 7

Lot # 6
0319008950

0313077841
Lot # 14

0302026980
Lot # 13

0304065100

Lot # 43
0302057850

Lot # 44
0301002025

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0323036620			
Owner Information					
Owner Name:		VERA RAMON GONZALEZ		Use:	RESIDENTIAL
Mailing Address:		940 OLMSTEAD RD BALTIMORE MD 21208-4758		Principal Residence:	YES
				Deed Reference:	/35251/ 00116
Location & Structure Information					
Premises Address:		940 OLMSTEAD RD 0-0000		Legal Description: 940 OLMSTEAD RD SUDBROOK PARK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0078	0014	0420		0000	4
					Block:
					13
					Assessment Year:
					2014
					Plat No:
					0012/0051
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1951	1,238 SF	412 SF	7,500 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	BRICK	1 full	
Value Information					
Base Value		Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014		
			As of 07/01/2015		
Land:	85,500	77,100			
Improvements	72,400	99,800			
Total:	157,900	176,900	164,233	170,567	
Preferential Land:	0			0	
Transfer Information					
Seller: HENDRICKSON HOWARD L		Date: 08/11/2014		Price: \$219,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35251/ 00116		Deed2:	
Seller: HENDRICKSON DANA S		Date: 03/08/2011		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /30589/ 00384		Deed2:	
Seller: BURL DANA S		Date: 08/26/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /22443/ 00264		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Application received					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Case No.: 2015-0170-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

PS
5-18-15

Slu
4-14-15

No. 1	Plan	
No. 2	E-mail from Sudbrook Ass'n.	
No. 3	Neighborhood petition	
No. 4	Neighborhood petition	
No. 5	M.S.D.E. Registration	
No. 6	Photo of home	
No. 7	Parking reqmts. in day care contact	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

4/9/2015

Gmail - Sudbrook Association Consideration



Montessori Luna <montessoriluna@gmail.com>

Sudbrook Association Consideration

Darragh Brady <darragh4444@gmail.com>

Mon, Apr 6, 2015 at 6:57 PM

To: Montessori Luna <montessoriluna@gmail.com>

Ana-

Our board is unanimous in it's support of your expansion from 7 to 9 children. Please send me the letters by email for our records and let me know if you need anything from us.

Cheers,

Darragh Brady

Sent from my iPad

[Quoted text hidden]

Ex - 2

Dear Neighbors,

We are seeking for your support by signing this letter as we are in the process of increasing the number of children we can have in our in home day care. We currently have seven children and the goal is to increase it to nine children. As we are part of a wonderful neighborhood we must present your support with this expansion to the Sudbrook park association which ensures that the quality of life should be protected and commercial activities that are not aligned with the Sudbrook neighborhood principles are restricted. It is our goal as residents of this community and as business owners to preserve those values. Currently with seven children the traffic generated to Olmstead Rd is minimal since our drop offs are done in about five minutes within a two hour window, between the hours of 7:30 am to 9:30 am. Four of the children, including our own daughter, under our care are current residents of the Sudbrook community.

We have implemented a Montessori curriculum based on independence, kindness and self-discipline along with Spanish as a second language. We also offer the Mobile Library, Physical Education through "My Gym" and "Jump a Bunch". My children are ages 2 to 4 years of age. Our hours of operation are Monday to Thursday 7:00 am to 6:00 pm and Friday 7:00 am to 5:00 pm. Please let us know if you have any questions or concerns.

It would be wonderful to have your support by listing your address and printing your name on this letter which will be presented to the Sudbrook Park Association.

Thank you in advance for supporting our family business.

Ana and Ramon Gonzalez
Montessori Luna Bilingual Daycare
Montessoriluna.com
410-215-8994

Ex-3

1. Name: Ernesto & Sandra Landa

Address: 413 Upland Rd 21208

2. Name: Taryn Starck

Address: 605 Upland Rd 21208

3. Name: Jack & Pam Gussio (All Gussio)

Address: 944 Olmstead Rd. 21208

4. Name: Dixie Mullineux Jayson Stover

Address: 937 Olmstead Rd 21208

5. Name: Jayson Stover

Address: 937 Olmstead Rd. 21208

6. Name: _____

Address: _____

Dear Neighbors,

We are seeking for your support by signing this letter as we are in the process of increasing the number of children we can have in our in home day care. We currently have seven children and the goal is to increase it to nine children. As we are part of a wonderful neighborhood we must present your support with this expansion to the Sudbrook park association which ensures that the quality of life should be protected and commercial activities that are not aligned with the Sudbrook neighborhood principles are restricted. It is our goal as residents of this community and as business owners to preserve those values. Currently with seven children the traffic generated to Olmstead Rd is minimal since our drop offs are done in about five minutes within a two hour window, between the hours of 7:30 am to 9:30 am. Four of the children, including our own daughter, under our care are current residents of the Sudbrook community.

We have implemented a Montessori curriculum based on independence, kindness and self-discipline along with Spanish as a second language. We also offer the Mobile Library, Physical Education through "My Gym" and "Jump a Bunch". My children are ages 2 to 4 years of age. Our hours of operation are Monday to Thursday 7:00 am to 6:00 pm and Friday 7:00 am to 5:00 pm.

We use the backyard for the children's Physical Activities and would like to get your support for the installation of a 5'-0' wood fence in the near future. Please let us know if you have any questions or concerns.

It would be wonderful to have your support by listing your address, printing and signing your name on this letter which will be presented to the Sudbrook Park Association.

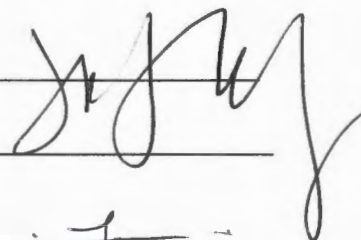
Thank you in advance for supporting our family business.

Ana and Ramon Gonzalez
Montessori Luna Bilingual Daycare
Montessoriluna.com
410-215-8994

EX.4

1. Name: Joseph DeMARCO

Address: 942 OLmSTeAD Rd

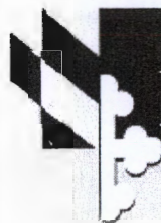


2. Name: Melanie Finein

Melanie Finein

Address: 938 OlmStead Rd

POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location.



MARYLAND STATE DEPARTMENT OF EDUCATION

Achievement Matters Most

State of Maryland - Department of Education
Office of Child Care
CERTIFICATE OF REGISTRATION

Region: 3
County: BALTIMORE
Registration Number: 162781
First License/Registration Issued:
10/18/2013

This certifies that **Ana Jimenez** is registered to operate a Family Child Care Home
at: **940 Olmstead Road, Pikesville, MD 21208**

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-550 through 5-558, and COMAR 13A.15.01-.15.

Current Status of Registration:		Approved Ages of Children in Care:		Approved Hours of Operation:		Accreditation:	
Issued on:	08/15/2014	Under 2 years old *	0	Days:	YES	Accredited:	NO
Revised on:		2 years through 5 years old	YES	Evenings:	NO	Accrediting Agency:	
Expires on:	09/30/2015	5 years through 12 years old	NO	Overnight:	NO		
Status:	Initial - Full	13 years through 20 years old	NO	Weekends:	NO		

Maximum number of family child care children approved for care at one time: **7**

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family child care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new Certificate.

* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

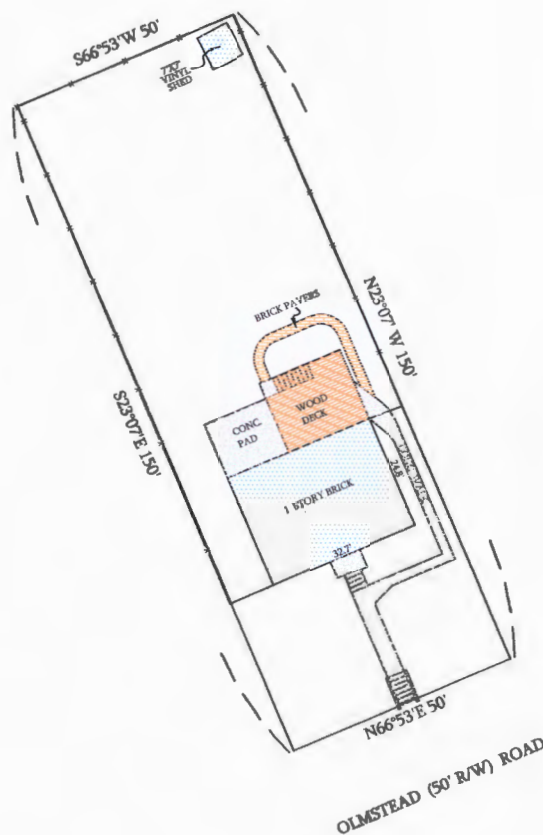
RESTRICTIONS/COMMENTS: Child care entrance thru rear basement door only. Basement and 1st floor bathroom only approved for child care use. Provider to directly accompany and supervise all child care children during backyard play. Anniversary month is September.

Lillian M. Lowery
State Superintendent of Schools
Maryland State Department of Education

EX-5



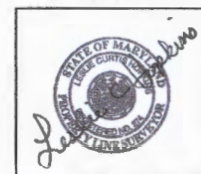
PREPARED FOR LIBERTY TITLE & ESCROW CO.
FILE NO. T214110604



HOPKINS ENGINEERING
3653 Harmony Church Road
Havre De Grace, Maryland 21078
410-879-5354 Phone
hopkinsengineering@hotmail.com

LOCATION DRAWING
ADDRESS: 940 OLMSTEAD RD. BALTO. CO. MD.
DEED REF: 30589/384 PLAT REF: 12/51 SUBDIVISION: SUDBROOK PARK
LOT: 13 SECTION: 4 SCALE: 1"=30'

7/2/14



LIC. NO. 274 EXPIRATION
DATE: 08/03/2014

- 1) THIS IS A LOCATION DRAWING AND IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT REQUIRE BY A LENDER OR A TITLE INSURANCE COMPANY IN CONNECTION WITH TRANSFER OR FINANCING OF PROPERTY AND HAS BEEN PREPARED FOR TITLE PURPOSES ONLY, WITHOUT THE BENEFIT OF A TITLE REPORT. IT IS NOT THE PRODUCT OF A BOUNDARY SURVEY AND THEREFORE IS NOT TO BE RELIED UPON FOR THE LOCATION OF FENCES, BUILDINGS, DRIVES, SIDEWALKS OR OTHER EXISTING OR FUTURE IMPROVEMENTS, RELATIVE TO PROPERTY BOUNDARIES. THIS DRAWING DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING. THE FOLLOWING CONSIDERATIONS ARE NOT ADDRESSED HEREON: RIPARIAN, AERIAL, UTILITY, BUILDING INTERIORS, ZONING AND HOMEOWNERS ASSOCIATION REQUIREMENTS. ALL BUILDING STRUCTURES SHOWN HEREON ARE IN APPROXIMATE RELATION TO THE APPARENT BOUNDARY AND REFLECT AN ACCURACY OF +/- 3'. THE PREPARATION OF THIS DRAWING WAS SUPERVISED DIRECTLY BY LESLIE C. HOPKINS PROPERTY LINE SURVEYOR #274
- 2) THIS DRAWING IS NOT THE PRODUCT OF A BOUNDARY SURVEY. A BOUNDARY SURVEY WOULD ENTAIL THE ACCURATE IDENTIFICATION OF BOUNDARIES, FOLLOWED BY SETTING OF MARKERS AT PROPERTY CORNERS AND CAN REASONABLE BE RELIED UPON FOR ERECTING BUILDINGS, FENCES OR OTHER IMPROVEMENTS. THE BEARINGS SHOWN HEREON REFLECT THOSE GIVEN IN THE TITLE DEED OR THE RECORD PLAT FOR THE SUBJECT PROPERTY OR AS OTHERWISE STATED..
- 3) IF A BOUNDARY SURVEY IS DESIRED THEN DISCARD THIS DRAWING.

PURCHASER'S/BORROWER'S SIGNATURE _____ DATE _____

EX.6

PARKING

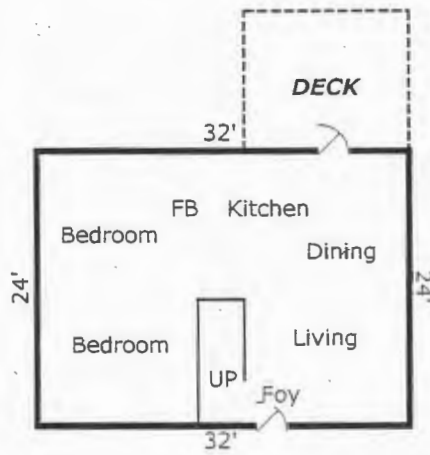
There will be one parking spot available in front of the house between 7:00 am and 7:35 am. Two parking spots will be available after 7:35 am to 6:00 pm. Please ensure to always park in front of the house for drop offs and pickups. While we are in a friendly neighborhood and haven't had any complaints and as a preventative measure, we want to make sure not to take our neighbors' parking spots. In the effort of having a spot available we also ask that you make your drop offs and pickups in a timely manner to make our parking spots available for the next parent. As a friendly reminder, double parking is not permitted on Olmstead Rd.

EX-7

Building Sketch

Borrower/Client	Ramon Gonzalez Vera			
Property Address	940 Olmstead Rd			
City	Pikesville	County	Baltimore	State MD Zip Code 21208
Lender/Client	Citibank NA			

FIRST FLOOR

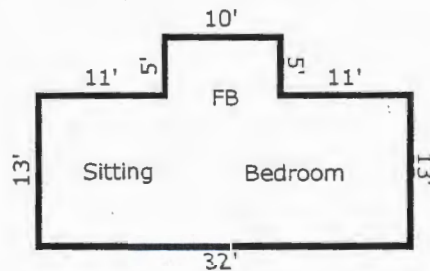


BASEMENT



Basement for Child
Care area: 768 sqft

SECOND FLOOR



TOTAL Sketch by a la mode, inc.

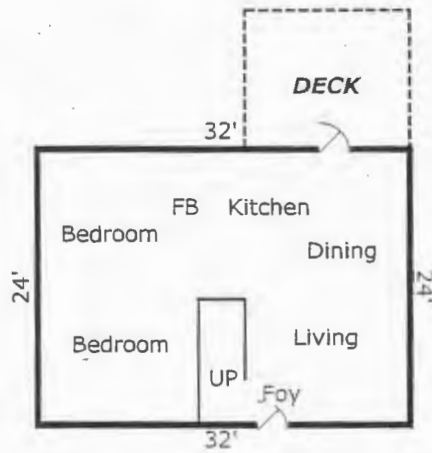
Area Calculations Summary

Living Area	
First Floor	768 Sq ft
Second Floor	466 Sq ft
Total Living Area (Rounded):	1234 Sq ft
Non-living Area	
Deck	168 Sq ft
Basement	768 Sq ft

Building Sketch

Borrower/Client	Ramon Gonzalez Vera			
Property Address	940 Olmstead Rd			
City	Pikesville	County	Baltimore	State MD Zip Code 21208
Lender/Client	Citibank NA			

FIRST FLOOR

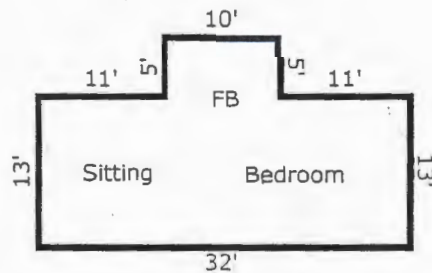


BASEMENT



Basement for Child
Care area: 768 sqft

SECOND FLOOR

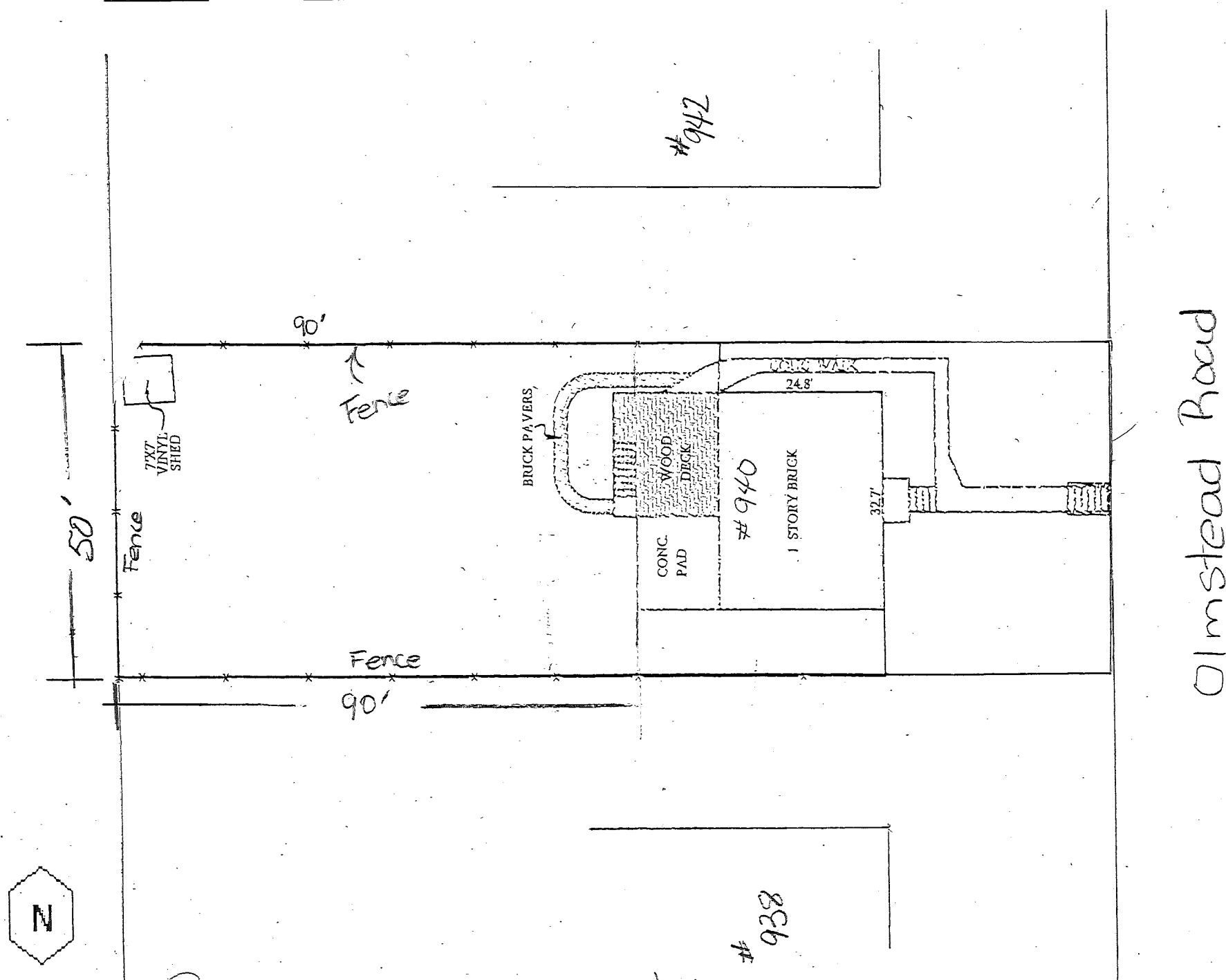


TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Living Area	
First Floor	768 Sq ft
Second Floor	466 Sq ft
Total Living Area (Rounded):	1234 Sq ft
Non-living Area	
Deck	168 Sq ft
Basement	768 Sq ft

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 940 Olmstead Rd OWNER(S) NAME(S) Ramon Gonzalez Vera
SUBDIVISION NAME Sudbrook Park LOT # 13 BLOCK # N/A SECTION # 4
PLAT BOOK # 0012 FOLIO # 051 10 DIGIT TAX # 0323036620 DEED REF. # 35251/00116

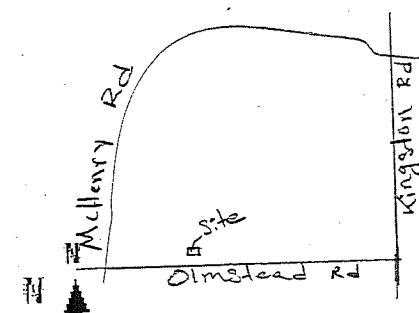


PLAN DRAWN BY Ramon Gonzalez Vera DATE 2/11/15 SCALE: 1 INCH = 20 FEET

2015-0170-SPHA

EX-1

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078A2

SITE ZONED DR 5:5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 7500 SQ FT

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

None

VIOLATION CASE INFO:

None