

# USE PERMIT

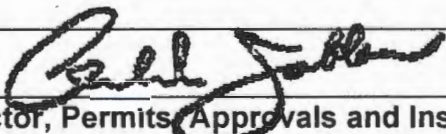


IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 10 day of March, 2016, that Julius Nyambi located at 57 Caraway Rd 21136 should be and the

(Individual or business name)  
(Street address)

same is hereby granted permission to operate a: Class A  
Group Child Care Center up to 12 children

134672  
Permit (or Receipt) Number

  
Director, Permits, Approvals and Inspections

Planner's Initials G.H



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

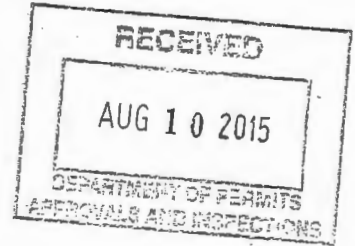
Rolf Grafwallner  
Assistant State Superintendent

Division of Early Childhood Development • Office of Child Care – Region 3  
409 Washington Avenue, Suite LL8 • Towson, MD 21204 • 410-583-6202 • TTY/TDD 410-333-6442 • MarylandPublicSchools.org

Baltimore County Zoning Review Request

Date: 7/21/15

To: Arnold Jablon, Director  
Permits, Approvals, and Inspections  
Room 111, County Office Bldg.  
111 West Chesapeake Avenue  
Towson, MD 21204  
Telephone – 410-887-3353



A Large Family Child Care Home Registration (9-12 children in a residence) has been requested by:

Name of Applicant: Julius Nyambi  
Address of Applicant: 57 Caraway Rd., Reisterstown 21136  
Telephone of Applicant: 443-469-5619

The above-named individual has requested a large family child care home registration (9-12 children in a residence). Effective January 1, 2012, the Annotated Code of Maryland was amended to include a new category of child care facilities, Large Family Child Care Homes. The COMAR Regulations governing this new category, COMAR 13A.18.01-.16, became effective February 6, 2012. Since the Zoning Regulations in Baltimore County define family child care as care for up to eight (8) children in care, we understand that an applicant for this new type of facility will have to meet the local Zoning requirements set up for Class A child care centers in residences in Baltimore County. As Class A child care facilities, these large family child care homes must obtain use permits. The above-named individual has requested that this process be initiated as the first step in this application process. Please contact the above-named individual to begin this process.

After review, please complete the following and send to the Office of Child Care at the address listed below:

OCC, Region 3  
409 Washington Avenue, Suite LL8  
Towson, MD 21204  
Mail Stop 64

A Large Family Child Care Home May Operate At the Above Address:

Yes  No  If no, please specify the grounds for disapproval and additional action required of the applicant.) \_\_\_\_\_

Name and Title: Arnold Jablon / Director of PAI  
Signature: [Handwritten Signature]  
Date: 3/10/16

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 4th ELECTION DISTRICT
Subdivision BALTIMORE COUNTY
Street Address 57 CARAWAY RD
Lot Number 17 Block Number C
\*If no lot or block number, give distance to nearest intersecting street, feet, north / south / east / west of Street / Road / Avenue
Lot Size x

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

Small Wonders Daycare Center Inc
109 Main St, Reisterstown MD,
21136

General Information:

- A. Name and Address of Applicant/Operator JULIUS NHAMBI 57 CARAWAY RD, REISTERSTOWN MD, 21136 Telephone Number 443 469 5619
B. Number of Employees 3 Hours of Operation 6am-6pm Days of Week MONDAY THROUGH FRIDAY
C. Number of Children Enrolled 12
D. Estimated Amount of Traffic Generated: Morning 9 cars Afternoon 10 cars
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.

JNHAMBI Applicant's Signature

IN RE: PETITION FOR VARIANCE  
(57 Caraway Road)  
4<sup>th</sup> Election District  
4<sup>th</sup> Council District  
Julius Che Nyambi  
*Legal Owner*  
Petitioner

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* CASE NO. 2016-0096-A

\* \* \* \* \*

**AMENDED OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Julius Che Nyambi, owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §424.1.B to permit a 6 ft. high stockade fence with a 0 ft. setback from the property line in lieu of the required 20 ft. for a group child-care center. A site plan was marked as Petitioner’s Exhibit 1.

Julius Che Nyambi appeared in support of the petition. Bruce E. Doak, a property line surveyor whose firm prepared the site plan, assisted the Petitioner. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP), and are discussed below.

The subject property is approximately 8,255 square feet and is zoned DR 5.5. The property is improved with a single family dwelling (1,168 sq. ft.) constructed in 1968. The Petitioner and his wife reside in the home and operate as an accessory use a child day care. The Petitioner would like to increase the number of children attending the center, which would then be considered a

“Group Child Care Center, Class A”; i.e., a center having no more than 12 children enrolled. B.C.Z.R. §101.1. Petitioner will need to obtain a use permit for that proposed use, the procedures for which are set forth at B.C.Z.R. §424. The present request pertains only to the setback requirement for the wood stockade fence required by the Regulations.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Cromwell v. Ward*, 102 Md. App. 691 (1995).

Petitioner has met this test. The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to operate the proposed day 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.

#### ZAC Comments

As noted earlier, both the DPR and DOP provided ZAC comments in this case. The DPR noted that a landscape plan is required, and a condition to that effect is included in the Order below.

The DOP objected to the request for a 0' setback for the fence, believing it could lead to a dispute with, or allegations of trespass by, the adjoining neighbor. I share that sentiment although Petitioner noted that when he purchased the home 2 years ago it had a 6' high wood fence already installed at the rear of the property and along one of the side yards. Photographs submitted at the hearing (Ex. 3 H-J) show the fence is in good condition and Petitioner would

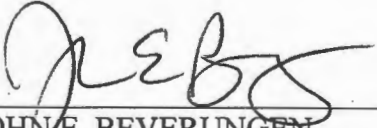
prefer not to dismantle and rebuild it, which is understandable. The other side yard has a 4' high chain-link fence which is also on the property line. Petitioner will remove this fence and in its place construct a 6' wood fence as required by §424. While the variance will be granted, the newly installed fence shall be set back a minimum of 1' from the property line, as suggested in the DOP ZAC comment.

THEREFORE, IT IS ORDERED, this 22<sup>nd</sup> day of December, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §424.1.B to permit an existing 6 ft. high stockade fence (in the rear and one side yard) with a 0 ft. setback from the property line and a proposed 6 ft. high stockade fence with a minimum 1 ft. setback in the other side yard, all in lieu of the required 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.
3. Petitioner must obtain from Baltimore County and the State of Maryland all necessary licenses, permits and inspections prior to operating a Group Child Care Center at the subject property.

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

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

JEB:sln

Date to be posted: Anytime before but no later than \_\_\_\_\_

Request for Use Permit: Class A Child Care

Format for Use Permit Sign, Black Letters on White Background:

## ZONING NOTICE

### BUILDING PERMIT APPLICATION

Use permit to operate a Class A Group  
child care center with a maximum of  
12 children

## PUBLIC HEARING ?

PURSUANT TO SECTION 424.43 BALTIMORE COUNTY REGULATIONS,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING  
CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED THE REQUEST  
IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN.  
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS  
AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST  
CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.

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

HANDICAPPED ACCESSIBLE

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A CLASS A CHILD CARE CENTER USE PERMIT

The application for your proposed Class A Child Care Center has been reviewed and is accepted for filing by Gary Huck on 1/22/16.  
DATE (A)

A sign indicating the proposed Child Care Center must be posted on the property for thirty (30) days before a decision can be rendered. Total cost, which includes application fee and posting, is \$75.00.

In the absence of a request for a public hearing during the 30-day posting period, a decision can be expected within approximately five weeks.

\*SUGGESTED POSTING DATE 1/29/16  
B (A + 7 DAYS OR NEXT FRIDAY)

DATE POSTED 1/29/16  
C (CERTIFIED BELOW)

HEARING REQUESTED - YES NO - DATE \_\_\_\_\_

LAST DAY FOR HEARING REQUESTS 2/28/16  
D (C + 30 DAYS)

APPROXIMATE DECISION DATE 3/2/16  
E (A + 40 DAYS OR D + 5 WORK DAYS)

\*Within 14 days of filing

CERTIFICATE OF POSTING

District 4th

Location of Property: 57 CARAWAY ROAD

Number of Signs: 1 Date of Posting: 1/29/16

Posted by: BRUCE E. DOAK

# ZONING NOTICE

## BUILDING PERMIT APPLICATION

USE PERMIT TO OPERATE A CLASS A  
GROUP CHILD CARE CENTER WITH A  
MAXIMUM OF 12 CHILDREN

57 CARAWAY ROAD

### PUBLIC HEARING?

FORWARD TO SECTION 16.43, DISTRICT CODED REGULATIONS,  
AN ORDINANCE ENACTED BY THE BOARD OF ZONING & PUBLIC  
HEALTH CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED  
THE REQUEST IS RECEIVED IN THE OFFICE OF THE BOARD OF ZONING  
& PUBLIC HEALTH BY FEBRUARY 28, 2016.  
REQUEST FOR A PUBLIC HEARING: THE ADDRESS ON THE  
FORM.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PLANNING AND DEVELOPMENT MANAGEMENT, 114 WEST CHAMPAGNE AVENUE,  
JANESVILLE, WI 53402-2531 OR 443-985-2694.  
OR VISIT WWW.CITYOFJANESVILLE.WI.GOV

UNAPPROVED AT 12:00 PM

Comprehensive Caring  
Angels Family Daycare  
Before & After Care  
Open Mon-Fri: 6am-6pm  
443-982-2531 or 443-985-2694

# **ZONING NOTICE**

## **BUILDING PERMIT APPLICATION**

**USE PERMIT TO OPERATE A CLASS A  
GROUP CHILD CARE CENTER WITH A  
MAXIMUM OF 12 CHILDREN**

**57 CARAWAY ROAD**

## **PUBLIC HEARING?**

**PURSUANT TO SECTION 424.A3, BALTIMORE COUNTY REGULATIONS,  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC  
HEARING CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED  
THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE  
5:00 P.M. ON FEBRUARY 28, 2016.**

**REQUEST FOR A HEARING MUST REFERENCE THE ADDRESS ON THIS  
SIGN.**

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,  
111 WEST CHESAPEAKE AVENUE, TOWSON MD 21204 410-887-3391.**

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

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

No. 134672  
 Date: 1/22/16

**PAID RECEIPT**

ISSUES ACTUAL TIME  
 1/22/2016 1/22/2016 09:45:44  
 ES WS03 WALKIN CMET CASH  
 RECEIPT # 667847 1/22/2016  
 Dept 5 528 ZONING VERIFICATION  
 CR NO. 134672  
 Recpt Tot \$100.00  
 \$100.00 CK \$100.00  
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		0150					100.00
Total:									100.00

Rec From:

For:

USE PERMIT ST CAR WASH  
CLASS A GROUP CHILD CAR

**DISTRIBUTION**

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

**CASHIER'S VALIDATION**

**GENERAL SITE INFORMATION**

1. Ownership: Julius Che Nyambi
2. Addresses: 57 Caraway Road Reisterstown, MD 21136
3. Deed reference: JLE 34207/93
4. Property area: 8,255 square feet (per SDAT)
5. Election District: 4th Councilmanic District: 4th
6. Tax Map 48 Grid 23 Parcel 585 Lot 17 Tax Acc. # 04-16-016069
7. ADC Map Grid: 445719
8. Position Sheets: 55NW40
9. GIS Title Numbers: 057C1
10. Regional Planning District: Reisterstown / Owings Mills Regional Planning Dist. Code: 306
11. Growth Tier: 1 Growth Tier Description: Served by public sewer & inside URDL
12. Watershed Name: Gwynns Falls
13. URDL Land Type: 0
14. School Districts: Reisterstown ES Franklin MS Franklin HS
15. Census Block: 240054044013004 Census Tract: 404401
16. The boundary shown hereon is from "Section Two Westbury" PB OTG 31/80
17. The topography shown hereon is from GIS tiles 057C1

**UTILITIES**

1. The dwelling on the subject property shown hereon is served by public water and sewer located in Caraway Road.
2. There are no underground utilities, pipes or structures located in the 10' drainage & utility easement on the subject property.

**ENVIRONMENTAL IMPACT**

1. The proposed day care use will have no environmental impact on the subject property.
2. The subject property is not located within a 100 year flood plain.
3. The subject property is not located in the Chesapeake Bay Critical Area.

**STORM WATER MANAGEMENT**

1. The regulations for storm water management will be met as a part of any required grading permit.

**OFFICE OF ZONING**

Current Zoning DR 5.5

**Zoning History**

There have been no zoning hearings concerning the subject property.

**Proposed Use of the Subject Property**

To provide for a Class A Day Care (Sect. 424)

**Parking**

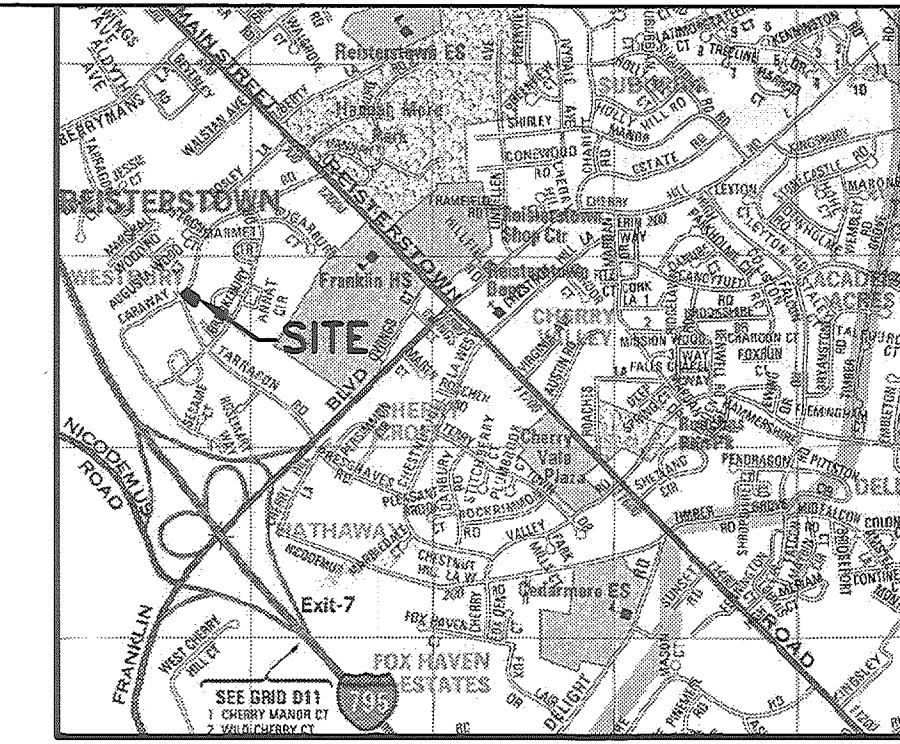
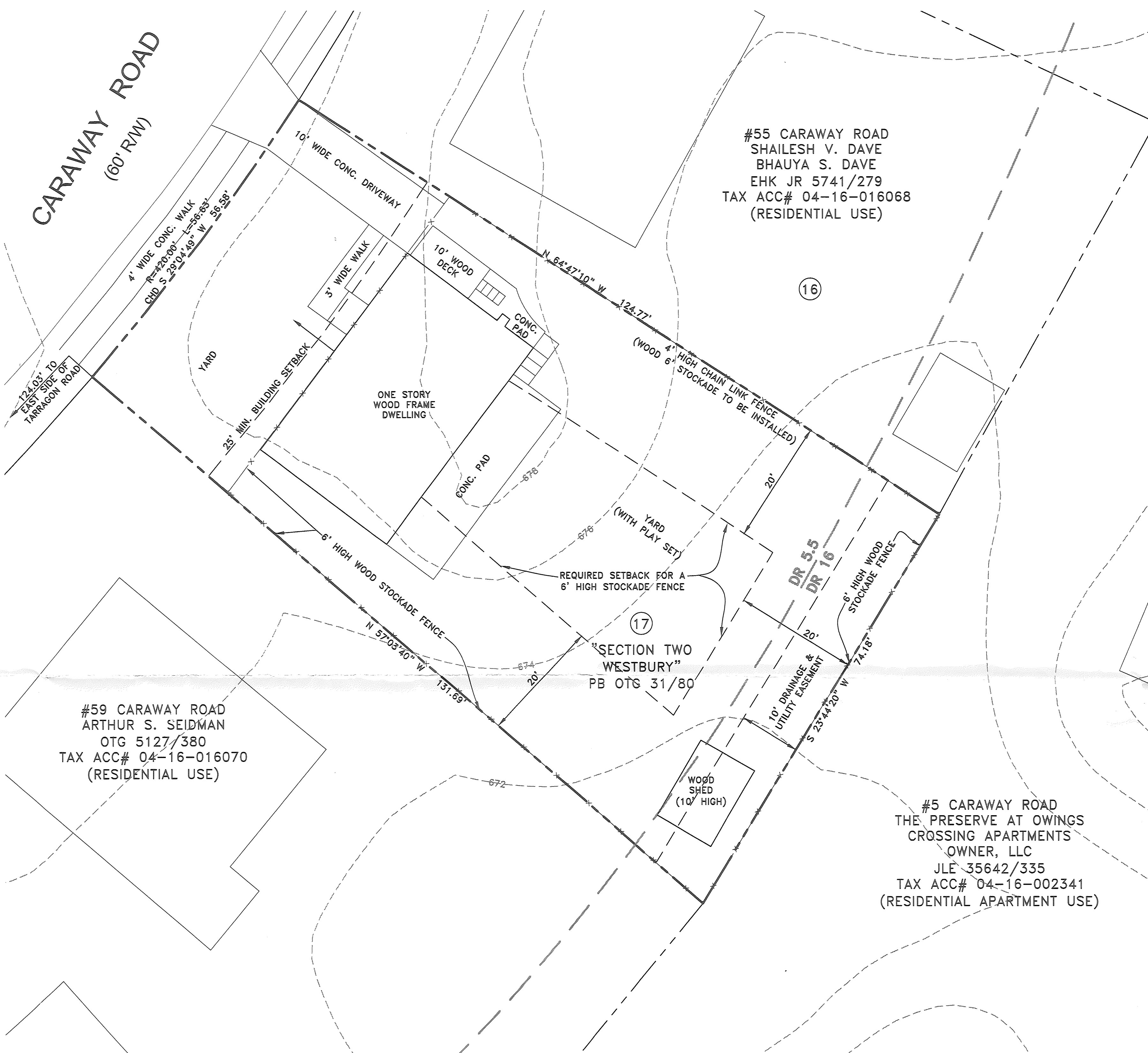
Per Section 409.6A.1 BCZR  
2 Per Dwelling

**DR 5.5 Setbacks for Residential Single Family Dwellings**

Front: 25 feet from the public street r/w or property line  
Side: 16 feet from any lot line if less than 20 feet high / 20 feet if greater than 20 feet high  
Rear: 30 feet

**OFFICE OF PLANNING**

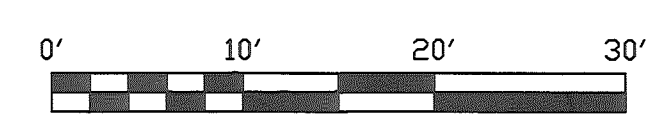
1. There no improvements proposed for the house.
2. The proposed improvements to the property will conform with the neighborhood.



Vicinity Map - Scale: 1" = 2000'  
ADC The Map People - Permitted Use # 20612205

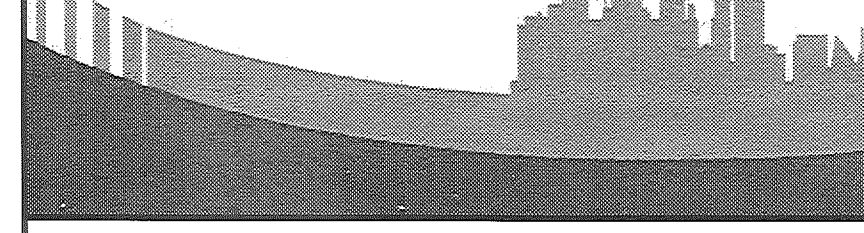
**REQUESTS:**

1. Use permit to allow a Class A Day Care.
2. Zoning variance to permit a 6' high fence with a 0' setback from the property line in lieu of the required 20'



REVISION	DATE	DESCRIPTION
AMENDMENTS PER ZONING HEARING	12/27/15	

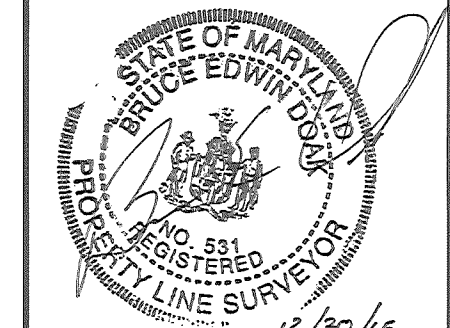
Bruce E. Doak Consulting, LLC  
Land Use Expert and Surveyor  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com



**PLAN TO ACCOMPANY A PERMIT APPLICATION AND A PETITION APPLICATION**

**57 CARAWAY ROAD**  
BALTIMORE COUNTY, MARYLAND  
4th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

Date: 9/3/2015  
Scale: 1"=10'



12/20/15

40-2016-0002-CC