



KEVIN KAMENETZ
County Executive

March 22, 2018

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

Colbert Matz Rosenfelt, Inc.
Civil Engineering, Surveyors and Planners
c/o Anthony Cortea
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

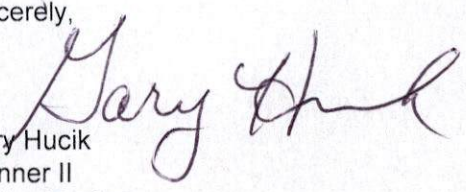
To Whom It May Concern:

RE: Spirit and Intent
Zoning Case # 2017-0045-SPHXA
3900 Annapolis Road 13th Election District

Your recent letter to this office was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records and after consultation with Carl Richards, Zoning Review Supervisor, the following has been determined the proposed modification is within the Spirit and Intent of zoning case # 2016-0045-SPHXA. A copy of an approved redline with the proposed changes will be added to the zoning cases case folder.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


Gary Hucik
Planner II
Zoning Review

cc: Zon
File-
g File # 2017-0045-SPHXA
tent Letters



DONALD I. MOHLER III
County Executive

October 11, 2018

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

Colbert Matz Rosenfelt, Inc.
Civil Engineering, Surveyors and Planners
c/o Anthony Cortea
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209



To Whom It May Concern:

RE: Spirit and Intent
Zoning Case # 2017-0045-SPHXA
3900 Annapolis Road 13th Election District

Your recent letter to this office was forwarded to me for reply. The proposed projects construction was not able continue due to poor soil condition and a second Spirit and Intent was requested. Based on the information provided therein, my review of the available zoning records and after consultation with Carl Richards, Zoning Review Supervisor, the following has been determined the proposed modification is within the Spirit and Intent of zoning case # 2017-0045-SPHXA. A copy of an approved redline with the proposed changes will be added to the zoning cases case folder.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Gary Hucik
Planner II
Zoning Review

cc: Zoning Hearing File # 2017-0045-SPHXA
File-Spirit & Intent Letters

MEMORANDUM

DATE: November 28, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0045-SPHXA – Appeal Period Expired

The appeal period for the above-referenced case expired on November 25, 2016. 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

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(3900 Annapolis Road) *
13th Election District *
1st Council District *
Douglas & Jennifer Smith *
Legal Owners *
Rene Rodgers, Contract Purchaser *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0045-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 on behalf of Douglas & Jennifer Smith, legal owners and Rene Rodgers, contract purchaser ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to allow a multi-use building in an R-O zone as being in compliance with Section 102.2 of the B.C.Z.R. The principal use will be a Class B group child care center. The accessory use will be a second story residence for the owner and operator of the Class B group child care center. In addition, a Petition for Variance seeks: (1) to allow a freestanding enterprise sign facing a residential zone; and (2) to permit a rear yard setback of 24 ft. in lieu of the required 30 ft. Finally, a Petition for Special Exception was filed to permit a class B group child care center as a principal use in an R-O zone.

Appearing at the public hearing in support of the requests was Anthony Cortea, Rene Rodgers and Doug Smith. Timothy M. Kotroco, Esq., represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development

ORDER RECEIVED FOR FILING

Date

10/26/16

By

Sen

Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests, and conditions will be included in the Order below to address the concerns raised in the ZAC comments.

The subject property is approximately 0.709 acres in size and is split-zoned R-O & D.R. 5.5. The site is improved with a structure (approximately 1,900 sq. ft.) built in 1922, which was originally used as a single-family dwelling. Most recently, it was used as a real estate office. Ms. Rodgers, who at present operates a child care facility in this same neighborhood, proposes to construct a 2,300 sq. ft. addition to the existing structure. The first floor of the building would be used for a Class B group child care facility, and Ms. Rodgers' residence would be on the second floor of the enlarged structure, which is the subject of the special hearing request.

In the original zoning petition multiple variances and other relief was sought, primarily due to the fact that the proposed improvements for the child care center were situated in both the R-O and D.R. 5.5 zoned portions of the property. Following extensive discussions between Petitioners and the DOP, the plan and petition were revised such that all site improvements will now be in the R.O. zone, and this in turn allowed Petitioners to withdraw four of the variances initially sought.

Special Hearing

It is not entirely clear what sort of relief is sought in this request. The Petition references B.C.Z.R. 102.2, which is a prohibition on the sharing of yard space or minimum area required for a building or use. The lot is 30,883 sq. ft., while the D.R. 5.5 regulations (which also provide the bulk and area standards for the R-O zone) require a minimum lot size of only 6,000 sq. ft. The child care center regulations specify a one acre minimum lot size, but that is applicable only for centers located in a D.R. zone. B.C.Z.R. §424.7.A. The request also makes reference to a "multi-use building," which I assume relates to the child care facility on the first floor and the residence

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Date 10/26/16

By Sen

on the second floor. As noted, the group child care facility is designated as the principal use of the building, while the accessory use is the residence on the second floor. It is indeed customary for the owner/operator of a child care facility to reside on the premises, and both uses (residential and child care) are permitted in the R-O zone. As such, the petition for special hearing will be granted.

Variances

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).

Petitioners have met this test. The property has irregular dimensions and is bordered on three sides by public roadways. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements. 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 lack of Baltimore County and community opposition.

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

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Date 10/26/16

By slr

and beyond those inherently associated with the special exception use. Mr. Matz opined (via proffer) that Petitioners satisfied the conditions set forth in B.C.Z.R. §502.1, and no testimony was presented to rebut this opinion. As such petition for special exception will be granted.

The only remaining issue concerns one item in the DOP's revised ZAC comment. Therein, that agency suggested that a sidewalk could be accommodated along a portion of the site by rerouting the walk to avoid a utility pole which is now in the way. The plan indicates that not only is a utility pole present in this area, but there are also "guy wires" that support the pole. As such, to navigate around the pole and wires (or to have the pole relocated) would be a Herculean task that would also be prohibitively expensive in the circumstances of this case. While Petitioners will provide and/or improve sidewalk along Annapolis Road and a portion of Alderwood Avenue terminating at the driveway entrance to the facility, I do not believe they should be required to provide a sidewalk along that portion of the property to the west of the driveway on Alderwood Avenue.

THEREFORE, IT IS ORDERED this 26th day of **October, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing to allow a multi-use building in an R-O zone as being in compliance with Section 102.2 of the B.C.Z.R., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a class B group child care center as a principal use in an R-O zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow a freestanding enterprise sign facing a residential zone; and (2) to permit a 24 ft. rear yard setback in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date 10/26/16

By sen

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. Prior to issuance of permits Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.

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

ORDER RECEIVED FOR FILING

Date 10/26/16
By sln

**ATTACHMENT TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION
AND VARIANCE**

3900 Annapolis Road
1st Councilmanic District
13th Election District

Special Hearing Relief:

1. To allow a multi-use building in an R-O zone as being in compliance with section 102.2 of the BCZR. The principal use will be a Class B group child care center. The accessory use will be a second story residence for the owner and operator of the Class B group child care center.
2. ~~To determine that section 424.7 only applies to the D.R. portion of the lot.~~
3. For such other and further relief as the nature of this cause may require.

Special Exception Relief:

1. From Section 424.5.B to permit a Class B group child care center as a principle use in an R-O zone ~~and from Section 1B01.1.C.6 in the D.R. 5.5 zone.~~ (Property is split-zoned R-O & D.R. 5.5)
2. For such other and further relief as the nature of this cause may require.

Variance Relief:

1. ~~From section 424.1.B to allow a playground and fence to be as close as 2 feet to a property line in lieu of the required 20 feet. (DR zone)~~
2. ~~From section 424.7.A. of the BCZR to permit a Class B group child care center with 60 children within an area of 30,883 square feet, in lieu of the required 53,650 square feet. The required area is based on one acre or 43,650 square feet and each child above 40 children requires an additional 500 square feet per child.~~
3. ~~From section 424.7.B to allow a side yard to property line setback of 10 feet in lieu of the required 50 feet and no side yard vegetative buffer in lieu of the required 20 feet.~~
4. From section 450.4 Attachment 1:7 IX to allow a freestanding Enterprise sign facing a residential zone.
5. ~~From section 450.5.B.4.b. to allow a freestanding enterprise sign 12.8 feet from a residential zone in lieu of the required 25 feet.~~
6. From section 204.4.C.5. to permit a rear yard setback of 24 feet in lieu of the required 30 feet.
7. For such other and further relief as the nature of this cause may require.

REVISED



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 3900 ANHAPPOWIS ROAD which is presently zoned R.O.D.R. 5.5

Deed References: L 24269 F 623 10 Digit Tax Account # 1 3 0 1 2 1 0 6 0 0

Property Owner(s) Printed Name(s) DOUGLAS SMITH & JENNIFER SMITH

(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
2. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

RENE RODGERS

Name- Type or Print

[Signature]

Signature

SUITE 102

4000 ANHAPPOWIS RD, BALTIMORE, MD

Mailing Address

City

State

21227

Zip Code

443-734-2404

Telephone #

MRSNCCC@GMAIL.COM

Email Address

Legal Owners (Petitioners):

DOUGLAS SMITH / JENNIFER SMITH

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]

Signature #1

[Signature]

Signature #2

1698 BELHATCH WOODS CT, PASADENA, MD

Mailing Address

City

State

21122

Zip Code

443-253-4655

Telephone #

DOUG@DOUGLAS-RENTAL.COM

Email Address

Attorney for Petitioner:

TIMOTHY M. KOTROLO

Name- Type or Print

[Signature]

Signature

308 WASHINGTON AVE, SUITE 502, TOWSON, MD

Mailing Address

City

State

21204

Zip Code

410-299-2943

Telephone #

TKOTROLO@GMAIL.COM

Email Address

Representative to be contacted:

RICHARD E. MATZ

Name- Type or Print

[Signature]

Signature

2835 SMITH AVE, SUITE 6, BALTIMORE, MD

Mailing Address

City

State

21209

Zip Code

410-653-3838

Telephone #

DMATZ@CMRENTALS.COM

Email Address

CASE NUMBER

2017-0045-SHXM

Filing Date

8/12/16

Do Not Schedule Dates:

ORDER RECEIVED FOR FILING

Date

10/26/16

Reviewer

gh

REV 10/4/11

By

Den

**ATTACHMENT TO PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION
AND VARIANCE**

3900 Annapolis Road
1st Councilmanic District
13th Election District

Special Hearing Relief:

1. To allow a multi-use building in an R-O zone as being in compliance with section 102.2 of the BCZR. The principal use will be a Class B group child care center. The accessory use will be a second story residence for the owner and operator of the Class B group child care center.
2. To determine that section 424.7 only applies to the D.R. portion of the lot.
3. For such other and further relief as the nature of this cause may require.

Special Exception Relief:

1. From Section 424.5.B to permit a Class B group child care center as a principle use in an R-O zone and from Section 1B01.1.C.6 in the D.R.5.5 zone. (Property is split-zoned RO & DR 5.5)
2. For such other and further relief as the nature of this cause may require.

Variance Relief:

1. From section 424.1.B to allow a playground and fence to be as close as 2 feet to a property line in lieu of the required 20 feet. (DR zone)
2. From section 424.7.A. of the BCZR to permit a Class B group child care center with 60 children within an area of 30,883 square feet, in lieu of the required 53,650 square feet. The required area is based on one acre or 43,650 square feet and each child above 40 children requires an additional 500 square feet per child.
3. From section 424.7.B to allow a side yard to property line setback of 10 feet in lieu of the required 50 feet and no side-yard vegetative buffer in lieu of the required 20 feet.
4. From section 450.4 Attachment 1:7 IX to allow a freestanding Enterprise sign facing a residential zone.
5. From section 450.5.B.4.b. to allow a freestanding enterprise sign 12.8 feet from a residential zone in lieu of the required 25 feet.
6. For such other and further relief as the nature of this cause may require.



ZONING DESCRIPTION
3900 Annapolis Road
Baltimore County, Maryland

Beginning for the same at the intersection of the south side of Alderwood Avenue with the east side of Glenrose Avenue, and thence running with and binding on the south side of Alderwood Avenue.

1. South 82 degrees 11 minutes 50 seconds East 171.56 feet,
2. South 80 degrees 40 minutes 28 seconds East 27.67 feet,
3. Southeasterly by a curve to the right, having a radius of 25.00 feet for an arc length of 37.19 feet and subtended by a chord bearing of South 41 degrees 40 minutes 07 seconds East and a chord distance of 33.86 feet, to the west side of Annapolis Road, MD RT 648, thence running with and binding on the west side MD RT 648,
4. South 02 degrees 03 minutes 21 seconds West 57.50 feet,
5. South 00 degrees 14 minutes 05 seconds East 50.04 feet'
6. South 02 degrees 03 minutes 21 seconds West 9.35 feet, thence leaving the west side Annapolis Road
7. North 82 degrees 11 minutes 50 seconds West 224.18 feet,
8. North 02 degrees 03 minutes 10 seconds East 140.00 to the place of beginning.

Containing 0.709 Acre OR 30,883 S.F. more or less.

Located in the 13th Election District and 1st Councilmanic District. Known as 3900 Annapolis Road.

Professional Certification

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

License No. 13203

Expiration Date: 11/02/2016



**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0045 SPHXA
Property Address: 3900 ANNAPOLIS RD
Property Description: S/S of ALDERWOOD AVENUE
E GLENROSE AVE 7 INTERSECTION
Legal Owners (Petitioners): DOUGLAS SMITH / JENNIFER SMITH
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: COLBERT, MATZ & ROSENFELT, INC (DICK MATZ)
Company/Firm (if applicable): _____
Address: 2835 SMITH AVE, SUITE #6
BALTIMORE, MD. 21209
Telephone Number: 410-653-3838

Revised 7/9/2015

$\frac{1}{2} \times 100 = 50$

1. 1970-1971
 2. 1971-1972

1000 - 10000

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

http://www.thedailyrecord.com

Order #: 11162903

Case #:

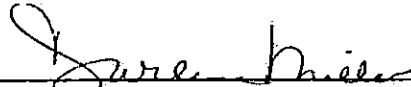
Description:

CASE NUMBER: 2017-0045-SPHXA, 3900 Annapolis Road,
Public Hearing September 30, 2016 at 1:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/12/2016



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2017-0045-SPHXA

3900 Annapolis Road

Corner of Ss Alderwood Avenue, E/of Annapolis Road

13th Election District - 1st Councilmanic District

Legal Owners: Douglas & Jennifer Smith

Contract Purchaser/Lessee: Rene Rodgers

Special Hearing 1. To allow a multi-use building in an R-0 zone as being in compliance with section 102.2 of the BCZR. The principal use will be a Class B group child care center. The accessory use will be a second story residence for the owner and operator of the Class B group child care center. 2. To determine that section 424.7 only applies to the DR portion of the lot. 3. For such other and further relief as the nature of this cause may require. 3. For such other & further relief as the nature of this cause may require. **Special Exception 1.** To permit a Class B group child care center as a principal use in an R-0 and DR 5.5 zone (property is split-zoned RO & DR 5.5). 2. For such other & further relief as the nature of this cause may require. **Variance 1.** To allow a playground and fence to be as close as 2 ft. to a property line in lieu of the required 20 ft. (DR zone) 2. To permit a Class B group child care center with 60 children within an area of 30,883 sq. ft. in lieu of the required 53,650 sq. ft. The required area is based on one acre or 43,650 sq. ft. and each child above 40 children requires an additional 500 sq. ft. per child. 3. To allow a side yard to property line setback of 10 ft. in lieu of the required 50 ft. and no side yard vegetative buffer in lieu of the required 20 ft. 4. To allow a freestanding Enterprise sign facing a residential zone. 5. To allow a freestanding enterprise sign 12.8 ft. from a residential zone in lieu of the required 25 ft. 6. For such other and further relief as the nature of this cause may require.

Hearing: Friday, September 30, 2016 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.

sl2

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/11/2016

Case Number: 2017-0045-SPHXA

Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~ RICHARD MATZ
of COLBERT, MATZ & ROSENFELT, INC. ~ RENE RODGERS

Date of Hearing (Closing): SEPTEMBER 30, 2016

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
3900 ANNAPOLIS ROAD

The sign(s) were posted on: SEPTEMBER 10, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

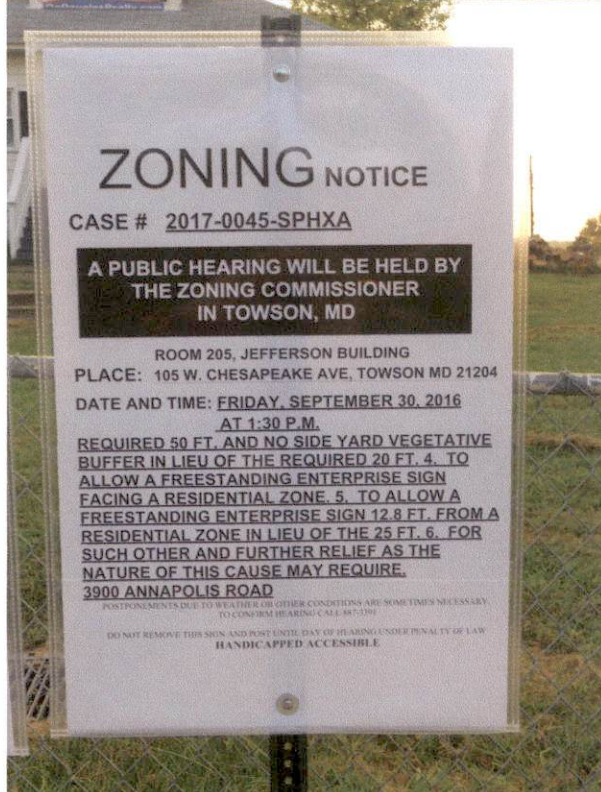
410 - 666 - 5366
(Telephone Number of Sign Poster)

Sign (A) 3900 Annapolis Rd



Sign (B) 3900 Annapolis Rd.

Sign (C) 3900 Annapolis Rd.



Sign (D) 3900 Annapolis Rd.

TO: THE DAILY RECORD
Monday, September 12, 2016 Issue

Please forward billing to:

Mr. & Mrs. Douglas Smith
1698 Belhaven Woods Court
Pasadena, MD 21122

443-253-4655

NOTICE OF ZONING HEARING

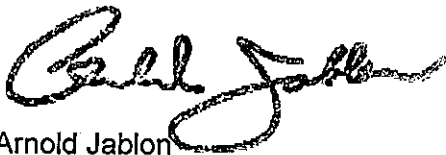
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3900 Annapolis Road
Corner of S/s Alderwood Avenue, E/of Annapolis Road
13th Election District – 1st Councilmanic District
Legal Owners: Douglas & Jennifer Smith
Contract Purchaser/Lessee: Rene Rodgers

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Hearing: Friday, September 30, 2016 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.



August 30, 2016
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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3900 Annapolis Road
Corner of S/s Alderwood Avenue, E/of Annapolis Road
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Legal Owners: Douglas & Jennifer Smith
Contract Purchaser/Lessee: Rene Rodgers

Special Hearing 1. To allow a multi-use building in an R-O zone as being in compliance with section 102.2 of the BCZR. The principal use will be a Class B group child care center. The accessory use will be a second story residence for the owner and operator of the Class B group child care center. 2. To determine that section 424.7 only applies to the DR portion of the lot. 3. For such other and further relief as the nature of this cause may require. 3. For such other & further relief as the nature of this cause may require. **Special Exception** 1. To permit a Class B group child care center as a principal use in an R-O and DR 5.5 zone (property is split-zoned RO & DR 5.5). 2. For such other & further relief as the nature of this cause may require. **Variance** 1. To allow a playground and fence to be as close as 2 ft. to a property line in lieu of the required 20 ft. (DR zone) 2. To permit a Class B group child care center with 60 children within an area of 30,883 sq. ft. in lieu of the required 53,650 sq. ft. The required area is based on one acre or 43,650 sq. ft. and each child above 40 children requires an additional 500 sq. ft. per child. 3. To allow a side yard to property line setback of 10 ft. in lieu of the required 50 ft. and no side yard vegetative buffer in lieu of the required 20 ft. 4. To allow a freestanding Enterprise sign facing a residential zone. 5. To allow a freestanding enterprise sign 12.8 ft. from a residential zone in lieu of the required 25 ft. 6. For such other and further relief as the nature of this cause may require.

Hearing: Friday, September 30, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Rene Rodgers, 400 Annapolis Road, Ste. 102, Halethorpe 21227
Mr. & Mrs. Smith, 1698 Bellhaven Woods Court, Pasadena 21122
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 10, 2016.**
(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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
3900 Annapolis Road; Corner of S/S Alderwood*		OF ADMINISTRATIVE
Avenue, E of Annapolis Road		
13 th Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Douglas & Jennifer Smith		
Contract Purchaser(s): Rene Rodgers	*	BALTIMORE COUNTY
Petitioner(s)	*	2017-045-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
AUG 29 2016

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 29th day of August, 2016, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

No. 142896
Date: 8/30/16

BUSINESS	ACTUAL	TIME	END
3/30/2016	8/30/2016	11:33:29	2

REC'D #502 WALKIN JEE
X RECEIPT # 520987 8/30/2016 OFLH
Dpt 5 528 ZONING VERIFICATION
NO. 142596

Recept Tot \$250.00
 \$250.00 OK 4.00 CA
 Baltimore County, Maryland

[illegible]

Total: \$250.00

Rec
From: *CPR Emeris*

For: 1690 Bellhaven Ct.

2011-0045 - PHIA

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

**CASHIER'S
VALIDATION**

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

No. 142820
Date: 8/12/16

PAID RECEIPT

BUSINESS ACTUAL TIME CRW
8/12/2016 8/12/2016 12:10:31 3

NO WS03 WALKIN CAM
X RECEIPT # 692374 8/12/2016 OFLR

Dept 5 528 ZONING VERIFICATION

NO. 142820

Recpt Tot \$1,200.00

\$1,200.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		0150				1200.00

Total: 1200.00

Rec From: Homer Rodgers

For: 2017-2018

3900 Annual Police Fee

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

September 26, 2016

Douglas & Jennifer Smith
1698 Bellhaven Woods Court
Pasadena MD 21122

RE: Case Number: 2017-0045 SPHA, Address: 3900 Annapolis Road

Dear Mr. & Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 12, 2016. 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
Rene Rodgers, 4000 Annapolis Road, Baltimore MD 21227
Timothy M. Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204
Richard E Matz, 2835 Smith Avenue, Suite G, Baltimore MD 21209

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 9/7/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0045-SP4XA

Special Hearing Special Exception Variance
Douglas and Jennifer Smith
3400 Annapolis Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', is written over the signature line.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 8/22/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0045-SPHXA

*Special Hearing Special Exception Variance
Douglas & Jennifer Smith
3900 Annapolis Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 14 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0045-SPHXA
Address 3900 Annapolis Road
(Smith Property)

Zoning Advisory Committee Meeting of **September 12, 2016**.

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

Reviewer: Steve Ford

Date: 09-14-2016

9-30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 25 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 25, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0045-SPHXA
Address 3900 Annapolis Road
(Smith Property)

Zoning Advisory Committee Meeting of **AUGUST 29, 2016**

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

Reviewer: Steve Ford

Date: 08-25-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 12, 2016
Item No. 2017-0045

DATE: September 15, 2016

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

Landscape and lighting Plans are required as per requirements of the Landscape Manual.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0045-09122016.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 29, 2016
Item No. 2017-0045

DATE: September 6, 2016

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

Landscape and lighting Plans are required as per requirements of the Landscape Manual.

*

*

*

*

*

*

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0045-08292016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 14, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0045-SPHXA
Address 3900 Annapolis Road
(Smith Property)

Zoning Advisory Committee Meeting of **September 12, 2016**.

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

Reviewer: Steve Ford

Date: 09-14-2016

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 25, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0045-SPHXA
Address 3900 Annapolis Road
(Smith Property)

Zoning Advisory Committee Meeting of AUGUST 29, 2016

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

Reviewer: Steve Ford

Date: 08-25-2016

CASE NAME _____
CASE NUMBER 2017-0045
DATE 10-18-2016

[illegible]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: October 12, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-045(revised)

RECEIVED

OCT 14 2016

INFORMATION:

Property Address: 3900 Annapolis Road

Petitioner: Douglas Smith, Jennifer Smith

Zoning: RO, DR 5.5

Requested Action: Special Hearing, Special Exception, Variances

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a multi-use building in an RO zone as being in compliance with Section 102.2. The principal use will be a Class B Group Child Care Center. The accessory use will be a second story residence for the owner and operator of the Class B Group Child Care Center and that Section 424.7 only applies to the D.R. portion of the lot. The Department also reviewed the petition for special exception to permit a Class B Group Child Care Center and the petition for variance as listed on the attachment submitted in support of said petition.

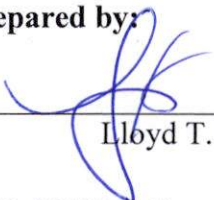
A site visit was conducted on August 31, 2016. The Department had issued previous comments dated September 26, 2016.

The Department has no objection to granting the petitioned zoning relief.

Be advised that in the event the confirmed location and diameter the existing utility pole along Alderwood Avenue in the vicinity of the entrance presents an obstacle to pedestrians, the Department sees sufficient space to the interior of the property and adjacent to said pole to accommodate a widening of the sidewalk so that safety is maintained.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Timothy M. Kotroco, Esq.

Office of the Administrative Hearings

People's Counsel for Baltimore County

JB 10-18-16
10am

Debra Wiley

From: Debra Wiley
Sent: Thursday, October 13, 2016 3:11 PM
To: 'Timothy M. Kotroco'
Cc: Anthony Cortea; Richard Matz; Rene Rodgers; Peter Wilson; John E. Beverungen; Kristen L Lewis
Subject: RE: New hearing date, Case No. 2017-0045-SPHXA, 3900 Annapolis Road

Mr. Kotroco,

I spoke to Kristen Lewis and Room 205 has been reserved for the above-referenced case on **October 18th @ 10 AM**. Please let me know if you need anything further.

Thank you.

From: Timothy M. Kotroco [mailto:tkotroco@gmail.com]
Sent: Thursday, October 13, 2016 3:05 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Anthony Cortea <acortea@cmengineers.com>; Richard Matz <dmatz@cmengineers.com>; Rene Rodgers <mrsnccc@gmail.com>; Peter Wilson <pwilson@aterigroup.com>
Subject: New hearing date, Case No. 2017-0045SPHXA, 3900 Annapolis Road

Mrs. Wiley,

I spoke to Judge Beverungen this morning and he requested that I send this email to you. I have a case pending before your office that was postponed at the last hearing date. John advised us at the hearing that we should contact your office to pick a new date and time to finish this hearing. In my conversation with him this morning, we picked next Tuesday, October 18 at 10 am as that new date and time.

He indicated that you would most likely reserve room 205 on the calendar and that you would notify Kristen of the new hearing date. Thank you for your assistance. Please let me know if you need anything additional.

Kind Regards,

Tim K.

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

Debra Wiley

From: John E. Beverungen
Sent: Friday, September 30, 2016 1:44 PM
To: Debra Wiley; Kristen L Lewis
Cc: Sherry Nuffer; Timothy M. Kotroco
Subject: 2017-0045-SPHXA

A hearing was held today in the above case. Petitioner's counsel requested a postponement, to allow time for the applicant to continue to work with the DOP. There were no protestants or interested citizens at the hearing. The case was postponed, and counsel will contact Ms. Wiley to reschedule the hearing, hopefully within the next month or so. No further posting or advertisement is required.

John Beverungen
ALJ

Debra Wiley

From: John E. Beverungen
Sent: Friday, September 30, 2016 1:44 PM
To: Debra Wiley; Kristen L Lewis
Cc: Sherry Nuffer; Timothy M. Kotroco
Subject: 2017-0045-SPHXA

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John Beverungen
ALJ

PLEASE PRINT CLEARLY

CASE NAME 3900 ANNAPOLIS ROAD
CASE NUMBER 2017-0045 SPHXA
DATE SEPTEMBER 30, 2016

PETITIONER'S SIGN-IN SHEET

[illegible]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: September 26, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-045

SEP 29 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 3900 Annapolis Road
Petitioner: Douglas Smith, Jennifer Smith
Zoning: RO, DR 5.5
Requested Action: Special Hearing, Special Exception, Variances

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a multi-use building in an RO zone as being in compliance with Section 102.2. The principal use will be a Class B Group Child Care Center. The accessory use will be a second story residence for the owner and operator of the Class B Group Child Care Center and that Section 424.7 only applies to the DR portion of the lot. The Department also reviewed the petition for special exception to permit a Class B Group Child Care Center and the petition for variance as listed on the attachment submitted in support of said petition.

A site visit was conducted on August 31, 2016. The development in the RO zone is subject to the compatibility objectives of BCC§ 32-4-402.

The Department finds the proposed use to be appropriate to the site. However, the intensity of the said use overwhelms the site, most particularly if it is determined that BCZR§ 424.7 applies to the entire site, thereby resulting in multiple variances. To minimize the spillover of the proposed special exception onto adjacent properties, the applicant should consider re-evaluating the level of intensity of the proposed use combined with a reconfiguration of the plan so that safety is enhanced and the compatibility objectives along with the special exception tests of BCZR§502.1. are better responded to. The Department has concerns related to the site as submitted and is willing to work with the Petitioner to address them.

As part of any re-evaluation, the Department maintains the following plan comments be addressed:

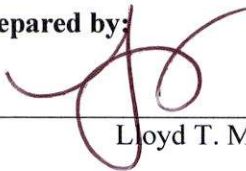
- The entire parking and drop-off area must be paved with a durable and dustless material. Re-configure and/ or expand the parking area to provide safe maneuvering for pick-up and drop-off. An area of sufficient size so that a vehicle may back into it from the adjacent parking spaces must be provided at the extreme westerly edge of the parking area. To the very west of that, a concrete pad accommodating a dumpster shall be sited and enclosed in a manner that satisfies Condition H of the Baltimore County Landscape Manual.
- Additional vegetative screening should be installed along the entire westerly property boundary to mitigate the special exception use from the adjacent residences. The Department recommends that the RTA buffer does apply to that portion of the site zoned DR and that the installation of

vegetative screening sufficient to mitigate the proposed use from the adjacent DR zoned properties is required but may be subject to a variance pursuant to BCZR§1B01.B.1.(c)(1).

- To respond specifically to compatibility objective BCC§32-4-402(d)(3) a sidewalk meeting Public Works standards shall connect with the existing walk and extend along the entire northerly property line thereby ensuring the safety of parents and children arriving on foot and also the public in general. A sidewalk of at least 6' in width shall be installed along the entire southerly portion of the parking lot. The private sidewalk leading to the building front must be removed and/or replaced and cannot remain in its current condition.
- The existing chain-link fence shall be repaired or replaced. Any fencing required in conjunction with the playground shall meet the requirements of BCZR§ 424.1.B. with location and details shown on the plan.
- Placement of a free-standing sign on a street across from single-family residences is inconsistent with the RO compatibility guidelines contained within the Comprehensive Manual of Development Policies. In addition, it is unclear to the Department how the "use" of a freestanding enterprise sign not on a principal arterial road and facing residentially zoned property may be granted through the variance process.
- A plan showing proposed landscaping, fencing, dumpster screening and lighting shall be approved by the Baltimore County Landscape Architect. The Department expects all lighting to be designed to prevent light spillage onto neighboring residential properties.

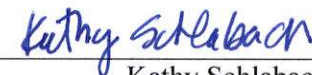
For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NO. 2017-

0045-
SPHXAC H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

9/15

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

C

9/14

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

N/C

9/26

FIRE DEPARTMENT

C

9/7

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

NO Obj

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/12/16

SIGN POSTING

Date:

9/10/16

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

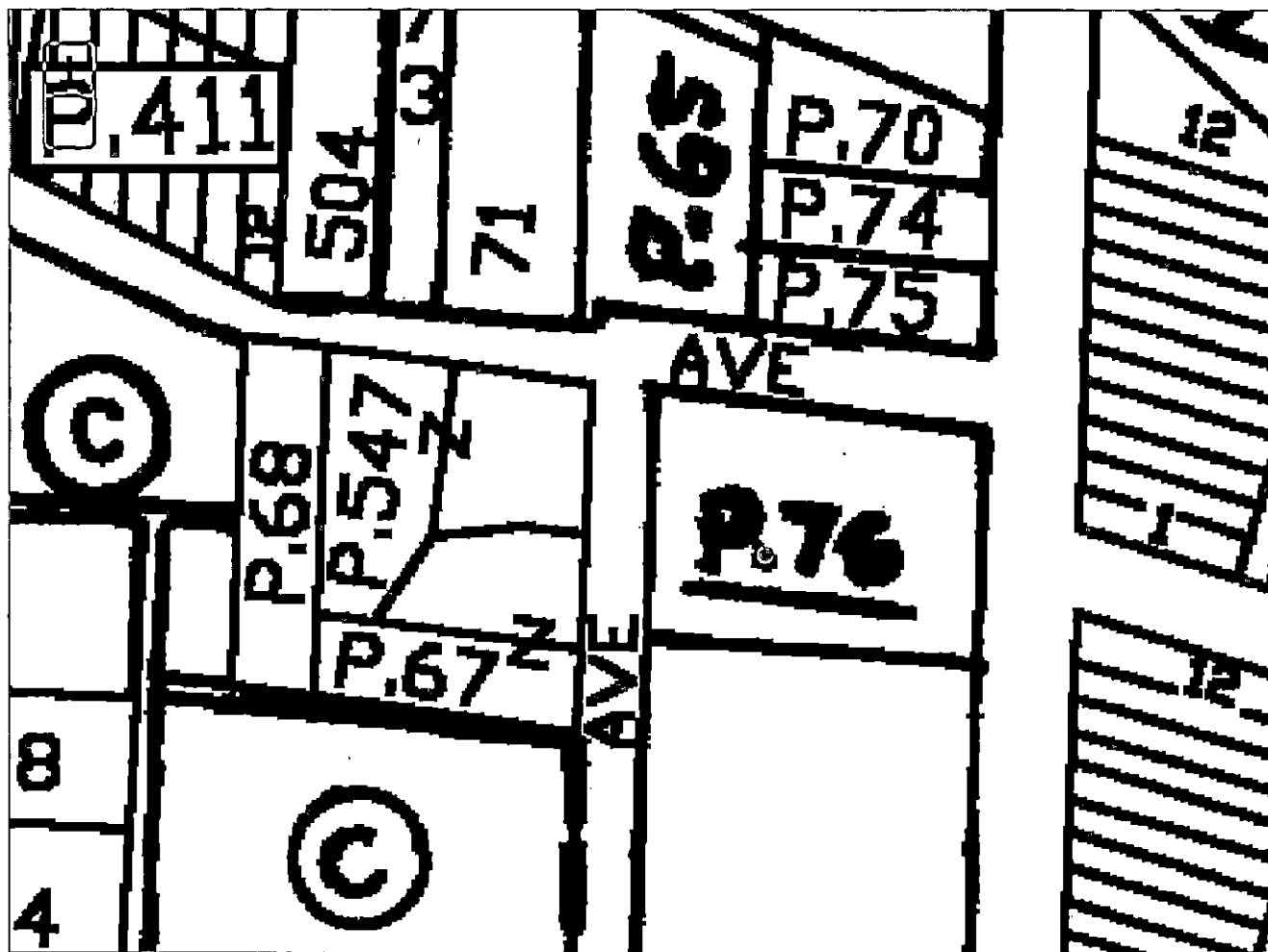
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 1307290600			
Owner Information					
Owner Name:	SMITH DOUGLAS M SMITH JENNIFER		Use:	RESIDENTIAL	
Mailing Address:	1698 BELHAVEN WOODS CT PASADENA MD 21122-3727		Principal Residence:	NO	
			Deed Reference:	/24269/ 00623	
Location & Structure Information					
Premises Address:		3900 ANNAPOLIS RD 0-0000		Legal Description:	WS ANNAPOLIS RD 3900 ANNAPOLIS RD SW COR ALDERWOOD AV
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0109	0004	0076		0000	
				Assessment Year:	Plat No:
				2016	Plat Ref:
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1922	1,899 SF		400 SF	31,071 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	BLOCK	2 full	
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		70,600	70,600		
Improvements		118,700	133,700		
Total:		189,300	204,300	194,300	199,300
Preferential Land:		0			0
Transfer Information					
Seller: GILES BERTHA E		Date: 08/08/2006		Price: \$270,000	
Type: ARMS LENGTH IMPROVED		Deed1: /24269/ 00623		Deed2:	
Seller: GOLDEN THOMAS L & MARGARE		Date: 08/30/1963		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04196/ 00063		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 13 Account Number: 1307290600



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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Case No.: 2017-0045-SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Plan	
No. 2	Aerial photos	
No. 3	photos of sub-property	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: September 26, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-045

INFORMATION:

Property Address: 3900 Annapolis Road
Petitioner: Douglas Smith, Jennifer Smith
Zoning: RO, DR 5.5
Requested Action: Special Hearing, Special Exception, Variances

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a multi-use building in an RO zone as being in compliance with Section 102.2. The principal use will be a Class B Group Child Care Center. The accessory use will be a second story residence for the owner and operator of the Class B Group Child Care Center and that Section 424.7 only applies to the DR portion of the lot. The Department also reviewed the petition for special exception to permit a Class B Group Child Care Center and the petition for variance as listed on the attachment submitted in support of said petition.

A site visit was conducted on August 31, 2016. The development in the RO zone is subject to the compatibility objectives of BCC§ 32-4-402.

The Department finds the proposed use to be appropriate to the site. However, the intensity of the said use overwhelms the site; most particularly if it is determined that BCZR§ 424.7 applies to the entire site, thereby resulting in multiple variances. To minimize the spillover of the proposed special exception onto adjacent properties, the applicant should consider re-evaluating the level of intensity of the proposed use combined with a reconfiguration of the plan so that safety is enhanced and the compatibility objectives along with the special exception tests of BCZR§502.1. are better responded to. The Department has concerns related to the site as submitted and is willing to work with the Petitioner to address them.

As part of any re-evaluation, the Department maintains the following plan comments be addressed:

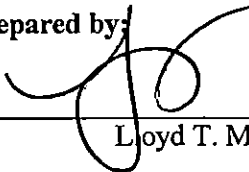
- The entire parking and drop-off area must be paved with a durable and dustless material. Re-configure and/ or expand the parking area to provide safe maneuvering for pick-up and drop-off. An area of sufficient size so that a vehicle may back into it from the adjacent parking spaces must be provided at the extreme westerly edge of the parking area. To the very west of that, a concrete pad accommodating a dumpster shall be sited and enclosed in a manner that satisfies Condition H of the Baltimore County Landscape Manual.
- Additional vegetative screening should be installed along the entire westerly property boundary to mitigate the special exception use from the adjacent residences. The Department recommends that the RTA buffer does apply to that portion of the site zoned DR and that the installation of

vegetative screening sufficient to mitigate the proposed use from the adjacent DR zoned properties is required but may be subject to a variance pursuant to BCZR§1B01.B.1.(c)(1).

- To respond specifically to compatibility objective BCC§32-4-402(d)(3) a sidewalk meeting Public Works standards shall connect with the existing walk and extend along the entire northerly property line thereby ensuring the safety of parents and children arriving on foot and also the public in general. A sidewalk of at least 6' in width shall be installed along the entire southerly portion of the parking lot. The private sidewalk leading to the building front must be removed and/or replaced and cannot remain in its current condition.
- The existing chain-link fence shall be repaired or replaced. Any fencing required in conjunction with the playground shall meet the requirements of BCZR§ 424.1.B. with location and details shown on the plan.
- Placement of a free-standing sign on a street across from single-family residences is inconsistent with the RO compatibility guidelines contained within the Comprehensive Manual of Development Policies. In addition, it is unclear to the Department how the "use" of a freestanding enterprise sign not on a principal arterial road and facing residentially zoned property may be granted through the variance process.
- A plan showing proposed landscaping, fencing, dumpster screening and lighting shall be approved by the Baltimore County Landscape Architect. The Department expects all lighting to be designed to prevent light spillage onto neighboring residential properties.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



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

DATE: October 12, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-045(revised)

INFORMATION:

Property Address: 3900 Annapolis Road
Petitioner: Douglas Smith, Jennifer Smith
Zoning: RO, DR 5.5
Requested Action: Special Hearing, Special Exception, Variances

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a multi-use building in an RO zone as being in compliance with Section 102.2. The principal use will be a Class B Group Child Care Center. The accessory use will be a second story residence for the owner and operator of the Class B Group Child Care Center and that Section 424.7 only applies to the D.R. portion of the lot. The Department also reviewed the petition for special exception to permit a Class B Group Child Care Center and the petition for variance as listed on the attachment submitted in support of said petition.

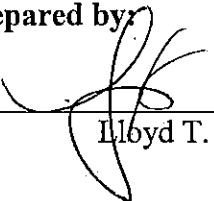
A site visit was conducted on August 31, 2016. The Department had issued previous comments dated September 26, 2016.

The Department has no objection to granting the petitioned zoning relief.

Be advised that in the event the confirmed location and diameter the existing utility pole along Alderwood Avenue in the vicinity of the entrance presents an obstacle to pedestrians, the Department sees sufficient space to the interior of the property and adjacent to said pole to accommodate a widening of the sidewalk so that safety is maintained.

For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

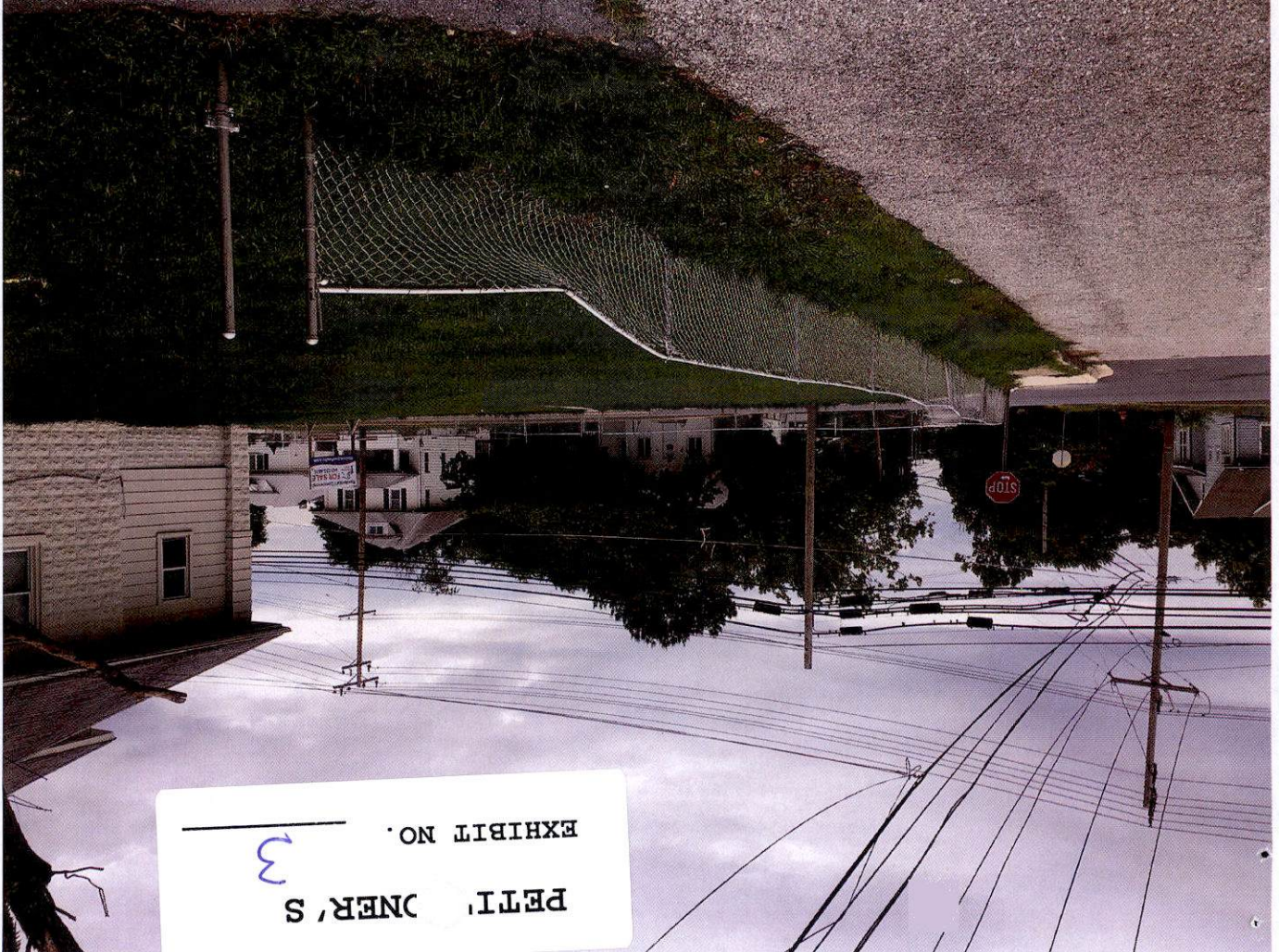
c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Timothy M. Kotroco, Esq.

Office of the Administrative Hearings

People's Counsel for Baltimore County



3
PETT, DNER'S
EXHIBIT NO.



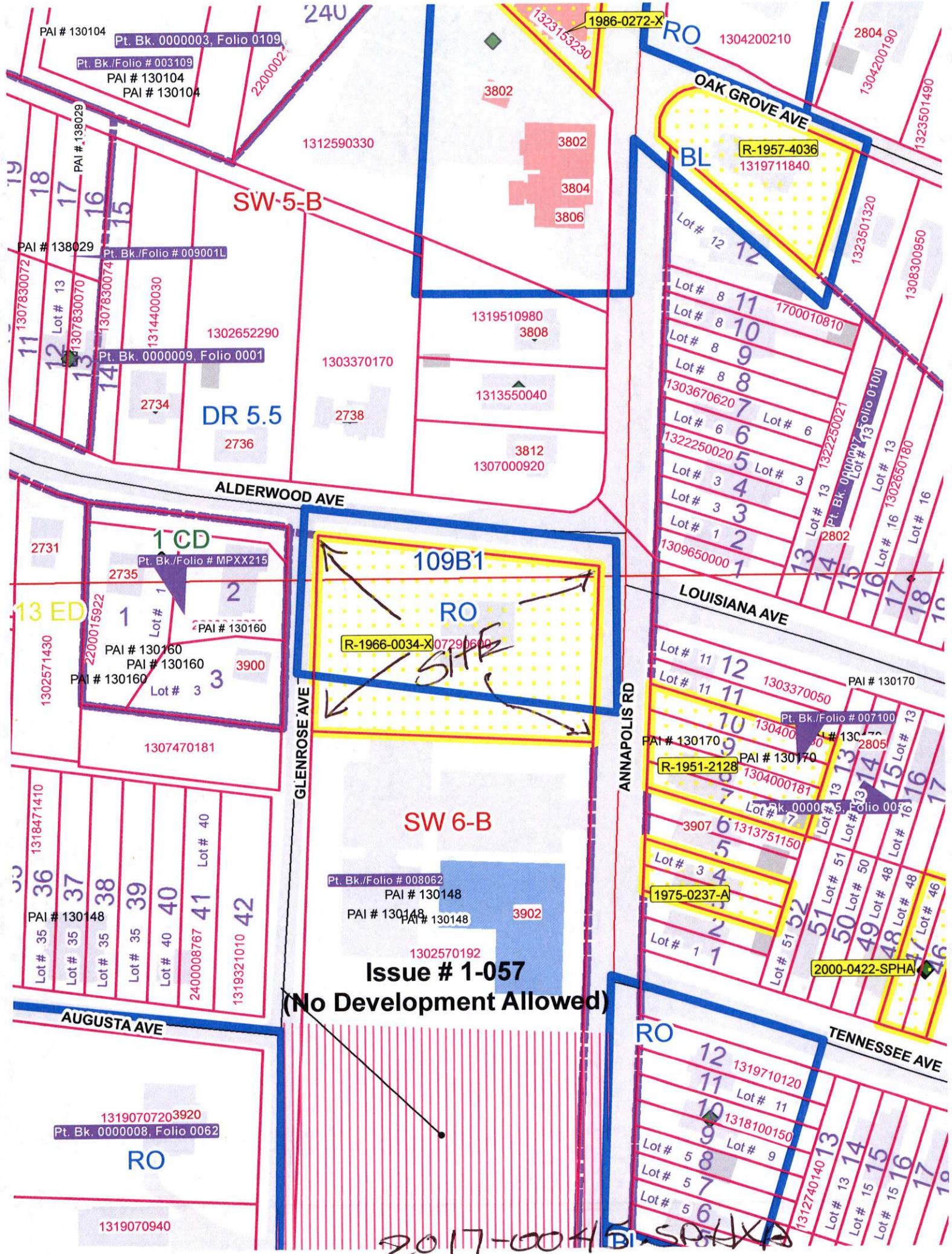












Issue # 1-057
(No Development Allowed)

2017-00415 SPHX



SITEZ SUBS NOTE
THE DEVELOPMENT AND PROPOSED WORKS SHOWN ON THIS PLAN ARE NOT THE MEASURES
DEFINED BY SECTION 3.2-4 OF THE BALTIMORE COUNTY CODE AND PROMOTE
SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT
CONTROL MEASURES TO PREVENT EROSION AND SEDIMENTATION OF THE
BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE
OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

VICINITY MAP
SCALE: 1" = 100'

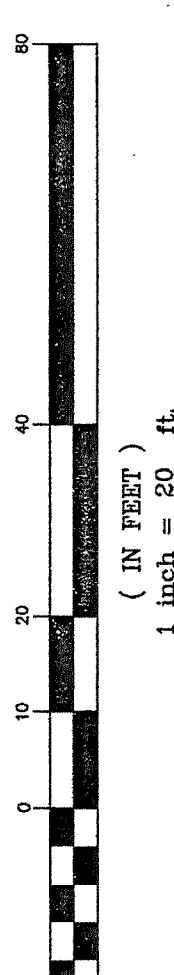
GENERAL NOTES:

1. OWNER: MRS. JAMES RODGERS, INC.
2355 SMITH AVENUE, SUITE G
BALTIMORE, MD 21207
CONTACT: JAMES RODGERS (410) 793-0404
2. SITE DATA:
3900 ANNAPOLIS ROAD
BALTIMORE, MD 21207
TAX ACCOUNT NO. 1302570192
SITE AREA: 30,483 SF (0.70 AC.)
ZONING: R-4
CENSUS TRACT: 200101
WATERSHED: PATAPSCO RIVER
3. ZONING: R-4 & R-5, MAP NO. 1081
4. FORMER USE: OFFICE
5. OFF-STREET PARKING CALCULATIONS:
REQUIRED CLASS B GROUP CHILD CARE CENTER PARKING:
EMPLOYEES: 1 PARKING SPACE/EMPLOYEE WITH A TOTAL OF 8
PROPOSED CLASS B GROUP CHILD CARE CENTER PARKING:
11 PARKING SPACES INCLUDING ONE HANDICAP SPACE
AVERAGE DAILY TRIPS (A.D.T.):
A.D.T. = 333 S.F. X (191,000 S.F.) / 277 A.D.T.
6. ZONING HISTORY:
A REQUEST FOR A ZONING CHANGE FROM R-4 TO R-5
AND A SPECIAL EXCEPTION TO ALLOW LIVING QUARTERS IN A
COMMERCIAL ZONE REQUEST WAS DENIED AUGUST 11TH, 1995.
2017-2048-SHMA TO ALLOW MULTIPLE USE BUILDING IN AN R-4
ZONING DISTRICT AND AN ACCESSORY USE AS A SECOND STORY
BUILDING AND AN ACCESSORY USE AS A SECOND STORY BUILDING
ENTERPRISE ZONING A RESIDENTIAL ZONE AND A REAR YARD
SETBACK OF 24 FEET OF THE REQUIRED 30' AND FINALLY A
CHILD CENTER AS A PRINCIPAL USE IN AN R-4 ZONE.
REQUESTS WERE GRANTED: OCTOBER 26TH, 2016
7. PREVIOUS COMMERCIAL PERMIT: NONE
8. THIS SITE IS NOT IN THE CHESEBAY BAY CRITICAL AREA OR ANY
100' FLOODPLAIN
9. THE BUILDINGS NOT IN A HISTORIC DISTRICT OR ON AN HISTORIC
SITE
10. SETBACKS FOR R-4 CLASS B OFFICE BUILDINGS (204 AC.)
BUILDING SETBACK: REQUIRED
BUILDING SETBACK: 25 FT
NORTH SIDE: 44 FT
SOUTH SIDE: 25 FT
REAR: 25 FT
SIDE: 25 FT
11. A NEW LUR REQUEST (DC NO. 11154) DATED NOV. 17, 2016
AND A NEW LUR REQUEST (DC NO. 102174) WAS SUBMITTED OCT. 3,
2017 AND WAS GIVEN A LIMITED EXEMPTION UNDER SECTION
13.1
12. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
13. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
14. THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
15. DETAILED DRAWINGS OF NEW SIGNAGE SHOWING MATERIALS WILL
BE SUBMITTED TO THE DEPARTMENT OF PLANNING PRIOR TO
CONSTRUCTION. THE FINAL VESICATED PLANS FOR REVIEW AND
APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.
16. A LIGHTING PLAN WILL BE SUBMITTED TO JIM HERMANN, BALTIMORE
COUNTY DEPARTMENT OF PLANNING AND ZONING, FOR REVIEW AND
APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.
17. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS
BASED ON A SURVEY CONDUCTED BY COLBERT MATZ ROSENFEIT &
ROSENFEIT, INC. DATED 08/20/16. ADDITIONAL INFORMATION IS
TAKEN FROM DEEDS AND AVAILABLE BALTIMORE COUNTY RECORDS.

DISTURBED AREA: 19,310 SF ± OR 0.443 ACRES

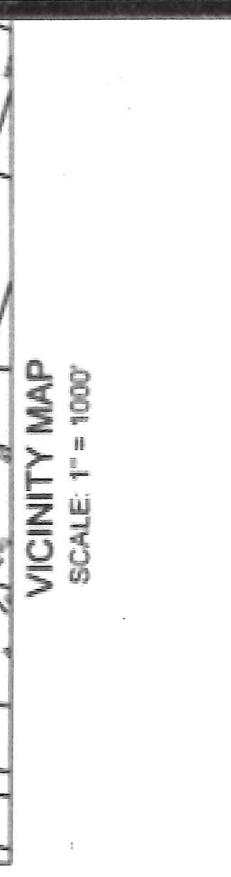
**LIMITED EXEMPTION
DEVELOPMENT PLAN
MRS RODGERS DAYCARE**

3900 ANNAPOLIS ROAD
BALTIMORE COUNTY, MARYLAND, 21227
PAI NUMBER: 13-0235
LIMITED EXEMPTION NUMBER: 17052LN
LIMITED EXEMPTION TRACKING NUMBER: LIM-2017-00030
DRC NUMBER: 102417A
1ST COUNCILMANIC DISTRICT
13TH ELECTION DISTRICT
GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2355 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7855

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 13203 Expiration Date: 11-02-2018 Checked: REM FILE NUMBER (CURRENT/DWG) NUMBER	SCALE: AS SHOWN DATE: 11/27/17 DESIGNED BY: JAR DRAWN BY: JAR CHECKED BY: JAR DATE: 11-02-2018 FILE NUMBER (CURRENT/DWG) NUMBER	NO. DATE REVISIONS: BY SHEET OF 1 DEV-01
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Spirit And Intent Of The Plan
And Final Order In Zoning
Case No. 2017-0045-SPHXA

REDLINE PRINT

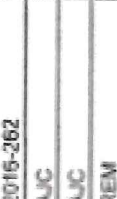
3900 ANNAPOLIS ROAD
BALTIMORE COUNTY, MARYLAND, 21227
PAI NUMBER: 13 0235

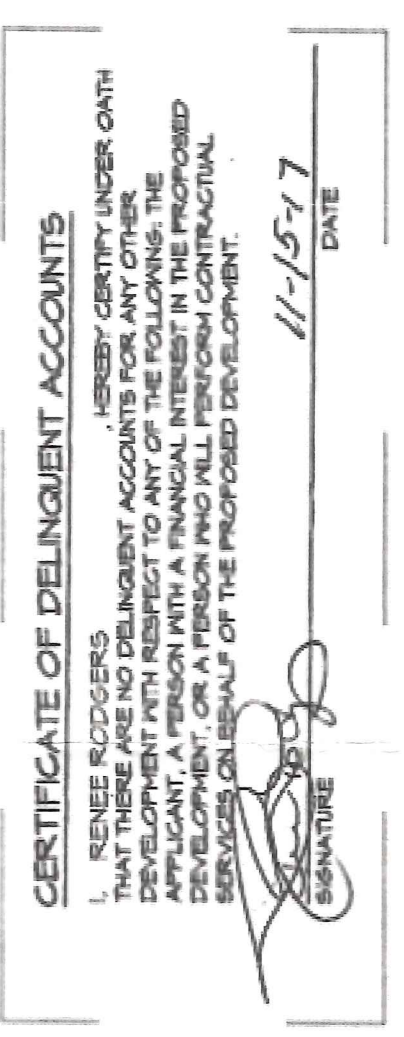
GRAPHIC SCALE



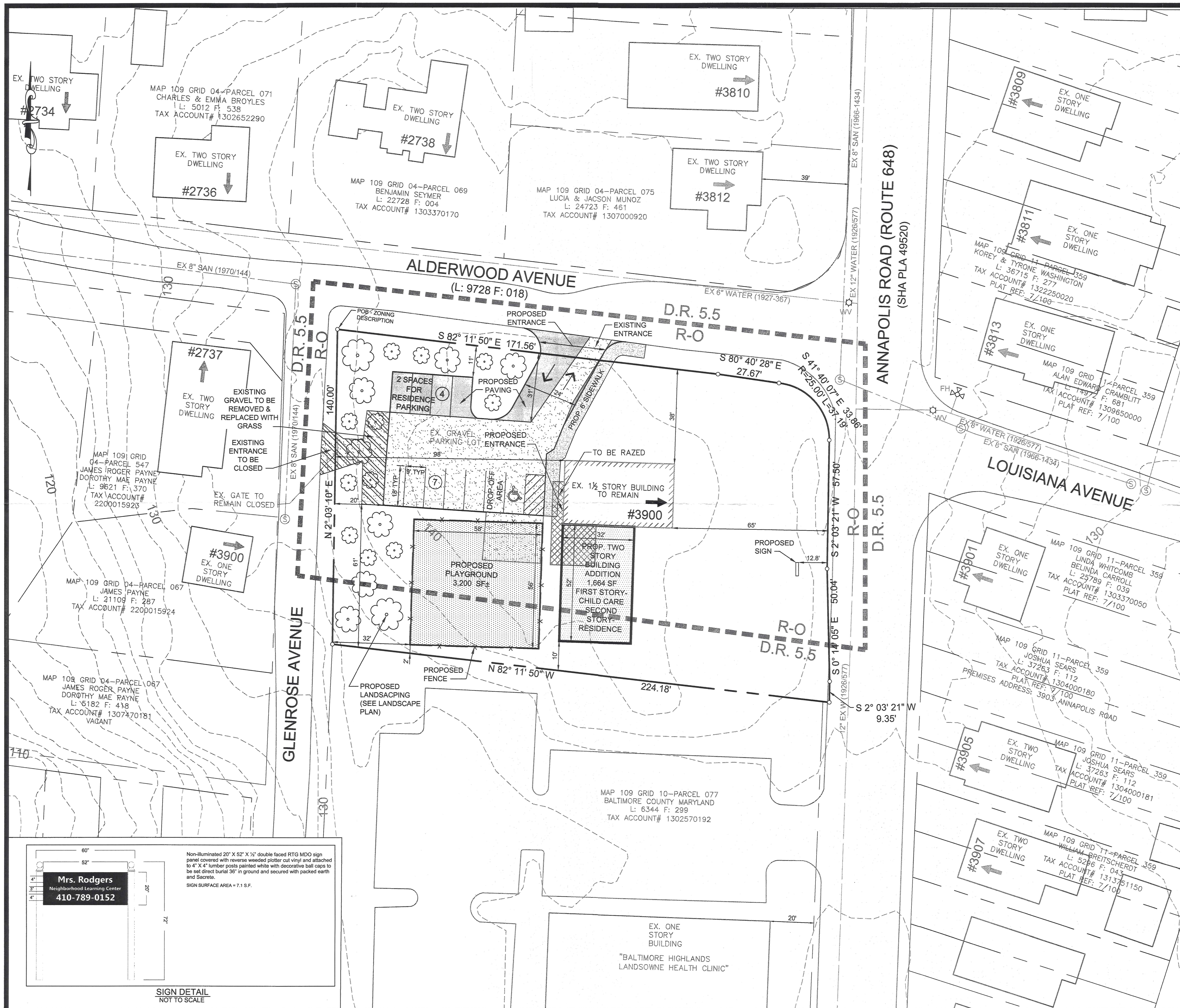
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3838
Facsimile: (410) 653-7953





1



VICINITY MAP
SCALE: 1" = 100'

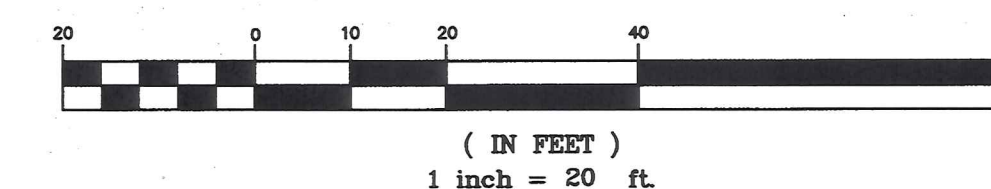
GENERAL NOTES:

- OWNER: JENNIFER & DOUGLAS SMITH
1698 BELHAVEN WOODS CT
PASADENA MD. 21122-3727
CONTRACT PURCHASER:
RENEE RODGERS
(443) 739-2404
- SITE DATA:
3900 ANNAPOLIS RD
TAX MAP 109, GRID 4, PARCEL 76
TAX ACCOUNT NO. 1307290600
DEED REFERENCE: L 24269 F 623
SITE AREA: 30,883 SF (0.709 ± AC.)
PLAT REFERENCE: N/A
- ZONING: R-O & DR 5.5., MAP NO. 109B1
- FORMER USE: OFFICE
PROPOSED USE: CLASS B GROUP CHILD CARE CENTER
AND ONE RESIDENCE
- OFF-STREET PARKING CALCULATIONS:
REQUIRED CLASS B GROUP CHILD CARE CENTER PARKING:
1 PARKING SPACE/1 EMPLOYEE WITH A TOTAL OF 8 EMPLOYEES
REQUIRED RESIDENCE PARKING:
2 PARKING SPACES
PROPOSED CLASS B GROUP CHILD CARE CENTER PARKING:
9 PARKING SPACES INCLUDING ONE HANDICAP SPACE
PROPOSED RESIDENCE PARKING:
2 PARKING SPACES
- ZONING HISTORY:
R-1966-0034-X: TO REQUEST A ZONING CHANGE FROM R-6 TO R-4 AND A SPECIAL
EXCEPTION TO ALLOW LIVING QUARTERS IN A COMMERCIAL ZONE. REQUEST WAS DENIED
AUGUST 11TH, 1965.
- PREVIOUS COMMERCIAL PERMIT: NONE.
- THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR ANY 100-YEAR FLOODPLAIN.
- THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
- SETBACKS FOR D.R. 5.5 NONRESIDENTIAL PRINCIPAL BUILDINGS (1801.2.C.1.a.):
BUILDING SETBACK: REQUIRED PROVIDED
FRONT 40 FT 65 FT
NORTH SIDE 20 FT 38 FT
SOUTH SIDE 20 FT 10 FT
REAR 30 FT 98 FT
PLAYGROUND SETBACKS FOR D.R. (424.1B):
SOUTH SIDE 20 FT 2 FT
REAR 20 FT 32 FT
- IMPERVIOUS AREA = 2,047 SF +/-

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING,
SPECIAL EXEMPTION, AND VARIANCE

3900 ANNAPOLIS ROAD

BALTIMORE COUNTY, MARYLAND
1ST COUNCILMANIC DISTRICT
13TH ELECTION DISTRICT
GRAPHIC SCALE

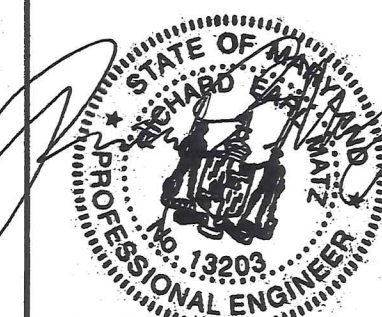


Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3838
Facsimile: (410) 653-7953



Professional Certification

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

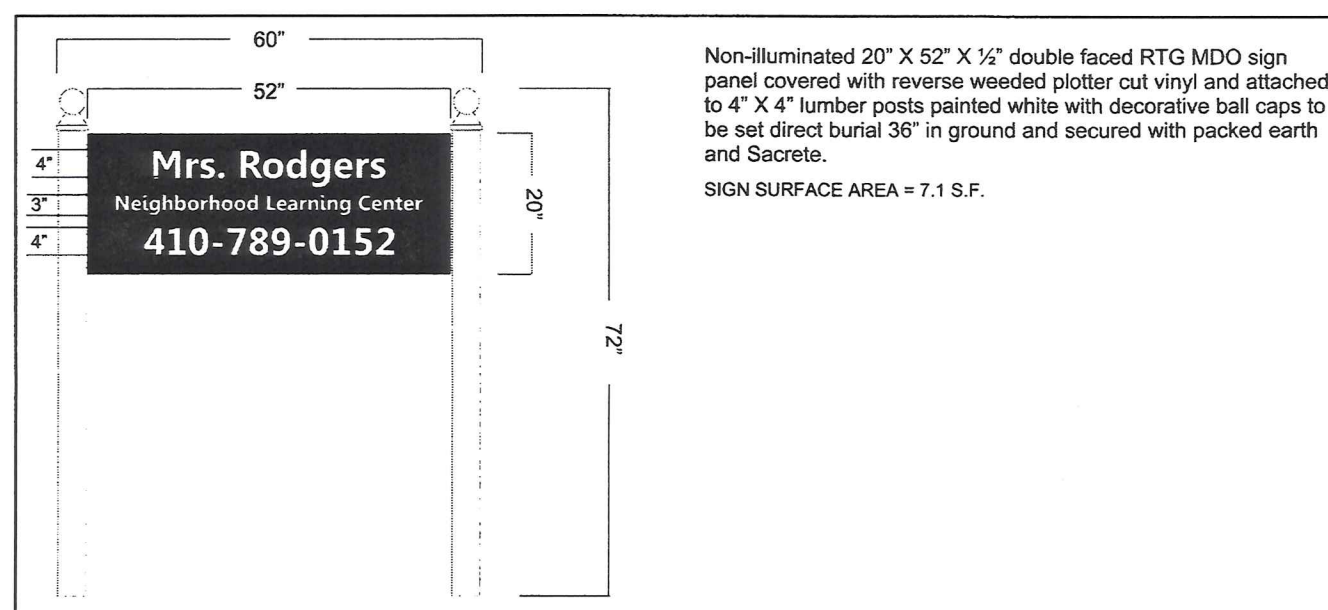
License No. 13203 Expiration Date: 11-02-2016

DATE: 08/12/2016
JOB NO.: 2016282
DESIGNED: SR
DRAWN: SR
CHECKED: SLD
FILE: 2005038 BASE.dwg

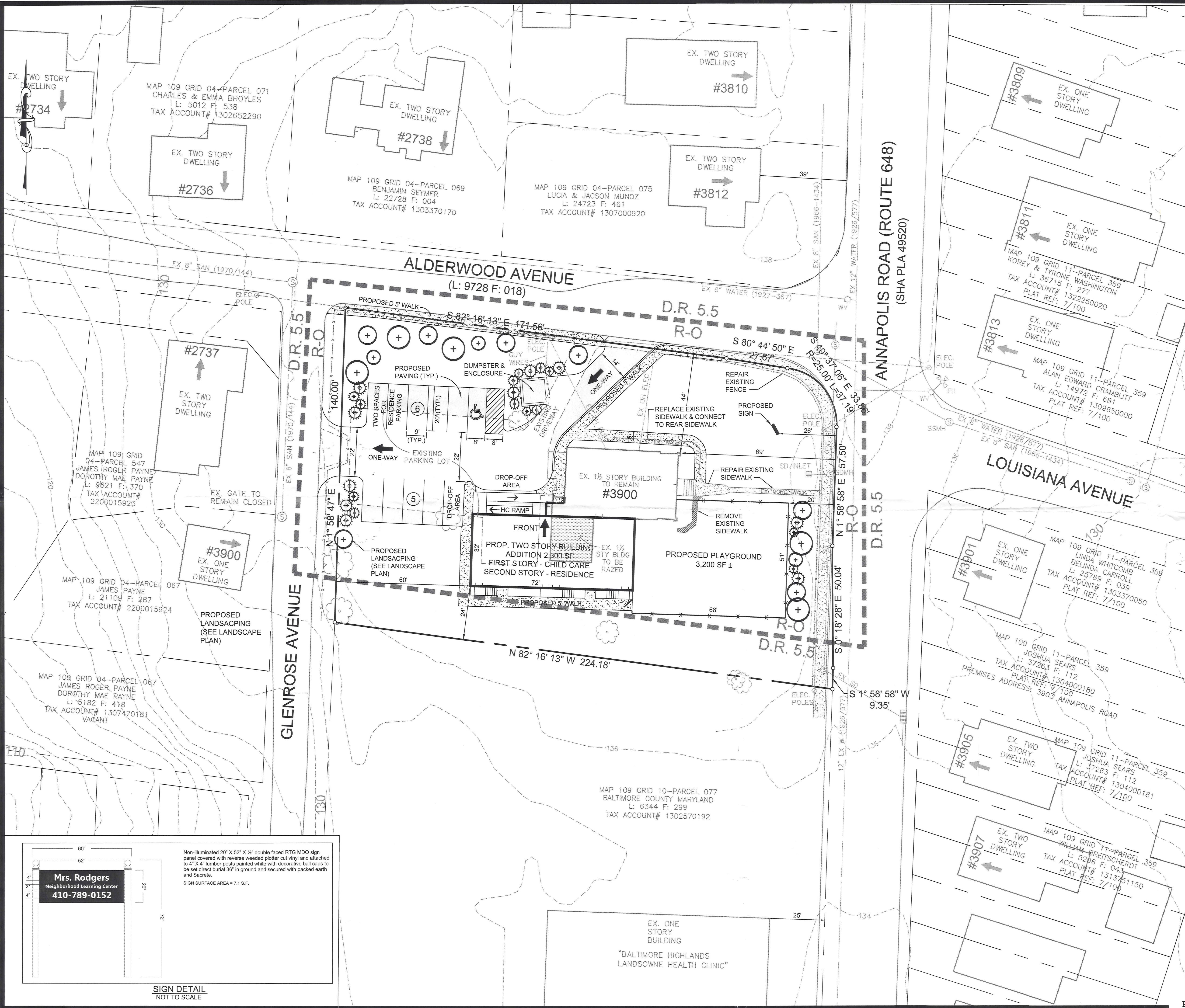
DRAWING
NUMBER: ZON-1

NO. DATE REVISIONS: BY SHEET 1 OF 1

SIGN DETAIL
NOT TO SCALE



2017-0045 SPHXA

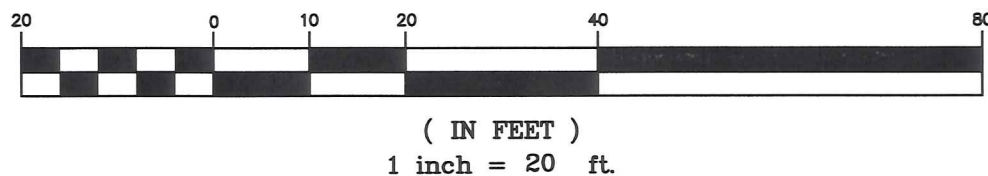


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- OWNER: JENNIFER & DOUGLAS SMITH
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REQUIRED RESIDENCE PARKING:
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R-1966-0034-X: TO REQUEST A ZONING CHANGE FROM R-6 TO R-4 AND A SPECIAL
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AUGUST 11TH, 1965.
 - PREVIOUS COMMERCIAL PERMIT: NONE.
 - THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR ANY 100-YEAR FLOODPLAIN.
 - THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
 - SETBACKS FOR R-O CLASS B OFFICE BUILDINGS (204.4 C.):
BUILDING SETBACK: REQUIRED 25 FT. PROVIDED 44 FT.
FRONT 25 FT. EAST SIDE 20 FT. WEST SIDE 20 FT. REAR 30 FT. PROVIDED 69 FT. 60 FT. 24 FT.

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING,
SPECIAL EXEMPTION, AND VARIANCE

3900 ANNAPOLIS ROAD

BALTIMORE COUNTY, MARYLAND
1ST COUNCILMANIC DISTRICT
13TH ELECTION DISTRICT
GRAPHIC SCALE

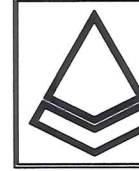


Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

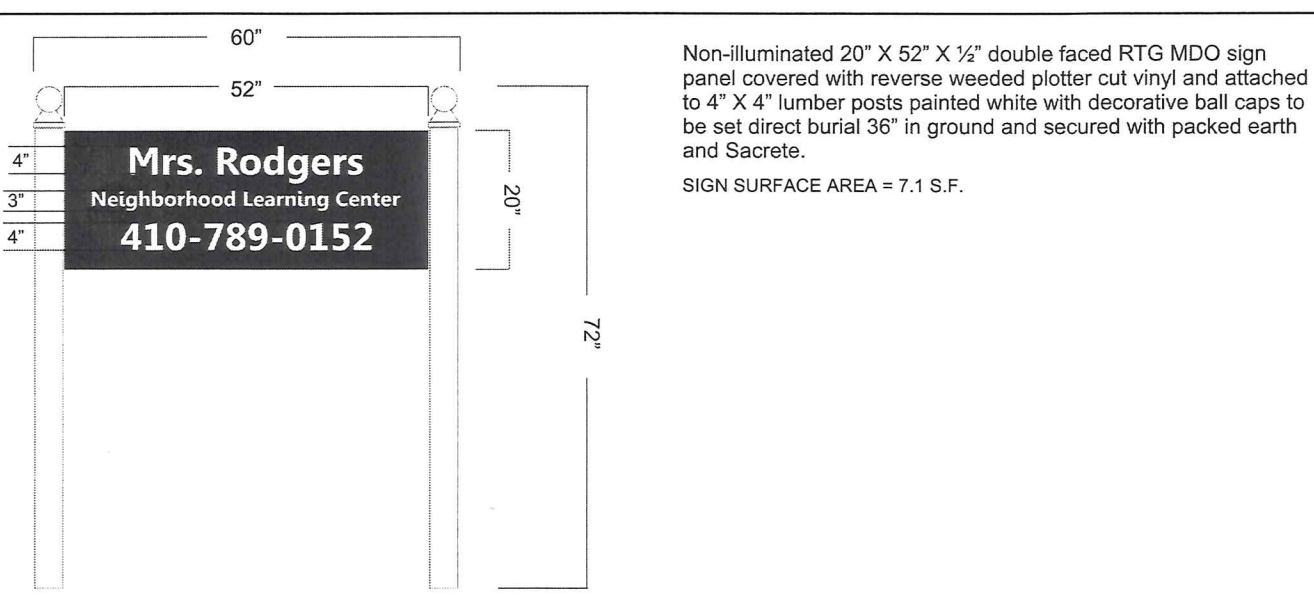
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Telephone: (410) 653-3838
Facsimile: (410) 653-7953



Professional Certification				1" = 20'	
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.				DATE:	08/12/2016
				JOB NO.:	2016262
				DESIGNED:	SR
				DRAWN:	SR
				CHECKED:	SLD
License No.	13203	Expiration Date:	11-02-2016	A/C:	FILE: 2005038 BASE.dwg
1	10/1/16	MADE ADJUSTMENTS TO LAYOUT			DRAWING NUMBER: ZON-1
		PER BALTIMORE COUNTY PLANNING COMMENTS			
REVISIONS:				BY	SHEET 1 OF 1

PETITIONER'S
EXHIBIT NO. 1



SIGN DETAIL
NOT TO SCALE

