

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943
Tkotroco@gmail.com

March 20, 2018

Mr. Arnold Jablon, Director
Department of Permits, Approvals, and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, Maryland, 21204

Re: Spirit and Intent Letter, The Learning Center
9300 Lyons Mill Road, Owings Mills, MD 21117
Sign Permit

Dear Mr. Jablon,

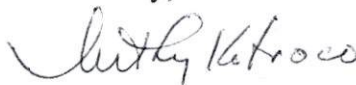
The subject property was approved for a Class B Group Childcare Center by Order dated the 8th day of December, 2016. In addition, Judge Beverungen approved three Nameplate signs of area square footages of 35 sq. ft., 16 sq. ft. and 16 sq. ft. each, in lieu of the permitted 1 sq. ft. each per sign. At issue and the purpose for this request for a spirit and intent approval is that my client did not accurately measure the area of the signs affixed to the columns of the front porch of the daycare facility.

The two signs in question consist of four numbers and four letters of the alphabet each stacked on top of one another. (See attached exhibit) As you can see, two of the numbers and two of the letters are rotated such that the edges stick out further than the number/letter above or below thereby causing the measurement of all four to be 9.4ft. x 2.83ft. for a total square footage of 26.6 sq. ft. and not the 16 sq. ft. as approved by Judge Beverungen. I should point out that the design of these signs being requested at this time are exactly as they were represented and appeared on our site plan before Judge Beverungen.

We are requesting your confirmation that the two signs in question and the square footage of each sign is within the Spirit and Intent of the previous zoning case no. 2017-0085-SPHXA, and the Order issued by Judge Beverungen. Should you agree with this request, kindly affix your signature below indicating your approval.

Thank you for your consideration of this request.

Sincerely,



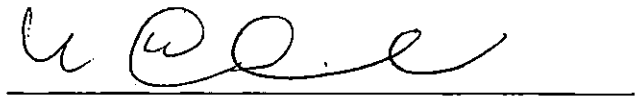
Timothy M. Kotroco

The requested square footage of the two signs measuring 9.40ft x 2.83ft. for a tota of 26.6 square feet is within the spirit and intent of Judge Beverungen's decision issued in Case No. 2017-0085-SPHXA.

3/20/18

Date

TMK/eak
Enclosures

A handwritten signature in black ink, appearing to read "Arnold Jablon", written over a horizontal line.

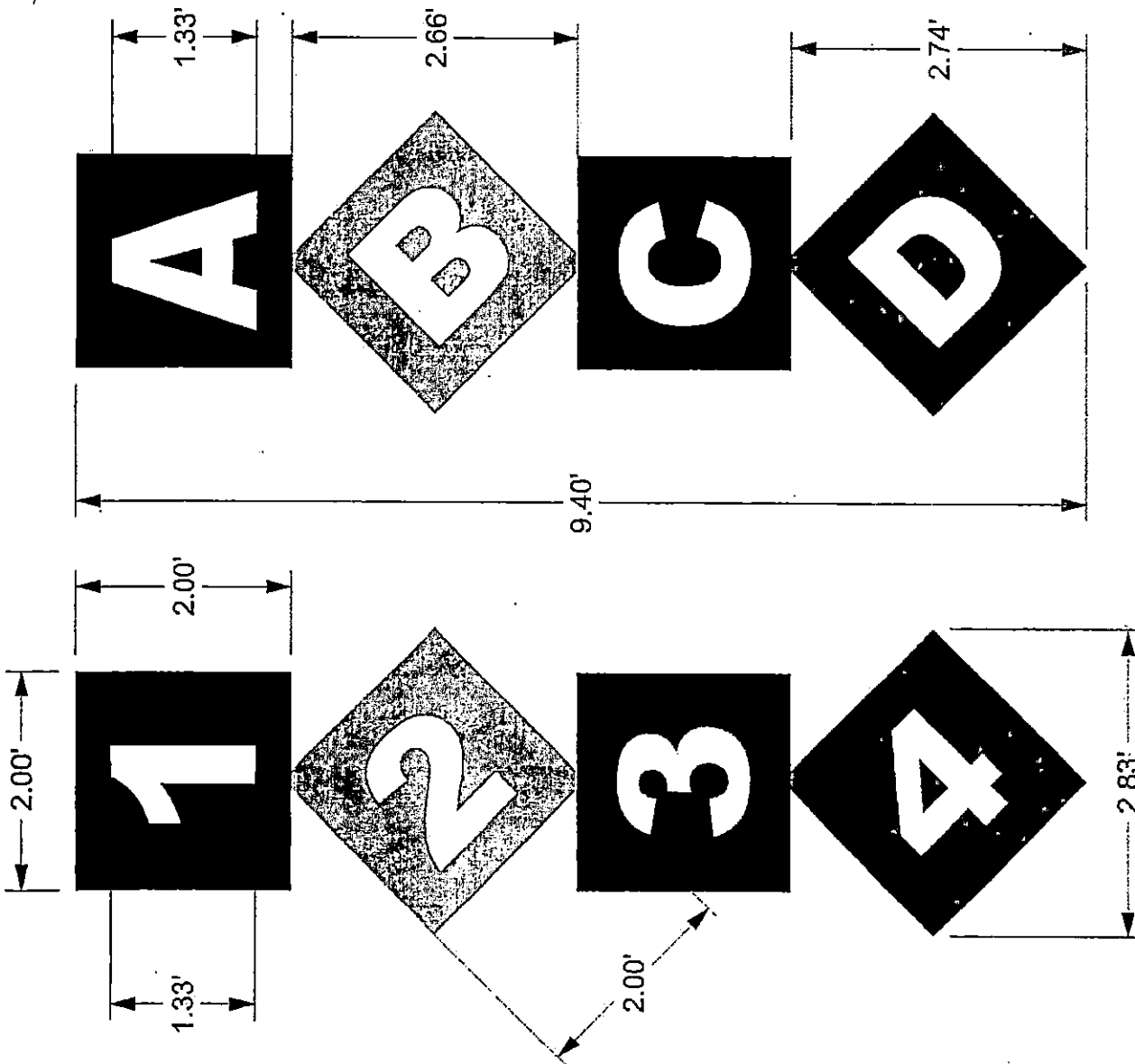
Mr. Arnold Jablon

PAINT COLORS FOR EXTERIOR BUILDING BLOCKS

CODE	MATERIAL	MANUFACTURER	STOCK NUMBER	COLOR	FINISH
R	PAINT	BENJAMIN MOORE	2087-20	WATERMELON RED	PEARL
Y	PAINT	BENJAMIN MOORE	2020-40	YELLOW RAIN COAT	PEARL
B	PAINT	BENJAMIN MOORE	2057-30	TWILIGHT BLUE	PEARL
G	PAINT	BENJAMIN MOORE	2038-30	PRAIRIE GREEN	PEARL

BENJAMIN MOORE PAINT
NO SUBSTITUTIONS ALLOWED.

PMS 703C RGB 193.64.72 CMYK 0.67.63.24
PMS 120C RGB 255.213.100 CMYK 0.16.61.0
PMS 7670C RGB 55.87.151 CMYK 64.42.0.41
PMS 7724C RGB 25.149.109 CMYK 83.0.27.42



A&F Sign Company LLC

28 East Railway Avenue, Paterson, New Jersey 07503
973 278-3707 fax 973 278-3707 aesignco@gmail.com



**The Learning Experience
Building Block Columns**

M E M O R A N D U M

DATE: January 10, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0085-SPHXA- Appeal Period Expired

The appeal period for the above-referenced case expired on January 9, 2017. 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 *
(9300 Lyons Mill Road) *
2nd Election District *
4th Council District *
Judith & Jerry Nelsestuen and Andrew Fraser *
Legal Owners *
John Woodward, Contract Purchaser *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0085-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 Jerry & Judith Nelsestuen and Andrew Fraser, legal owners and John Woodward, contract purchaser ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a 21 sq. ft. (3 ft. x 7 ft.) freestanding externally illuminated monument sign 5 ft. in height. A Petition for Variance seeks: (1) To allow three Nameplate signs of area/face square footages of 35 sq. ft., 16 sq. ft. and 16 sq. ft. each in lieu of the required maximum area/face of 1 sq. ft. per sign; (2) To allow two wall-mounted multi-sided Nameplate signs to project 60 inches away from the wall in lieu of the required maximum distance of 18 inches; (3) To permit a Class B group child care center with 171 children within an area of 69,565 sq. ft., in lieu of the required 109,060 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]; (4) To permit 48% impervious surface area in lieu of the maximum 25% of the gross area; (5) To permit a side yard setback of 30 feet in lieu of the required 50 feet; and (6) To permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only.

ORDER RECEIVED FOR FILING

Date 12/8/16

By Sen

Finally, a Petition for Special Exception seeks approval to permit a Class B group child care center as a principal use in a DR zone.

Appearing at the public hearing in support of the requests was professional engineer Richard E. Matz, Santo Perri, John Woodward and Beth Elbassiouny. Timothy M. Kotroco, Esq., represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP). That agency did not oppose the requests, but noted that landscape and lighting plans would be required.

The subject property is comprised of two lots totaling approximately 1.597 acres in size, and is zoned D.R. 16. At present the property is improved with two single-family dwellings, both of which are vacant. Petitioners will raze both dwellings and construct a large building to accommodate a child care facility known as "The Learning Experience." Petitioners explained this is one of the nation's largest day care providers, with franchise locations throughout the country. The site will also have parking for approximately 50 vehicles and a playground (6,000 sq. ft.) for the children.

Special Hearing

The request for special hearing seeks to permit a ground mounted monument sign for the center. As with the two variance requests for "nameplate" signs, the difficulty in this case is that while a large group child care center is permitted by special exception in a residential zone, the sign regulations (to which one is referred by §424.6) permit only a 1 square foot "nameplate" sign in the D.R. zones. Such a small sign would be insufficient for a large commercial enterprise such as that proposed.

ORDER RECEIVED FOR FILING

Date 12/8/16
By den

While in most or many instances signs are properly forbidden in residential areas, this case highlights one exception for which the B.C.Z.R. does not make allowance. The proposed day care facility would be located along a busy thoroughfare, and directly across the street is another group child care facility ("Happy Acres") with a large two-sided sign, as shown in the photographs in the file. Lyons Mill Road has been widened in this area, and the intersection with Owings Mills Boulevard is a short distance from the property. In these circumstances the proposed signs would not be excessive or disruptive to the surrounding community, and would serve an important public safety goal: i.e., letting parents know where the center is located when traversing this crowded and often congested area of the County.

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 large property has irregular dimensions and is therefore 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.

ORDER RECEIVED FOR FILING

Date 12/8/16

3 By Ben

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Here, Mr. Matz opined Petitioners satisfied all requirements set forth in B.C.Z.R. §502.1, and I concur. As noted above, the proposed facility would be located along a heavily travelled roadway, and would be within a short distance of several new housing projects being constructed. Petitioners chose this location to meet the expected demand from the new residents, and will provide a valuable service for many families. While most special exception uses generate traffic and have some impact upon the community, there is no evidence in this case to suggest those impacts would be greater at this particular location. To the contrary, the roadways in this area have been widened and improved and are sufficient to accommodate the proposed use, which is certainly not the case for many residential properties where a group child care center would also be permitted by special exception.

THEREFORE, IT IS ORDERED this 8th day of December, 2016, by this Administrative Law Judge, that the Petition for Special Hearing to permit a 21 sq. ft. (3 ft. x 7 ft.) freestanding externally illuminated monument sign 5 ft. in height, 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 a DR zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To allow three Nameplate

ORDER RECEIVED FOR FILING

4

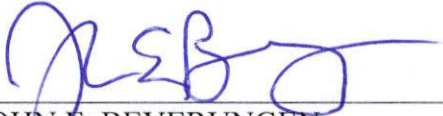
Date 12/8/16
By Sen

signs of area/face square footages of 35 sq. ft., 16 sq. ft. and 16 sq. ft. each in lieu of the required maximum area/face of 1 sq. ft. per sign; (2) To allow two wall-mounted multi-sided Nameplate signs to project 60 inches from the wall in lieu of the required maximum distance of 18 inches; (3) To permit a Class B group child care center with 171 children within an area of 69,565 sq. ft., in lieu of the required 109,060 sq. ft.; (4) To permit 48% impervious surface area in lieu of the required 25% of the gross area; (5) To permit a side yard setback of 30 feet in lieu of the required 50 feet; and (6) To permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only, 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. 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:slh

ORDER RECEIVED FOR FILING

Date 12/8/16
By slh

CASE NAME 9300 & 9304 LYONS MURK
CASE NUMBER 2017-0085-SPHYA
DATE DEC 2, 2016

CASE NAME 9300 & 9304 LYONS MURK
CASE NUMBER 2017-0085-SPHYA
DATE DEC 2, 2016

[illegible]

CASE NO. 2017-

0085-SPHYA

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

10/11

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

C

10/5

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

N/C

FIRE DEPARTMENT

11/2

PLANNING
(if not received, date e-mail sent _____)NO Obj
w/ comment

10/5

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/17/16

SIGN POSTING

Date:

11/12/16

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



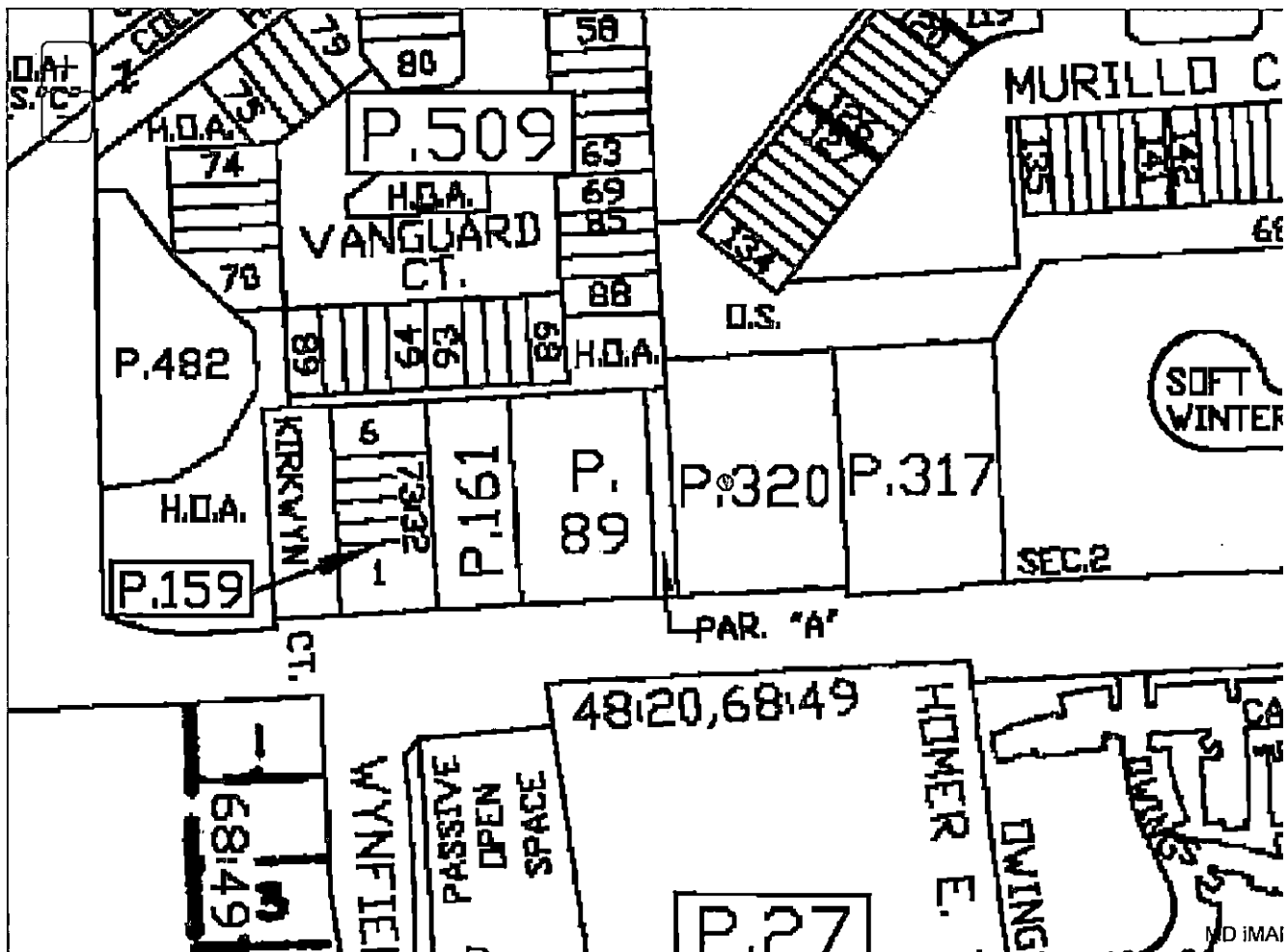
Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 1600003901			
Owner Information					
Owner Name:	NELSESTUEN JERRY A NELSESTUEN JUDITH A		Use:	RESIDENTIAL	
Mailing Address:	9300 LYONS MILL RD OWINGS MILLS MD 21117-4808		Principal Residence:	NO	
			Deed Reference:	/12186/ 00676	
Location & Structure Information					
Premises Address:		9300 LYONS MILL RD 0-0000		Legal Description:	.896 AC NS LYONS MILL RD 1500FT W PAINTERS MIL RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0067	0014	0320		0000	2016
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1977	1,356 SF				38,857 SF
County Use	04				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	1 full/ 1 half	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2016	07/01/2017
Land:		76,200	76,200		
Improvements		93,500	114,600		
Total:		169,700	190,800	176,733	183,767
Preferential Land:		0			0
Transfer Information					
Seller: HANKS ROBERT WAYNE		Date: 05/20/1997		Price: \$133,100	
Type: ARMS LENGTH IMPROVED		Deed1: /12186/ 00676		Deed2:	
Seller: CROOKS JOHN EDWARD, JR		Date: 08/19/1977		Price: \$49,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05792/ 00682		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: **02** Account Number: **1600003901**

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>).



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 4590587

Sold To:

Colbert Matz Rosenfelt Inc - CU00401145
2835 Smith Ave Ste G
Baltimore, MD 21209

Bill To:

Colbert Matz Rosenfelt Inc - CU00401145
2835 Smith Ave Ste G
Baltimore, MD 21209

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

Nov 17, 2016

The Baltimore Sun Media Group

By

S. Wilkins

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: # 2017-0085-SPHXA

9300 & 9304 Lyons Mill Road
N/s Lyons Mill Road, 420 ft. east of Owings Mills Blvd.
2nd Election District - 4th Councilmanic District
Legal Owner(s) Judith & Jerry Nelsestuen

SPECIAL HEARING: 1. For a freestanding externally illuminated monument sign with the dimensions of 3 ft. x 7 ft. or 21 sq. ft. and a height of 5 ft. 2. For such other and further relief as the nature of this cause may require.
SPECIAL EXCEPTION 1. To permit a Class B group child care center as a principle use in a DR zone. 2. For such other and further relief as the nature of this cause may require.
VARIANCE: 1. To allow three Nameplate signs of area/face square footages of 35 sq. ft., 16 sq. ft., and 16 sq. ft. each in lieu of the required maximum area/face of 1 sq. ft. per sign. 2. To allow two wall-mounted multi-sided Nameplate signs to project 60 in. away from the wall in lieu of the required maximum distance of 18 in. 3. To permit a Class B group child care center with 171 children within an area of 69,565 sq. ft. in lieu of the required 109,060 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. 4. To permit 48% impervious surface area in lieu of the required 25% of the gross area. 5. To permit and further relief as the nature of this cause may require. 6. To permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only. 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 2, 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.

11/089 Nov. 17

4590587

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/14/2016

Case Number: 2017-0085-SPHXA

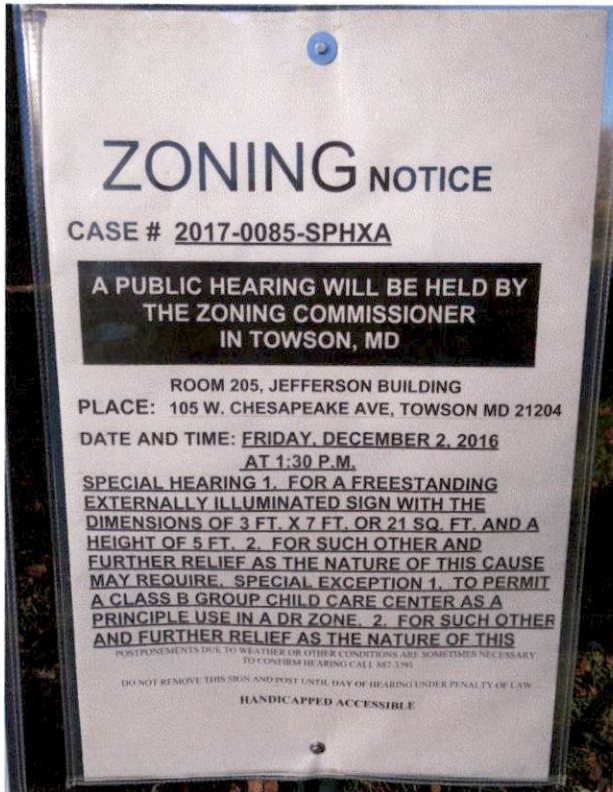
Petitioner / Developer: TIMOTHY KOTROCO, ESQ. ~

JOHN WOODWARD ~ MR. & MRS. NELSESTUEN ~ RICHARD MATZ

Date of Hearing (Closing): DECEMBER 2, 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:
9300 & 9304 LYONS MILL ROAD

The sign(s) were posted on: NOVEMBER 12, 2016



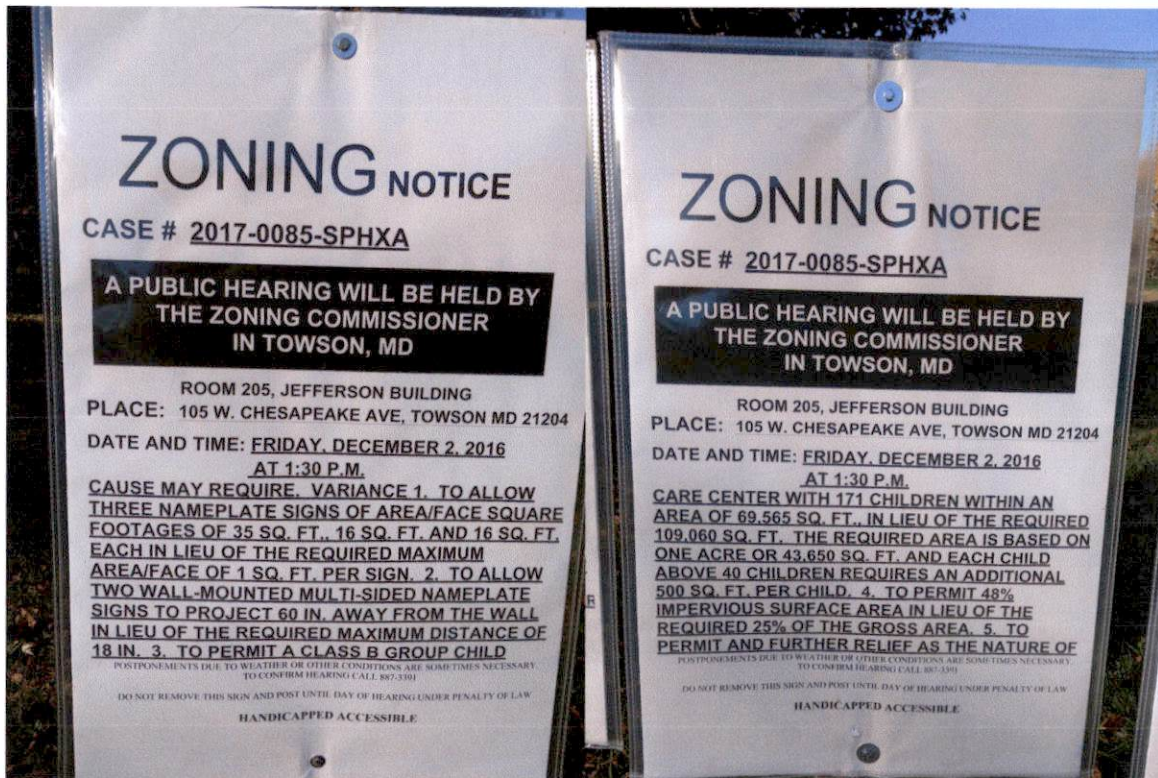
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

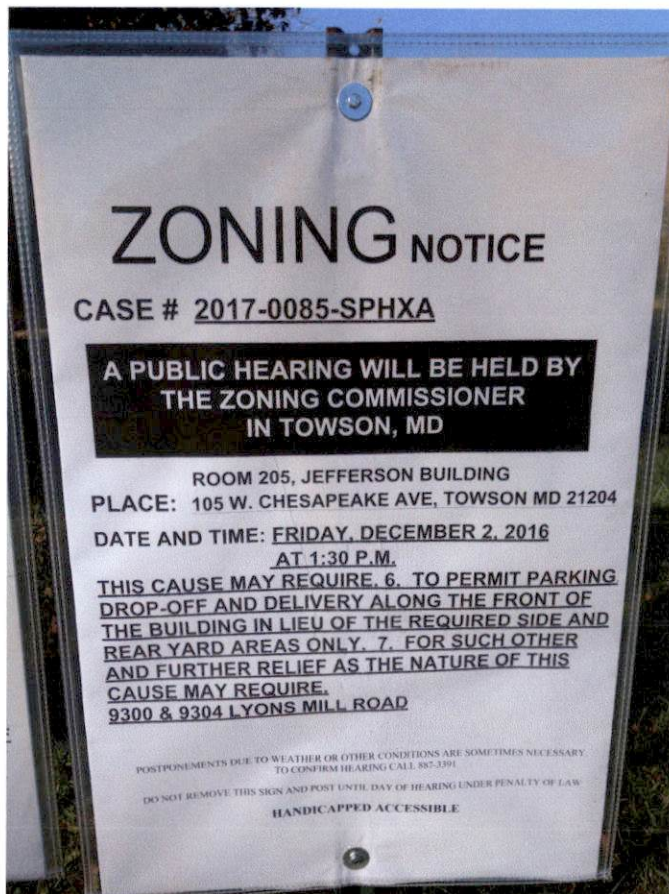
Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

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



(SIGN - B)

(SIGN - C)



(SIGN - D)

ZONING NOTICE

CASE # 2017-0085-SPHXA

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 2, 2016
AT 1:30 P.M.

SPECIAL HEARING 1. FOR A FREESTANDING
EXTERNALLY ILLUMINATED SIGN WITH THE
DIMENSIONS OF 3 FT. X 7 FT. OR 21 SQ. FT. AND A
HEIGHT OF 5 FT. 2. FOR SUCH OTHER AND
FURTHER RELIEF AS THE NATURE OF THIS CAUSE
MAY REQUIRE. SPECIAL EXCEPTION 1. TO PERMIT
A CLASS B GROUP CHILD CARE CENTER AS A
PRINCIPLE USE IN A DR ZONE 2. FOR SUCH OTHER
AND FURTHER RELIEF AS THE NATURE OF THIS

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONTACT HEARING CALL 410-336-7344

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2017-0085-SPHXA

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 2, 2016
AT 1:30 P.M.

CAUSE MAY REQUIRE. VARIANCE 1. TO ALLOW
THREE NAMEPLATE SIGNS OF AREA/FACE SQUARE
FOOTAGES OF 35 SQ. FT., 16 SQ. FT. AND 16 SQ. FT.
EACH IN LIEU OF THE REQUIRED MAXIMUM
AREA/FACE OF 1 SQ. FT. PER SIGN. 2. TO ALLOW
TWO WALL-MOUNTED MULTI-SIDED NAMEPLATE
SIGNS TO PROJECT 60 IN. AWAY FROM THE WALL
IN LIEU OF THE REQUIRED MAXIMUM DISTANCE OF
18 IN. 3. TO PERMIT A CLASS B GROUP CHILD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONTACT HEARING CALL 410-336-7344

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2017-0085-SPHXA

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 2, 2016
AT 1:30 P.M.

CARE CENTER WITH 171 CHILDREN WITHIN AN
AREA OF 69,565 SQ. FT., IN LIEU OF THE REQUIRED
109,060 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. 4. TO PERMIT 48%
IMPERVIOUS SURFACE AREA IN LIEU OF THE
REQUIRED 25% OF THE GROSS AREA. 5. TO
PERMIT AND FURTHER RELIEF AS THE NATURE OF

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONTACT HEARING CALL 410-336-7344

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2017-0085-SPHXA

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, DECEMBER 2, 2016
AT 1:30 P.M.

THIS CAUSE MAY REQUIRE 6. TO PERMIT PARKING
DROP-OFF AND DELIVERY ALONG THE FRONT OF
THE BUILDING IN LIEU OF THE REQUIRED SIDE AND
REAR YARD AREAS ONLY. 7. FOR SUCH OTHER
AND FURTHER RELIEF AS THE NATURE OF THIS
CAUSE MAY REQUIRE.
9300 & 9304 LYONS MILL ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO CONTACT HEARING CALL 410-336-7344

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

HANDICAPPED ACCESSIBLE



November 7, 2016
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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CASE NUMBER: 2017-0085-SPHXA

9300 & 9304 Lyons Mill Road
N/s Lyons Mill Road, 420 ft. east of Owings Mills Blvd.
2nd Election District – 4th Councilmanic District
Legal Owners: Judith & Jerry Nelsestuen

Special Hearing 1. For a freestanding externally illuminated monument sign with the dimensions of 3 ft. X 7 ft. or 21 sq. ft. and a height of 5 ft. 2. For such other and further relief as the nature of this cause may require. Special Exception 1. To permit a Class B group child care center as a principle use in a DR zone. 2. For such other and further relief as the nature of this cause may require. Variance 1. To allow three Nameplate signs of area/face square footages of 35 sq. ft., 16 sq. ft. and 16 sq. ft. each in lieu of the required maximum area/face of 1 sq. ft. per sign. 2. To allow two wall-mounted multi-sided Nameplate signs to project 60 in. away from the wall in lieu of the required maximum distance of 18 in. 3. To permit a Class B group child care center with 171 children within an area of 69,565 sq. ft., in lieu of the required 109,060 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. 4. To permit 48% impervious surface area in lieu of the required 25% of the gross area. 5. To permit and further relief as the nature of this cause may require. 6. To permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only. 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 2, 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
John Woodward, 1005 E. King Street, Ste. 100, York PA 17403
Mr. & Mrs. Nelsestuen, 2917 E. Alta Vista Street, Tucson AZ 85716
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 THURSDAY, NOVEMBER 17, 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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 17, 2016 Issue - Jeffersonian

Please forward billing to:

Richard Matz
Colbert, Matz & Rosenfelt
2835 Smith Avenue, Ste. G
Baltimore, MD 21209

410-653-3838

NOTICE OF ZONING HEARING

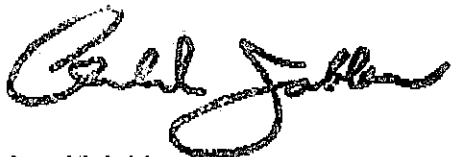
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0085-SPHXA

9300 & 9304 Lyons Mill Road
N/s Lyons Mill Road, 420 ft. east of Owings Mills Blvd.
2nd Election District – 4th Councilmanic District
Legal Owners: Judith & Jerry Nelsestuen

Special Hearing 1. For a freestanding externally illuminated monument sign with the dimensions of 3 ft. X 7 ft. or 21 sq. ft. and a height of 5 ft. 2. For such other and further relief as the nature of this cause may require. Special Exception 1. To permit a Class B group child care center as a principle use in a DR zone. 2. For such other and further relief as the nature of this cause may require. Variance 1. To allow three Nameplate signs of area/face square footages of 35 sq. ft., 16 sq. ft. and 16 sq. ft. each in lieu of the required maximum area/face of 1 sq. ft. per sign. 2. To allow two wall-mounted multi-sided Nameplate signs to project 60 in. away from the wall in lieu of the required maximum distance of 18 in. 3. To permit a Class B group child care center with 171 children within an area of 69,565 sq. ft., in lieu of the required 109,060 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. 4. To permit 48% impervious surface area in lieu of the required 25% of the gross area. 5. To permit and further relief as the nature of this cause may require. 6. To permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only. 7. For such other and further relief as the nature of this cause may require.

Hearing: Friday, December 2, 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE *
9300 & 9304 Lyons Mill Road; N/S Lyons * OF ADMINISTRATIVE
Mill Road, 420' E of c/line Owings Mills Blvd * HEARINGS FOR
2nd Election & 4th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Judith & Jerry Nelsestuen *
& Andrew Fraser *
Contract Purchaser(s): John Woodward *
Petitioner(s) * 2017-085-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.

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

RECEIVED

OCT 05 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 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



PETITION FOR ZONING HEARING(S)

1 of 2

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 9300 Lyons Mill Road, Owings Mills, MD. 21117

which is presently zoned D.R. 16

Deed References: L 12186 F 676

10 Digit Tax Account # 1 6 0 0 0 0 3 9 0 1

Property Owner(s) Printed Name(s) Judith Nelsestuen & Jerry Nelsestuen

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

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

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

see attached

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

see attached

3. X **a Variance** from Section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate 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:

John Woodward

Name- Type or Print

Signature

1005 East King Street, Suite 100, York, PA.

Mailing Address City State

17403 / (717)-854-8122 / john@realservicesyork.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Ave., Suite 502, Towson, MD.

Mailing Address City State

21204 / (410)-299-2943 / tkotroco@gmail.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Judith Nelsestuen

Name #1 - Type or Print

Signature #1

2917 East Alta Vista Street, Tucson, AZ.

Mailing Address City State

85716 / (918) 671-2956

Zip Code Telephone # Email Address

Jerry Nelsestuen

Name #2 - Type or Print

Signature #2

2917 East Alta Vista Street, Tucson, AZ.

Mailing Address City State

85716 / (918) 671-2956 / judynelsestuen@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richard E. Matz

Name - Type or Print

Signature

2835 Smith Ave., Suite G, Baltimore, MD.

Mailing Address City State

21209 / (410)-653-3838

Zip Code Telephone # Email Address

CASE NUMBER 2017-0035-SPHXA Filing Date 9/29/16

Do Not Schedule Dates:

Reviewer PR

REV. 10/4/11

ORDER RECEIVED FOR FILING
10/2/16
10/2/16

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

9300 & 9304 Lyons Mill Road
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. For a freestanding externally illuminated monument sign with the dimensions of 3 feet x 7 feet or 21 square feet and a height of 5 feet.
2. 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 D.R. zone.
2. For such other and further relief as the nature of this cause may require.

Variance Relief:

1. From section 450.4 Attachment 1 #9 to allow three Nameplate signs of Area/face square footages of 35 square feet, 16 square feet and 16 square feet, each in lieu of the required Maximum Area/Face of 1 square foot per each sign.
2. From section 450.5.B.9.a. to allow two Wall-mounted Multi-sided Nameplate signs to project 60" away from the wall in lieu of the required maximum distance of 18 inches.
3. From section 424.7.A. of the BCZR to permit a Class B group child care center with 171 children within an area of 69,565 square feet, in lieu of the required 109,060 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.
4. From section 424.7.E. to permit 48% impervious surface area in lieu of the required 25% of the gross area.
5. From section 424.7.B. to permit a side yard setback of 30 feet in lieu of the required 50 feet.
6. From section 424.7.C. to permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only.
7. For such other and further relief as the nature of this cause may require.



PETITION FOR ZONING HEARING(S)

2 of 2

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 9304 LYONS MILL ROAD

which is presently zoned D.R. 16

Deed References: L 25195 F 553

10 Digit Tax Account # 0212740051

Property Owner(s) Printed Name(s) Andrew Fraser

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

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

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

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

3. **a Variance** from Section(s)

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

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:

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):

Andrew Fraser

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

9304 Lyons Mill Road, Baltimore, MD.

Mailing Address City State

21117 / 703-517-7912

Zip Code Telephone #

ANDREW.FRASER@GMAIL.COM

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone #

Email Address

CASE NUMBER 2017-0085-SPHXA Filing Date 9/29/16

Do Not Schedule Dates: _____

Reviewer BR

ORDER RECEIVED FOR FILING
10/9/16
BY [Signature]
Date [Signature]
State [Signature]

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

9300 & 9304 Lyons Mill Road
4th Councilmanic District
2nd Election District

Special Hearing Relief:

1. For a freestanding externally illuminated monument sign with the dimensions of 3 feet x 7 feet or 21 square feet and a height of 5 feet.
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4. From section 424.7.E. to permit 48% impervious surface area in lieu of the required 25% of the gross area.
5. From section 424.7.B. to permit a side yard setback of 30 feet in lieu of the required 50 feet.
6. From section 424.7.C. to permit parking, drop-off and delivery along the front of the building in lieu of the required side and rear yard areas only.
7. For such other and further relief as the nature of this cause may require.



ZONING DESCRIPTION
9300 & 9304 Lyons Mill Road
Owings Mills, Maryland

Beginning at a point on the North side of Lyons Mill Road (variable width) at a distance of 420' +/- from the center of Owings Mills Blvd. (variable width), and thence leaving said Lyons Mill Road and running with and binding on the land of the herein petitioner,

1. North 03 degrees 08 minutes 57 seconds West 204.83 feet,
2. North 87 degrees 09 minutes 09 seconds East 150.00 feet,
3. North 03 degrees 08 minutes 57 seconds West 53.29 feet,
4. North 86 degrees 51 minutes 17 seconds East 150.00 feet,
5. South 03 degrees 09 minutes 33 seconds East 259.37 feet, to the North side of said Lyons Mill Road, thence running with and binding on the North side of said Road,
6. South 86 degrees 35 minutes 39 seconds West 150.05 feet,
7. North 03 degrees 08 minutes 57 seconds West 3.48 feet,
8. South 86 degrees 33 minutes 30 seconds West 150.00 feet back to the point of beginning.

Containing 1.597 of an Acre more or less.

Located in the 2nd Election District and 4th Councilmanic District. Known as 9300 & 9304 Lyons Mill Road.



SEPT 29, 2016

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 fifteen (15) 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: 2017-0085-SP4XA

Property Address: _____

Property Description: _____

Legal Owners (Petitioners): JUDITH & JERRY NELSESTUEN, ANDREW FRASER

Contract Purchaser/Lessee: JOHN WOODWARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT MATZ

Company/Firm (if applicable): ROBERT MATZ ROSENFELT, INC.

Address: 2835 SMITH AVE., SUITE 6

BALTIMORE, MD. 21209

Telephone Number: 410-653-3838

Revised 5/20/2014

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

NO. 144088

Date: 9/29/16

PAID RECEIPT

BUSINESS ACTUAL TIME REV
9/30/2016 9/29/2016 11:16:53 2
REG #302 WALKIN JEE
>>RECEIPT # 983835 9/29/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 144088

Recpt Tot \$1,200.00
\$1,200.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
00	5	528		61					\$1,200.00

Total: \$1,200.00

Rec From: 9/29/16

For: Supplies

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

November 22, 2016

Judith & Jerry Nelsestuen
2917 East Alta Vista Street
Tucson AZ 85716

RE: Case Number: 2017-0085 SPHXA, Address: 9300 Lyons Mill Road

Dear Mr. & Ms. Nelsestuen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 29, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John Woodward, 1005 East King Street, Suite 100, York PA 17403
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: 10/5/16

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. 2017-0085-SPHXA

Special Hearing Special Exception Variance
Judith & Jerry Nelsestuen and Andrew Fraser
9300 & 9304 Lyons Mill 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,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 2, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-085

NOV 04 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 9300 & 9304
Petitioner: Judith Nelsestuen
Zoning: DR 16
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a freestanding illuminated monument sign with the dimensions of 3'x7' or 21 sq. feet and a height of 5' and also the petition for special exception to use the property for a Class B child care center as a principal use in a DR zone. The Department also reviewed the petition for variance to allow relief from the Baltimore County Zoning Regulations as listed on the attachment submitted in support of the petition.

A site visit was conducted on October 6, 2016. Vacant dwellings exist on both parcels. The petitioner's representative has met with the Department to inform it as to the workings of the special exception use as proposed and how impacts are mitigated.

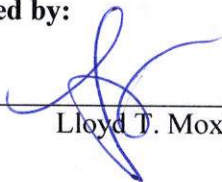
The Department of Planning has no objections to the requested relief conditioned upon the following:

- Provide a landscape and lighting plan to the Baltimore County Landscape Architect for approval prior to the issuance of any permits. Such a plan should show enhanced screening along the western edge of the tract boundary adjacent to the dwelling at 9306 Lyons Mill Road.

The Department recommends that if feasible the petitioner should provide a pedestrian connection to the residential properties to the north.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richard E. Matz, Colbert, Matz Rosenfelt, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 05 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: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0085-SPHXA
Address 9300 & 9304 Lyons Mill Road
(Nelsestuen & Fraser Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

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

Reviewer: Steve Ford

Date: 10-05-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2016
Item No. 2017-0085

DATE: October 11, 2016

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

Public Works, Landscape and Rec/Parks comments will be rendered in the Development Plans process.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0085-10102016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 2, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-085

INFORMATION:

Property Address: 9300 & 9304
Petitioner: Judith Nelsestuen
Zoning: DR 16
Requested Action: Special Hearing, Special Exception, Variance

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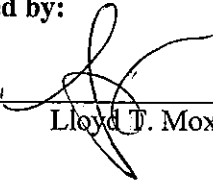
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The Department recommends that if feasible the petitioner should provide a pedestrian connection to the residential properties to the north.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richard E. Matz, Colbert, Matz Rosenfelt, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0085-SPHXA
Address 9300 & 9304 Lyons Mill Road
(Nelsestuen & Fraser Property)

Zoning Advisory Committee Meeting of **October 10, 2016.**

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

Reviewer: Steve Ford Date: 10-05-2016

- B. Group child-care centers in business and manufacturing zones are permitted as a noncommercial accessory or principal use in accordance with the following schedule:

Group Child-Care Centers	Class A	Class B	Nursery Schools
R-O			
More than 40 children	N/A	SE	SE
40 or fewer children	C	C	C
OR-1, OR-2	R	R	R
O.T.	R	R	R
Business Zones	R	R	R
M.R., M.H., M.L. and M.L.R. Zones	R	R	R
R =	Permitted as of right		
SE =	Permitted by special exception		
N =	Not permitted		
C =	Permitted subject to additional conditions		

§ 424.6. Sign and display regulations.

[Bill No. 89-1997]

Signs are permitted, subject to Section 450.

§ 424.7. Bulk standards for group centers in D.R. Zones.

The following standards apply to group child-care centers located in D.R. Zones:

- A. Minimum lot size: one acre for the first 40 children plus 500 square feet per child for every child beyond 40 children.
- B. Minimum setback requirements.
 Front: 25 feet from street line or the average setback of the adjacent residential dwellings, whichever is less.
 Side: 50 feet from property line, with 20 feet of perimeter vegetative buffer.
 Rear: 50 feet from property line, with 20 feet of perimeter vegetative buffer.
- C. Parking, drop-off and delivery areas shall be located in the side or rear yards, unless the Zoning Commissioner, upon the recommendation of the Director of Planning, determines that there will be no adverse impact by using the front yard for parking, drop off or delivery purposes. In all cases these areas shall be located outside of the required buffer area.
- D. Maximum height: 35 feet.
- E. Maximum impervious surface area: 25% of gross area.

Rogers Day Care
Order

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 T
OFFICE O
ADMINIS
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

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 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 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.

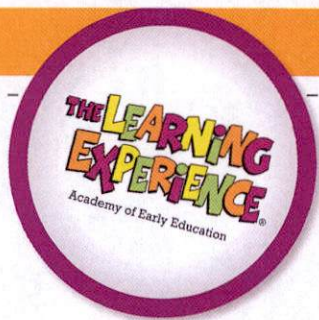
The relief granted herein shall be subject to the following:

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



From: Cheryl Hanenberg
Vice President of Center Development

As per your inquiry, following is information regarding The Learning Experience and our operations. If you have any questions, please contact me.

The Learning Experience® (TLE), has child development centers throughout the United States. Our secure centers offer premier child care to children ages six weeks to five years: infants - toddlers - twaddlers - preppers - preschoolers - pre K - kindergarten and after school care for children up to eight years of age at most of our centers.

The Learning Experience® is not just a daycare facility but also a complete child development center. We welcome you to visit any one of our dynamic and fun environments to see for yourself why TLE is different ... how committed we are to quality care and intellectual child development education of your child.

You want the best for your child... so do we! Our Charlie Choo Choo® Enrichment Programs: Marvelous Math®, Start to Art®, Suddenly Science®, Movin' n Groovin'®, Dancing Feet®, Music 4 Me® and Talent Sprouts® introduces children to the performing arts through a variety of activities involving all aspects of performance.

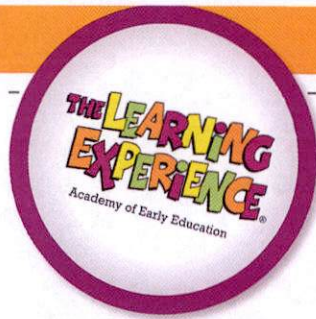
The Learning Experience® believes that each child deserves to grow and learn at his or her own pace. Our diverse curriculum includes: L.E.A.P® 1, L.E.A.P® 2, Little Learners™ and Fun with Phonics®. Our responsibility is to establish a strong foundation for your child in a fun and exciting environment.

TLE is one of the most comprehensive franchise business opportunities in child care today. It is one of the few childcare operators in the country where management has direct hands on experience with the day to day operations of the business.

PETITIONER' S

EXHIBIT NO. 3

learn. play. grow.



Following is some specific information regarding our Operations:

Hours of Operation

- 6:30am-6:30pm (12 hours per day)
- Activities on nights & weekends (Open Houses, parties, etc.)

Size of the building

- 10,000 square ft. building typical

Size of playground

- 5,000 square ft. typical
- 13,500 – 13,875 square ft. (CA)

Overall average enrollment

- 80% Occupancy

Capacity of the center

- 180-185 children

Children Diapered/Potty Trained

- Average center: 40 children diapered, 38 children potty training, 105 children non-diapered

Part time children attendance

- Typical center has 25% part time children

Part time schedules

- Schedules vary (am students to pm students, 1-5 day schedules)

Families with siblings

- Approximately 20% have 1 or more siblings that will attend

Absenteeism rate

- Approximately 8% - 12%

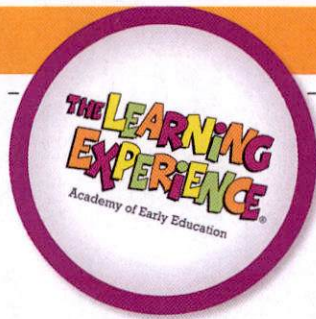
Number of employees

- Approximately 24 staff at any one time total for an 10,000 square foot building, typical
- 30% Part Time (7 of the 24 employees)

Number of parking spots

- 40 parking spots typically required

learn. play. grow.



Traffic – Each parent parks their vehicle within the TLE parking area and brings their child into the center, checks them in at the reception counter, and then brings their child to their designated classroom. The reverse of this occurs at pick up as well. This averages from 5 minutes to 8 minutes.

- During drop off (average 5 minutes) generally between 6:30 am to 9:30 am
- During pick up (average 8 minutes) generally between 4:00 pm to 6:30 pm

Outline of Estimated Traffic

Traffic during drop off (average 5 minutes):

- 6:30am-7:00am (11 children)
- 7:00am-7:30am (28 children)
- 7:30am-8:00am (43 children)
- 8:00am-8:30am (43 children)
- 8:30am-9:00am (29 children)
- 9:00am-9:30am (29 children)

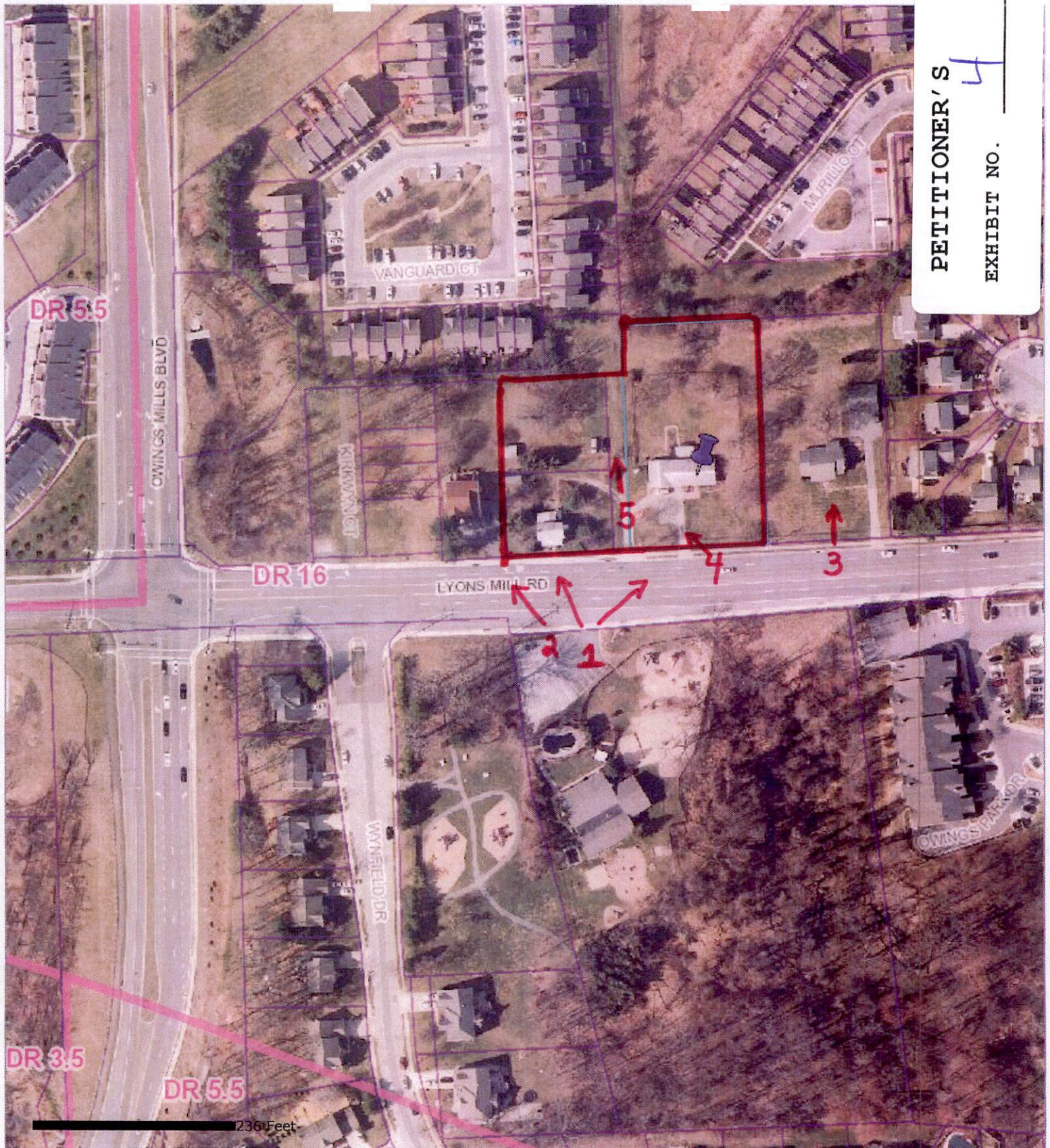
Calculations based on a center with the capacity of 183

Traffic during pick up (average 8 minutes):

- 3:30pm-4:00pm (11 children)
- 4:00pm-4:30pm (28 children)
- 4:30pm-5:00pm (43 children)
- 5:00pm-5:30pm (43 children)
- 5:30pm-6:00pm (29 children)
- 6:00pm-6:30pm (29 children)

Calculations based on a center with the capacity of 183





PETITIONER'S

EXHIBIT NO.

4



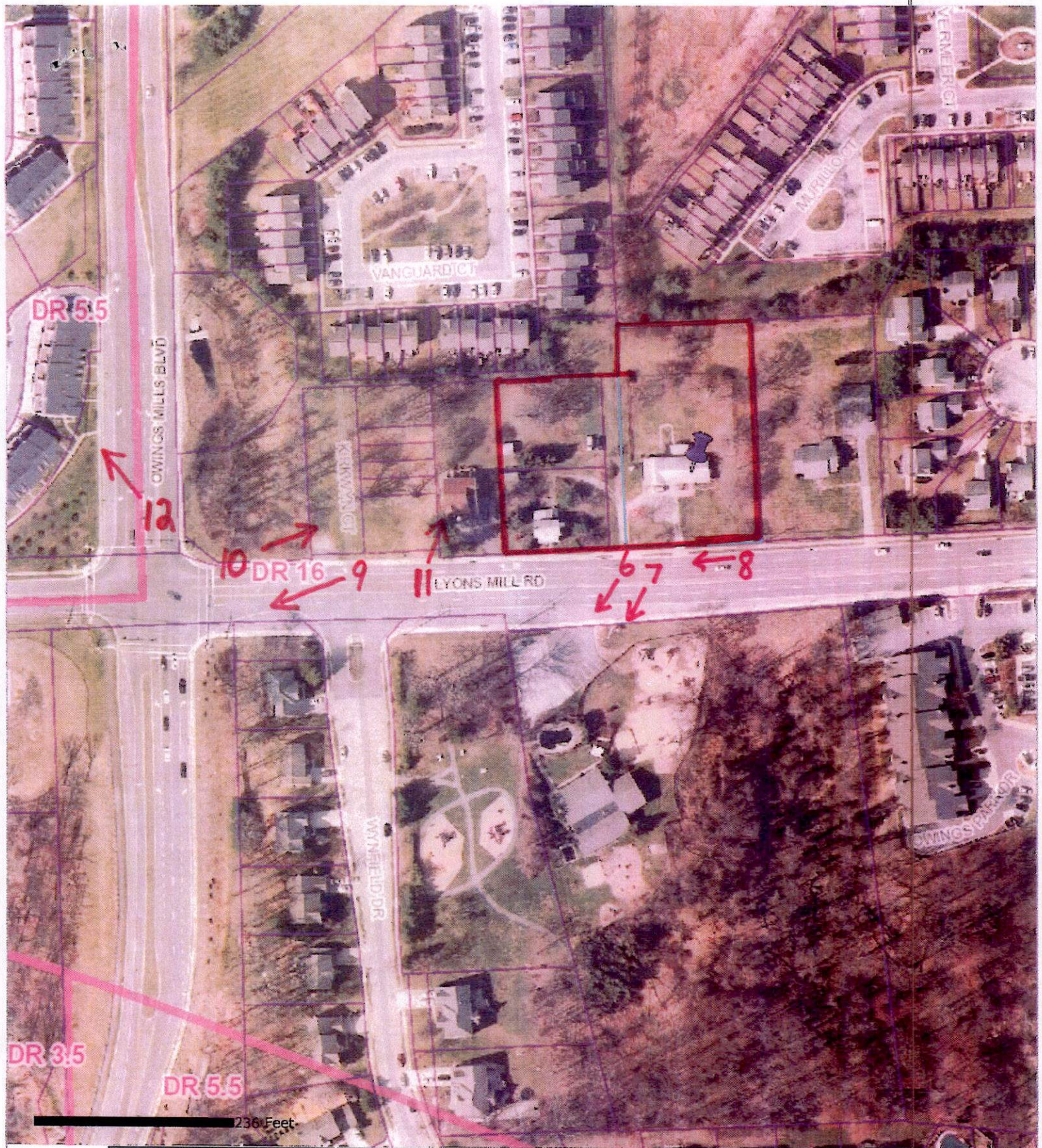
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 11/28/16



My Neighborhood Map

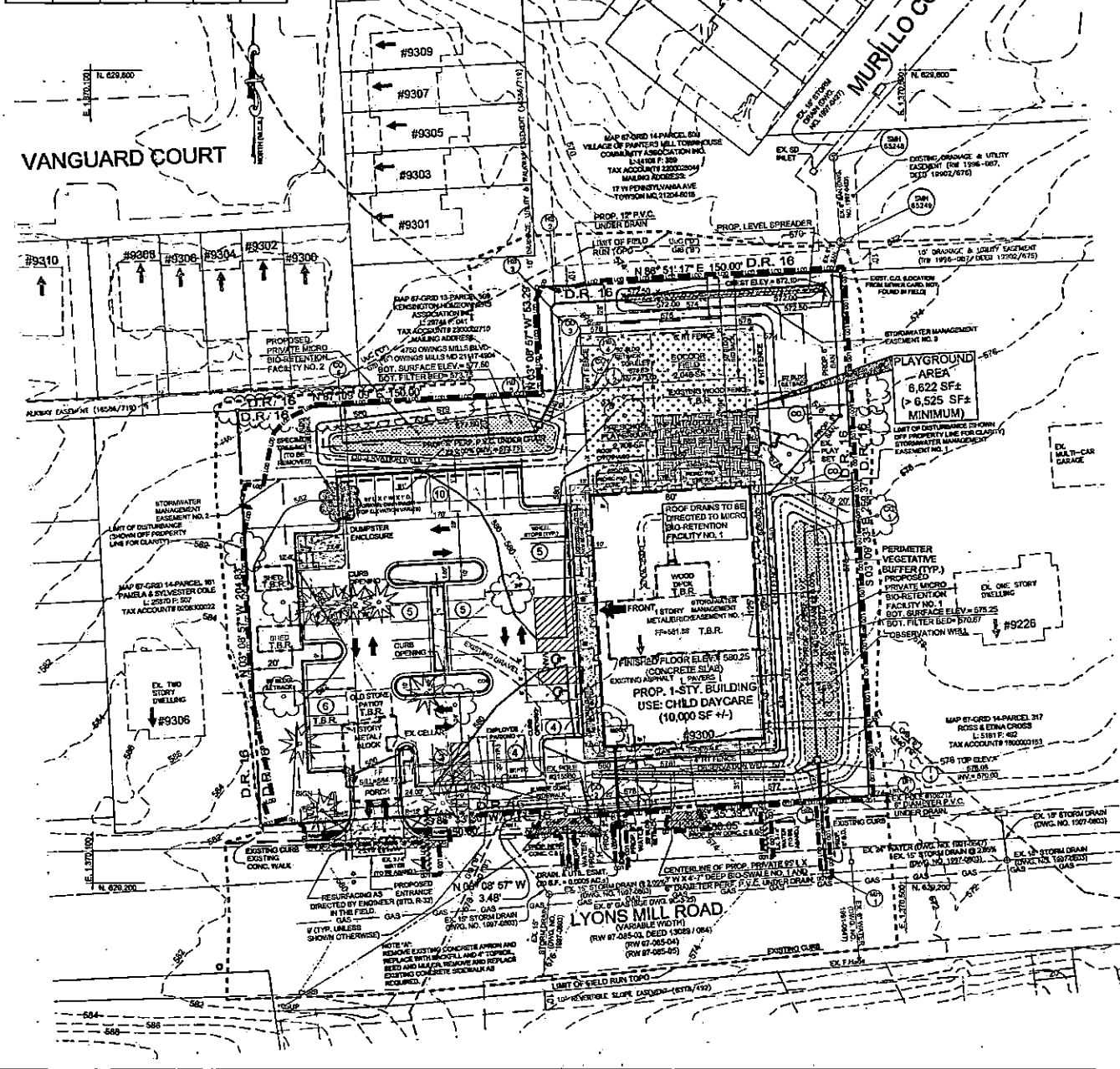
Created By
Baltimore County
My Neighborhood



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Development Plan Approved

TYPE	NAME	NO.	N.E.S.	W/TH	W/TH	W/TH	W/TH	W/TH	W/TH
ONE	CLUBHOUSE	1	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED
TWO	HOUSE	2	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED	NOT LIMITED



GENERAL NOTES

- THE PROPERTY SHOWN ON THIS PLAN IS THE PROPERTY OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND IS SUBJECT TO THE JURISDICTION OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.
- ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS RECORDS AND FIELD SURVEY DATA. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
- THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FROM THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND ANY OTHER AFFECTED AGENCIES.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS AND STANDARDS.
- THE USER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
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LEGEND

THIS DOCUMENT INCLUDES INFORMATION AND DEFINITIONS OF BALTIMORE GAS AND ELECTRIC COMPANIES (BGE) ELECTRIC AND GAS UTILITIES LOCATED WITHIN THE PROJECT AREA. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

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NOTES

SEE SHEET 2 OF 2 FOR LEGEND, CERTIFICATE OF DELINQUENT ACCOUNTS

AREA OF DISTURBANCE = 61,790 S.F. = 1.36 AC. ±

SEE DEV-2 (SHEET 2 OF 2) FOR ZONING ORDINANCES RELEVANT TO THIS SITE, DEDICATION TABLE AND EASEMENTS DETAIL.

ORC # 010317A
PAI # 02-0785
LIMITED EXEMPTION # 170051H
DEVELOPMENT PLAN
FOR
THE LEARNING EXPERIENCE
9300 LYONS MILL ROAD
BALTIMORE COUNTY, MARYLAND 21117
4TH COUSINS BLVD DISTRICT
2ND ELECTION DISTRICT
GRAPHIC SCALE

Colbert Matz Rosenfelt, Inc.
10000 South Avenue, Suite C
Glenview, Maryland 21203
Telephone: (410) 853-3828
Facsimile: (410) 853-3823

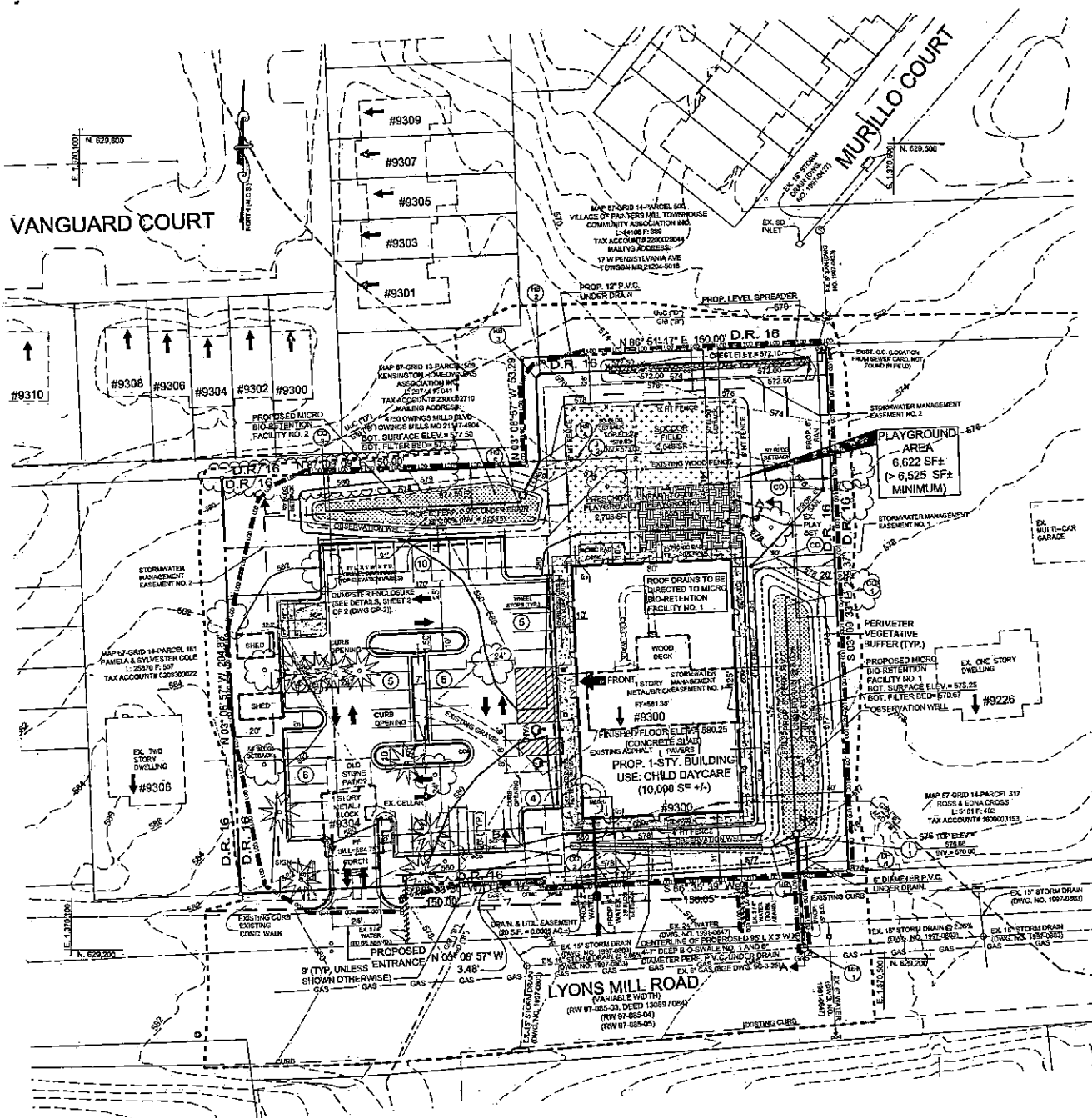
July 17, 2017

DEV-1

Development Plan Submitted

VANGUARD COURT

MURILLO COURT



BENCHMARK INFORMATION

BEARING, COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL COORDINATE SYSTEM AND BENTON AND BENTON'S DATUM AS REFERENCED FROM GPS OBSERVATIONS AND THE FOLLOWING TRANSFORMATIONS:

GRID TRANS 1
 COORDINATE N 435,225.717, E 1,316,955.000 ELEVATION 581.67
 5.07 IN CONCRETE AT MAX. AN. SOUTHWEST CORNER OF SOUTHWEST CORNER OF 800 LYONS MILL ROAD AND/OR SOUTHWEST CORNER OF STORMWATER BASIN ON 800 LYONS MILL ROAD, ONLY EAST OF THE CENTERLINE OF WYOMING DRIVE.

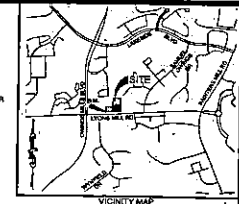
REVISIONS/NOTES

REVISIONS TO MANAGEMENT PLAN FOR THIS SITE WILL BE ACCESSED THROUGH THE PROJECT WEBSITE. ANY CHANGES TO THE MANAGEMENT PLAN MUST BE ACCESSED THROUGH THE PROJECT WEBSITE. ANY CHANGES TO THE MANAGEMENT PLAN MUST BE ACCESSED THROUGH THE PROJECT WEBSITE.

GENERAL NOTES

1. THE PROPOSED BUILDING SHALL BE DESIGNED AND CONSTRUCTED TO MEET THE APPLICABLE REQUIREMENTS OF THE BALTIMORE COUNTY FIRE DEPARTMENT CODE, BALTIMORE COUNTY FIRE DEPARTMENT CODE, BALTIMORE COUNTY FIRE DEPARTMENT CODE.
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VICINITY MAP
 SCALE: 1" = 100'

GENERAL NOTES

1. THE PROJECT SITE IS LOCATED AT THE INTERSECTION OF VANGUARD COURT AND MURILLO COURT. THE PROJECT SITE IS LOCATED AT THE INTERSECTION OF VANGUARD COURT AND MURILLO COURT.

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NOTE: SEE SHEET 2 OF 2 (DEV-2) FOR LEGEND.

CERTIFICATE OF DELINQUENT ACCOUNTS

DATE: 11/11/2019

BY: [Signature]

FOR: [Signature]

AREA OF DISTURBANCE = 61,750 S.F. = 1.56 AC. ±

MCS NO. DATE

REVISIONS

REV. SHEET 1 OF 2

DRG # 010317A
 TRACKING # UM-2017-00007
 PAL # 02-0758
 UNITED EXEMPTION # 170050H
 DEVELOPMENT PLAN
 FOR
 THE LEARNING EXPERIENCE
 9300 & 9304 LYONS MILL ROAD
 BALTIMORE COUNTY, MARYLAND 21117
 4TH COUNCILMANIC DISTRICT
 2ND ELECTION DISTRICT
 GRAPHIC SCALE

1" = 20'

Colbert Matz Rosenfelt, Inc.

Engineer: [Signature]
 2855 Sherr Avenue, Suite G
 Baltimore, Maryland 21202

Telephone: (410) 551-3833
 Facsimile: (410) 551-7533

Professional Engineer
 License No. 112028
 Expiration Date: 11/20/2019

Sheet No. 112028
 Revision No. 112028

DEV-1

Case No.:

2017-0085-SPHXA

Exhibit Sheet

Petitioner/Developer

1-10-17
DW

Protestants

slw
12-8-16

No. 1	Plan	
No. 2	Schematic Landscape Plan	
No. 3	info. re: Learning Experience	
No. 4	Photos of existing SFDs	
No. 5	Photos of vicinity	
No. 6	Rendering	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

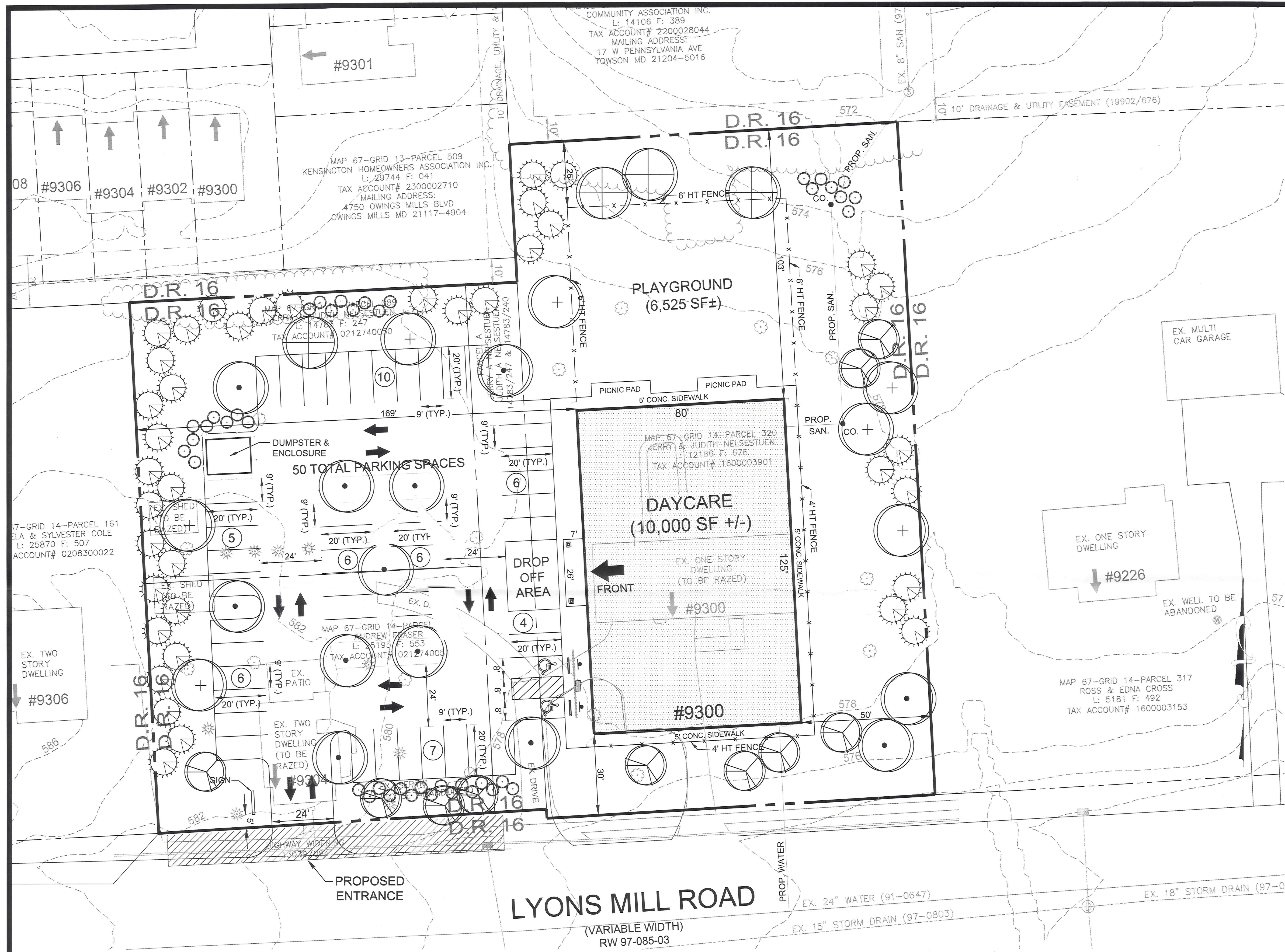


EXHIBIT
6

THE LEARNING EXPERIENCE

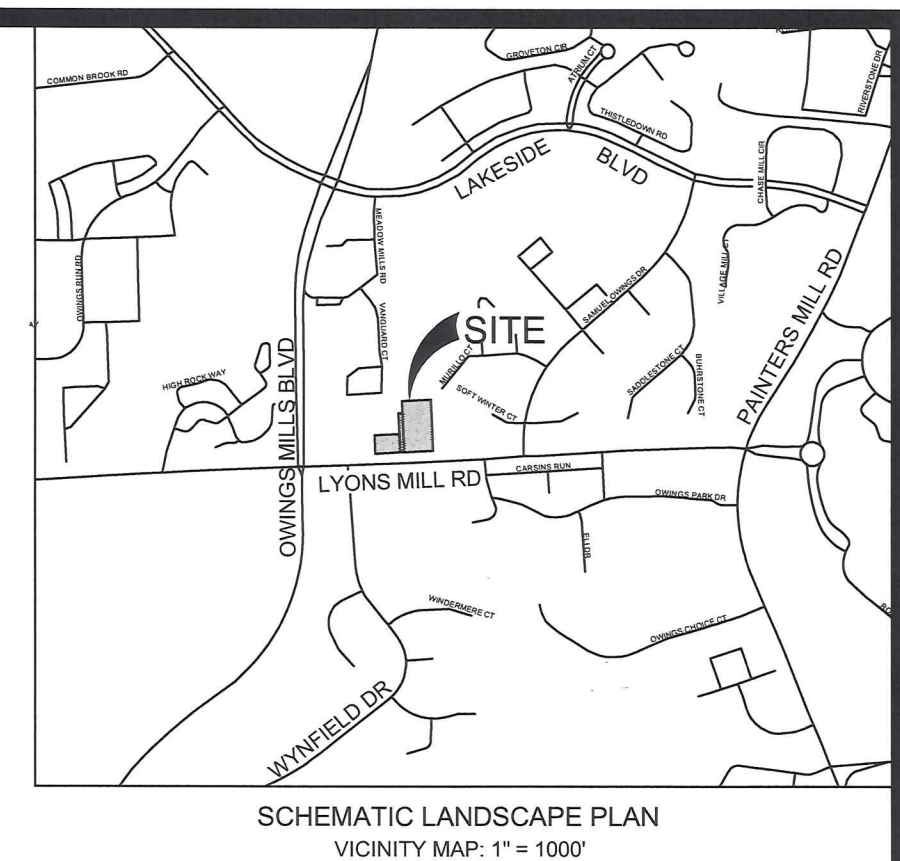


42 OKNER PARKWAY
LIVINGSTON, NEW JERSEY 07039
TEL: 973-994-9669
FAX: 973-994-4069
www.jarmelkizel.com



KEY

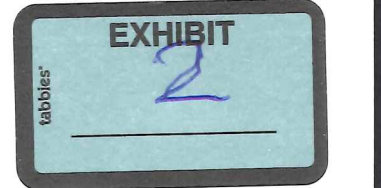
- MAJOR TREES
- MINOR TREES
- EVERGREEN TREES
- SHRUBS



- GENERAL NOTES:**
- OWNER:
JERRY A NELSESTUEN
JUDITH A NELSESTUEN
9300 LYONS MILL RD
OWINGS MILLS MD
21117-4808
 - SITE DATA:
MAP - 0067
GRID - 0014
PARCEL - 0099
DEED REF - 14783/00247
TAX ACCOUNT NUMBER: 0211740050
ELECTION DISTRICT - 2
COUNCILMANIC DISTRICT - 4
 - SITE AREA: 70,681 SQ. FT. ± OR 1.62 AC. ±
 - SITE ZONING: D.R. 16
 - BOUNDARY & TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON AVAILABLE COUNTY RECORDS, DEED PLOT, AND GIS & DOES NOT REPRESENT A FIELD RUN SURVEY.

PLANTING CALCULATIONS

CON	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	300 LF	7.5
A	INTERIOR ROADWAY	1 PU / 20 LF	25 LF	1.3
B	PARKING LOT INTERIOR	1 PU / 12 SPACES	50 SPACES	4.2
B	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 15 LF	103 LF	6.9
B	PARKING ADJACENT TO A RESIDENTIAL	1 PU / 15 LF	99 LF	6.6
B	PARKING ADJACENT TO A RESIDENTIAL	1 PU / 15 LF	115 LF	7.7
E	NON-RESIDENTIAL TO RESIDENTIAL	1 PU / 15 LF	285 LF	19
H	SCREEN DUMPSTER	1 PU / 15 LF	35 LF	2.3
TOTAL REQUIRED / TOTAL PROPOSED			56 / 56 P.U.'S	



SCHEMATIC LANDSCAPE PLAN
Lyons Mill Road
BALTIMORE CITY COUNTY, MARYLAND, 21117
4TH COUNCILMANIC DISTRICT
2ND ELECTION DISTRICT

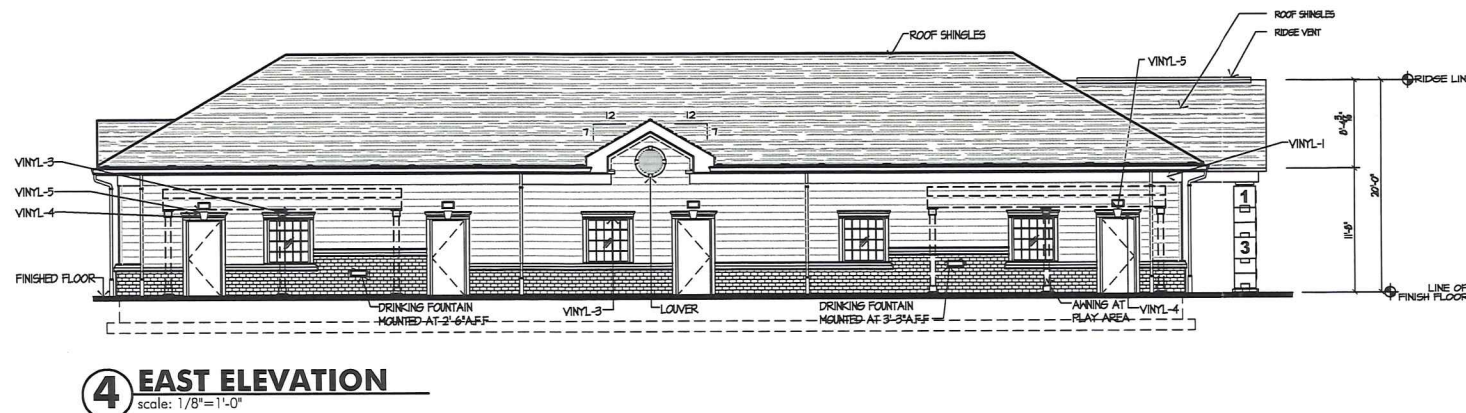
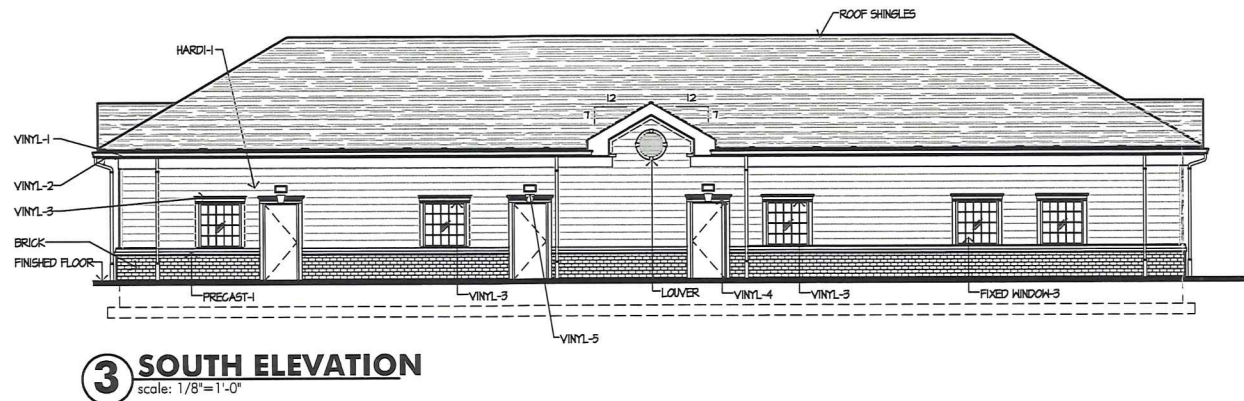
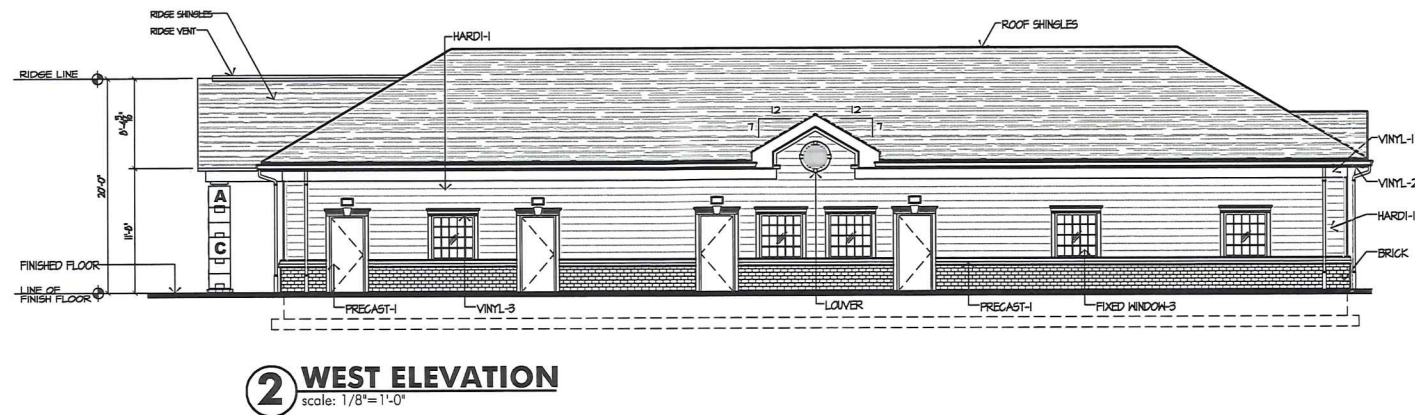
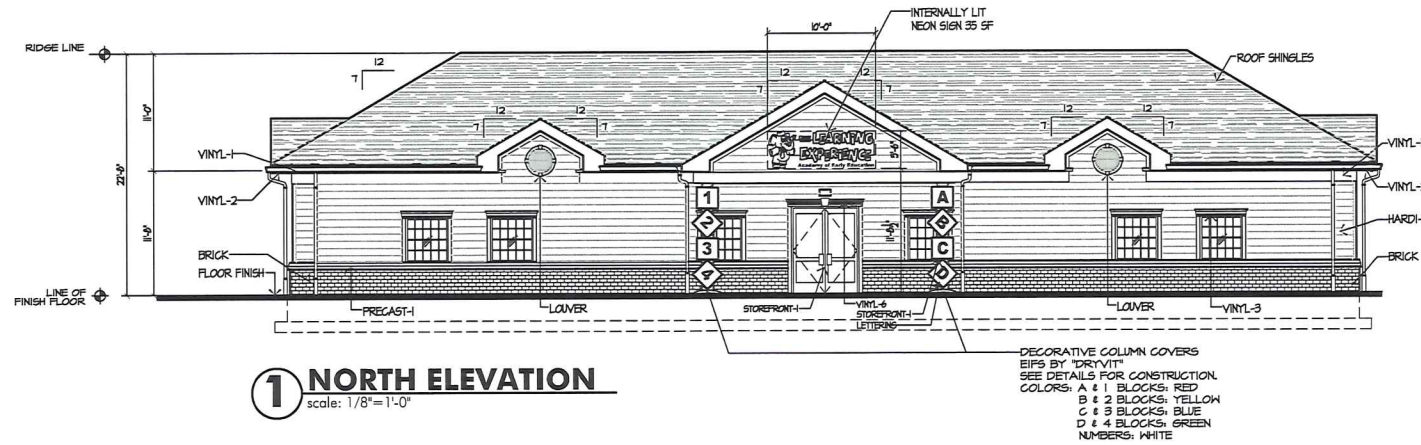
GRAPHIC SCALE

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. _____ Expiration Date: _____

SCALE: 1" = 20'
DATE: 10/26/2016
JOB NO.: 2016216
DRAWN: SAM
DESIGNED: DPG
CHECKED: DML
FILE: LYONS MILL SC LS.dwg
DRAWING NUMBER: **SLP-1**

NO.	DATE	REVISIONS:	BY	SHEET	1	OF	1
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EXTERIOR PAINT FINISH SCHEDULE

CODE	MATERIAL	MANUFACTURER	STYLE/STOCK NO.	COLOR	FINISH
RED	PAINT	BENJAMIN MOORE	2087-20	WATER MELON RED	PEARL
BLUE	PAINT	BENJAMIN MOORE	2067-30	TWILIGHT BLUE	PEARL
GREEN	PAINT	BENJAMIN MOORE	2038-30	PRAIRIE GREEN	PEARL
YELLOW	PAINT	BENJAMIN MOORE	2020-40	YELLOW RAIN COAT	PEARL

EXTERIOR MATERIAL SCHEDULE

NAME	MANUFACTURER	SIZE / TYPE	COLOR
EIFS-1	DRYVIT	REFER TO DRAWING A-14	COLOR: BENJAMIN MOORE, RED PRODUCT: 2087-20
EIFS-2	DRYVIT	REFER TO DRAWING A-14	COLOR: BENJAMIN MOORE, YELLOW PRODUCT: 2020-40
EIFS-3	DRYVIT	REFER TO DRAWING A-14	COLOR: BENJAMIN MOORE, BLUE PRODUCT: 2067-30
EIFS-4	DRYVIT	REFER TO DRAWING A-14	COLOR: BENJAMIN MOORE, GREEN PRODUCT: 2038-30
COLUMN ENCLOSURE	REFER TO DRAWING A-14	REFER TO DRAWING A-14	COLOR: BENJAMIN MOORE, WHITE
LETTERING	PROVIDED BY SIGNAGE VENDOR	REFER TO DRAWING A-14	WHITE
BRICK	LAURENCEVILLE BRICK	MODULAR, TEXTURED STYLE	COLOR: RED RANGE WIRECUT PRODUCT: 22
VINYL-1	PLASTICLAD	VINYL FRIEZE BOARD, 5/4"x10" 1'x3-1/4" (NET SIZE), 1/8" PVC BOARD	-
VINYL-2	ROYAL BUILDING PRODUCTS	COLOR SCAPES NOMINAL THICKNESS .042"	TRIPLE 4 SOFFIT MATTE FINISH COLOR: WHITE PRODUCT: PERFORATED
VINYL-3	FYPON	TRADITIONAL WINDOW CROSS HEAD WIDTH: 64", HEIGHT: 3-1/8" PROJECTION: 4-3/8"	COLOR: WHITE PRODUCT: CCA64X80
VINYL-4	FYPON	DOORS CROSSHEAD WIDTH: 50", HEIGHT: 9"	COLOR: WHITE PRODUCT: DCH50X9
VINYL-5	FYPON	KEYSTONE WIDTH: 6", HEIGHT: 11" PROJECTION: 6-1/32"	COLOR: WHITE PRODUCT: KSM
VINYL-6	FYPON	DOORS CROSSHEAD WIDTH: 86", HEIGHT: 9"	COLOR: WHITE PRODUCT: DCH86X9
HARDI-1	JAMES HARDI, HARDIPLANK	LAP SIDING-CEDAR/MILL LAP 5/16" THK, 12" PLANKS 1" W4" (6" EXPOSE)	COLOR: SANDSTONE BEIGE
HARDI-2	JAMES HARDI, HARDITRIM	4"x1" TRIM	COLOR: WHITE
PRECAST-1	ANCHOR CONCRETE	PRODUCT #: S-12	COLOR: LITE GRAY
LOUVER	FYPON	30" DIA	COLOR: WHITE PRODUCT: FRLV30MTK
ROOF SHINGLES	GAF	TIMBERLINE PRESTIGE HIGH DEFINITION 30 YEAR WARRANTY	COLOR: BISCAITNE BLUE PRODUCT:
STOREFRONT-1	REFER TO DRAWING A-12	REFER TO DRAWING A-12	REFER TO DRAWING A-12
EXIT DOOR-2	REFER TO DRAWING A-12	REFER TO DRAWING A-12	REFER TO DRAWING A-12
FIXED WINDOW-3	REFER TO DRAWING A-12	REFER TO DRAWING A-12	REFER TO DRAWING A-12



Jarmel Kizel
ARCHITECTS AND ENGINEERS INC.

42 OKNER PARKWAY
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www.jarmelkizel.com

Architecture
Engineering
Interior Design
Implementation Services

ISSUE

NO.	DATE	DESCRIPTION	INT.

REVISION

NO.	DATE	DESCRIPTION	INT.

PRINCIPALS
MATTHEW S. JARMEL, AIA, MBA
AZ: JC 45159
CO: JC AEC-401483
DC: JC AEC-101847
DE: JC SS-0027256
FL: JC 054024
GA: JC 54011484
IA: JC 05977
IL: JC 001 020069
IN: JC A1 02285
MD: JC 12662
NJ: JC A2512787
NY: JC 1201052189
PA: JC 46404
RI: JC 10120
TN: JC 3501
TX: JC 024673
VA: JC A-99-13444
VT: JC 103850
WA: JC 20992
WI: JC 0401 014089
WY: JC 2453

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ASSOCIATES
RONALD A. BROKENSHIRE, PE
NJ: JC GE45511
DAVID L. LESSENE, RA
NJ: JC A1 13231
NY: JC 024719

NJ State Board Of Architects, Expiration No. 181
NJ State Board Of Engineers, L. Eng. Expiration Authorization No. GA-278177

Project:
THE LEARNING EXPERIENCE

Project Number: Scale:
AS NOTED
Drawn By: Approved By:
CM MBJ
Drawing Name:

ELEVATIONS

Drawing Number:
SA-1.2
Initial Date: 9/23/14

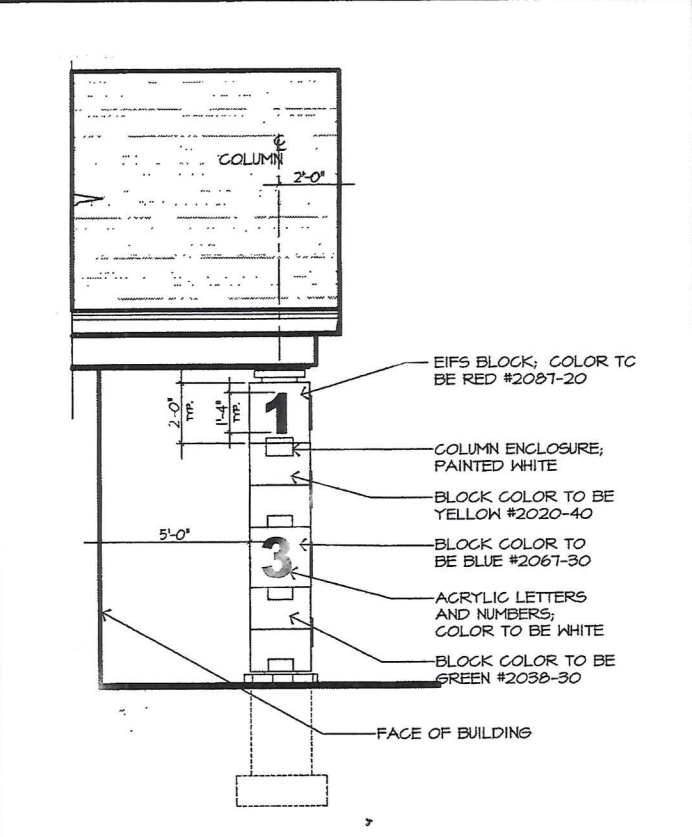
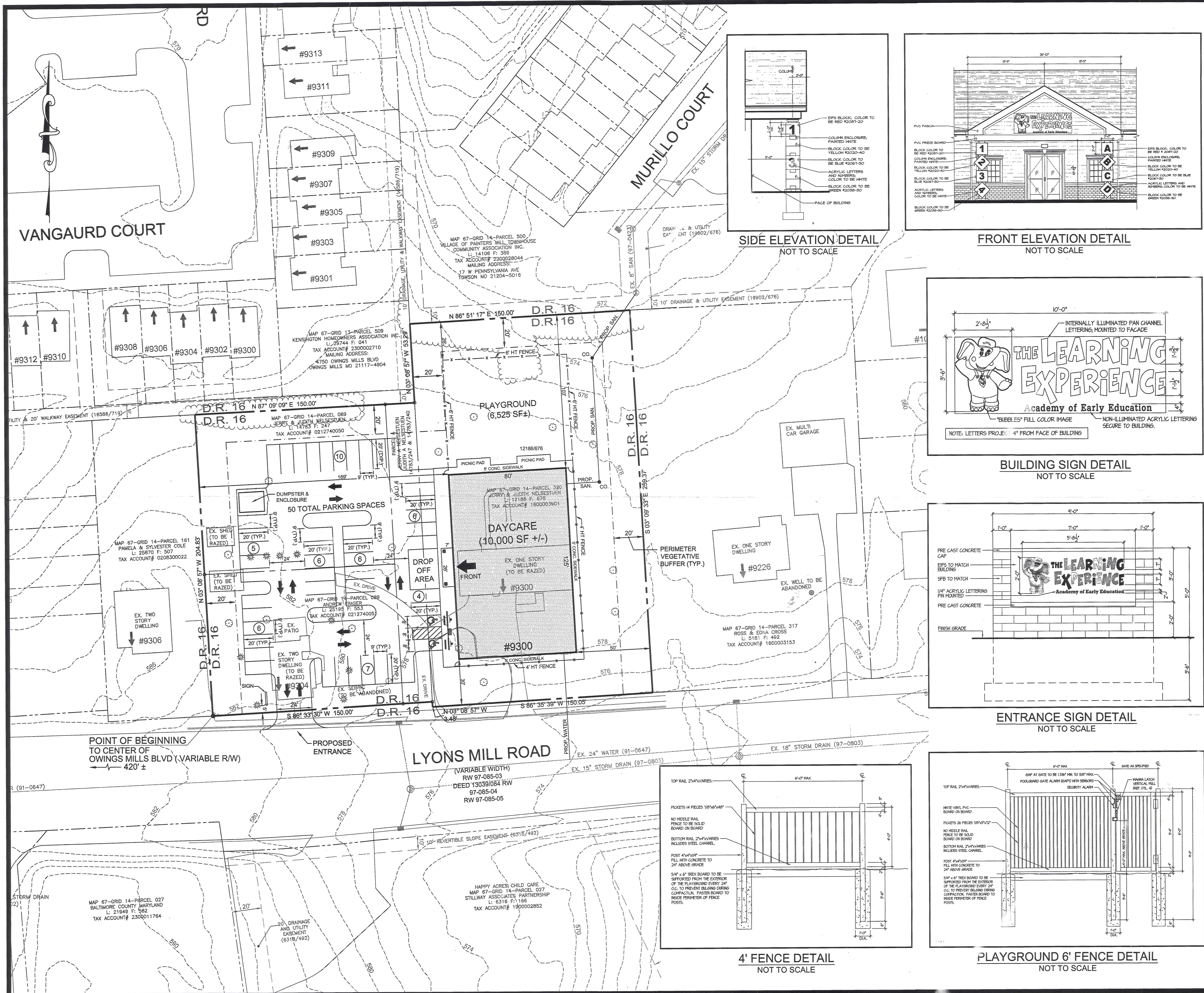
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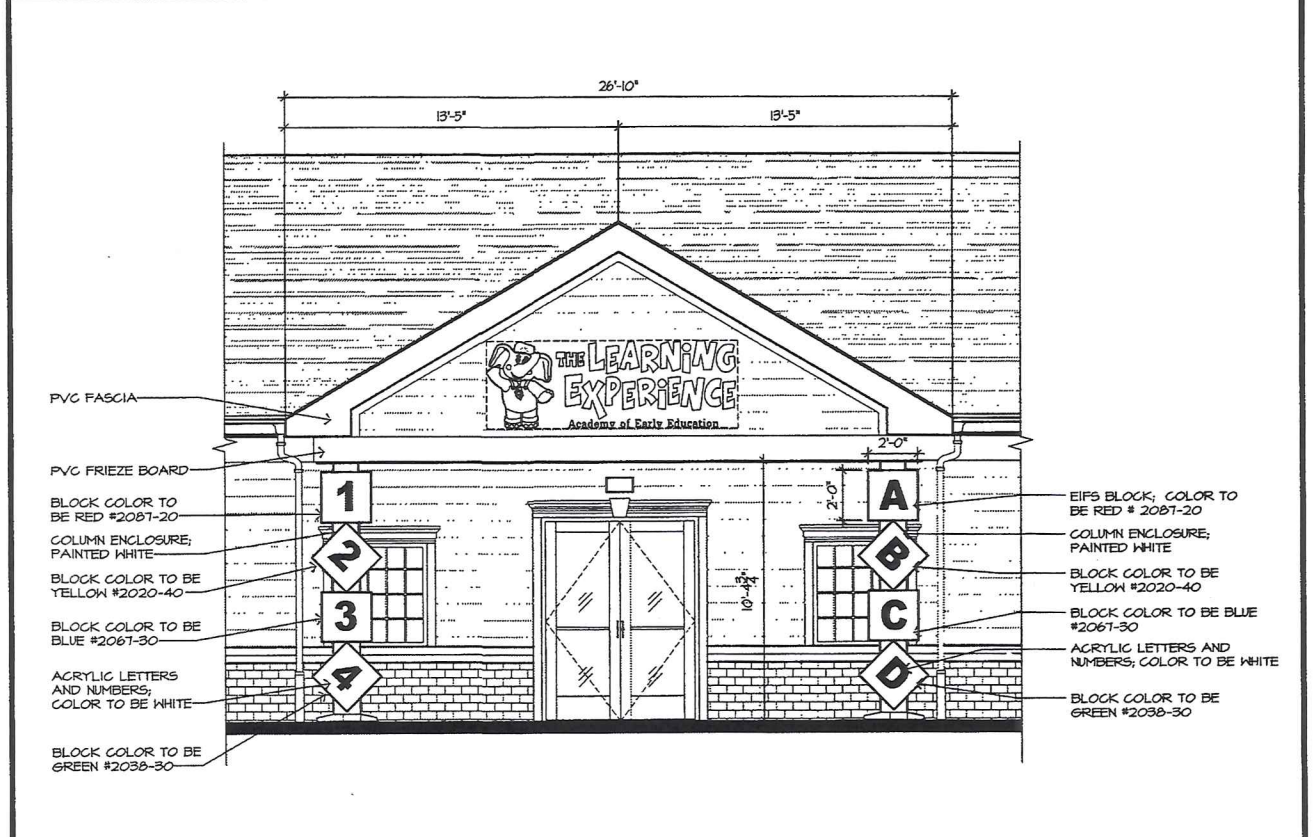
THE LEARNING EXPERIENCE



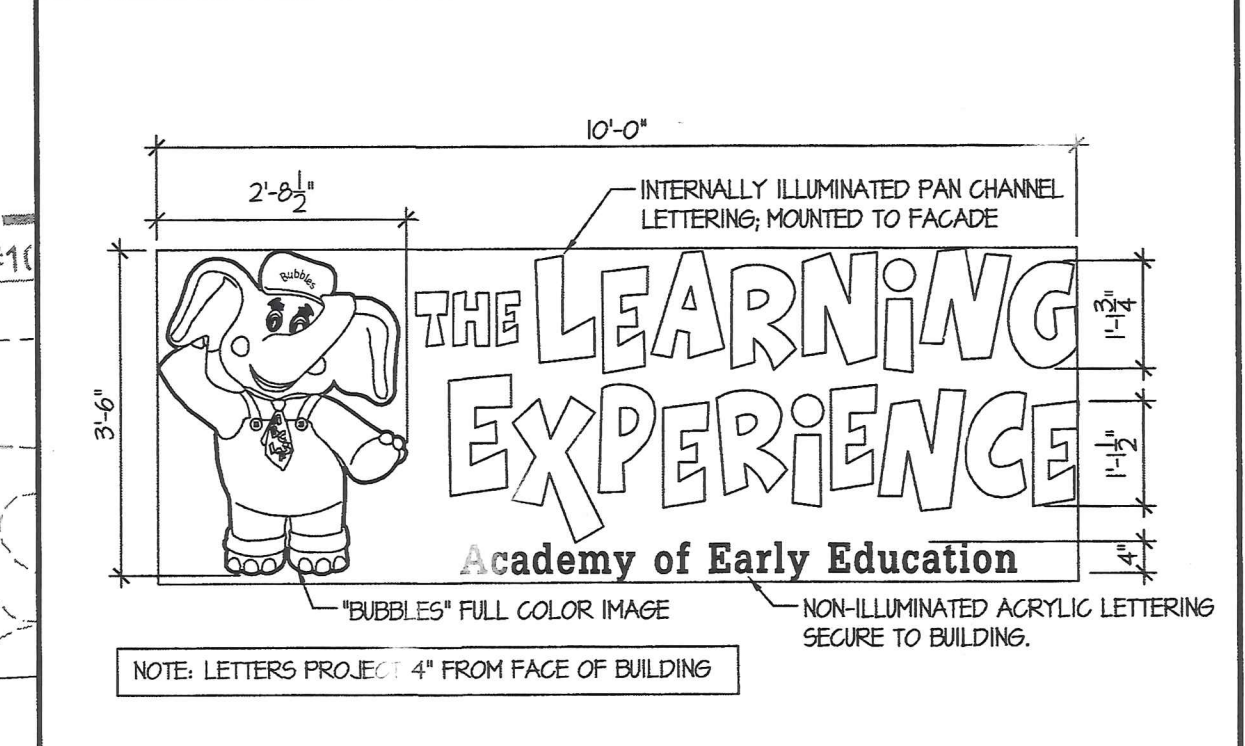
42 OKNER PARKWAY
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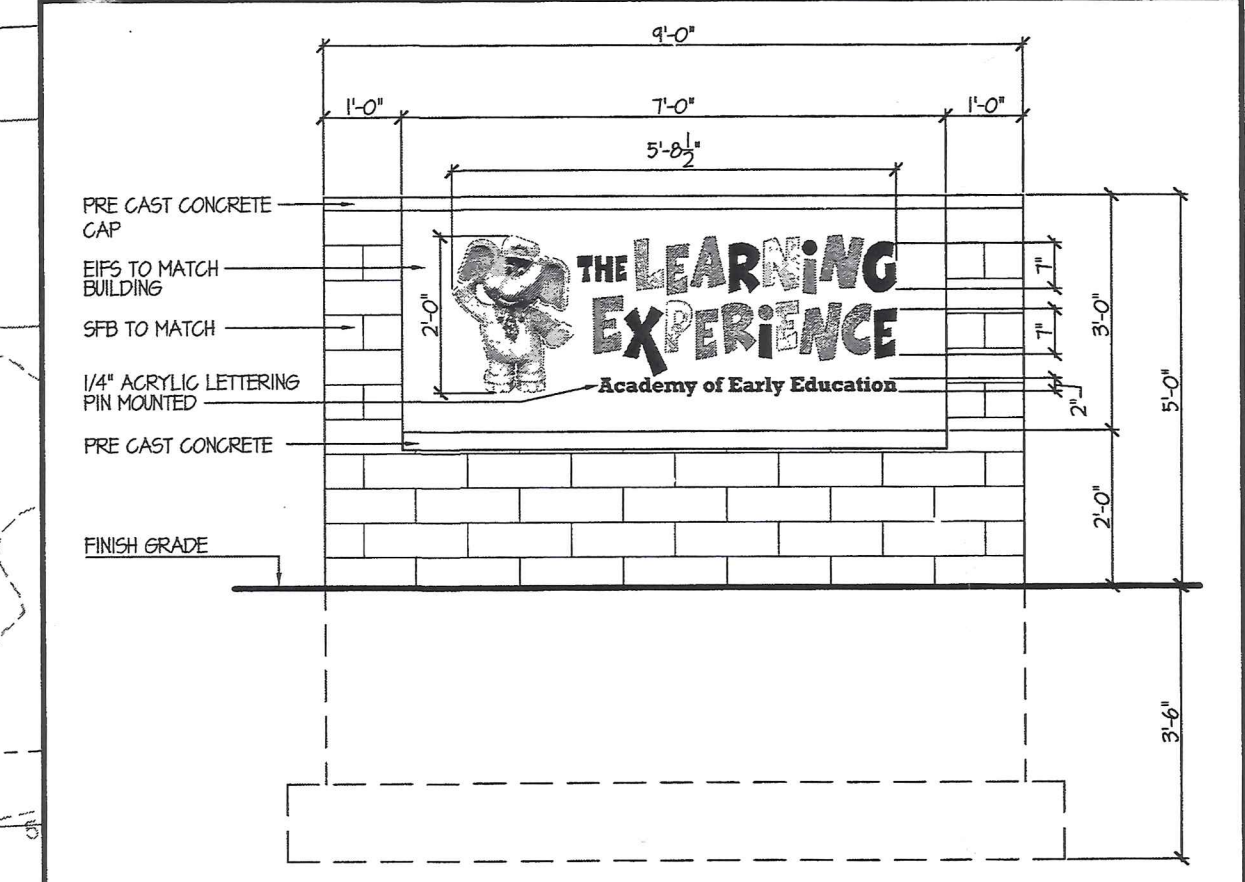
SIDE ELEVATION DETAIL
NOT TO SCALE



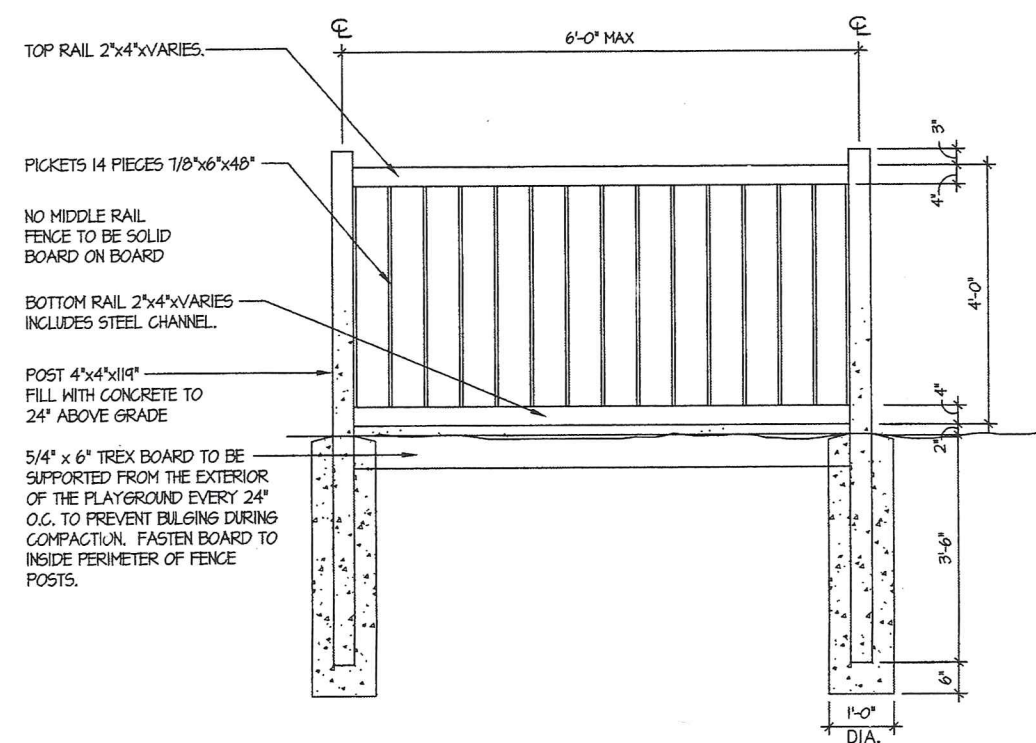
FRONT ELEVATION DETAIL
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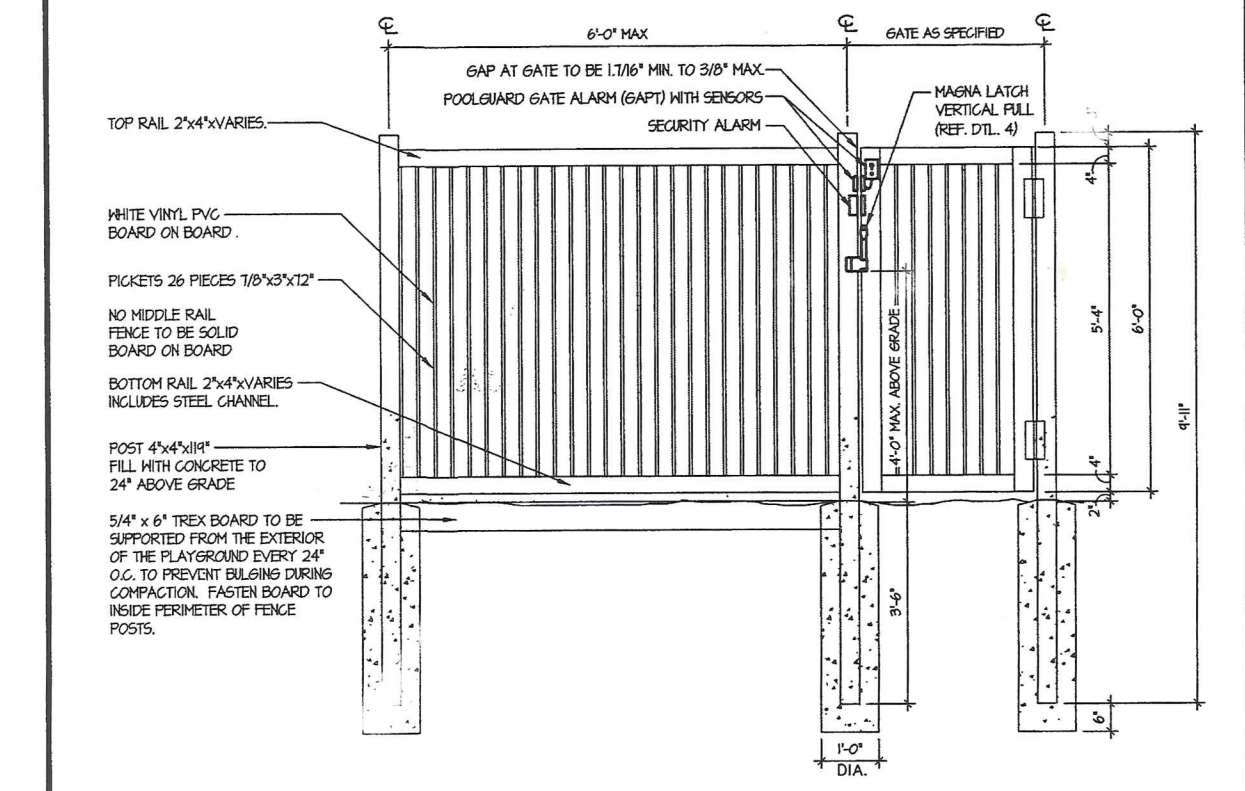
BUILDING SIGN DETAIL
NOT TO SCALE



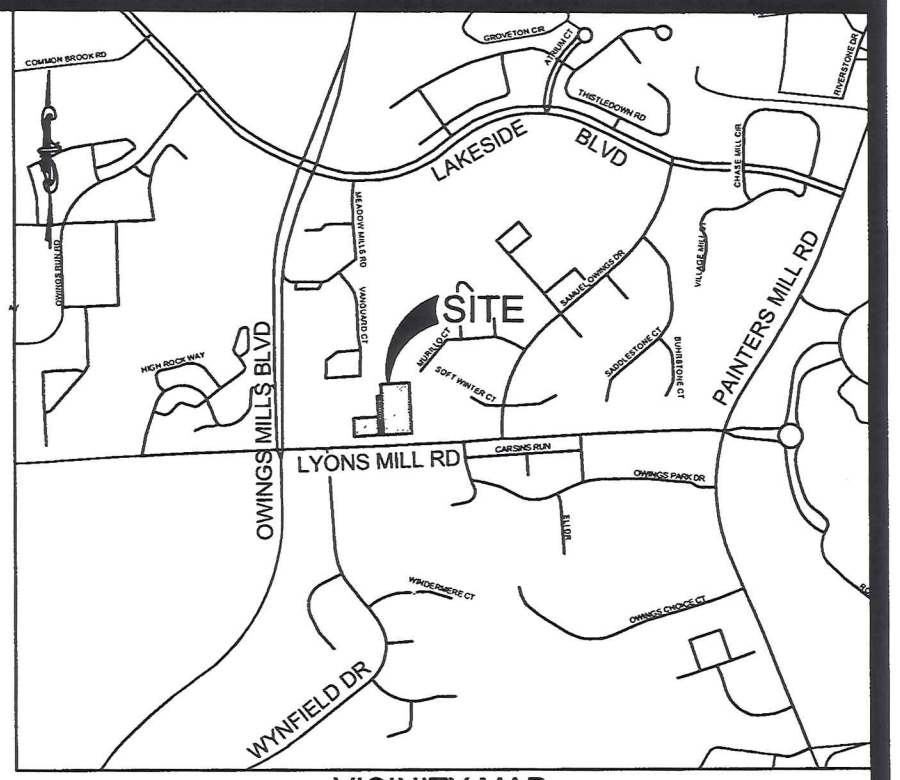
ENTRANCE SIGN DETAIL
NOT TO SCALE



4' FENCE DETAIL
NOT TO SCALE



PLAYGROUND 6' FENCE DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1" = 1000'

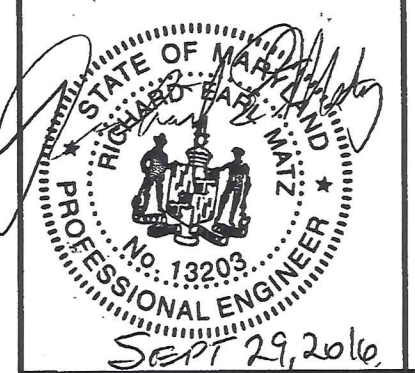
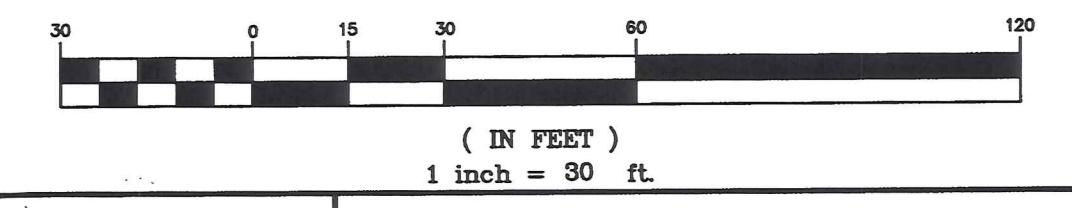
- GENERAL NOTES:**
- OWNERS: JERRY A. NELSESTUEN, JUDITH A. NELSESTUEN, 2917 EAST ALTA VISTA STREET, TUCSON, AZ, 85716, (918)-671-2956. DEVELOPER: JOHN WOODWARD, 1005 EAST KING STREET, SUITE 100, YORK, PA, 17403, (717)-854-8122.
 - SITE DATA: TAX ACCOUNT NUMBER: 1600003901 - NELSESTUEN, DEED REFERENCE: LIBER 14783 FOLIO 247, TAX MAP: 087, GRID: 014, PARCEL: 320. TAX ACCOUNT NUMBER: 0212740050 - NELSESTUEN, DEED REFERENCE: LIBER 14783 FOLIO 247, TAX MAP: 087, GRID: 014, PARCEL: 089. TAX ACCOUNT NUMBER: 0212740050 - NELSESTUEN, DEED REFERENCE: LIBER 14783 FOLIO 247, TAX MAP: 087, GRID: 014, PARCEL: 089. TAX ACCOUNT NUMBER: 0212740051 - FRASER, DEED REFERENCE: LIBER 25195 FOLIO 553, TAX MAP: 087, GRID: 014, PARCEL: 089.
 - SITE ZONING: D.R. 16 (200 SCALE MAP No. 067A2).
 - SITE AREA: 69,565 SF OR 1,597 AC.
 - EXISTING USE: RESIDENTIAL. PROPOSED USE: CLASS B GROUP CHILD CARE CENTER.
 - REQUIRED BUILDING SETBACKS IN THE D.R. 16 ZONE BCZR SECTION (424.7.B.)
- | | REQUIRED | PROPOSED |
|-------------|----------|----------|
| FRONT YARD: | 25' | 169' |
| SIDE YARD: | 50' | 307'103' |
| REAR YARD: | 50' | 50' |
| HEIGHT: | 35' MAX | 23' |
| IMPERVIOUS: | 25% | 48% |
- OFF-STREET PARKING CALCULATIONS:
REQUIRED CLASS B GROUP CHILD CARE CENTER PARKING: 1 PARKING SPACE PER EMPLOYEE.
PROPOSED CLASS B GROUP CHILD CARE CENTER PARKING: 50 PARKING SPACES INCLUDING TWO HANDICAP SPACES FOR 23 EMPLOYEES.
 - THERE IS NO PREVIOUS ZONING HISTORY OR ACTIVE ZONING VIOLATION FOR THIS SITE.
 - THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 - THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THERE ARE NO STRUCTURES LOCATED ON SITE INCLUDED IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
 - BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ & ROSENFELT, INC. DATED 9/26/2016. ADDITIONAL INFORMATION IS TAKEN FROM DEEDS AND AVAILABLE BALTIMORE COUNTY RECORDS.

PLAN TO ACCOMPANY ZONING PETITION FOR
SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES

9300 & 9304 Lyons Mill Road

BALTIMORE CITY COUNTY, MARYLAND, 21117
4TH COUNCILMANIC DISTRICT
2ND 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.		SCALE: 1" = 30'	
License No.	13203	Expiration Date:	11/2/16
DATE:	9/29/2016	JOB NO.:	2016216
DESIGNED:	CMR	DRAWN:	MS/AJC
CHECKED:	CMR	FILED:	CMR
DRAWING NUMBER:	ZN-1		
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

VCNMFLE:Leadwgl021projec020160216216 (Lyons Mill Rd)CMRConcept-PrelimCP-01 Lyons Mill Site Plan.dwg, ZONING: 9/29/2016 1:13:19 PM, acroft