

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(6844 Fait Avenue)
12th Election District
7th Council District
Blessing Groups of Company
 Legal Owner
 Petitioner**

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2017-0183-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 6844 Fait Avenue. The Petitions were filed on behalf of Blessing Groups of Company, legal owner of the subject property. The Special Exception petition seeks to permit living quarters in a commercial building.

The Petition for Variance as originally filed seeks the following: (1) To allow a solid wood stockade or panel fence with a minimum height of 5 ft. to be 0 ft. from the property line in lieu of the required 20 ft.; (2) To allow a front yard setback for a commercial building to be 30 ft. from the center line of the street in lieu of the required 40 ft.; (3) Variance not to require design, screening and landscaping in accordance with the Landscape Manual; (4) To permit parking spaces in a surface parking facility for a non-residential use 0 ft. to the right-of-way of a public street in lieu of the required 10 ft.; (5) To permit parking spaces for employee use only without direct access to an aisle; and (6) To permit 0 parking spaces in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business. At the hearing Petitioner indicated variance request number 6 would be withdrawn. A site plan was marked as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 3/21/17
By Sen

Appearing at the hearing in support of the petitions was Georgia Bartrum, Blessing Okoro and Bruce Doak, surveyor. Timothy Kotroco, Esq., represented the Petitioner. No protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP).

The subject property is approximately 5,625 square feet and is zoned BL. The property is located in Dundalk, very close to the border with Baltimore City. The property is improved with a commercial building constructed in 1919. The building was used for many years as a doctor's office and most recently a construction contractor operated it business at the property. Petitioner proposes to operate a Class B group child care center, a use permitted by right in the BL zone.

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 *Attar v. DMS Tollgate, LLC*, ___ Md. ___, 152 A.3d 765 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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. Doak testified (via proffer) Petitioner satisfied the requirements of B.C.Z.R. §502.1, and I concur. It is common for day care facilities to be operated from one's residence, and I do not believe the use (i.e., living quarters in a commercial building) will have a detrimental impact on the community. In fact, by residing on site the owner will be able to oversee the safe and efficient operation of the day care, and will at the same time be a positive influence and

ORDER RECEIVED FOR FILING

Date

3/21/17

By

Sen

presence in the community.

VARIANCE

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

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

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

Petitioner has met this test. The property is bordered by two public roadways and is therefore unique. If the B.C.Z.R. were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to operate a child care facility at the site. Finally, I find that the variances 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/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 21st day of March, 2017, that the Petition for Special Exception to permit living quarters in a commercial building, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.): (1) To allow a solid wood stockade or panel fence with a minimum height of 5 ft. to be 0 ft. from the property line in lieu of the required 20 ft.; (2) To allow a front yard setback for a commercial building to be 30 ft. from the center line of the street in lieu of the required 40 ft.; (3) Variance not to require design, screening and landscaping in accordance with the Landscape Manual; (4) To permit parking spaces in a surface parking facility for a non-residential use 0 ft. to the right-of-way of a public street in lieu of the required 10 ft.; and (5) To

ORDER RECEIVED FOR FILING

Date

3/21/17

By

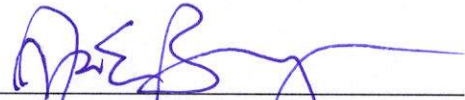
Sen

permit parking spaces for employee use only without direct access to an aisle, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must provide evergreen shrubs along the Fait Avenue frontage.

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 3/21/17

By sen



KEVIN KAMENETZ
County Executive

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

March 21, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
Property: 6844 Fait Avenue
Case No. 2017-0183-XA

Dear Mr. Kotroco:

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

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



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 #6844 FAIT AVENUE which is presently zoned BL
 Deed References: 37999/476 10 Digit Tax Account # 1214040240
 Property Owner(s) Printed Name(s) BLESSING GROUPS OF COMPANY, INC.

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

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

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

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

SEE ATTACHED SHEET

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

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)

TO BE PRESENTED AT THE HEARING

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:

OWNER WISHES TO REPRESENT HERSELF

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

☒ BLESSING OKORO TITLE: PRESIDENT

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

6844 FAIT AVENUE BALTIMORE MD
 Mailing Address City State

21224 443-939-4066
 Zip Code Telephone # Email Address

BLESS.GEORGE234@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21224 410-419-4906
 Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2017-0183-XA Filing Date 11/11/17 Do Not Schedule Dates: Reviewer gh

**Petitions Requested
for
6844 Fait Avenue**

- 1) Special Exception to permit living quarters in a commercial building per Section 230.3 BCZR
- 2) Variance to allow a solid wood stockade or panel fence with a minimum height of five feet to be 0 feet from the property line in lieu of the required 20 feet per Section 424.1.B. BCZR
- 3) Variance to allow a front yard setback for a commercial building to be 30 feet from the center line of the street in lieu of the required 40 feet per Section 232.1 BCZR
- 4) Variance not to require design, screening and landscaping in accordance with the Landscape Manual per Section 409.8.A.1. BCZR
- 5) Variance to permit parking spaces in a surface parking facility for a nonresidential use 0 feet to the right of way line of a public street in lieu of the required 10 feet per Section 409.8.A.4. BCZR
- 6) Variance to permit parking spaces for employee use only without direct access to an aisle per Section 409.4.B.2. BCZR
- 7) Variance to permit 0 parking spaces in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business per Section 409.6.A.1. BCZR

2017-0183-XA

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

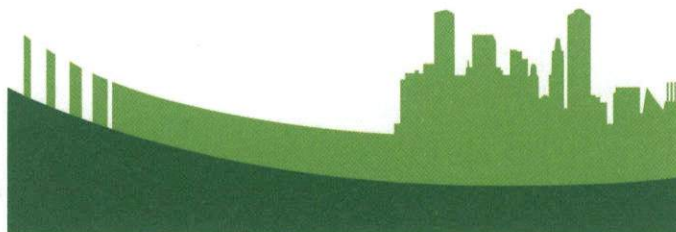
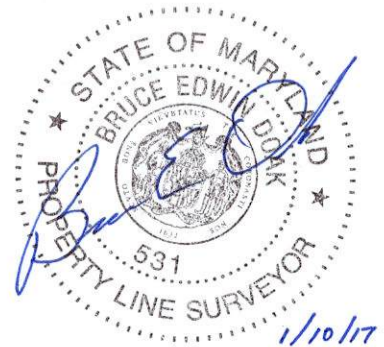
Zoning Description

6844 Fait Avenue
Twelfth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at the intersection of the north side of Fait Avenue, 40 feet wide, and the west side of 45th Street, 50 feet wide, thence running on the north side of Fait Avenue and running with and binding on the outlines of the subject property 1) Westerly 50 feet, thence leaving the north side of Fait Avenue and continuing to run with and bind on the outlines of the subject property, the two following courses and distances, viz. 2) Northerly 75 feet and 3) Easterly 50 feet to intersect the west side of 45th Street, thence running on the west side of 45th Street and continuing to run with and bind on the outlines of the subject property 4) Southerly 75 feet to the place of beginning.

Containing 3,750 square feet of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2017-0183-XA

No.

142848

Date:

111157

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DOWN
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FOG USES WALKIN LRB

RECEIPT # 885336 1/12/2017 OFLN

Dot 5 526 ZONING VERIFICATION

CU NO. 142848

Recpt Tot \$1,000.00

\$1,000.00 CK 4.00 CA

Baltimore County, Maryland

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Rec

From: Bruce D. Oak

For

6847 Fair Ave

2017-0183-XA

Total: 1000

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



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 4777363

Sold To:

Caleb R. Kelly, III - CU00579700
703B W Padonia Rd
Cockeysville, MD 21030-1722

Bill To:

Caleb R. Kelly, III - CU00579700
703B W Padonia Rd
Cockeysville, MD 21030-1722

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

Feb 16, 2017

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2017-0183-XA

6844 Fait Avenue

NE corner of Fait Avenue, W/ of 45th Street

12th Election District - 7th Councilmanic District

Legal Owner(s) Blessing Okoro

SPECIAL EXCEPTION: to permit living quarters in a commercial building.

VARIANCE: 1. to allow a solid wood stockade or panel fence with a minimum height of 5 ft. to be 0 ft. from the property line in lieu of the required 20 ft. 2. To allow a front yard setback for a commercial building to be 30 ft from the center line of the street in lieu of the required 40 ft. 3.

Variance not to require design, screening and landscaping in accordance with the Landscape Manual. 4. To permit parking spaces in a surface parking facility for a non-residential use 0 ft. to the right of way of a public street in lieu of the required 10 ft. 5. To permit parking spaces for employee use only without direct access to an aisle. 6. To permit 0 parking spaces in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business.

Hearing: Friday, March 10, 2017 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.

2/134 Feb. 16

4777349

Bruce E. Doak Consulting, LL

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 16, 2017

Re:

Zoning Case No. 2017-0183-XA

Legal Owner: Blessing Okara

Hearing date: March 10, 2017

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **6844 Fait Avenue**.

The sign was posted on **February 15, 2017**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0183-XASPH

26844 Fait Avenue

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Friday March 10, 2017 1:30 PM

SPECIAL EXCEPTION TO PERMIT LIVING QUARTERS IN A COMMERCIAL BUILDING. VARIANCE 1. TO ALLOW A SOLID WOOD STOCKADE OR PANEL FENCE WITH A MINIMUM HEIGHT OF 5 FT. TO BE 0 FT. FROM THE PROPERTY LINE IN LIEU OF THE REQUIRED 20 FT. 2. TO ALLOW A FRONT YARD SETBACK FOR A COMMERCIAL BUILDING TO BE 30 FT. FROM THE CENTER LINE OF THE STREET IN LIEU OF THE REQUIRED 40 FT. 3. VARIANCE NOT TO REQUIRE DESIGN, SCREENING & LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE MANUAL 4. TO PERMIT PARKING SPACES IN A SURFACE PARKING FACILITY FOR A NON-RESIDENTIAL USE 0 FT. TO THE RIGHT OF WAY OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10 FT. 5. TO PERMIT PARKING SPACES FOR EMPLOYEE USE ONLY WITHOUT DIRECT ACCESS TO AN AISLE 6. TO PERMIT 0 PARKING SPACES IN LIEU OF THE REQUIRED 2 PARKING SPACES FOR THE RESIDENTIAL PORTION OF THE BUILDING WHEN THE RESIDENT IS ALSO AN EMPLOYEE OF THE BUSINESS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

[illegible]

CASE NO. 2017-0183-XASPH

26848 Fall Avenue

A PUBLIC HEARING WILL BE HELD BY THE

IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING

W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday March 10, 2017 1:30 PM

[illegible]

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY. TO COMPARE THE REAKING CALL 416-867-3309.

**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: 2017-0183-XA

Property Address: 6844 FAIT AVENUE

Property Description: NORTHWEST CORNER OF FAIT AVENUE AND 45TH STREET

Legal Owners (Petitioners): BLESSING GROUPS OF COMPANY, INC.

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BLESSING OKORO

Company/Firm (if applicable): _____

Address: 6844 FAIT AVENUE

BALTIMORE MD 21224

Telephone Number: 443-939-4066

Revised 5/20/2014

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2017 Issue - Jeffersonian

Please forward billing to:
Blessing Okoro
6844 Fait Avenue
Baltimore, MD 21224

443-939-4066

NOTICE OF ZONING HEARING

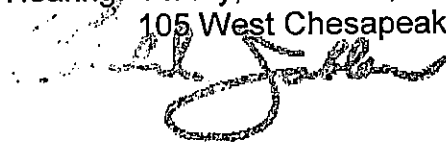
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CASE NUMBER: 2017-0183-XA

6844 Fait Avenue
NE corner of Fait Avenue, W/of 45th Street
12th Election District – 7th Councilmanic District
Legal Owners: Blessing Okoro

Special Exception to permit living quarters in a commercial building. **Variance** 1. To allow a solid wood stockade or panel fence with a minimum height of 5 ft. to be 0 ft. from the property line in lieu of the required 20 ft.. 2. To allow a front yard setback for a commercial building to be 30 ft. from the center line of the street in lieu of the required 40 ft. 3. Variance not to require design, screening and landscaping in accordance with the Landscape Manual. 4. To permit parking spaces in a surface parking facility for a non-residential use 0 ft. to the right of way of a public street in lieu of the required 10 ft. 5. To permit parking spaces for employee use only without direct access to an aisle. 6. To permit 0 parking spaces in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business.

Hearing: Friday, March 10, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

January 31, 2017

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: 2017-0183-XA

6844 Fait Avenue

NE corner of Fait Avenue, W/of 45th Street

12th Election District – 7th Councilmanic District

Legal Owners: Blessing Okoro

Special Exception to permit living quarters in a commercial building. **Variance 1.** To allow a solid wood stockade or panel fence with a minimum height of 5 ft. to be 0 ft. from the property line in lieu of the required 20 ft.. 2. To allow a front yard setback for a commercial building to be 30 ft. from the center line of the street in lieu of the required 40 ft. 3. Variance not to require design, screening and landscaping in accordance with the Landscape Manual. 4. To permit parking spaces in a surface parking facility for a non-residential use 0 ft. to the right of way of a public street in lieu of the required 10 ft. 5. To permit parking spaces for employee use only without direct access to an aisle. 6. To permit 0 parking spaces in lieu of the required 2 parking spaces for the residential portion of the building when the resident is also an employee of the business.

Hearing: Friday, March 10, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Blessing Okoro, 6844 Fait Avenue, Baltimore 21224
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21224

- NOTES:** (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 18, 2017.**
(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.**



KEVIN KAMENETZ
County Executive

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

March 2, 2017

Blessing Okoro
6844 Fait Avenue
Baltimore MD 21224

RE: Case Number: 2017-0183 XA, Address: 6844 Fait Avenue

Dear Mr. Okoro:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 11, 2017. 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
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21224

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/1/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-183

INFORMATION:

Property Address: 6844 Fait Avenue
Petitioner: Blessing Groups of Company, Inc.
Zoning: BL
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception to use the property for living quarters in a commercial building and the petition for variance as listed on the attachment to the petition.

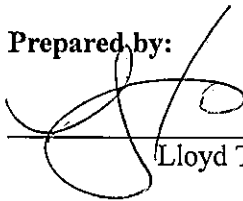
A site visit was conducted on January 20, 2017. Upon meeting with representatives for the Petitioner, the Department is in receipt of an amended site plan in support of the petition dated 2/24/17.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The space labeled as "drop off/ pickup" cannot function if even a single car is parked there. The proposal has the potential to cause vehicles to queue up or utilize the travel way to embark or disembark children if the designated drop off/ pickup area is used for parking. This is not a safe condition. The Department recommends this area be used for its primary purpose only with no secondary use as parking. The space adjacent to Fiat Ave. at 7' in width does not meet the dimensional requirements for a parallel parking space and cannot be considered as such. The Department will not support a parking layout where parked vehicles would overhang the public sidewalk. The Department would not oppose other remedies in the form of on-street parking or shared arrangements with other nearby commercial establishments to address parking deficiencies if ruled appropriate by the Administrative Law Judge.
- The amended plan indicates the proposed fence is set back 4' from the tract boundary. The Department recommends the 4' fence setback should continue from the corner in a northerly direction a minimum of 10' providing a planting bed 4' in width along the entire length accommodating evergreen shrubs at a count and spacing found acceptable to the Baltimore County Landscape Architect.

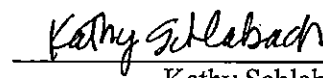
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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



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

Date: 1/17/17

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. 2017-0183-XA

*Special Exception Variance
Blessing Okoro
6844 Fair Avenue*

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 black ink, appearing to read "Richard Zeller".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

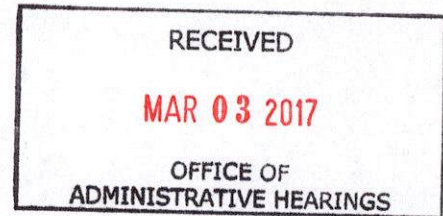
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Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 3/1/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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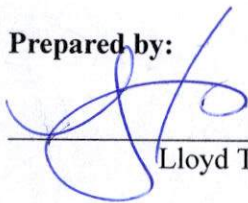
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- The space labeled as “drop off/ pickup” cannot function if even a single car is parked there. The proposal has the potential to cause vehicles to queue up or utilize the travel way to embark or disembark children if the designated drop off/ pickup area is used for parking. This is not a safe condition. The Department recommends this area be used for its primary purpose only with no secondary use as parking. The space adjacent to Fiat Ave. at 7' in width does not meet the dimensional requirements for a parallel parking space and cannot be considered as such. The Department will not support a parking layout where parked vehicles would overhang the public sidewalk. The Department would not oppose other remedies in the form of on-street parking or shared arrangements with other nearby commercial establishments to address parking deficiencies if ruled appropriate by the Administrative Law Judge.
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ADMINISTRATIVE SERVICES
OFFICE
JUL 20 1964

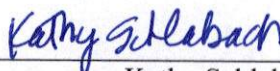
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Josephine Selvakumar
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 January 16, 2017
Item No. 2017-0183

DATE: January 27, 2017

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

We disagree with variance requests numbered 1 and 3. We believe that the fence should be set back at least five feet with the set back area being planted with trees and shrubs to visually soften the stockade fence. A Landscape Plan should be required.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0183-01232017.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
6844 Fait Avenue; NE corner of Fait * OF ADMINISTRATIVE
Avenue, W of 45th Street *
12th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Blessing Okoro *
Petitioner(s) * BALTIMORE COUNTY
* 2017-183-XA

* * * * *

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
JAN 18 2017

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 17th day of January, 2017, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: April 21, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0183-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on April 20, 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

Sherry Nuffer

From: Debra Wiley
Sent: Tuesday, March 07, 2017 2:38 PM
To: John E. Beverungen; Lawrence Stahl; Sherry Nuffer
Subject: Change to March Calendar

Case No. 2017-0183-XA scheduled for Fri., 3/10 has been reset to 3/16 @ 1:30 PM in Room 205.

Please mark your calendars accordingly.

Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2017-0183-XA

DATE 3/16/17

PETITIONER'S SIGN-IN SHEET

[illegible]

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 - 12 Account Number - 1214040240							
Owner Information										
Owner Name:		BLESSING GROUPS OF COMPANY INC			Use: Principal Residence:		COMMERCIAL/RESIDENTIAL NO			
Mailing Address:		5505 BELAIR RD			Deed Reference:		/37999/ 00476			
BALTIMORE MD 21206-										
Location & Structure Information										
Premises Address:		6844 FAIT AVE BALTIMORE 21224-3005			Legal Description:		PT LTS 385,386,387 6844 FAIT AVE GRACELAND PARK 3			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0096	0021	0200		0000		3	385	2016	Plat Ref:	0006/0113
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
1919		2512					5,625 SF		06	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation		
		OFFICE BUILDING								
Value Information										
			Base Value		Value As of 01/01/2016		Phase-in Assessments As of 07/01/2016		As of 07/01/2017	
Land:			56,200		56,200					
Improvements			97,200		104,900					
Total:			153,400		161,100		155,967		158,533	
Preferential Land:			0						0	
Transfer Information										
Seller: FLAGSHIP ACQUISITIONS TRUST				Date: 09/14/2016				Price: \$130,000		
Type: ARMS LENGTH IMPROVED				Deed1: /37999/ 00476				Deed2:		
Seller: LAMB JOSEPH SR				Date: 07/26/2016				Price: \$135,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /37797/ 00001				Deed2:		
Seller: MOESLEIN DAVID L,JR				Date: 12/19/2006				Price: \$143,000		
Type: ARMS LENGTH IMPROVED				Deed1: /24947/ 00471				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										



Lot # 2 Pt. Bk. 0000074, Folio 0126

2400000980

Pt. Bk./Folio # 012048D

1202071900

Pt. Bk. 0000012, Folio 0048

1210002090

R-1946-0527

Lot # 416

Lot # 416

1216060951

Lot # 895

1223087180

Pt. Bk. 0000006, Folio 0122

525
1220000681

Lot # 891

Lot # 891 1213023570

Lot # 889 0000005, Folio 0080

Lot # 889 R-1946-0527
1207058520

Lot # 1

Lot # 1 2500001659

Lot # 2 1212074080

Pt. Bk./Folio # 012069C

Lot # 883 1220055280

Pt. 535 0000012, Folio 0069

1964-0105-X
1984-0329-SPH
1980-0117-SPH

R-1950-1824

1950-1815-SPH

1203067456

R-1947-1037

BL Lot # 869

WOODROW AVE

DR 5.5

1223050320

Lot # 393

1204050510

R-1946-0527

Lot # 392

532 1202002810

1206035332

BL

Lot # 388

PAI # 120038

Lot # 385

1214040240

PAI # 120038

6842

R-1946-0527

6844

Lot # 385

Lot # 385

FAIT AVE

RO

45TH ST

SE 2-E

2-ED

096B3

Pt. Bk./Folio # 005080

Lot # 266

1211036830

Lot # 267

1219999030

Lot # 269

1201054590

6762

2014-0142-A

Lot # 271

1223004780

R-1948-1268

Pt. Bk. 0000007, Folio 0035

6767

1216045550

Lot # 5

1211068060

Lot # 7

1208065990

Lot # 7

1208065997

1222045100

6755

2200015771

2200015772

2200015773

2200015774

2200015775

2200015776

2200015777

DR 10.5

R-1966-0091

R-1973-0071

R-1972-0043

1971-0164-SPH

Pt. Bk. 0000067, Folio 0005

Pt. Bk./Folio # 067005

PAI # 120090

PAI # 120090

PAI # 120090

1211047020

601

Lot # 71

1203077760

Lot # 69

1201050690

Lot # 67

1221036150

Lot # 67

1202071660

610

1223050090

Lot # 32

1202071660

610

1202071660

610

1202071660

610

6903

1216061336

1988-0478-SPH

6905

121606226

6907

1202020250

Lot # 44

6909

1211047650

Lot # 47

1209096000

1210002000

Lot # 49

1209096000

1210002000

Lot # 49

1209096000

1210002000

Lot # 49

1209096000

1210002000

Lot # 49

1209096000

1210002000

Lot # 49

1209096000

1210002000

R-1961-521

1962-5613-SP

Lot # 54

Lot # 54

Lot # 54

Lot # 54

Lot # 54

Lot # 54

Lot # 54

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Lot # 54

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Lot # 54

Lot # 54

Lot # 54

Case No.:

2017-0183-XA

Exhibit Sheet

Petitioner/Developer

4-21-17
DW

Protestant

slu
3-21-17

No. 1	Plan	
No. 2	Aerial photos	
No. 3	Plan to accompany photos and photos of site	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1

111
115

1
11



My Neighborhood Map

EX-2

Created By
Baltimore County
My Neighborhood



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Printed 3/14/17



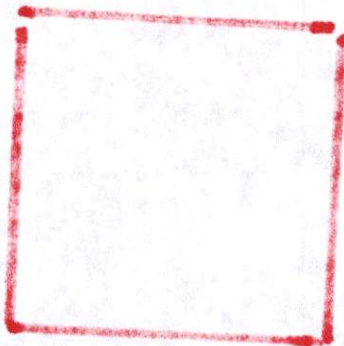
Permit Review Map

Created By
Baltimore County
My Neighborhood



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- address machine on second floor
- show separate steps for house





My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 3/14/17





















GENERAL SITE INFORMATION

- Ownership: Blessing Groups of Company Inc.
6844 Fait Avenue
Baltimore, MD 21224
- Address: 6844 Fait Avenue Baltimore, MD 21224
- Deed / Plat references:
p/o "Parcel A Section One Amended Plat Lakefront" PB 6/ 113
- Area: 5.625 acres (per SDAT)
- Tax Map / Parcel / Tax account #: 96 / 200 / 12-14-040240
- Election District: 12 Councilmanic District: 7
ADC Map: 4820F5 GIS title: 096B3 Position sheets: 55E17
Census tract: 408400 Census block: 240054084001012
Schools: Norwood ES Holabird HS Dundalk HS
- The boundary shown hereon is from the subdivision plat recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS title 096B3 and the information provided by Baltimore County on the Internet.
- Improvements: One / two story wood frame & block building & asphalt parking areas.

OFFICE OF ZONING

Zoning: BL

Previous case: #R-1946-0593 (re-classification)

Parking Calculations

Total area of building: 2512 square feet
Area in building proposed for day care: 2000 square feet
Required parking spaces: 3 (3 employees)
(1 parking space per employee on the largest shift per section 409.6A.4 BCZR)
Area in building proposed for residence: 512 square feet
Required parking spaces: 2
(2 parking spaces per residence per section 409.6A.1 BCZR)
Total parking spaces required for this building: 5
Total parking spaces provided on site for this building: 6

Note: The owner / resident is also one of the three employees. The parking spaces shown hereon do not encroach on the sidewalks. Average time per drop off or pickup of the children is 5 minutes. With the infrequency of the arrivals, the 2 parking spaces will be adequate.

ENVIRONMENTAL IMPACT

Watershed: Baltimore Harbor URDL land type: 0

- The existing building is currently serviced by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

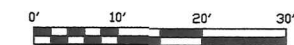
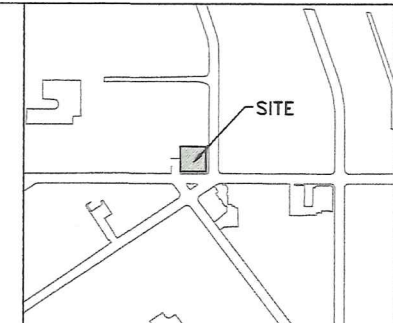
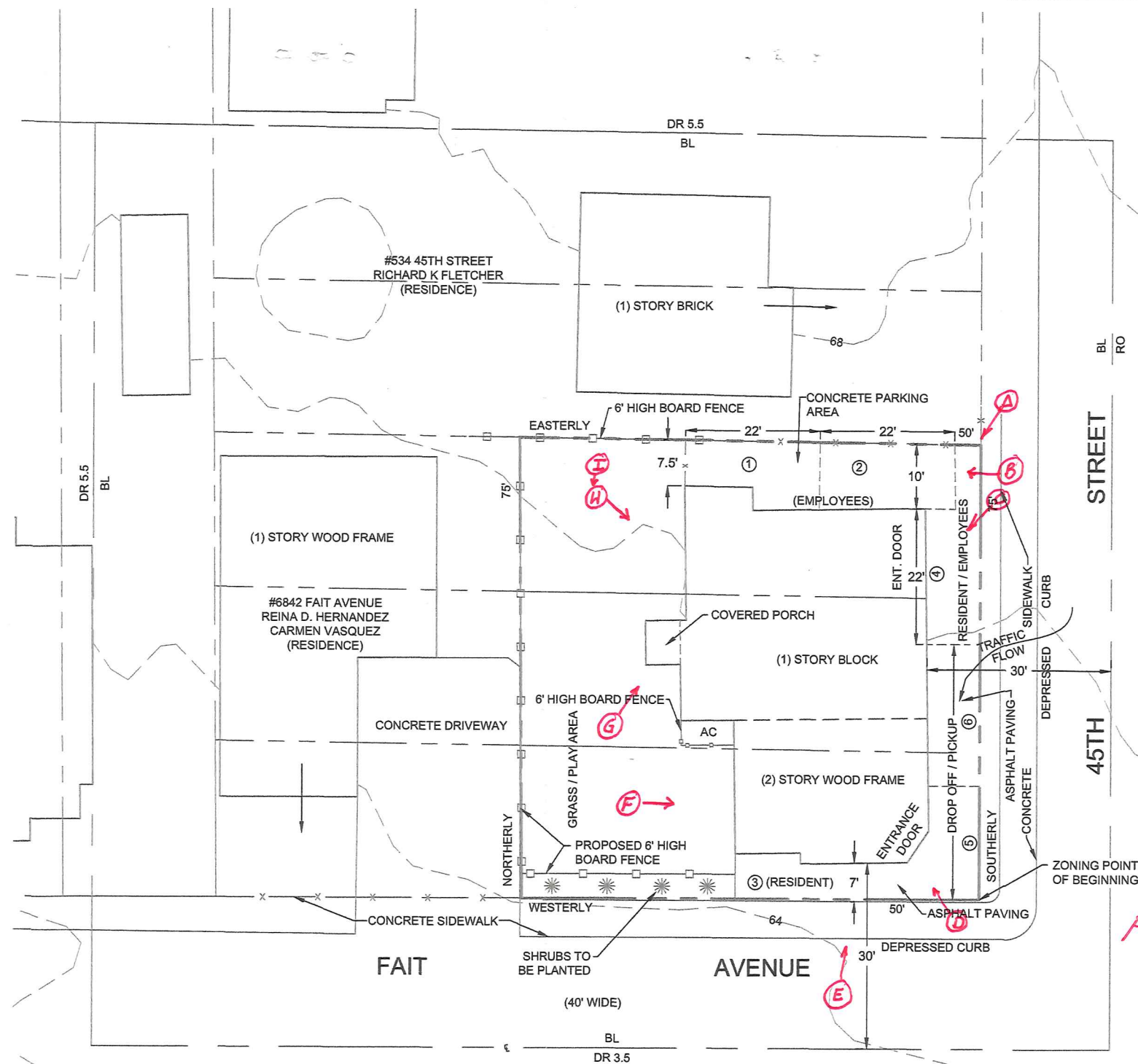
OFFICE OF PLANNING

Regional Planning District: Dundalk / Turners Station District Code: 329

- The subject building is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To change the commercial use of the building from a medical office use to a day care (first floor) and residence (second floor).



REVISION
2/24/17 Amendments to address planning comments

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3501 Baker Schoolhouse Road
Freetown, MD 21052
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION AND
A CHANGE IN OCCUPANCY PERMIT
FOR
#6844 FAIT AVENUE
BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 1/4/2017
Scale: 1"=10"

EX-3

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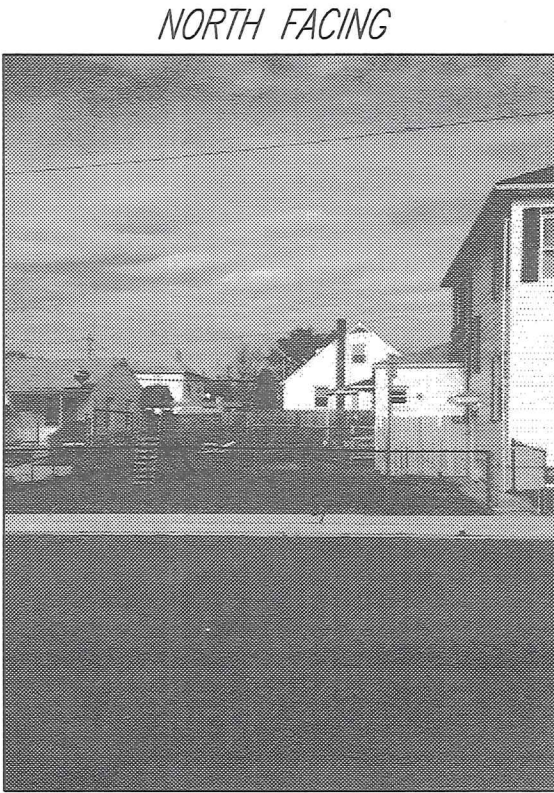
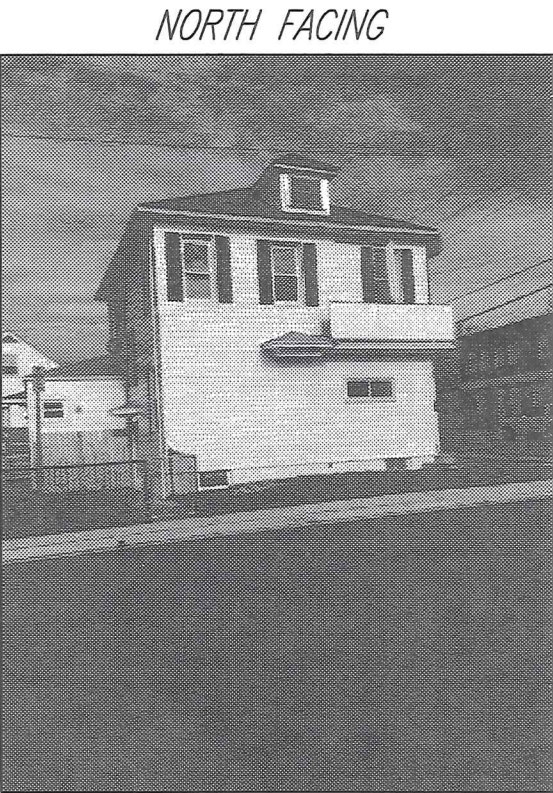
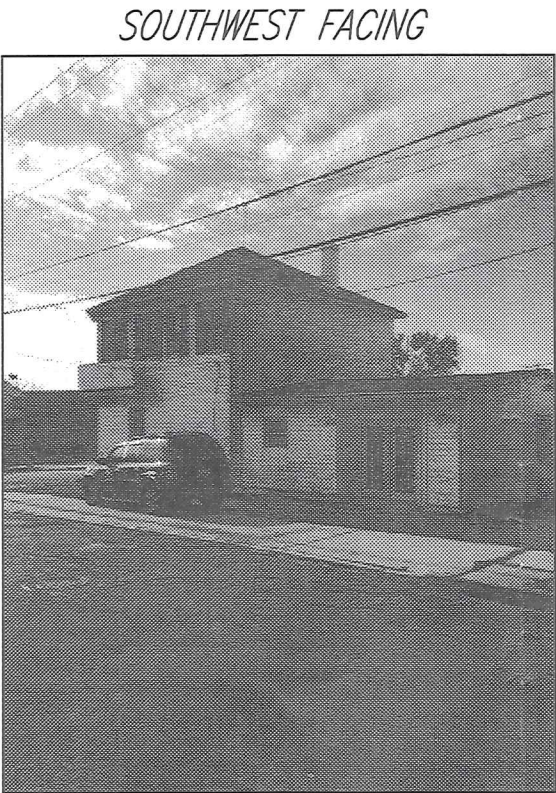
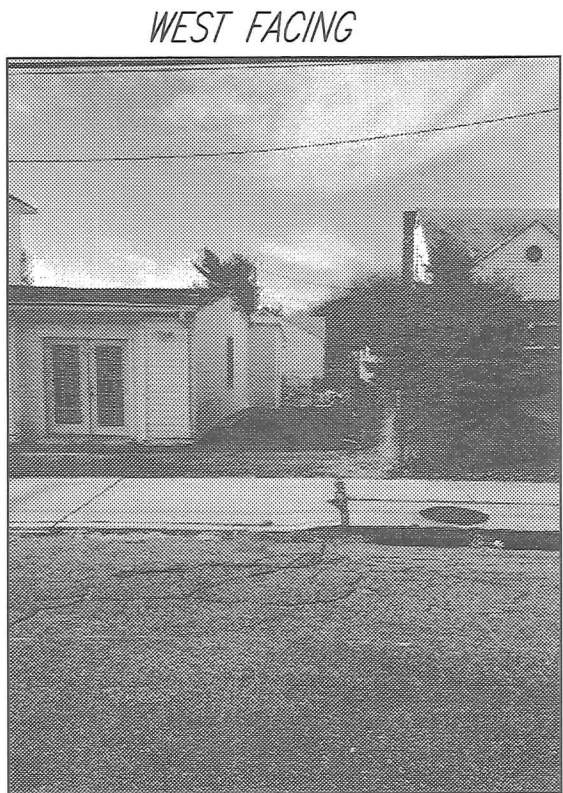
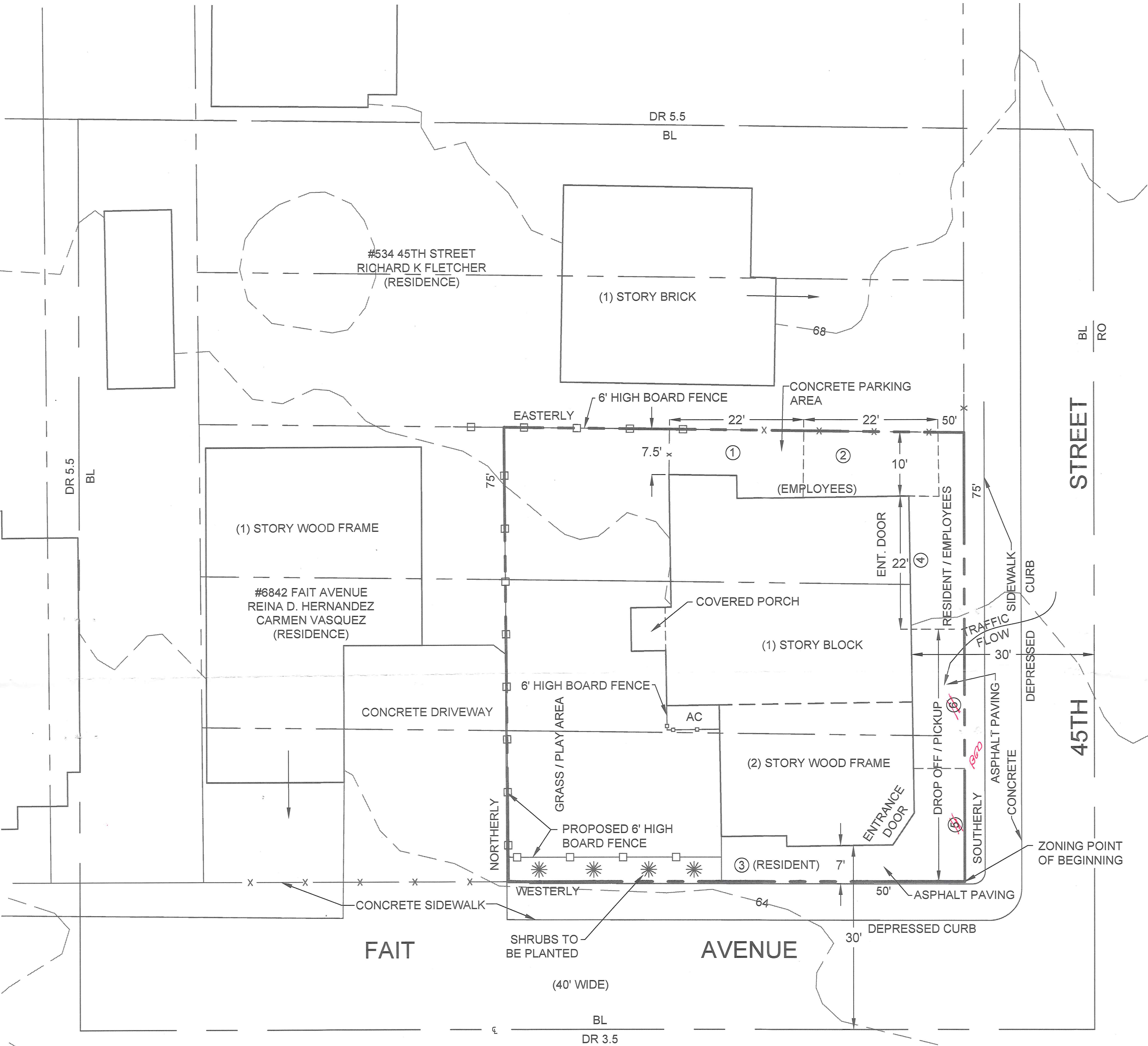
- Watershed: Baltimore Harbor URDL Land type: 0
1. The existing building is currently serviced by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

- Regional Planning District: Dundalk / Turners Station District Code: 329
1. The subject building is not historic. The subject property is not in a historic district.

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REVISION
2/24/17 Amendments to address planning comments

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4906
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PLAN TO ACCOMPANY
A ZONING PETITION AND
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FOR
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BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 1/4/2017
Scale: 1"=10"