

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(7914 Aiken Avenue) *

9th Election District *

6th Council District *

Elizabeth & Robert Rosiak *

Legal Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0296-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Elizabeth and Robert Rosiak, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a Class "A" Group Child Care Use Permit. In addition, a Petition for Variance seeks to permit an existing 42 in. high chain link fence and a 42 in. high retaining wall with a 0 ft. setback to property line in lieu of the required 5 ft. high stockade fence with a 20 ft. setback from property line. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Owner Elizabeth Rosiak appeared in support of the requests. 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 received from the Department of Planning (DOP). That agency did not oppose the request.

The subject property is approximately 4,940 square feet in size and is zoned DR 5.5. The property is improved with a single-family dwelling which was constructed in 1951. For the past three years Ms. Rosiak has operated a family day care facility at the property, where she and one employee care for eight (8) children. She would like to expand her operation to care for up to twelve (12)

ORDER RECEIVED FOR FILING

Date 7-3-17

By EW

children, which would constitute a Class "A" Group Child Care Center under the B.C.Z.R. To do so requires a use permit (i.e., special hearing) and a variance with regard to the stockade fence requirement found in the child care center regulations.

SPECIAL HEARING

Section 424.4 of the B.C.Z.R. states group child care centers are permitted as an accessory use in all residential zones upon issuance of a use permit. The Regulations require the owner to submit an application for the permit stating (among other things) the hours of the operation, number of children enrolled, and number of employees. Petitioners submitted such an application (Pet. Ex. 2) and it indicates the center will operate Mon.-Fri. 7:00 a.m.-5:00 p.m. with one employee (in addition to Ms. Rosiak) and a maximum of twelve (12) children. Ms. Rosiak explained there are no other group child care facilities in the immediate vicinity, and many of the children in her center reside in the neighborhood. I believe Petitioners have satisfied the requirements of B.C.Z.R. § 424 and the permit will be granted.

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).

The sole variance request pertains to the stockade fence required under B.C.Z.R. § 424.1. The existing chain link fence enclosing the subject property was installed many years ago and Petitioners must contend with this existing site condition. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to operate the

ORDER RECEIVED FOR FILING

Date 7-3-17 2
By ISW

child care center. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community.

The DOP conducted a site visit and did not oppose the requests. That agency recommended Petitioners provide screening on the inside of the existing chain link fence. Ms. Rosiak submitted photos (Pet. Ex. 3) which indicate Petitioners have installed vinyl mesh screening along the fence. This screening is attractive and functional, and in my opinion satisfies the condition proposed by the DOP.

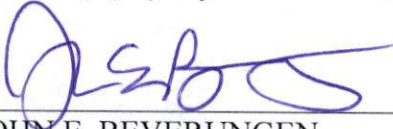
THEREFORE, IT IS ORDERED this 3rd day of **July, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a Class "A" Group Child Care Use Permit, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit an existing 42 in. high chain link fence and a 42 in. high retaining wall with a 0 ft. setback to property line in lieu of the required 5 ft. high stockade fence with a 20 ft. setback from property line, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.

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:dlw

ORDER RECEIVED FOR FILING

Date 7-3-17 3

By SW



KEVIN KAMENETZ
County Executive

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

July 3, 2017

Elizabeth and Robert Rosiak
7914 Aiken Avenue
Baltimore, MD 21234

RE: Petitions for Special Hearing and Variance
Case No. 2017-0296-SPHA
Property: 7914 Aiken Avenue

Dear Mr. and Mrs. Rosiak:

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
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 7914 Aiken Ave 21234 which is presently zoned DR 5.5
Deed References: 28776 / 00257 10 Digit Tax Account # 0918471310
Property Owner(s) Printed Name(s) Elizabeth D. Flaherty Robert R. Rosiak

(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

Class A Group Child Care Center Use permit

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

3. X a **Variance** from Section(s) 424.1.B of the BCZR, To permit an existing 42 inch high chain link fence and a 42 inch high retaining wall with 0 set back to property line in lieu of the required 5 foot high stockade fence with a 20 foot setback from property line.

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):

Elizabeth D. Flaherty Robert Rosiak

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Elizabeth Rosiak

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2017-0296-SPHA Filing Date 5/2/17

Do Not Schedule Dates: Reviewer gh

REV. 10/4/11

Zoning property description for 7914 Aiken Ave
Beginning point of, west side of Aiken Ave
which is 30ft right of way 1,135' to the
south of the center line of Taylor Ave.
~~The nearest~~ which is 30ft wide

Being lot #320, Block N/A, section
no. N/A in the subdivision of
Parkville Heights as recorded in
Baltimore County Plat Book # 0007.
Folio # 0038, containing 4,940 square
feet located in the 9th election
district and 4th council district.

2017-0296-SPHA

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

NO 153054

Date: 5/3/17

Rev. Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		0150				150.00

Total: 150.00

Rec From: Elizabeth Roziak

For: Class A Group Child Care
Hearwig/Variano

2017-0296-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IKM
5/04/2017 5/03/2017 11:04:32 3
REG USD3 WALKIN CAN
>>RECEIPT # 724715 5/03/2017 OFLN
Dept - 5 528 ZONING VERIFICATION
CR NO. 153054

Recpt Tot \$150.00
\$00 CK \$150.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2017-0296-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Robert & Elizabeth Rosiak

June 29, 2017

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

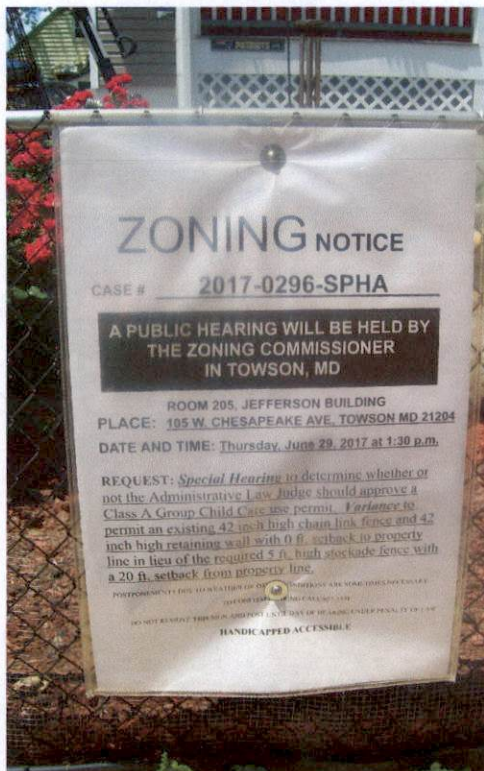
Ladies and Gentlemen:

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

7914 Aiken Avenue

June 9, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

June 9, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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 5000329

Sold To:

Elizabeth Rosiak - CU00603212
7914 Aiken Ave
Parkville, MD 21234-5404

Bill To:

Elizabeth Rosiak - CU00603212
7914 Aiken Ave
Parkville, MD 21234-5404

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

Jun 08, 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: # 2017-0296-SPHA
7914 Aiken Avenue
W/s Aiken Avenue, 1135 ft. S/of centerline of Taylor Avenue
9th Election District - 6th Councilmanic District
Legal Owner(s) Robert & Elizabeth Rosiak

Special Hearing: to determine whether or not the Administrative Law Judge should approve a Class A Group Child Care use permit. Variance to permit an existing 42 inch high chain link fence and 42 inch high retaining wall with 0 ft. setback to property line in lieu of the required 5 ft. high stockade fence with a 20 ft. setback from property line.

Hearing: Thursday, June 29, 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.

6/027 June 8

5000329

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 8, 2017 Issue - Jeffersonian

Please forward billing to:
Elizabeth Rosiak
7914 Aiken Avenue
Baltimore, MD 21234

443-980-6285

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: 2017-0296-SPHA

7914 Aiken Avenue

W/s Aiken Avenue, 1135 ft. S/of centerline of Taylor Avenue

9th Election District – 6th Councilmanic District

Legal Owners: Robert & Elizabeth Rosiak

Special Hearing to determine whether or not the Administrative Law Judge should approve a Class A Group Child Care use permit. **Variance** to permit an existing 42 inch high chain link fence and 42 inch high retaining wall with 0 ft. setback to property line in lieu of the required 5 ft. high stockade fence with a 20 ft. setback from property line.

Hearing: Thursday, June 29, 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

May 15, 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: 2017-0296-SPHA

7914 Aiken Avenue

W/s Aiken Avenue, 1135 ft. S/of centerline of Taylor Avenue

9th Election District – 6th Councilmanic District

Legal Owners: Robert & Elizabeth Rosiak

Special Hearing to determine whether or not the Administrative Law Judge should approve a Class A Group Child Care use permit. **Variance** to permit an existing 42 inch high chain link fence and 42 inch high retaining wall with 0 ft. setback to property line in lieu of the required 5 ft. high stockade fence with a 20 ft. setback from property line.

Hearing: Thursday, June 29, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Rosiak, 7914 Aiken Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 9, 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.

**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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2017-02965PHA
Property Address: 7914 AIKEN AVE.
Property Description: W/S AIKEN AVE, 1,135 FT. S CENTERLINE TAYLOR AVE
Legal Owners (Petitioners): ELIZABETH D. FLAHERTY, ROBERT R ROSIAK
Contract Purchaser/Lessee: NA

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELIZABETH ROSIAK
Company/Firm (if applicable): _____
Address: 7914 AIKEN AVE.
BALTIMORE MD 21234
Telephone Number: 443-980-6285



KEVIN KAMENETZ
County Executive

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

June 21, 2017

Robert & Elizabeth Rosiak
7914 Aiken Avenue
Baltimore MD 21234

RE: Case Number: 2017-0296 SPHA, Address: 7914 Aiken Avenue

Dear Mr. & Ms. Rosiak:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 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

Date: 5/15/17

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.

2017-0296-SPHA
Special Hearing, Variance
Elizabeth D. Flaherty & Robert Rosiak
7914 Aiken 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,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 31, 2017

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0291, 0292, 0294, 0296, 0299, 0300, 0301 and 0303

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comment.

VKD: ~~CEN~~
cc: file
G:\DevPlanRev\ZAC -No Comments\ZAC05222017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0296-SPHA
Address 7914 Aiken Avenue
(Flaherty & Rosiak Property)

Zoning Advisory Committee Meeting of May 22, 2017

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

Reviewer: Steve Ford Date: 5-17-2017

6-29

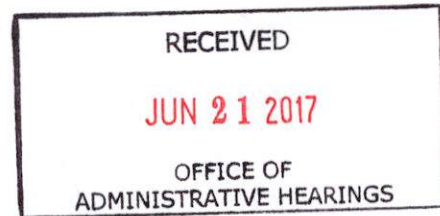
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-296



INFORMATION:

Property Address: 7914 Aiken Avenue
Petitioner: Elizabeth D. Flaherty, Robert Rosiak
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a Class A Group Childcare Center and the petition for a variance to permit an existing 42 inch high chain link fence and a 42 inch high retaining wall with 0' setback to the property line in lieu of the required 5' high stockade fence with a 20' setback from the property line.

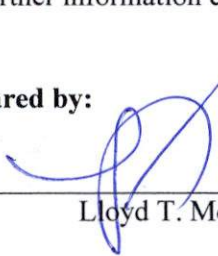
A site visit was conducted on May 25, 2017. The property is located within the boundaries of Carney-Cub Hill- Parkville Area Community Plan adopted into the Master Plan in 2010.

This Department does not object to granting the petitioned zoning relief conditioned upon the following:

- Install vegetative screening along the inside of the existing chain-link fence.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Elizabeth Rosiak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
7914 Aiken Avenue; W/S Aiken Avenue, * OF ADMINISTRATIVE
1,135' S of c/line of Taylor Avenue *
9th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owners: Elizabeth Flaherty & Robert Rosiak *
Petitioner(s) * BALTIMORE COUNTY
* 2017-296-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
MAY 16 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 16th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Elizabeth Rosiak, 7914 Aiken Avenue, Parkville, Maryland 21234, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: August 3, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0296-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 2, 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

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 09 Account Number - 0918471310							
Owner Information										
Owner Name:		FLAHERTY ELIZABETH DAWSON ROSIK ROBERT R				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		7914 AIKEN AVE BALTIMORE MD 21234-5404				Deed Reference:		/28776/ 00257		
Location & Structure Information										
Premises Address:		7914 AIKEN AVE 0-0000				Legal Description:		PT LTS 320,321,322 7914 AIKEN AVE WS PARKVILLE HEIGHTS		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0081	0001	0688		0000			320	2017	Plat Ref: 0007/0038	
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1951		1,536 SF		350 SF		4,940 SF		04		
Stories	Basement	Type	Exterior		Full/Half Bath	Garage	Last Major Renovation			
2	YES	STANDARD UNIT	ASBESTOS SHINGLE		2 full/ 2 half					
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of 01/01/2017		As of 07/01/2016		As of 07/01/2017	
Land:			60,700		60,700					
Improvements			75,400		124,000					
Total:			136,100		184,700		136,100		152,300	
Preferential Land:			0						0	
Transfer Information										
Seller: FROCK GLENN D				Date: 10/21/2009			Price: \$128,000			
Type: ARMS LENGTH IMPROVED				Deed1: /28776/ 00257			Deed2:			
Seller: WILD CHRISTIAN G,JR				Date: 07/28/2008			Price: \$184,900			
Type: ARMS LENGTH IMPROVED				Deed1: /27206/ 00422			Deed2:			
Seller: ROBINSON CALVIN W				Date: 06/07/1994			Price: \$82,000			
Type: ARMS LENGTH IMPROVED				Deed1: /10569/ 00041			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: Approved 04/17/2010										

Enter Property Address Here



Publication Date: 5/3/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 20 feet

Case No.: 2017-0296 - SPHA

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	Application for Class A Child Care Center	
No. 3	Site photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 7914 Aiken Ave OWNER(S) NAME(S) Elizabeth Flaherty Robert Rosak

SUBDIVISION NAME Parkville Heights LOT # 320 BLOCK # _____ SECTION # N/A

PLAT BOOK # 0007 FOLIO # 6038 10 DIGIT TAX # 0918471310 DEED REF. # 28726/00257

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 081A1

SITE ZONED DR 5.5

ELECTION DISTRICT 9

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 4,940

HISTORIC? N/A

IN CBCA? NO

IN FLOOD PLAIN? N/A

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

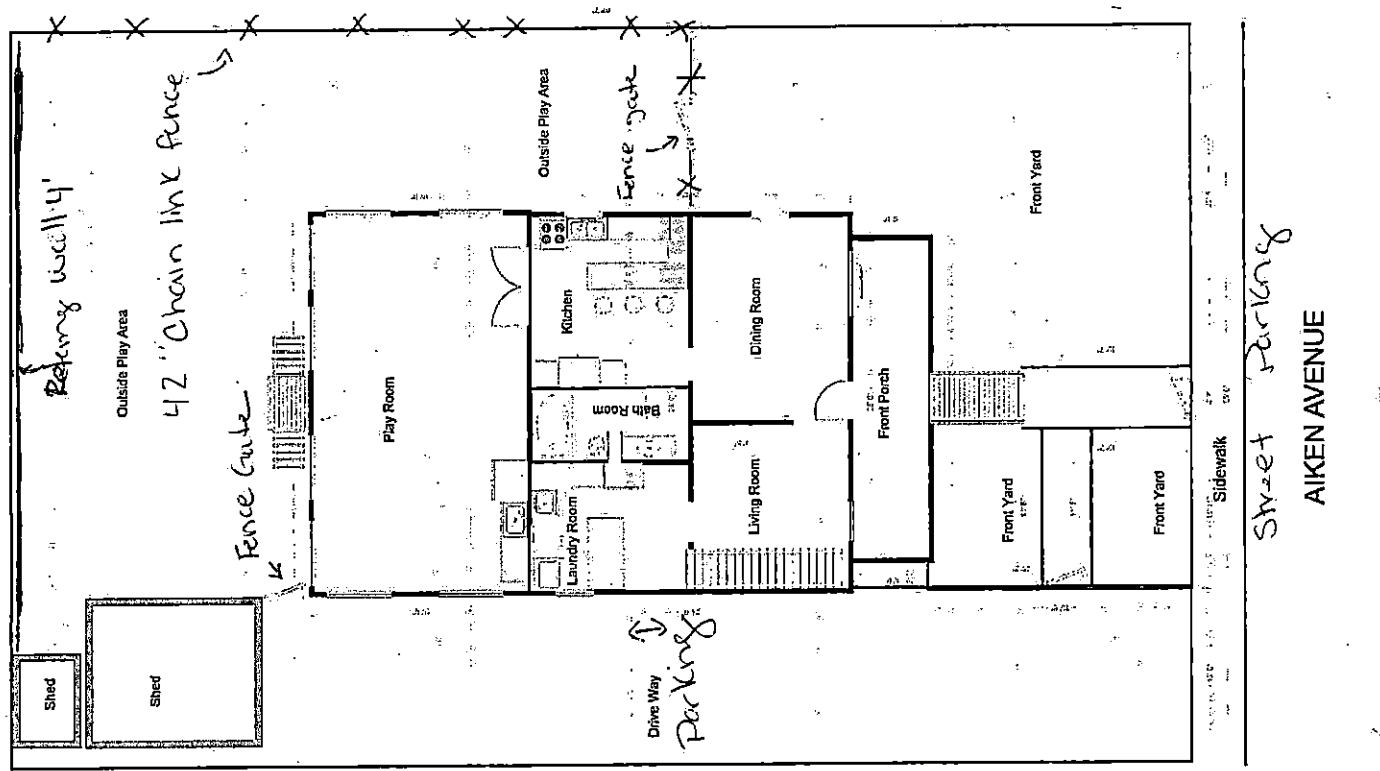
PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

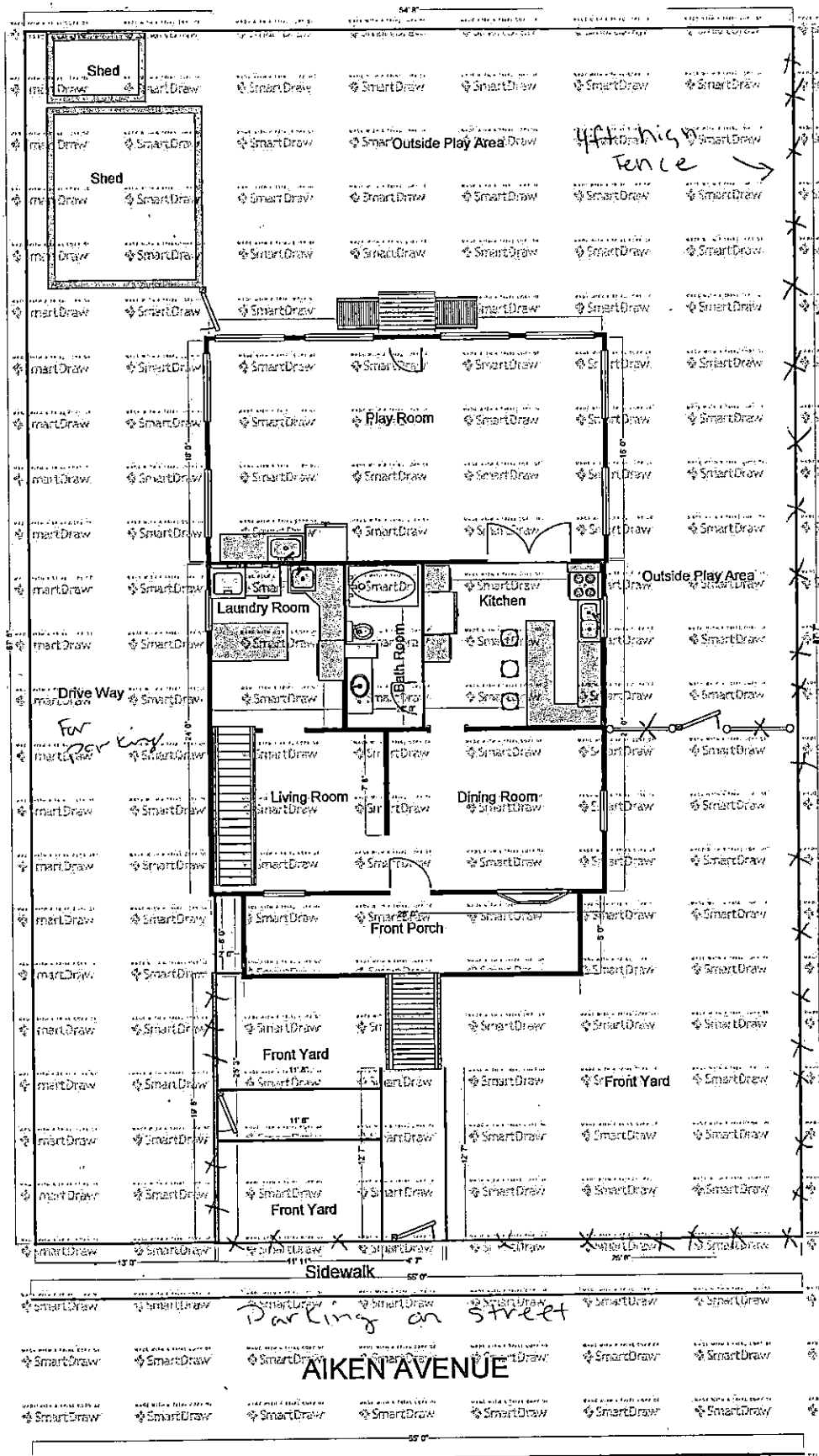
None



PLAN DRAWN BY Elizabeth Rosiak DATE 4/21/17 SCALE: 1 INCH = 30 FEET

2017-0296-SPHA

Pet. No. 1



Class A Group
Child Care Center
12 children.

7914 Aiken Ave.

lot size: 54' x 87

Parking space 1
for owner/employee

map # 081A1

Hours of operation
7am to 5pm

There has been
no enlargement
of this property
in the last 5 yrs.

2017-0296-SPH

APPLICATION FOR CHILD CARE CENTER CLASS A

USE PERMIT

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

Proposed Child Care Location:

Election District 9
 Subdivision Parkville Heights
 Street Address 7914 Aiken Avenue Balto MD 21234
 Lot Number 320, 321, 322 Block Number _____
 *If no lot or block number, give distance to nearest intersecting street,
1,135 feet, north / south / east / west of
Taylor Ave Street / Road / Avenue
 Lot Size 54 x 87 x _____

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

Parkville Nazarene Christian Daycare
8510 Fowler Ave
Baltimore, MD 21234

General Information:

- A. Name and Address of Applicant/Operator
Elizabeth Rosiak
7914 Aiken Avenue Baltimore, MD 21234
 Telephone Number 410-870-3713
- B. Number of Employees 1 Hours of Operation 7am - 5pm
 Days of Week 5
- C. Number of Children Enrolled 8
- D. Estimated Amount of Traffic Generated:
 Morning 8 - 12 Afternoon 8 - 12
- E. Site Plan, drawn to scale, indicating location and type of structure on lot in question, location and dimensions of play parking area (s) arrangement, and proximity of dwellings on adjacent lots must accompany this Use Permit.
- F. Snapshot of the Structure

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

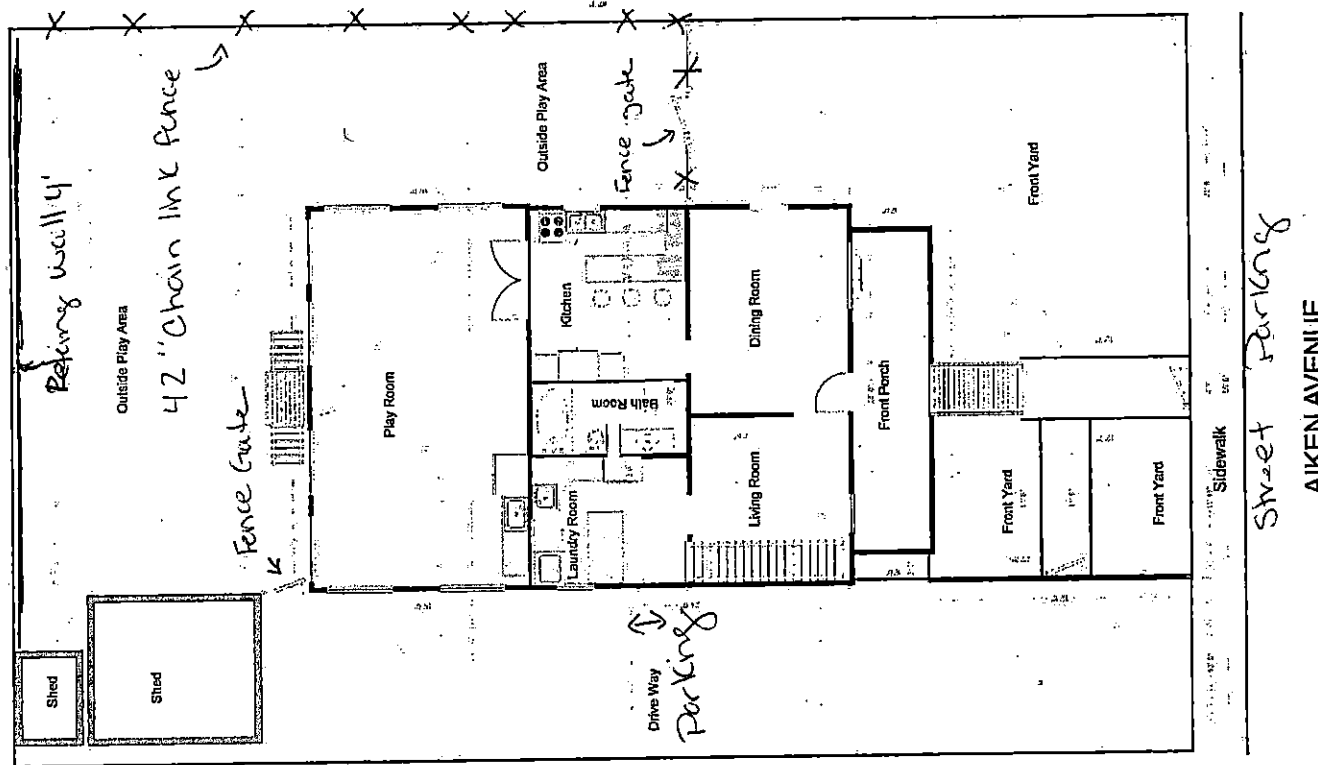

 Applicant's Signature

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

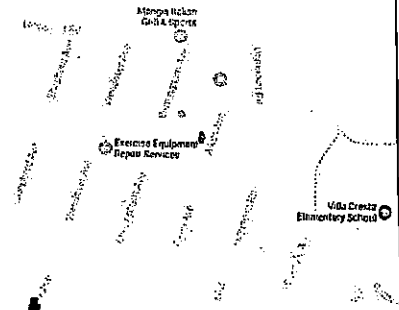
ADDRESS 7914 Aiken Ave OWNER(S) NAME(S) Elizabeth Flaherty Robert Rosiak

SUBDIVISION NAME Parkville Heights LOT # 320 BLOCK # _____ SECTION # N/A

PLAT BOOK # 6007 FOLIO # 6038 10 DIGIT TAX # 0918471310 DEED REF. # 28726/00257



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 081A1

SITE ZONED DR 5.5

ELECTION DISTRICT 9

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 4,940

HISTORIC? N/A

IN CBCA? NO

IN FLOOD PLAIN? N/A

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

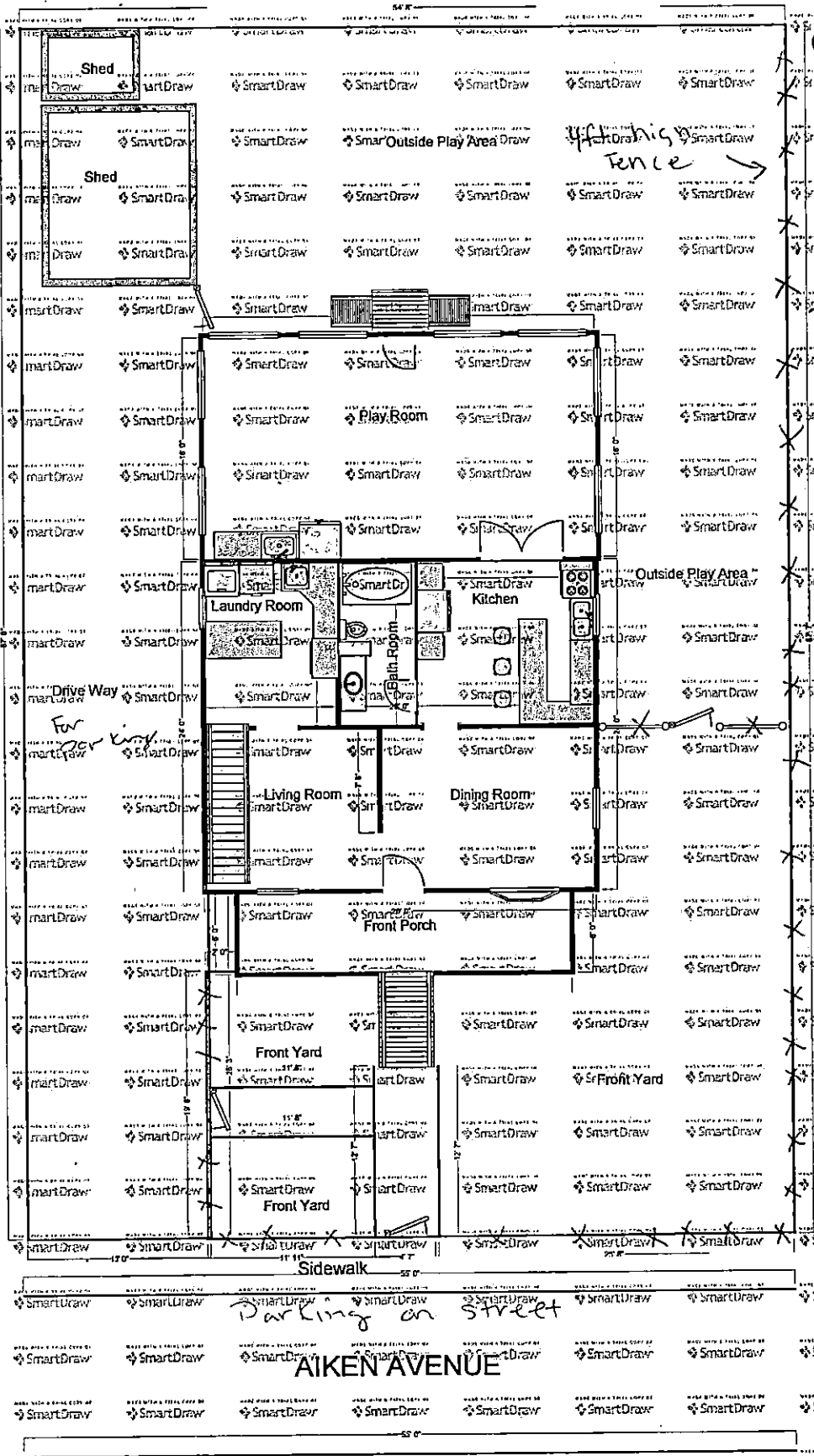
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

None

PLAN DRAWN BY Elizabeth Rosiak DATE 4/21/17 SCALE: 1 INCH = 30 FEET

2017-0296-SPHA



Class A Group
Child Care Center
12 children.

7914 Aiken Ave.

lot size: 54' x 87'

Parking space 1
for owner/employee

map # 081A1

Hours of operation
7am to 5pm

There has been
no enlargement
of this property
in the last 5 yrs

Parking on Street

AIKEN AVENUE

2017-0296-SPH

Ref. 3

7914 Aiken Ave Baltimore, MD 21234
Deed Ref 28776/00257 Tax 0918471310

