

Gary M Hucik

From: John E. Beverungen
Sent: Friday, March 16, 2018 10:39 AM
To: Gary M Hucik
Subject: Child Care Facilities

Gary,

We spoke yesterday about a provision in the BCZR concerning child care facilities. The specific section in question reads as follows:

"On or after April 15, 1985, no family child-care home, group child-care center or nursery school shall be permitted adjoining a residentially used property or dwelling unit in a D.R. or R.C. Zone that has an existing family child-care home or group child-care center or nursery school adjoining such residentially used property or dwelling unit."
BCZR Sec. 424.1.C.

As I explained when we met, I do not believe that section prohibits a day care home from locating adjacent to (next to) another dwelling in which a day care facility is operated. Instead, I believe the regulation prohibits the scenario where a residential dwelling is surrounded on both sides by a day care center. While the regulation is poorly worded, as are many provisions in the BCZR, I believe this is the only reasonable interpretation when all of the words in the ordinance are given their plain and ordinary meaning. Had the Council wanted to prohibit a day care facility from locating next to another day care, there would be no need for the last phrase in the regulation: "...adjoining such residentially used property or dwelling unit." Instead, the ordinance would simply read: "On or after April 15, 1985, no family child-care home, group child-care center or nursery school shall be permitted adjoining a residentially used property or dwelling unit in a D.R. or R.C. Zone that has an existing family child-care home or group child-care center or nursery school."

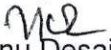
John Beverungen
ALJ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 31, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2018
Item No. 2018-0188-A, 0189-A and 0190-SPH

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

VKD: cen
cc: file

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: January 24, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0190-SPH
Address 537 Alter Avenue
(NO OWNER LISTED)

Zoning Advisory Committee Meeting of **January 29, 2018.**

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 1/22/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. *2018-0190-SPH*

Special Hearing
537 Afton 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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-190

INFORMATION:

Property Address: 537 Alter Avenue
Petitioner: Tanisha Hill
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a family child-care home adjoining an existing family child-care home.

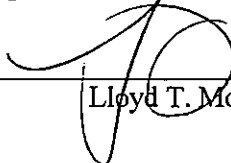
A site visit was conducted on January 31, 2018. The site is currently the subject of County Code Enforcement case # CC1714888.

The Department has no objection to granting the petitioned zoning relief. The subject site and improvements are maintained in good condition. There is an existing fenced rear yard directly accessible from the dwelling. The Department recommends that the proposed family child care home having by definition no more than 8 children including that of the adult provider, may integrate successfully within the neighborhood. The existence of a family child care home located at 535 Alter Avenue does not influence the Department's recommendation.

The Department will concur with the decision of the Administrative Law Judge on the interpretation of BCZR §424.1 and the appropriateness of the filing for relief for the corrective action.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/
c: Bill Skibinski
Tanisha Hill
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING
537 Alter Avenue; N/S Alter Avenue,
90' W of c/line Rocklyn Avenue
3rd Election & 2nd Councilmanic Districts
Legal Owner: Tanisha Hill
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-190-SPH

* * * * *

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 25 2018

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 25th day of January, 2018, a copy of the foregoing Entry of Appearance was mailed to Tanisha Hill, 537 Alter Avenue, Baltimore, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 537 Alter Avenue which is presently zoned DR 5.5
Deed References: _____ 10 Digit Tax Account # 0312042230
Property Owner(s) Printed Name(s) Tanisha Hill

(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 a family child care home adjoining an existing family child care home pursuant to section 424.1 C of the BCZA. (SEE SECTION 424.1 C 602R)
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)

"TO BE PRESENTED AT 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:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Tanisha Hill

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

Tanisha Hill

Signature #1 _____ Signature #2 _____

537 Alter Avenue Baltimore MD

Mailing Address _____ City _____ State _____

21208 443-608-9979 ms.hill1112@gmail.com

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Tanisha Hill

Name - Type or Print _____

Tanisha Hill

Signature _____

537 Alter Avenue Baltimore MD

Mailing Address _____ City _____ State _____

21208 4436089979 ms.hill1112@gmail.com

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0190-504 Filing Date 1/14/18 Do Not Schedule Dates: _____ Reviewer JR

Zoning Proper^t: Description for 531 Alter Ave

*Beginning at a point on the North side of 531 Alter Ave which is 60 feet wide at a distance of 90 feet West of the center line of the nearest improved intersecting street Rocklyn Avenue which is 50 feet wide.

Containing 5,830 square feet of land more or less.

Election District 3, Council District 2

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2018-0190-SPH

Property Address: 537 Alter Avenue

Property Description: _____

Legal Owners (Petitioners): Tanisha Hill

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tanisha Hill

Company/Firm (if applicable): _____

Address: 537 Alter Avenue
Baltimore, MD 21208

Telephone Number: 4436089979



1900011504

Lot # 9
0307050590

Lot # 10
0312035360

0306022660

Lot # 10

0307049940

Lot # 11

401

0306046000

Lot # 12

0306046990

Lot # 9

Lot # 8
0326020250

534

0312041175

Lot # 7

ALTER AVE

3-ED

078A2 DR 5.5

NW 6-F

2 CD

PAI # 030022

529

R-1950-1728

Pt. Bk. 0000018 Folio 0122

Lot # 6

PAI # 030022

527
0319074475

Lot # 7

Lot # 5
0312022575

Lot # 4
0302099325

Lot # 3
030606450
EX Child

Lot # 2
0312042230

Lot # 1
0319001575

078B2

Lot # 35

528
0310001640

Lot # 36
03020029900

0307015175

0306060660
Lot # 34

0307049550
Lot # 33

Lot # 32
0319074625
Pt. Bk. 0000018 Folio 0122
522

0316062170
Lot # 31

0321020080
Lot # 30

0321020070
Lot # 11

0319041160
516

NASSAU ST

ROCKLYN AVE

Lot # 2
0318012120

Lot # 1
0302069300

519

Lot # 3

0311019280

0326039510

Lot # 4

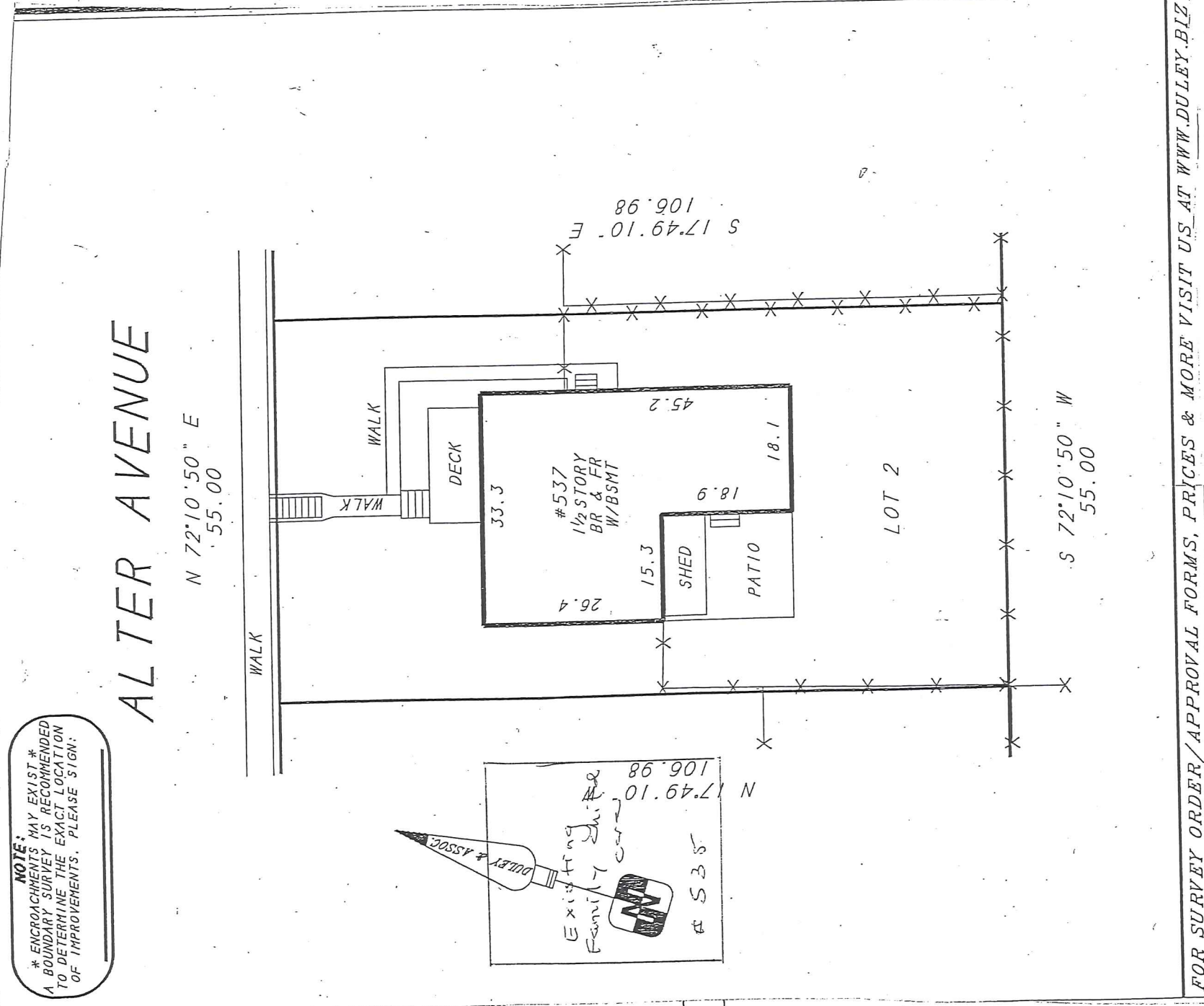
516
0303037750
Lot # 21

0323054160
Lot # 20

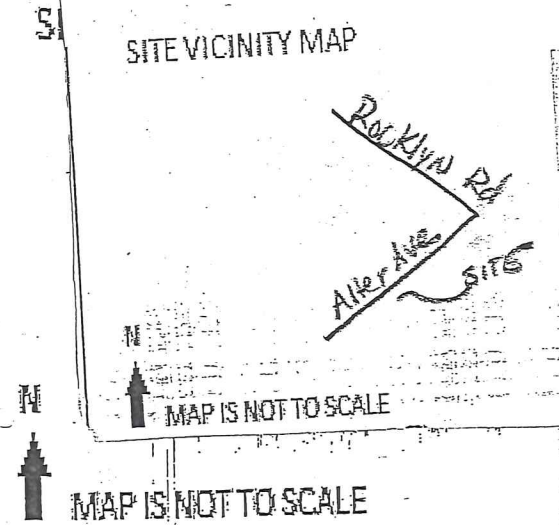
ALTER AVE

4 CD

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 537 Alter Avenue OWNER(S) NAME(S) Tanisha Hill
SUBDIVISION NAME Williamsburg LOT# 2 BLOCK# M SECTION# 3
PLAT BOOK# 18 FOLIO# 122 10 DIGIT TAX# 0312042230 DEED REF.# 27418100452



PLAN DRAWN BY Tanisha Hill DATE 1/16/18 SCALE: 1 INCH = 20 FEET



ZONING MAP# 0078
SITE ZONED DR 5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA ACREAGE _____
OR SQUARE FEET 5,830 X
HISTORIC? no
IN CBCA? no
IN FLOOD PLAIN? no
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:

CC 1714888