

M E M O R A N D U M

DATE: June 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0223-X – Appeal Period Expired

The appeal period for the above-referenced case expired on June 4, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(1015 & 1017 Back River Neck Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Holly Neck, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0223-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Holly Neck, LLC, legal owner ("Petitioner"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone.

Nicholas Dinicola, Doris Salvo and surveyor Bruce Doak appeared in support of the petition. Alfred Brennan, Jr., Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the request.

The subject property is approximately 3.889 acres in size and is split-zoned BL, DR 3.5 RC-5 and RC-20. The property is improved with two structures: a large commercial building used as a group child care center and a single-family dwelling. Petitioner proposes to convert the single family dwelling into a group child care center for up to 15 infants from 6 weeks to 17 months of

ORDER RECEIVED FOR FILING

Date 5-4-18

By DW

age. The single family dwelling is located in the DR 3.5 zone, which permits a child care center by special exception.

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*, 451 Md. 272 (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.

Mr. Doak testified Petitioner satisfied the requirements of BCZR §502.1 and the case law interpreting that provision. No evidence was offered in opposition, and I believe Petitioner has established a *prima facie* case entitling it to the special exception.

THEREFORE, IT IS ORDERED this 4th day of **May, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone, be and is hereby GRANTED.

The relief granted herein shall be subject to 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 prior to issuance of permits comply with the critical area regulations.

ORDER RECEIVED FOR FILING

Date 5-4-18

2

By [Signature]

3. Petitioner must provide landscaping around the base of the existing sign and for the building at 1017 Back River Neck Road, as determined in the sole discretion of the Baltimore County landscape architect.

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 5-4-18

By pw



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 1015 & 1017 BACK RIVER NECK ROAD which is presently zoned BL, DR 2.5 & RS
 Deed References: SM 28/00/1316 10 Digit Tax Account # 1516001920
 Property Owner(s) Printed Name(s) HOLLY NECK, LLC

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

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

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

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

SEE ATTACHED PAGE

3. a Variance from Section(s)

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

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bound 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):

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:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0223-X

Filing Date 2/28/18

Do Not Schedule Dates:

Reviewer JP

NO PM HEARING

X-104 ORDER RECEIVED FOR FILING

Date 5-4-18

By LDW

1015 & 1017 Back River Neck Road

Case# 20/B-0223-X

Partitions Requested

Per Section 1B01.1.C.6 BCZR & *SECTION 424.5.A BCZR*

Special Exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone.



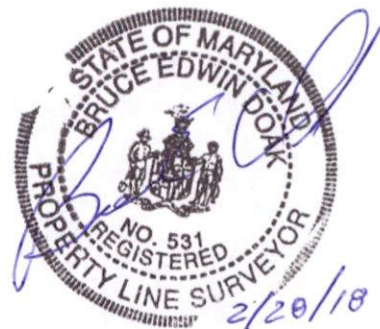
Zoning Description

1015 Back River Neck Road- 3.889 Acre Parcel
Fifteenth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at the northeast corner of Back River Neck Road and Holly Neck Road, thence leaving said roads and binding on the outlines of the subject property, the three following courses and distances, viz. 1) South 82 degrees East 507 feet, 2) North 8 degrees East 312 feet and 3) North 82 degrees West 552 feet to the east side of Back River Neck Road, thence binding on the east side of said road, the two following courses and distances, viz. 4) South 6 degrees 45 minutes West 220.5 feet and 5) South 15 degrees 42 minutes 02 seconds East 99.98 feet to the point of beginning.

Containing 3.889 acres of land, more or less.

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



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

April 12, 2018 (amended May 1, 2018)

Re:

Zoning Case No. 2018-0223-X

Legal Owner: Holly Neck LLC

Hearing date: May 3, 2018

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 **1015 & 1017 Back River Neck Road**.

The signs were posted on April 12, 2018.

The signs were inspected again on May 1, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@brucedoakconsulting.com

ZONING NOTICE

**CASE NO. 2018-0223-X
1015 & 1017 Back River Neck Road**

**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: Thursday May 3, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT A PORTION OF A
CLASS B GROUP CHILD CARE CENTER FOR 15 CHILDREN
IN AN EXISTING BUILDING LOCATED IN A DR 3.5 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A BL ZONE.**

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

SIGN 2

ZONING NOTICE

CASE NO. 2018-0223-X
1015 & 1017 Back River Neck Road

**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: Thursday May 3, 2018 1:30 PM

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IN AN EXISTING BUILDING LOCATED IN A DR 3.5 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A BL ZONE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3381.**

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

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

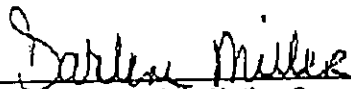
Order #: 11536865
 Case #: 2018-0223-X
 Description:

CASE NUMBER: 2018-0223-X, NOTICE OF ZONING HEARING

PUBLISHER'S AFFIDAVIT

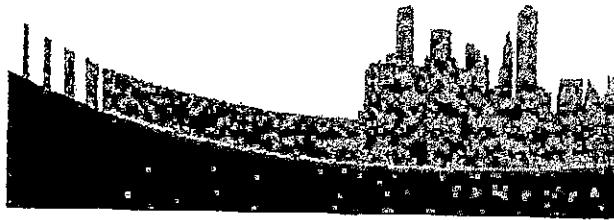
We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

4/13/2018



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County	
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: 2018-0223-X	
1015 & 1017 Back River Neck Road	
NE corner of Back River Neck and Holly Neck Roads	
15th Election District - 7th Councilmanic District	
Legal Owners: Holly Neck, LLC	
Special Exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a B1 zone.	
Hearing Thursday, May 3, 2018 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 410-887-3368.	
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.	
ap13	



CERTIFICATE OF POSTING

April 12, 2018 (amended May 1, 2018)

Re:
Zoning Case No. 2018-0223-X
Legal Owner: Holly Neck LLC
Hearing date: May 3, 2018

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

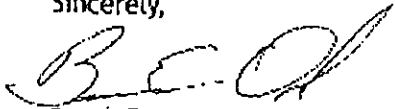
Ladies and Gentlemen,

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 1015 & 1017 Back River Neck Road.

The signs were posted on April 12, 2018.

The signs were inspected again on May 1, 2018.

Sincerely,


Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakeconsulting.com

ZONING NOTICE

CASE NO. 2018-0223-X

1015 & 1017 Back River Neck Road

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

**PLACE: Room 206 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday May 3, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT A PORTION OF A
CLASS B GROUP CHILD CARE CENTER FOR 16 CHILDREN
IN AN EXISTING BUILDING LOCATED IN A DR 3.2 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A B1 ZONE.**

**PORTIONMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410.987-3397**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNLESS
PENALTY IS PAID
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2018-0223-X
1015 & 1017 Back River Neck Road

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

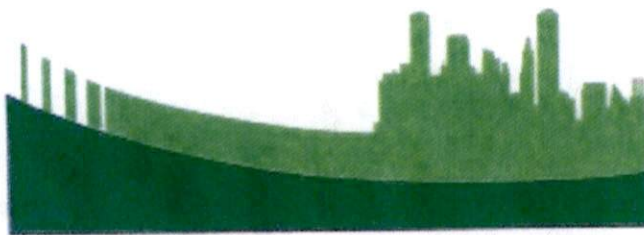
**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday May 3, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT A PORTION OF A
CLASS B GROUP CHILD CARE CENTER FOR 15 CHILDREN
IN AN EXISTING BUILDING LOCATED IN A DR 3.5 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A DR 3.5 ZONE**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-347-3341**

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



CERTIFICATE OF POSTING

April 12, 2018

Re:

Zoning Case No. 2018-0223-X

Legal Owner: Holly Neck LLC

Hearing date: May 3, 2018

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 1015 & 1017 Back River Neck Road.

The signs were posted on April 12, 2018.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SIGN 1

ZONING NOTICE

CASE NO. 2018-0223-X
1015 & 1017 Back River Neck Road

**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: Thursday May 3, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT A PORTION OF A
CLASS B GROUP CHILD CARE CENTER FOR 15 CHILDREN
IN AN EXISTING BUILDING LOCATED IN A DR 3.5 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A BL ZONE.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES



5461
K.A.

ZONING NOTICE
CASE NO. 2016-0223-X
1003 & 5017 Wick River Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
ON THURSDAY, MAY 12, 2016
P.M. FROM 5:00 TO 6:00 P.M.
1003 & 5017 WICK RIVER ROAD
1003 & 5017 WICK RIVER ROAD, WICK, MD 21156

DATE & TIME: Thursday May 12, 2016 5:00 PM

**DEEDS & RECORDS TO PERMIT A PORTION OF A
FLAME & CARP BUILDING (CASE NO. 2016-0223-X) TO BE
IN THE 2007-08 BUILDING ZONING OF A 1003 & 5017
AND ON THE 1003 PROPERTY AS THE EXISTING CARP
AND CARP BUILDING WHICH IS LOCATED IN A 1003.**

APPROVED BY THE BOARD OF ZONING AND PLANNING
ON MAY 12, 2016 AT 5:00 P.M. IN THE BOARD ROOM
OF THE TOWNSHIP OF WICK, MARYLAND
BY THE BOARD OF ZONING AND PLANNING
ON MAY 12, 2016 AT 5:00 P.M. IN THE BOARD ROOM
OF THE TOWNSHIP OF WICK, MARYLAND



ZONING NOTICE

CASE NO. 2018-0223-X
1015 & 1017 Back River Neck Road

**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: Thursday May 3, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT A PORTION OF A
CLASS B GROUP CHILD CARE CENTER FOR 15 CHILDREN
IN AN EXISTING BUILDING LOCATED IN A DR 3.5 ZONE
AND ON THE SAME PROPERTY AS THE EXISTING GROUP
DAY CARE BUILDING WHICH IS LOCATED IN A BL ZONE.**

**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**



KEVIN KAMENETZ
County Executive
April 4, 2018

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

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: 2018-0223-X

1015 & 1017 Back River Neck Road
NE corner of Back River Neck and Holly Neck Roads
15th Election District – 7th Councilmanic District
Legal Owners: Holly Neck, LLC

Special Exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone.

Hearing: Thursday, May 3, 2018 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: Alfred Brennan, Jr., 825 Eastern Avenue, Essex 21221
Holly Neck, LLC, 1015 Back River Neck Road, Baltimore 21221
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 13, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 12, 2018 Issue - Jeffersonian

Please forward billing to:

Saldino's Kiddie Cottage Child Care
1015 Back River Neck Road
Baltimore, MD 21221

410-686-5555

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: 2018-0223-X

1015 & 1017 Back River Neck Road
NE corner of Back River Neck and Holly Neck Roads
15th Election District – 7th Councilmanic District
Legal Owners: Holly Neck, LLC

Special Exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone.

Hearing: Thursday, May 3, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
1015 & 1017 Back River Neck Road; NE
Corner of Back River Neck & Holly Neck Rds* OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts
Legal Owner(s): Holly Neck, LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-223-X

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
MAR 09 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 and Alfred Brennan, Jr., Esquire, 825 Eastern Boulevard, Essex, Maryland 21221, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2018-0223-X
Property Address: 1015 BACK RIVER NECK ROAD
Property Description: NORTHEAST CORNER OF BACK RIVER NECK ROAD AND
HOLLY NECK ROAD - 3.889 AC ±
Legal Owners (Petitioners): HOLLY NECK LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Company/Firm (if applicable): SALDINO'S KIDDIS COTTAGE CHILD CARE
Address: 1015 BACK RIVER NECK ROAD
BALTIMORE MD 21221

Telephone Number: 410-686-5555

Revised 5/20/2014



KEVIN KAMENETZ
County Executive

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

April 26, 2018

Holly Neck LLC
1015 Back River Neck Road
Baltimore MD 21221

RE: Case Number: 2018-0223 X, Address: 1015 & 1017 Back River Neck Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 2018. 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Alfred L Brennan Jr., Esquire, 825 Eastern Boulevard, Essex MD 21221
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 3/8/18

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. 2018-0223-X.

*Special Exception
Holly Neck LLC, Nicholas Di Nicola
1015 & 1017 Back River Neck Road*

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

Sincerely,

Wendy Wolcott, 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: 3/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-223



INFORMATION:

Property Address: 1015 & 1017 Back River Neck Road
Petitioner: Nicholas DiNicola, Holly Neck, LLC
Zoning: BL, DR 3.5, RC 5
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to permit a portion of a Class B group child care center for 15 children in an existing building located in a DR 3.5 zone and on the same property as the existing group day care building which is located in a BL zone.

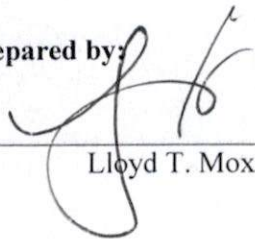
A site visit conducted on March 12, 2018 shows the site is in good condition and well kept.

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

- Locate the existing dumpster to a location that is not a parking space and that can be screened to the satisfaction of the Baltimore County Landscape Architect.

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Krystle Patchak
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

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: March 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0223-X
Address 1015 & 1017 Back River Neck Road
(Holly Neck, LLC Property)

Zoning Advisory Committee Meeting of **March 12, 2018.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. While EPS has no comment concerning the change of use, it must be noted that forest, non-tidal wetlands, and a Critical Area buffer do exist on the property and must be protected in a Critical Area easement. In addition, total Critical Area lot coverage is limited to a maximum of 15%. It appears that the 15% forest requirement can be met with existing forest retention. If the property can meet LDA lot coverage requirements, forest requirements, and complies with the Critical Area buffer requirements, water quality impacts can be minimized. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). All future plans need to show all existing and proposed lot coverage, trees and forest, and any wetlands, buffers, and Critical Area easements.

2. Conserve fish, wildlife, and plant habitat; and

This property is mowed lawn with landscape trees, forest areas, non-tidal wetlands, and a required Critical Area buffer. The current structures are located outside of the forest and the required Critical Area buffer. Provided that all Critical Area requirements are met, including avoidance of forest, wetlands, and required buffers, and any other required mitigation is provided as determined by EPS, water quality impacts can be minimized and fish, wildlife, and plant habitat can be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal can be consistent with this goal, and the relief requested will be consistent with established land-use policies provided that the applicant can meet the requirements stated above including avoidance of any forest, wetlands, and required buffers.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

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Office of Administrative Hearings

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Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MU2*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0223-X

DATE: March 23, 2018

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A lighting Manual is also required.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-223

RECEIVED

MAR 27 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

INFORMATION:

Property Address: 1015 & 1017 Back River Neck Road
Petitioner: Nicholas DiNicola, Holly Neck, LLC
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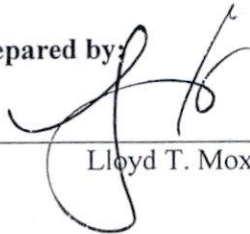
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
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People's Counsel for Baltimore County

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Reviewer: Paul Dennis

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment3/23DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment3/19DEPS
(if not received, date e-mail sent _____)COMMENT3/27/18FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO Obj
w/ Comment3/8/18

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/13/18SIGN POSTING (1st) Date: 4/12/18 by DOCKSIGN POSTING (2nd) Date: 5/1/18 by DOCKPEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Account Identifier:			District - 15 Account Number - 1516001420						
Owner Information									
Owner Name:		HOLLY NECK LLC			Use: Principal Residence:		COMMERCIAL/RESIDENTIAL NO		
Mailing Address:		1015 BACK RIVER NECK RD BALTIMORE MD 21221-6326			Deed Reference:		/28100/ 00316		
Location & Structure Information									
Premises Address:		1015 BACK RIVER NECK RD 0-0000			Legal Description:		4 AC NES 1015 BACK RIVER NECK RD COR HOLLY NK RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0019	0426		0000				2018	Plat Ref:
Special Tax Areas:				Town:			NONE		
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		4444				4.0000 AC		06	
Stories	Basement	Type		Exterior	Full//Half Bath	Garage	Last Major Renovation		
1 1/2	YES	STANDARD UNIT			1 full		2016		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2018		As of 07/01/2017		As of 07/01/2018	
Land:		210,800		200,000					
Improvements		285,700		297,700					
Total:		496,500		497,700		496,500		496,900	
Preferential Land:		0						0	
Transfer Information									
Seller: SALVO EUGENE CHARLES, JR				Date: 05/19/2009			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /28100/ 00316			Deed2:		
Seller: SALVO EUGENE C				Date: 03/25/2008			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /26808/ 00714			Deed2:		
Seller: PARROTT ROBERT				Date: 05/02/1979			Price: \$120,000		
Type: ARMS LENGTH IMPROVED				Deed1: /06016/ 00079			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No **Date:**
Application

PLEASE PRINT CLEARLY

CASE NAME Holly Neck LLC
CASE NUMBER 2018-0223-X
DATE 5/03/18

PETITIONER'S SIGN-IN SHEET

[illegible]

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

NO 166252

Date:

2/28/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rey/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				500.00

Total: 500.00

Rec

From: Baltimore's Kid-Lit Cottage Child Care

For: 1015 Back River Neck Rd

Heating Cost # 2018-02.23-X

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
2/28/2018 2/28/2018 10:27:00 1
REG NO: 0011111111111111
RECEIPT # 777344 2/28/2018 OFL
Dept 5 520 FORTING VERIFICATION
CR NO. 166252
Rcpt Tot 1500.00
1500.00 00 1.00 00
Baltimore County, Maryland

CASHIER'S
VALIDATION

Case No.: 2018-0223-X

Exhibit Sheet

Petitioner/Developer

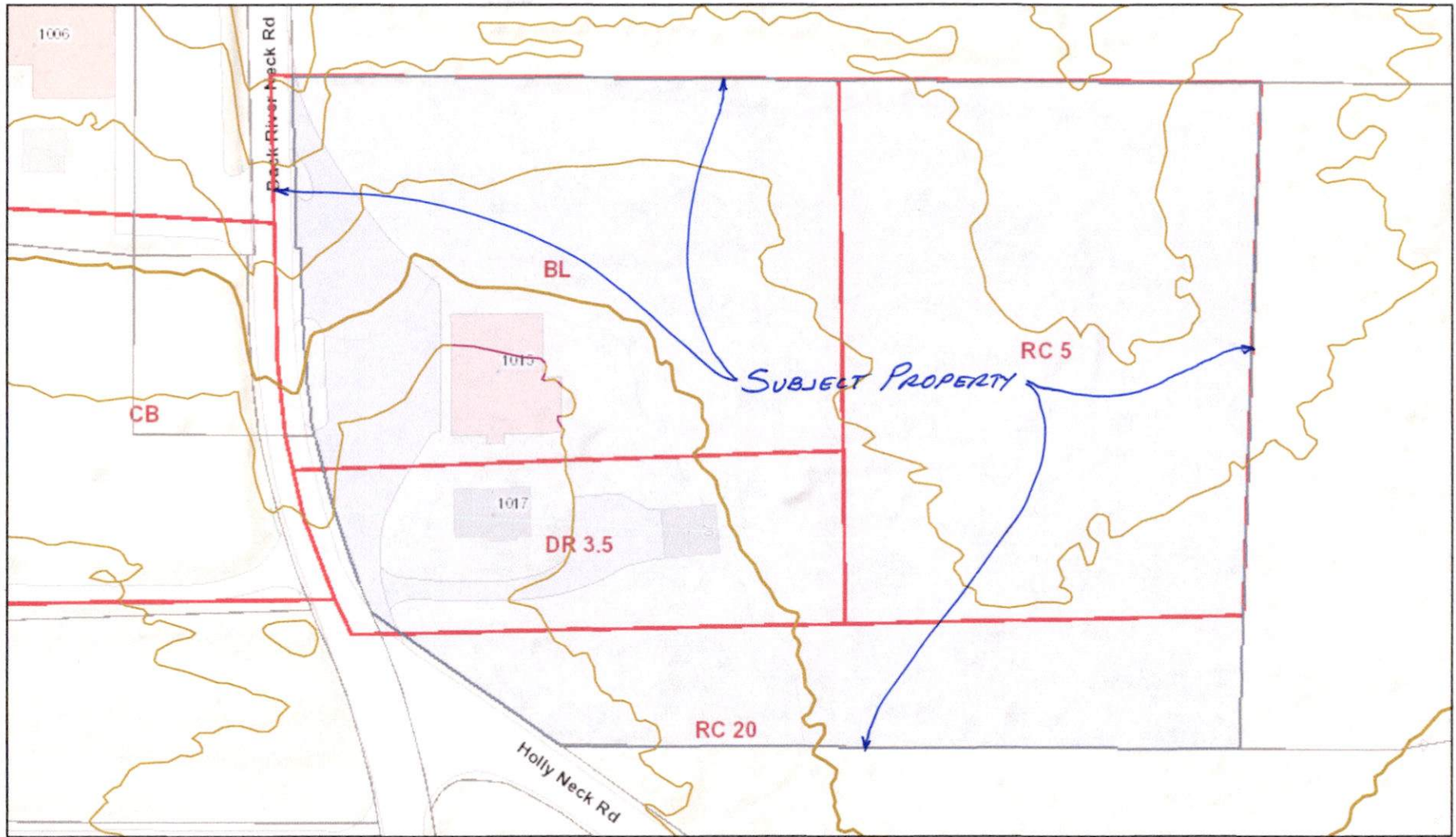
EW 5-18
6-5-18

Protestant

EW 5-4-18

No. 1	Plan	
No. 2	Zoning map	
No. 3	Aerial photo	
No. 4	4A-R Key sheet plan w/ photos	
No. 5	letter from Doris Salvo	
No. 6	Color Photos of Property	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1015 Back River Neck Road- GIS



January 25, 2018

Contours

<all other values>

INDEX CONTOUR LINE

INTERMEDIATE CONTOUR LINE

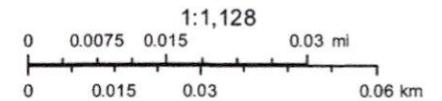
Parcels - Tax parcel

House Numbers

Zoning

Property

County Boundary

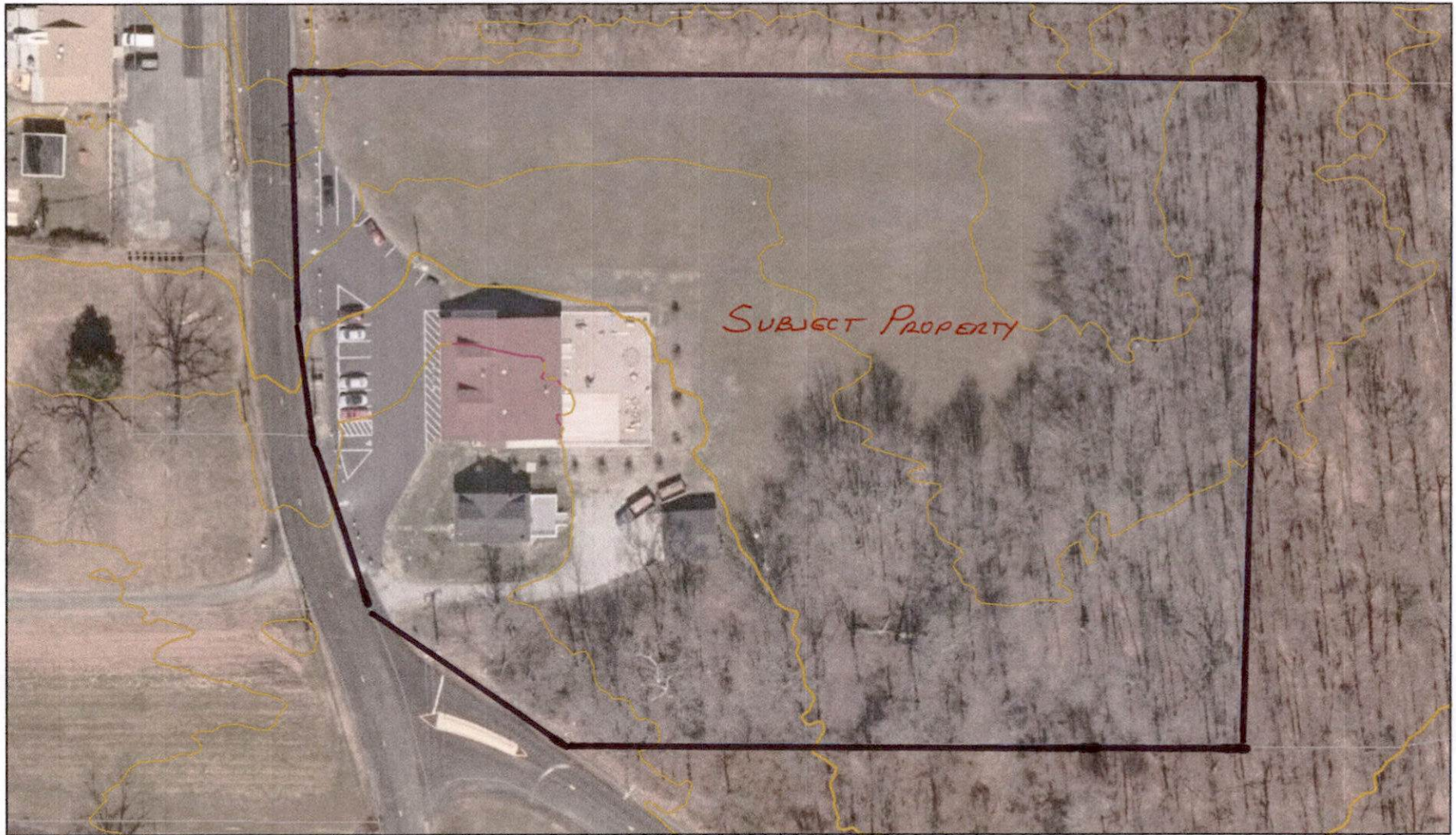


PETITIONER'S

plication

EXHIBIT NO. 2

1015 Back River Neck Road- GIS photo



January 25, 2018

Contours

<all other values>

INDEX CONTOUR LINE

INTERMEDIATE CONTOUR LINE

Parcels - Tax parcel

Red: Band_1

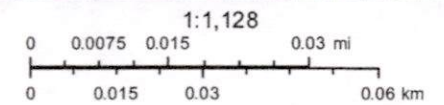
Green: Band_2

Blue: Band_3

House Numbers

Zoning

Property



PETITIONER'S

EXHIBIT NO. 3

February 1st, 2018

To Whom It May Concern;

Kiddie Cottage Child Care has been open since March of 2016. KCCC is committed to providing exceptional care for children, ages 6 weeks to 5 years of age. We offer an infant program for children 6 weeks to 17 months. A toddler program for children 13 months- 24 months. A 2-year-old program for children 24 months- 3.5 years old. Lastly, we offer a 3.5-5-year-old program for children of those ages. Our professional staff will provide your child a safe and nurturing environment while implementing age appropriate activities and curriculum that incorporate fun while learning. The curriculum implemented has a 100% approved rating by the Maryland State Office of Childcare. Our center is focused on building relationships with families. Our staff is committed to the families we serve, providing care and support.

Kiddie Cottage is the center for 57 families in the area. In the short 2 years we have been open, we have been able to accumulate a waiting list of 21 children. All of our programs are booked and there is a waiting list for each program. Specifically, 12 infants, 1 toddler, 4 for the 2-year-old room, and 4 for our 3-5-year-old room. Although we have 57 children enrolled, only 51 are in the building at a time. We are open from 6:30AM- 6PM. Between the hours of 6:30AM-8:30AM is when 76% of the children are dropped off. The remaining 24% are dropped off before 10AM. We close sharply at 6PM, all of the children will be out of the building prior to that time. Our busiest pick up time ranges from 4:00PM- 5:15PM. 58% of the children are picked up at that time, the remaining 42% are picked up from 3:00PM- 4:00PM or 5:15PM-6:00PM.

Kiddie Cottage is the work place of 24 employees. 12 of those employees are full time and the remaining 12 are part time. The full-time employees' shifts are typically in the morning specifically 6:30AM-3:00PM, however there are 3 full time employees who work 8:00AM-5:00PM or 9:00AM-6:00PM at closing. The part time employees typically work sporadic shifts but the majority 83% of part time employees work an afternoon shift of 3:00PM-6:00PM. Of our 24 employees, 66% of them drive. The remaining 34% either carpool, walk, or get dropped off.

The purpose of turning 1017 Back River Neck Road into part of the Kiddie Cottage Child Care center is so we can serve more families in the area. We would like to call it Baby Cottage and enroll 15 infants from 6 weeks- 17 months. We believe as a whole staff that having renters next door to a children's center would decrease the safety of the center and also be unfair to the renters who would have to endure a set of rules that coincide with the child care center to live there. The owners of the center, Doris Salvo and Nick DiNicola, own the house and believe this is the best use for it. If we are able to open the house as a functioning baby cottage, that would allow us to increase our overall attendance by an estimated 20 children. This would allow for 71 children to be here everyday between the two buildings. By adding that number of children, we would also be adding 5 employees to the daily full-time teacher percentage. We would add extra parking in the back of the Baby Cottage resulting in no cosmetic changes to our current parking lot. We truly believe adding this Baby Cottage will not only benefit the families we serve, but also add value to the neighborhood by adding a larger quality child care center.

Thank you,

Doris Salvo & Nick DiNicola

PETITIONER'S

EXHIBIT NO.

5



























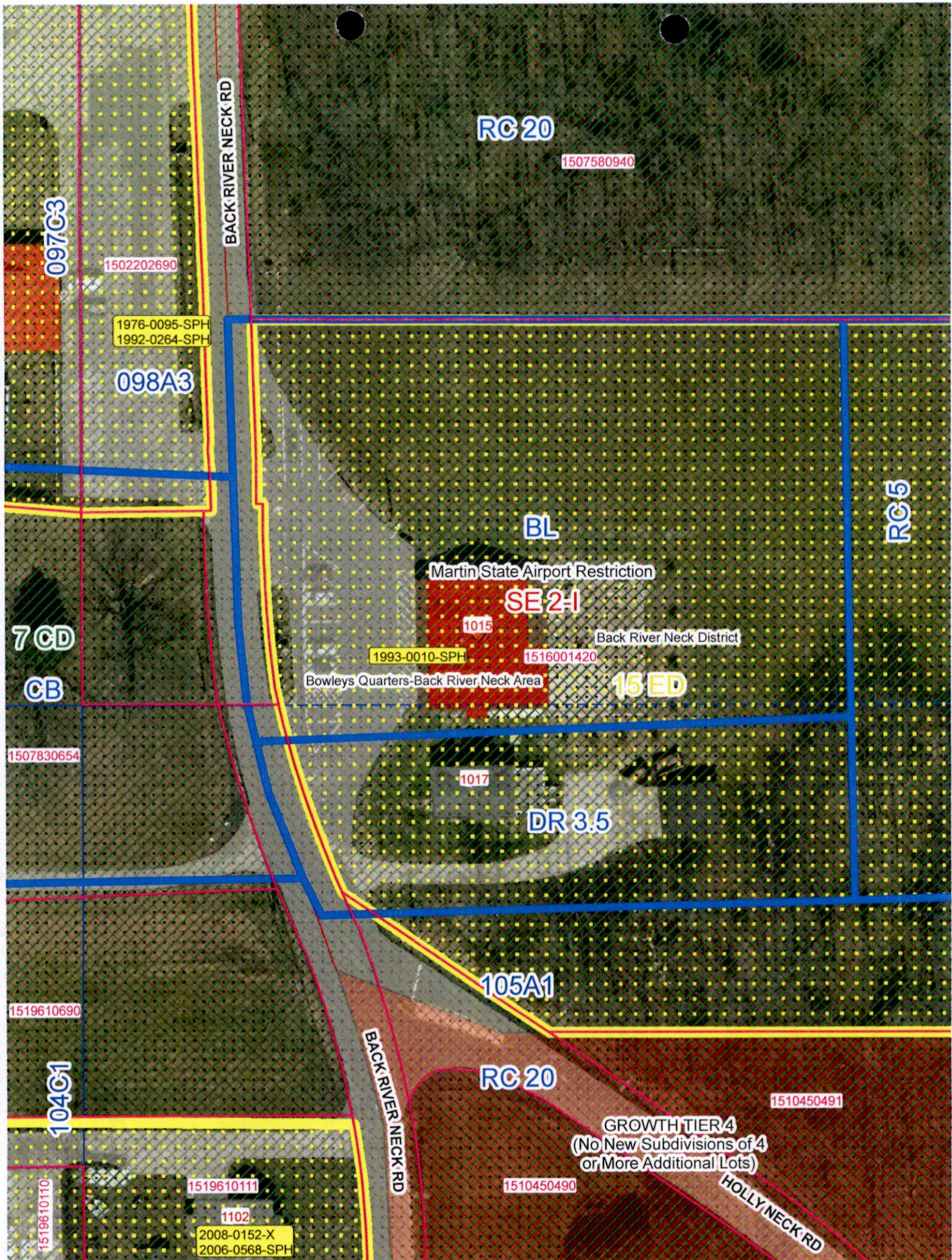












RC 20

1507580940

097C3

1502202690

1976-0095-SPH
1992-0264-SPH

098A3

BL

Martin State Airport Restriction

SE 2-I

1015

Back River Neck District

1993-0010-SPH

1516001420

Bowleys Quarters-Back River Neck Area

15 ED

7 CD

CB

1507830654

1017

DR 3.5

1519610690

105A1

104C1

RC 20

1510450491

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1510450490

HOLLY NECK RD

BACK RIVER NECK RD

1519610111

1102

2008-0152-X
2006-0568-SPH

1519610110



PETITIONER'S

EXHIBIT NO. 6

2015

