MEMORANDUM

DATE: September 4, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0350-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 2019. 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (201 North Branch Road)	*	BEFORE THE
	*	OFFICE OF
12th Election District 7th Council District	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
Wanda I. Gonzalez, *Legal Owner* Petitioner	*	**Case No. 2019-0350-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 Wanda I. Gonzalez, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to permit a Class A group child care facility for up to 12 children. In addition, a Petition for Variance was filed: (1) to permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet; and (2) 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. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Wanda I. Gonzalez and surveyor Bruce Doak appeared in support of the requests. Two neighbors attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

ORDER RECEIVED FOR FILING

Date 7-30-19

By

SPECIAL HEARING

Section 424 of the BCZR permits Class A group child care centers as an accessory use in all residential zones, upon issuance of a use permit. Petitioner is a licensed child care provider and has cared for children at this location since she acquired the property approximately two years ago. Photos were submitted which show the property (and neighborhood) is attractive and well maintained. As such, I do not believe granting the special hearing request will have a detrimental impact upon the surrounding community.

VARIANCE

As to the variance, it requires 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 subject property is a corner lot which has an irregular shape. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because she would be unable to operate a day care facility at this location. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **30th** day of **July, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to permit a Class A group child care facility for up to 12 children, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7-30-19

By

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet; and (2) 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, 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 her 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. No temporary or banner-type signage is permitted on the subject property.
3. The day care facility shall operate only Monday-Friday between the hours of 6:00 AM to 6:00 PM.
4. Petitioner shall notify all parents (verbally and/or in the day care contract) not to block neighbors' driveways when dropping off or picking up children from the center.
5. Petitioner shall notify all parents to park when possible in front of her home or along the side of her home on East Branch Road.

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:dlw

ORDER RECEIVED FOR FILING
Date 7-30-19
By DW

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 201 N. BRANCH ROAD **which is presently zoned** DR 5.5

Deed References: 38954/72 10 Digit Tax Account # 1 2 0 6 0 8 2 0 4 0

Property Owner(s) Printed Name(s) WANDA IVETTE GONZALEZ RIVERA

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

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

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

SEE ATTACHED PAGE

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)

SEE ATTACHED PAGE

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

Legal Owners (Petitioners):

WANDA IVETTE GONZALEZ RIVERA

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

201 N BRANCH ROAD BALTIMORE MD

Mailing Address City State

21222 | 443-760-5811 | IZAMARLILY9@HOTMAIL.COM

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 7-30-19
By

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name – Type or Print

Signature

3801 BALTIMORE SCHOOLHOUSE ROAD FREELAND MD

Mailing Address City State

21053 | 410-419-4906 | BDOAK@BRUCEEDOAKCONSULTING.COM

Zip Code Telephone # Email Address

CASE NUMBER 2019-0350-SPHA Filing Date 6/4/19 Do Not Schedule Dates: _____ Reviewer CP

REV. 10/4/11

Petitions Requested
For Case # 2019-0350-SPHA
201 North Branch Road

Special Hearing

To permit a Class A group child care facility for up to 12 children

Variances

1) To permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet per Section 424.1.B BCZR

2) 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

2019-0350-SPHA

Zoning Description

201 North Branch Road
Twelfth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point on the west side of North Branch Road, approximately 115 feet northerly of the centerline of German Hill Road

Being Lot 174 of the plat entitled "Gray Manor" and recorded in the land records of Baltimore County in Plat Book 13, page 4.

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

STATE OF MARYLAND
BRUCE EDWIN DOAK
531
PROPERTY LINE SURVEYOR

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

2019-0350-SPHA

Sherry Nuffer

From: Bruce Doak <doakfarm@gmail.com>
Sent: Friday, July 26, 2019 2:25 PM
To: Sherry Nuffer
Cc: Administrative Hearings
Subject: Case Postings
Attachments: Posting cert 7 26 19.pdf; Posting cert 7 26 19.pdf

Case 2019-0351-SPHA

Case 2019-0350-SPHA

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

July 8, 2019 (amended July 26, 2019)

Re:
Zoning Case No. 2019-0350-SPHA
Legal Owner: Wanda Ivette Gonzalez Rivera
Hearing date: July 29, 2019

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 **201 N. Branch Road.**

The signs were posted on **July 8, 2019.**

The signs were inspected again on **July 26, 2019.**

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@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0350-SPHA

201 North Branch Road 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: Monday July 29, 2019 10:00 AM

REQUESTS: SPECIAL HEARING TO PERMIT A CLASS A GROUP CHILD CARE FACILITY FOR UP TO 12 CHILDREN

VARIANCES 1) TO PERMIT A PROPOSED 5 FOOT HIGH STOCKADE STYLE FENCE WITH A SETBACK AS CLOSE AS 0 FEET TO THE PROPERTY LINE IN LIEU OF THE REQUIRED 20 FT. PER SECT. 424.1.B BCZR 2) 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 SECT. 409.6.A.1 BCZR

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

ZONING NOTICE

CASE NO. 2019-0350-SPHA

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THE HEARING IS HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

July 8, 2019 (amended _____)

Re:
Zoning Case No. 2019-0350-SPHA
Legal Owner: Wanda Ivette Gonzalez Rivera
Hearing date: July 29, 2019

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

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The signs were posted on **July 8, 2019.**

The signs were inspected again on _____.

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@bruceedoakconsulting.com

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

June 26, 2019

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: 2019-0350-SPHA
201 North Branch Road
W/side of Branch Road, 115 ft. north of centerline of German Hill Road
12th Election District – 7th Coucilmanic District
Legal Owners: Wanda Ivette Gonzalez Rivera

Special Hearing to permit a Class A Group Child Care facility for up to 12 children. Variance To permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet per Section 424.1.B BCZR. 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.

Hearing: Monday, July 29, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: Wanda Ivette Gonzalez Rivera, 201 N. Branch Road, Baltimore 21222
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 TUESDAY, JULY 9, 2019.**
(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.

The Daily Record
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11764195
Case #: 2019-0350-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0350-SPHA

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:

7/9/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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201 North Branch Road
W/side of Branch Road, 115 ft. north of centerline of German Hill Road
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Special Hearing to permit a Class A Group Child Care facility for up to 12 children. Variance To permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet per Section 424.1.B BCZR. 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

Hearing: Monday, July 29, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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jy9

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: 2019-0350-SPHA

Property Address: 201 N. BRANCH ROAD

Property Description: LOT 174 GRAY MANOR PB 13/4

Legal Owners (Petitioners): WANDA IVETTE GONZALEZ RIVERA

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: WANDA GONZALEZ RIVERA

Company/Firm (if applicable): N/A

Address: 201 N. BRANCH ROAD
BALTIMORE MD 21222

Telephone Number: 443-760-5811

Revised 5/20/2014

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

No. 184703

Date: 6-4-19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00
							Total:	150.00

Rec From: 201 N. Branch Rd - Rivera

For: 2019-0350-SPHA

Home Child Care

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/04/2019	6/04/2019	10:25:21	1

REG WS01 WALKIN LJR
>>RECEIPT # 010654 6/04/2019 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 184703
Recpt Tot $ 150.00
150.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

CASE NO. 2019-0350-SPHA

201 North Branch Road 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: Monday July 29, 2019 10:00 AM

REQUESTS: SPECIAL HEARING TO PERMIT A CLASS A GROUP CHILD CARE FACILITY FOR UP TO 12 CHILDREN

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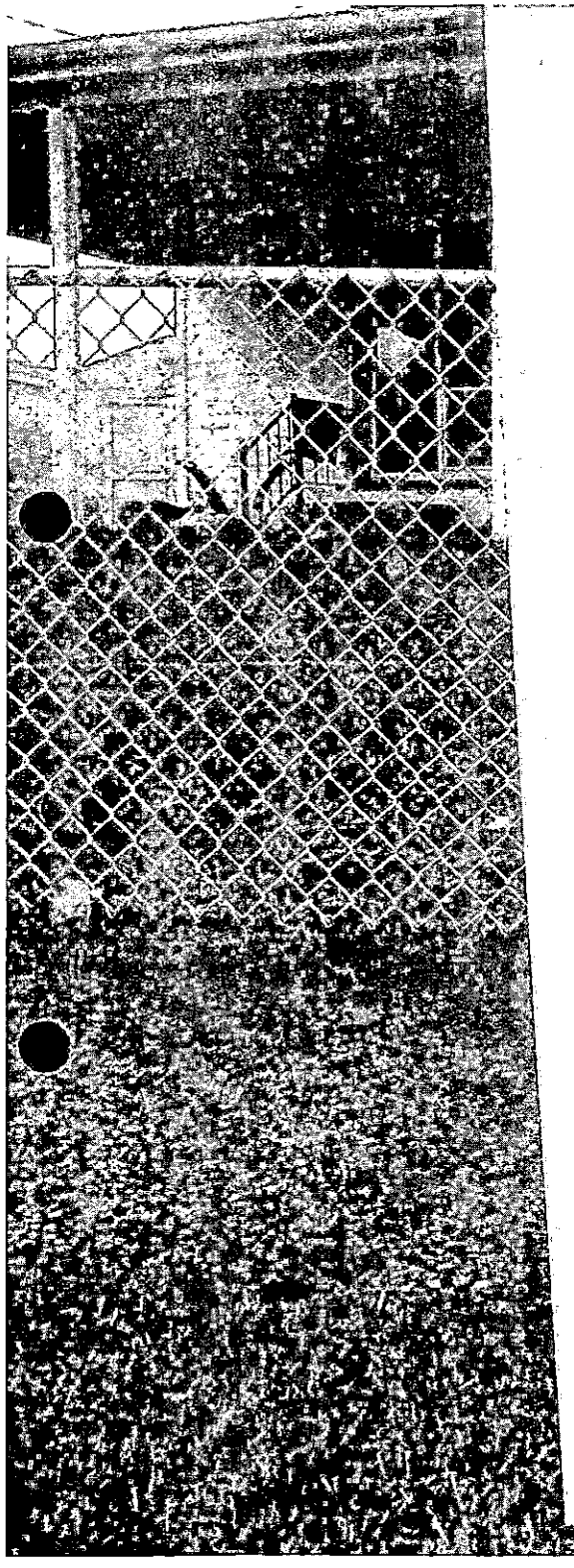
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER PENALTY OF LAW.
THE HEARING IS HAN[illegible]ED ACCESSIBLE



ZONING NOTICE

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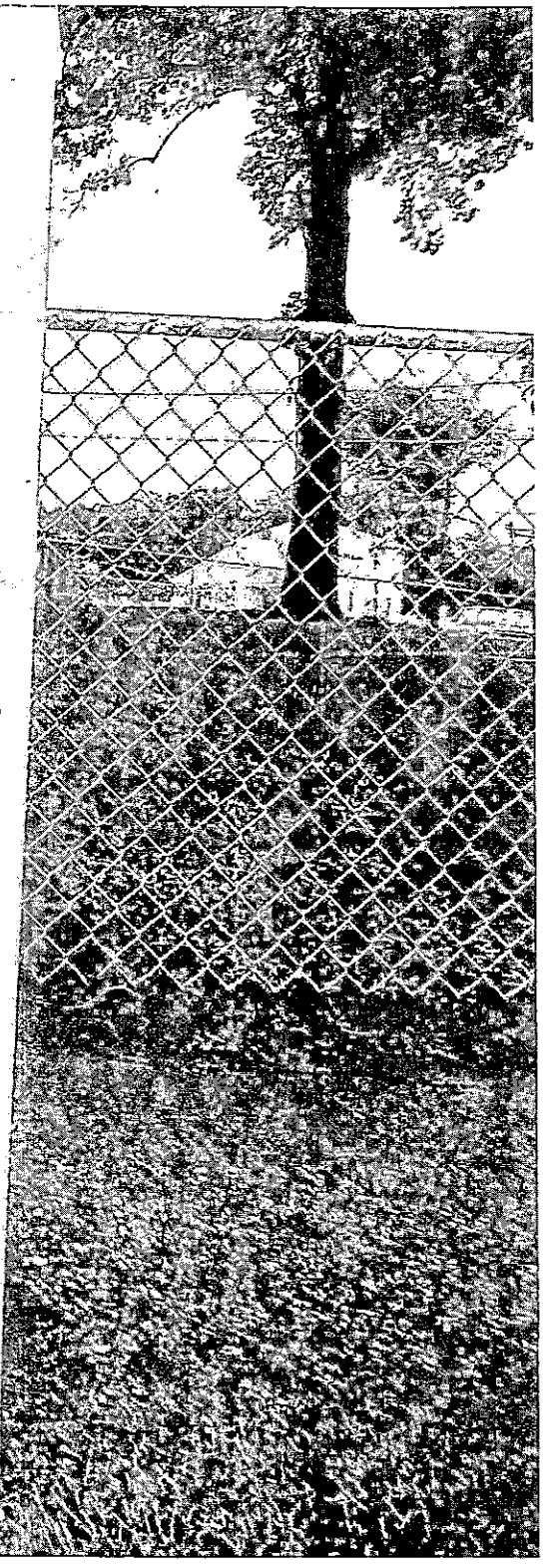


JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

July 24, 2019

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2019-0350-SPHA, 201 N. Branch 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 June 4, 2019. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Wanda Ivette 201 N. Branch Road Baltimore MD 21222

7-29

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

RECEIVED
JUN 26 2019
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-350

INFORMATION:
Property Address: 201 North Branch Road
Petitioner: Wanda Ivette Gonzalez Rivera
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a Class A Group Childcare Facility for up to 12 children and also the petition for variance to permit a proposed 5' high stockade style fence with a setback as close as 0 feet to the property line and zero parking spaces in lieu of the required 20' and 2 parking spaces respectively.

A site visit was conducted on June 17, 2019.

The Department has no objections to granting the petitioned zoning relief conditioned on the following:

- There shall be no temporary or banner type signage on site. Any signage shall comply with BCZR §450.
- Petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that they can erect and maintain a fence having a 0' setback without trespass.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Taylor Bensley
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-350.docx

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 6/12/19

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. 2019-0350-SPHA
Special Hearing, Variance
Wanda Ivette Gonzales Rivera
201 N. Branch 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,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
201 N. Branch Road; W/S of Branch Road,115' N of c/line of German Hill Road	*	OF ADMINSTRATIVE
12th Election & 7th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Wanda Ivette & Gonzalez Rivera	*	BALTIMORE COUNTY
Petitioner(s)	*	2019-350-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.

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
JUN 14 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2019, 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

TO: THE DAILY RECORD
Tuesday, July 9, 2019 - Issue

Please forward billing to:
Wanda Gonzalez Rivera
201 N. Branch Road
Baltimore, MD 2122

443-760-5811

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: 2019-0350-SPHA
201 North Branch Road
W/side of Branch Road, 115 ft. north of centerline of German Hill Road
12th Election District – 7th Coucilmanic District
Legal Owners: Wanda Ivette Gonzalez Rivera

Special Hearing to permit a Class A Group Child Care facility for up to 12 children. Variance To permit a proposed 5 foot high stockade style fence with a setback as close as 0 feet to the property line in lieu of the required 20 feet per Section 424.1.B BCZR. 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.

Hearing: Monday, July 29, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
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.

PLEASE PRINT CLEARLY

CASE NAME Rivera
CASE NUMBER 2019-0350-SPHA
DATE 7/29/19

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Brent E. Doak	3801 Baker Schoolhouse Road	Freeland MD 21053	doakfarm@gmail.com
Wanda I González	301 N. Branch rd	Glendale MD 21222	izamarlily@hotmail.com

PLEASE PRINT CLEARLY

CASE NAME 2/9 0350 SPH
CASE NUMBER
DATE 07/29/19

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Henry + Donna Stemler	212 North Branch Rd	Balti. Md. 21222	

CASE NO. 2019-0350-SPHA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
	DEPS (if not received, date e-mail sent _____)	
	FIRE DEPARTMENT	
6/26	PLANNING (if not received, date e-mail sent _____)	No objections w/conditions
6/12	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/9/19

SIGN POSTING (1st) Date: 7/8/19 by DOAK

SIGN POSTING (2nd) Date: 7/26/19 by DOAK

PEOPLE'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

Tax Exempt:		**Special Tax Recapture:**	
Exempt Class:		NONE	
Account Identifier:	**District - 12 Account Number -** 1206082040		

Owner Information

Owner Name:	RIVERA WANDA IVETTE GONZALEZ	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	201 N BRANCH RD BALTIMORE MD 21222-1508	**Deed Reference:**	/38954/ 00072

Location & Structure Information

Premises Address:	201 N BRANCH RD BALTIMORE 21222-1508	**Legal Description:**	GRAY MANOR

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0103	0006	0435		0000			174	2018	Plat Ref:	0013/ 0004

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1943	702 SF	200 SF	4,200 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	47,500	47,500		
Improvements	63,600	75,700		
Total:	111,100	123,200	115,133	119,167
Preferential Land:	0			0

Transfer Information

Seller: FUNK JOHN R	**Date:** 05/11/2017	**Price:** $130,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /38954/ 00072	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
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: App | 08/13/2018

Homeowners' Tax Credit Application Information

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

A

8

A

F

G

H

4

L

NORTH OF NORTH LEBANON HOME
CHAPTER 1991

2

8

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 Center Location:

Election District 12TH
Subdivision GRAY MANOR PB 13/4
Street Address 201 NORTH BRANCH ROAD
Lot Number 174 Block Number
*If no lot or block number, give distance to nearest intersecting street feet, north / south / east / west of Street / Road / Avenue
Lot Size 79.08' x 70.0' = 4,200 SF

Existing Nearest Child Care Center Location: (lot number, street address, etc.)
#194 GERMAN HILL ROAD

General Information:

A. Name and Address of Applicant/Operator
WANDA IVETTE GONZALEZ RIVERA
201 NORTH BRANCH ROAD BALTIMORE MD 21222
Telephone Number
B. Number of Employees 2 Hours of Operation 6 AM - 6 PM
Days of Week MONDAY - FRIDAY
C. Number of Children Enrolled UP TO 12
D. Estimated Amount of Traffic Generated:
Morning 10 TRIPS Afternoon 10 TRIPS
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.

Bruce E. Doak

Applicant's Signature
BRUCE E. DOAK FOR WANDA RIVERA

2019-0350-SPHA

ZONING USE PERMIT
PLAN for CLASS "A
CHILD CARE CENTER *
located at
2108 LUKEWOOD DRIVE
WINDSOR MILL, MD 21207
2nd ELEC. DIST.

- UP TO 12 CHILDREN
- HOURS OF OPERATION 6AM TO 6PM

Property Owner: Priestly H. Shuler
Statesburg S. Shuler

* AS AN ACCESSORY USE

Address: 2108 Lukewood Drive
Windsor Mill, Maryland 21207
Date: 04/05/04 (plan date)
Phone: 410-277-0299

DR 5.5=

NOTE & CHECK ONE

THERE HAVE BEEN → ☐
THERE HAVE NOT BEEN → ☑
EXTERIOR ENLARGEMENTS TO THIS BUILDING IN THE PAST FIVE YEARS.

IF THERE HAVE BEEN EXPLAIN WHAT THEY WERE:
EXPLANATION OF GROUND FLOOR ENLARGEMENTS HERE:_____

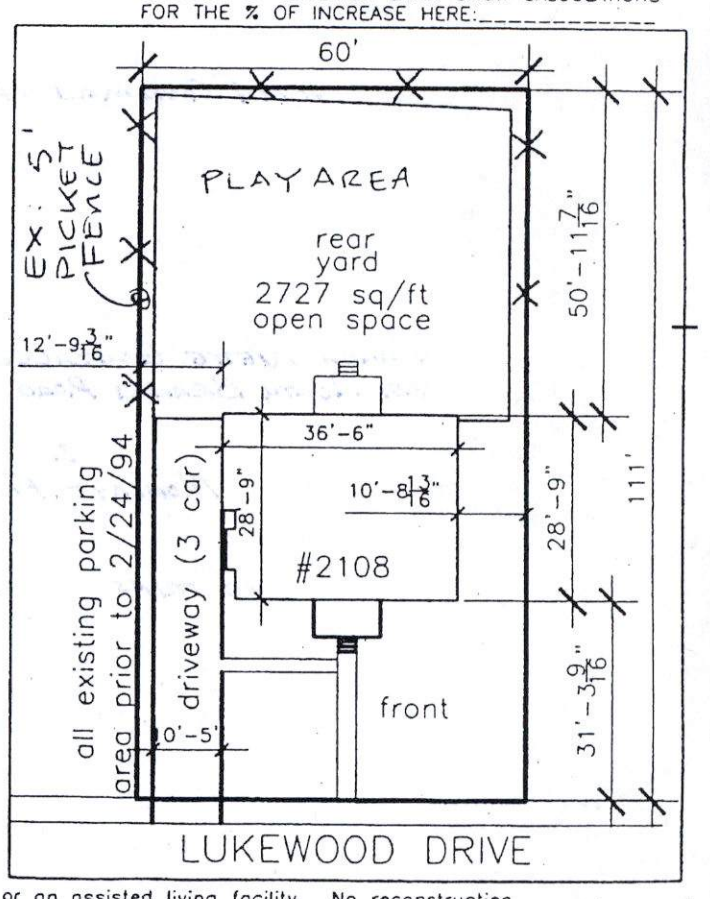
IF MORE THAN EXISTING PORTCH ENCLOSURE OR ADDITION OF EXTERIOR STAIR SHOW CALCULATIONS FOR THE % OF INCREASE HERE:_____

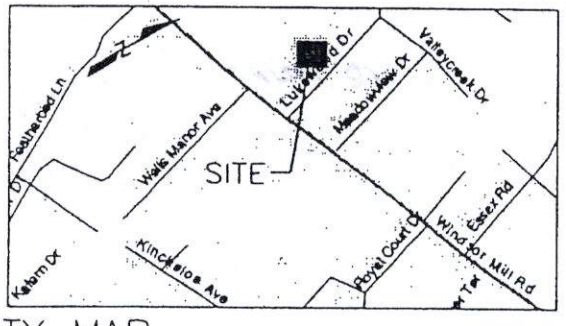
Lot Size: 111'-0"x60'-0"; 6,660 sq/ft
Zoning Map N 51 15 F
Zone DR 5.5

Parking: 1 space per teacher/employee

All parking uses shown existed prior to the date of this plan.

Existing Floor areas Sq/ft
1st floor 1030 sq/ft
2nd floor 479 sq/ft
-Total= 1509 sq/ft
Basement for Child Care Center
Usage: 1030 sq/ft
Existing Garage - N/A





VICINITY MAP

1" = 30'

his building has not been originally constructed to accomodate elderly housing or an assisted living facility. No reconstruction, elocation, (exterior) changes or additions (of 25% or more in ground floor area) to the exterior of the building (beyond the nclosure of a porch or the addition of an exterior stairway) have occured within five years of the date of this permit application

O SIGNS ARE PROPOSED, ANY FUTURE SIGNS WILL COMPLY WITH SECT 413.1 BCZR AND ZONING SIGN POLICIES OR BE VARIANCED

THE UNDER SIGNED ARE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION ON THIS PLAN (OWNERS)

PRINT OR TYPE NAME

SIGNATURE Marilyn Shuler

PRINT OR TYPE NAME

Section 424
Family Child Care Homes, Group Child Care Centers and Nursery Schools
[Bill Nos. 47-1985; 66-1985; 200-1990]

Family child care homes, group child care centers and nursery schools are permitted in all zones in accordance with this section. If a conflict arises between this section and other specific provisions of these Zoning Regulations, this section shall govern.

424.1 General. Family child care homes, group child care centers and nursery schools shall meet the following requirements:

A. Any such use shall be registered, licensed or certified as required by the applicable state or local agency.

B. In addition, with respect to group child care centers and nursery schools, outdoor play space abutting residential property shall be fenced. Fences shall be solid wood stockade or panel, a minimum height of five feet, and no closer to the property line than 20 feet.

C. 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.

424.4 Group child care center as accessory use.

A. Group child care centers, Class A, are permitted as an accessory use within single-family detached dwellings in all residential zones except R.C.4, in all industrial zones and in R-O and O.T. Zones if the Zoning Commissioner grants a use permit under the following procedure:

1. Upon application for a use permit, the owner or agent shall provide the following information:

   a. Number of employees,

   b. Number of children to be enrolled,

   c. Hours of operation,

   d. Estimated amount of traffic generated,

   e. A site plan indicating location and type of structure on the lot in question, location and dimensions of play area(s), parking arrangement and proximity of dwellings on adjacent lots,

   f. A snapshot of the structure.

2. On the property in question, notice of the application for the use permit shall be conspicuously posted for a period of 30 days following the filing of the application.

3. Within the thirty-day posting period, any occupant or owner within 1,000 feet of the lot in question may file a formal request for a public hearing with the Zoning Commissioner in accordance with Section 500.7.

4. If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit for a child care center if the proposed use meets all the requirements of this subsection and any other applicable requirements. Such use permit may be issued with such conditions or restrictions as determined appropriate by the Zoning Commissioner to satisfy the provisions of 424.4.A.6.c below and to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community.

5. If a formal request for a public hearing is filed, the Zoning Commissioner shall schedule a date for the public hearing, such hearing to be held not less than 15 days following public notice of such hearing in two newspapers of general circulation and not more than 60 days from the date of filing of the requests for public hearing.

6. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

   a. His findings following the public hearing.

   b. The character of the surrounding community and the anticipated impact of the proposed use on that community.

c. The manner in which the requirements of Section 424.1 and other applicable requirements are met; and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the child care center will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

d. Section 1B01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.e as it pertains to such use in D.R. Zones.

B. Group child care centers, Class A, are permitted as an accessory use within single-family detached dwellings in OR-1 and OR-2 Zones and in all business zones, by right.

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A CLASS A CHILD CARE CENTER USE PERMIT

The application for your proposed Class A Child Care Center has been reviewed and is accepted for filing by _____ on _____.
DATE (A)

A sign indicating the proposed Child Care Center must be posted on the property for thirty (30) days before a decision can be rendered. Total cost, which includes application fee and posting, is $75.00.

In the absence of a request for a public hearing during the 30-day posting period, a decision can be expected within approximately five weeks.

*SUGGESTED POSTING DATE _____.
B (A + 7 DAYS OR NEXT FRIDAY)

DATE POSTED _____
C (CERTIFIED BELOW)

HEARING REQUESTED - YES _____ NO _____ - DATE _____

LAST DAY FOR HEARING REQUESTS _____
D (C + 30 DAYS)

APPROXIMATE DECISION DATE _____
E (A + 40 DAYS OR D + 5 WORK DAYS)

*Within 14 days of filing

==========

C E R T I F I C A T E O F P O S T I N G

District _____

Location of Property: _____

_____

Number of Signs: _____ Date of Posting: _____

Posted by: _____

USE/CHLD (TXTSOPH)
Revised 7/28/93

Date to be posted: Anytime before but no later than_____.

Request for Use Permit: Class A Child Care

Format for Use Permit Sign, Black Letters on White Background:

ZONING NOTICE

BUILDING PERMIT
APPLICATION

_____

_____

_____

_____

PUBLIC HEARING ?

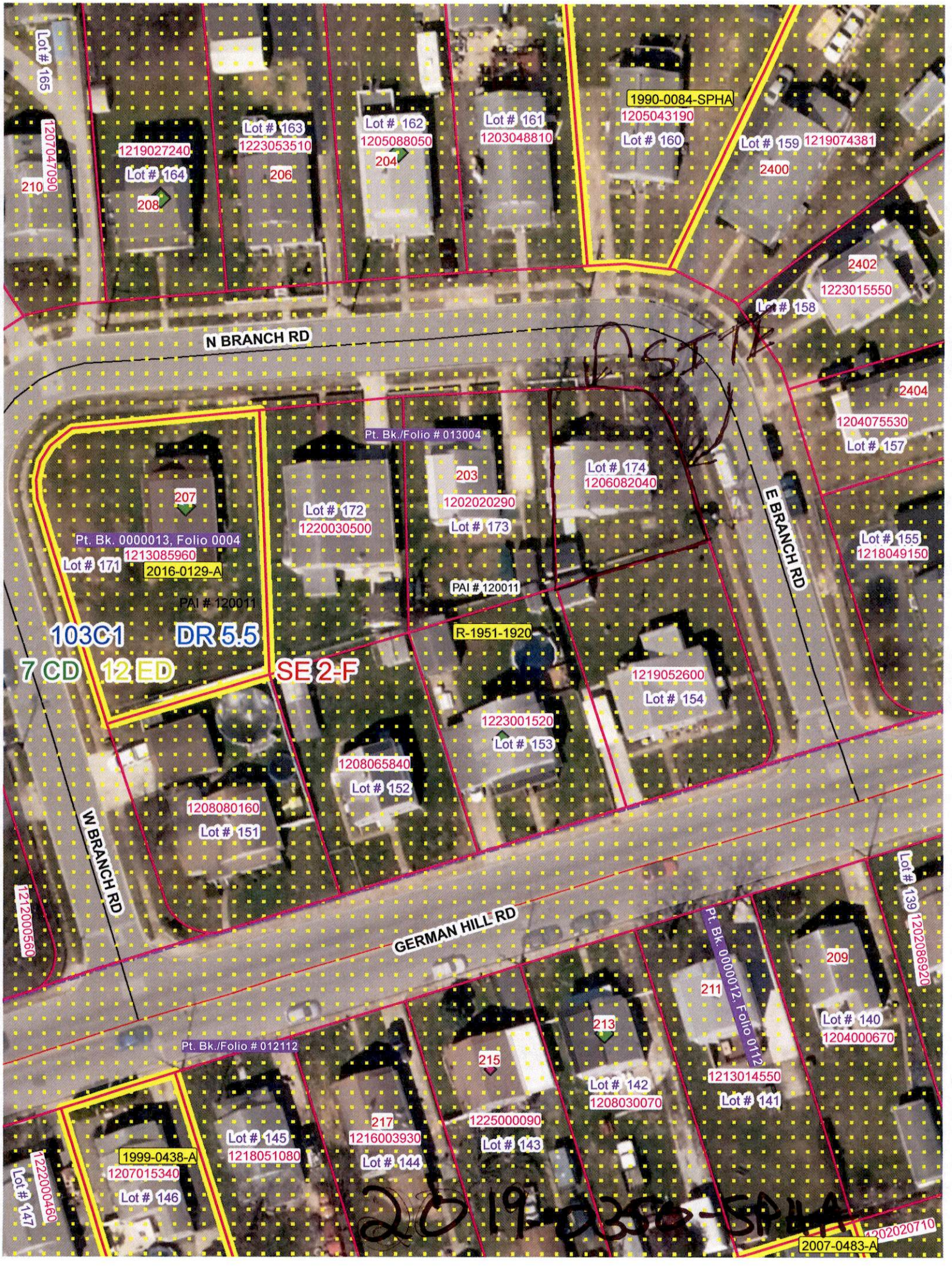
PURSUANT TO SECTION 424.A3 BALTIMORE COUNTY REGULATIONS, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED BUILDING PERMIT, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

_____.

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN.
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391.

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

HANDICAPPED ACCESSIBLE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1203048810
1990-0084-SPHA
1205043190
Lot # 160
Lot # 159
1219074381
2400
2402
1223015550
Lot # 158
N BRANCH RD
2404
1204075530
Lot # 157
Pt. Bk./Folio # 013004
203
1202020290
Lot # 173
Lot # 174
1206082040
E BRANCH RD
Lot # 155
1218049150
207
Lot # 172
1220030500
Pt. Bk. 0000013, Folio 0004
1213085960
Lot # 171
2016-0129-A
PAI # 120011
PAI # 120011
103C1
DR 5.5
7 CD
12 ED
SE 2-F
R-1951-1920
1219052600
Lot # 154
1223001520
Lot # 153
1208065840
Lot # 152
1208080160
Lot # 151
W BRANCH RD
1212000560
GERMAN HILL RD
Lot # 139
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Pt. Bk. 0000012, Folio 0112
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211
Lot # 140
1204000670
213
Pt. Bk./Folio # 012112
215
Lot # 142
1208030070
1213014550
Lot # 141
217
1216003930
Lot # 144
1225000090
Lot # 143
Lot # 145
1218051080
1999-0438-A
1207015340
Lot # 146
1222000460
Lot # 147
1202020710
2007-0483-A

GENERAL SITE INFORMATION

1. Ownership: Wanda Ivette Gonzalez Rivera
   201 North Branch Road Baltimore, MD 21222
2. Address: 201 North Branch Road Baltimore, MD 21222
3. Deed references: JLE 38954/ 72 Lot 174 "Gray Manor" PB 13/4
4. Area: 4,200 sq. ft. (per SDAT)
5. Tax Map / Parcel / Lot / Tax account #: 103 / 435 / 174 / 1206082040
6. Election District: 12 Councilmanic District: 7
   ADC Map: 4821A6 GIS tile: 103C1 Position sheet: 7SE23
   Census tract: 420100 Census block: 240054201003
   Schools: Charlesmont ES General John Stricker MS Patapsco HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 103C1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling, carport & driveway. The existing dwelling, carport and driveway will remain.

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject property.

Parking Calculations

Required parking spaces for residence:2
Required parking spaces for the day care: 2 min. (2 employees)
(1 parking space per employee on the largest shift per section 409.6A.4 BCZR)
Parking spaces provided on site:1

DR 5.5 Setbacks for Residential Buildings

Front: 25 feet from the street right of way or property line (per PB 13/4)
Side: 10 feet from the property line
Rear: 30 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Back River URDL land type: 1

1. The existing dwelling is currently served 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: North Point District Code: 330

1. The subject dwelling is not historic. The subject property is not in a historic district.

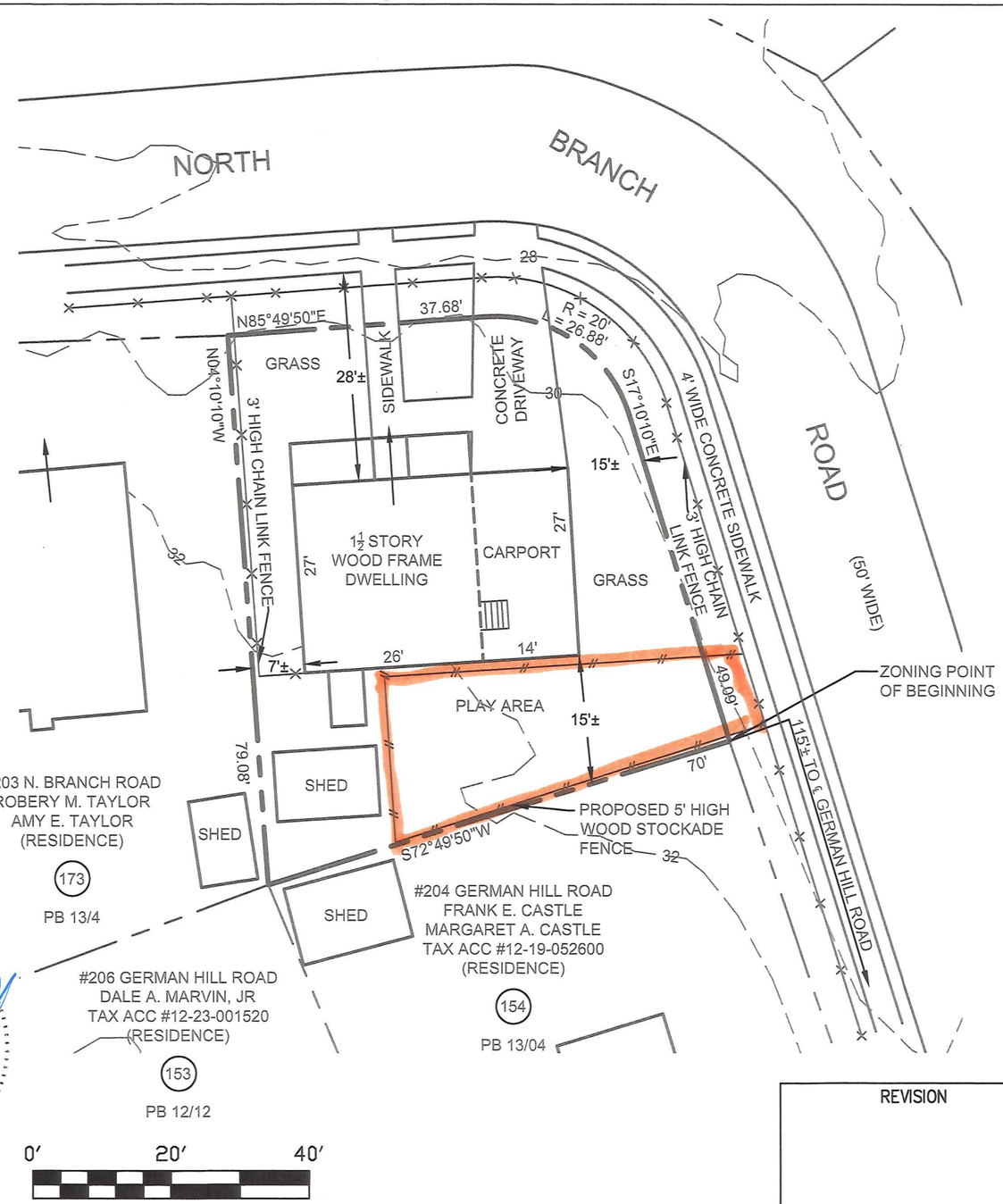
PROPOSED DEVELOPMENT

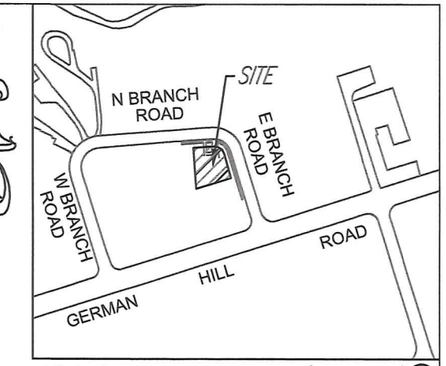
Run a child day care in the owner's home

EXISTING FLOOR AREAS: 702 SF (1ST)
368 SF (2ND)
1070 SF (TOTAL)

FIRST FLOOR FOR CHILD CARE USAGE: 702SF

STATE OF MARYLAND
BRUCE EDWIN DOAK
531
PROPERTY LINE SURVEYOR





Vicinity Map – Scale: 1' = 300'

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@brucedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION
FOR
#201 N. BRANCH ROAD

BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

REVISION

Date: 6/3/19
Scale: 1'=20"

2019-0350-SPHA

PET. 1

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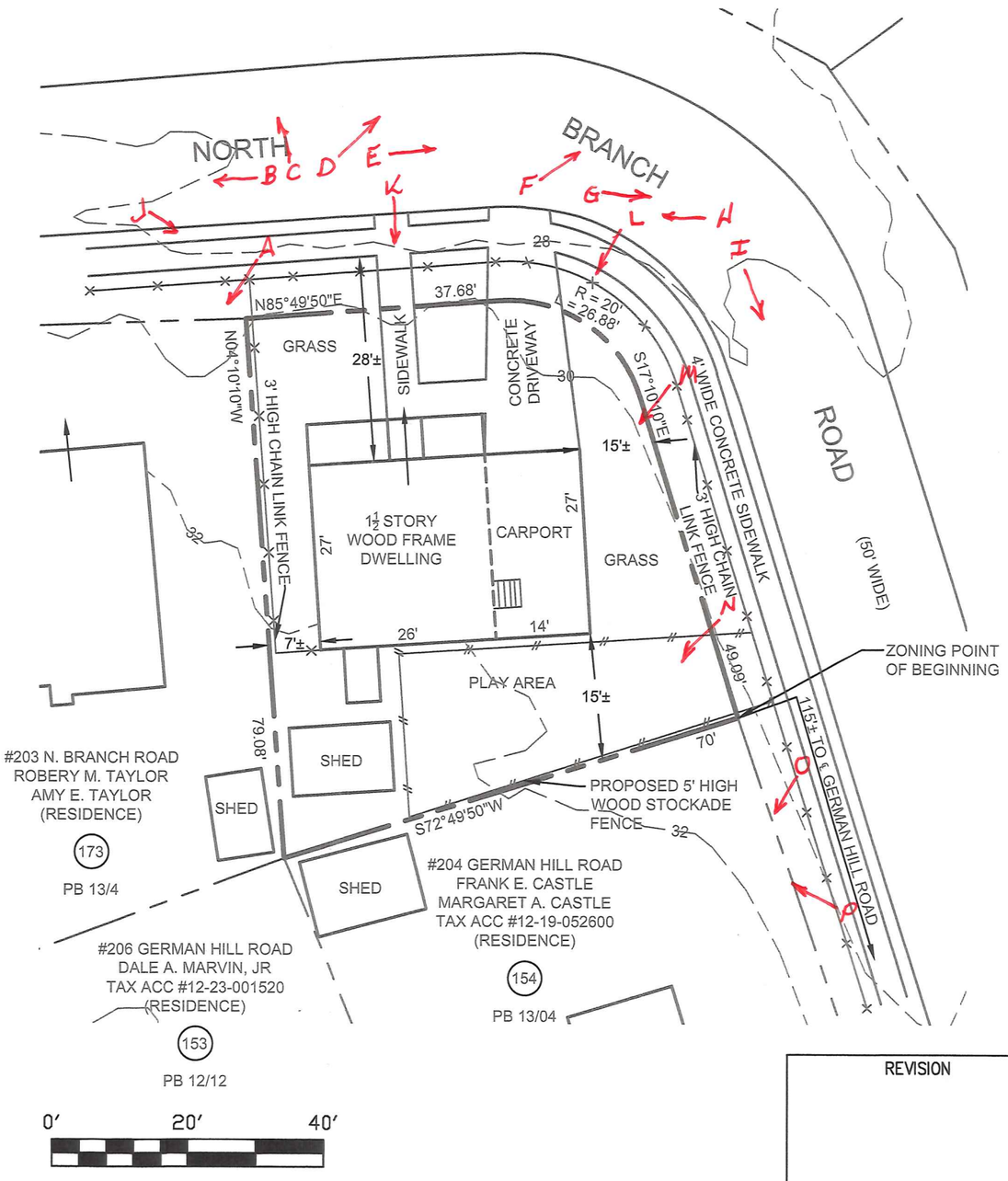

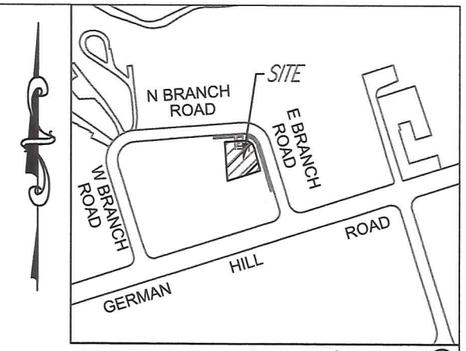

Vicinity Map – Scale: 1' = 300'

REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A ZONING PETITION
FOR
#201 N. BRANCH ROAD

BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 6/3/19
Scale: 1'=20"

PLAN TO ACCOMPANY PHOTOGRAPHS

PETITIONER'S
EXHIBIT NO. 2