

M E M O R A N D U M

DATE: April 14, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0546-XA – Appeal Period Expired

The appeal period for the above-referenced cases expired on April 13, 2020. 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
EXCEPTION AND VARIANCE
(11421 Reisterstown Road)
4th Election District
2nd Council District
Comprehensive Caring Angels
Daycare, LLC
Legal Owner**

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2019-0546-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 11421 Reisterstown Road. The Petitions were filed on behalf of Comprehensive Caring Angels Daycare, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition seeks to approve a Child Care Center Class B Group with more than 40 children in RO (Residential Office) zone pursuant to §§ 424.5.B and 1B01.C.6 of the Baltimore County Zoning Regulations ("BCZR"). The Petition for Variance seeks to permit a fence for outdoor play space with a rear and side yard setback of five (5) feet in lieu of the required twenty (20) feet pursuant to § 424.1.B. A site plan prepared by surveyor Brian Dietz was marked as Petitioner's Exhibit 1.

Appearing in support of the petitions was Julius Nyambi and surveyor Brian Dietz. Edward C. Covahey, Jr., Esq. represented the Petitioner. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Bureau of Development Plans Review ("DPR"), the Department of Planning ("DOP") and the State Highway Administration ("SHA").

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Date... 3/13/2020
By... Sen

The subject property is approximately 19,845 square feet in size and is split- zoned RO and DR 3.5. Petitioner proposes to operate a Class B child care center with up to 40 children. Such a center is permitted by special exception in the DR zones.

Mr. Covahey explained that they had only recently received the agency comments and that the surveyor, Mr. Dietz, had drafted a revised site plan in response to these comments. The revised plan was admitted as Petitioner's Exhibit 1A. Based on his credentials and experience Mr. Dietz was accepted as an expert in surveying, land use planning, and the BCZR. He testified that in response to the comments of DPR and DOP he had revised the site plan by moving the proposed ingress/egress driveway several feet south and by widening it to the required 24 feet. The north side of the driveway, as depicted on Exhibit 1A, is now just south of the existing utility pole. The existing handicap parking space will be moved from the front of the building to the back in order to accommodate the driveway. Further, there will be two way traffic along the driveway from Reisterstown Road back to the underpass between the two existing structures on the property. Mr. Dietz explained that this section of the driveway is approximately 85 feet long and will be able to accommodate at least six vehicles in a queue. The driveway then turns and goes under the elevated walkway between the structures and loops around the back structure on the property, creating more queueing room. In his expert opinion this traffic flow will eliminate any traffic congesting or back-up on Reisterstown Road. He noted that this section of Reisterstown Road has five lanes, with a turning lane in the middle and that this should further alleviate any congestion caused by vehicles turning into the proposed daycare facility from southbound Reisterstown Road.

Mr. Dietz also discussed the surrounding properties and the fact that the proposed setback variances will not adversely impact any residential uses. Finally, Mr. Dietz testified that this

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Date 3/13/2020
By sen

proposed daycare use conforms to all the special exception factors of BCZR § 502.1, and that it will have no greater impact in this location than is generally associated with this use.

The petitioner, Mr. Nyambi, testified that he and his wife are both state-licensed daycare providers. He is also a Sergeant with the Maryland Department of Corrections. They currently operate a daycare center in Reisterstown that serves 24 children. They recently purchased this property in order to open an additional facility for as many as 40 children. As with their current facility they intend to allow parents to drop their kids off from 6 a.m. to 9 a.m. and to pick-up from 4 p.m. to 7 p.m. Mr. Nyambi explained that they have not had traffic problems at their existing daycare because the parents drop off and pick up at varying times based on their work schedules. He testified that he is aware of the landscaping and lighting requirements outlined in the DOP comments and that he is also aware that he will need to obtain an “entrance permit” from the SHA, as noted in their file comments. He testified that he is fully prepared to comply with all these conditions.

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.

Based on the exhibits and testimony, including the expert testimony of Mr. Dietz, I find that the petitioner is entitled to a special exception in this case. I find that this proposed use

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Date 3/13/2020
By Sen

conforms with the requirements of BCZR § 502.1, and is generally within the spirit and intent of the BCZR.

VARIANCE

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

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

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

The property has two structures which are connected by an enclosed overhead bridge or connecting walkway. It is split-zoned with a small area of DR 3.5 at the rear of the parcel. However, the adjoining properties on all three sides are commercial. B.G. & E. owns the adjoining property to the rear, which is entirely wooded. The property is therefore unique. If the BCZR were strictly interpreted Petitioner would suffer a practical difficulty since it would be unable to construct the required outdoor play area at the rear of the property. Finally, I find that the variances 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 13th day of March, 2020 that the Petition for Special Exception to approve a Class B child care center for as many as 40 children, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit a fence for outdoor play space with a rear and side yard setback of five (5) feet in lieu of the required twenty (20) feet, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

3/13/2020

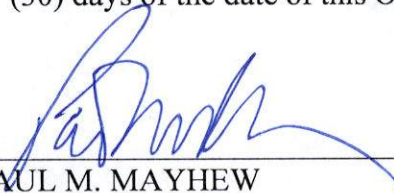
By

Sen

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. A maximum of 40 children may be enrolled at the center.
3. Prior to issuance of permits Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
4. Prior to issuance of Permits Petitioner must contact the State Highway Administration to obtain an entrance permit.
5. The child care center may operate only Monday-Friday from 6 a.m. until 7 p.m.
6. There shall be no other uses permitted on the site.
7. No temporary freestanding signs shall be permitted along the Reisterstown Road frontage, and all signage shall comply with BCZR § 450.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date 3/13/2020

By sen



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 11421 Reisterstown Rd, Owings Mills, MD which is presently zoned RO & DR3.5

Deed References: 41911/146 10 Digit Tax Account # 0 4 0 2 0 2 1 4 0 0

Property Owner(s) Printed Name(s) Comprehensive Caring Angels Daycare 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

Exhibit "A" Attached

3. **X** a **Variance** from Section(s)

Exhibit "A" Attached

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

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward C. Covahey, Jr.

Name- Type or Print

Signature

614 Bosley Avenue Towson MD

Mailing Address City State

21204 410-828-9441 kerns@cablaw.com

Zip Code Telephone # Email Address

**Comprehensive Caring
Legal Owners (Petitioners): Angels Daycare LLC**

Julius Nyambi

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

57 Caraway Road Reisterstown MD

Mailing Address City State

21136 443-469-5619

Zip Code Telephone # Email Address

Representative to be contacted

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ER 209-0546-XA Filing Date 12/17/19

Do Not Schedule Dates: Reviewer CF

COMPREHENSIVE CARING ANGELS DAYCARE, LLC

SPECIAL EXCEPTION:

A Special Exception for a Child Care Center Class B Group with more than 40 children in RO (Residential Office) Zone, which use is permitted as a Special Exception by Section 424.5B of the Baltimore County Zoning Regulations, and a Special Exception for a Child Care Center Class B Group with more than 40 children in a DR3.5 Density Residential Zone which is permitted as a Special Exception by Section 1B01.C.6 of the Baltimore County Zoning Regulations.

VARIANCE:

A Variance from Section 424.1B of the Baltimore County Zoning Regulations to permit a rear and side yard setback of *FIVE (5')* feet in lieu of the required twenty (20) feet.

Practical Difficulty – The area subject to the variance is bisected by the DR3.5 and RO zoning line boundaries and its use as a play area is essential to the health and wellbeing of the children and the rear lot line is immediately adjacent to improved real estate owned by BGE

Brian R. Dietz
Professional Land Surveyor #21080
7867 Oakdale Avenue, Baltimore, MD 21237
Phone 410-686-1198 Fax 410-682-6021

Zoning Description
For
11421 Reisterstown Road
December 16, 2019

Beginning on the Northeast side of Reisterstown Road (66' R/W), distant 724 feet +/- from the center of Timbergrove Road (50' R/W), thence running with and binding on the Northeast side of Reisterstown Road

1. South 35 degrees 20 minutes East 81.00 feet, thence leaving Reisterstown Road and running with and binding on the land of the herein petitioner
2. North 54 degrees 25 minutes East 245.00 feet,
3. North 35 degrees 20 minutes West 81.00 feet,
4. South 54 degrees 25 minutes East 245.00 feet, to the place of beginning.

Containing 0.455 of an Ac. or 19,845 sq.ft. of land more or less. Being known as 11421 Reisterstown Road and located in the 4th Election District, 2nd Councilmanic District.



The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

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:

2/20/2020

Order #: 11845670
Case #: 2019-0546-XA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0546-XA



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: 2019-0546-XA

11421 Reisterstown Road

N/s of Reisterstown road, 724 ft. from centerline of Timbergrove Road

4th Election District - 2nd Councilmanic District

Legal Owners: Comprehensive Caring Angels Daycare, LLC

Special Exception for a Child Care Center Class B Group with more than 40 children in RO (Residential Office) Zone, which use is permitted as a Special Exception by Section 424.5B of the Baltimore County Zoning Regulation, and a Special Exception for a Child Care Center Class B Group with more than 40 children in a DR 3.5 Density Residential Zone which is permitted as a Special Exception by Section 1B01.C.5 of the Baltimore County Zoning Regulations. Variance to permit a fence for outdoor play space with a rear and side yard setback of 5 ft. in lieu of the required 20 ft.

Hearing: Wednesday, March 11, 2020 at 1:30 p.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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

120

CERTIFICATE OF POSTING

2019-0546-XA

RE: Case No.: _____

Petitioner/Developer: _____

Comprehensive Caring Angels Daycare, LLC

March 11, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

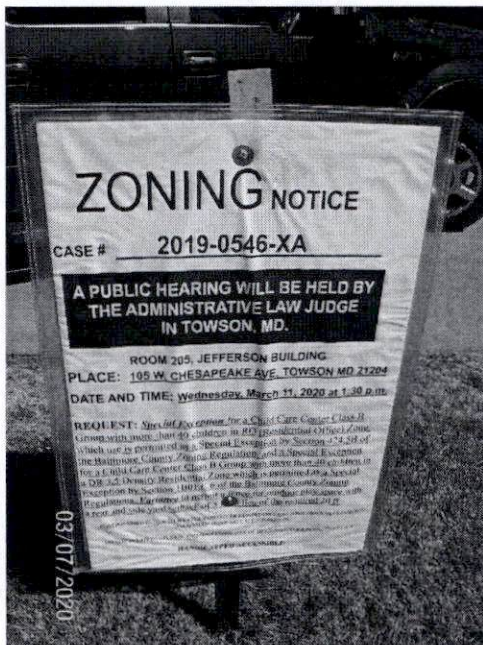
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

11421 Reisterstown Road

SIGN 1 Recertification

February 19, 2020

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



Sincerely,

March 7, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0546-XA

RE: Case No.: _____

Petitioner/Developer: _____

Comprehensive Caring Angels Daycare, LLC

March 11, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:



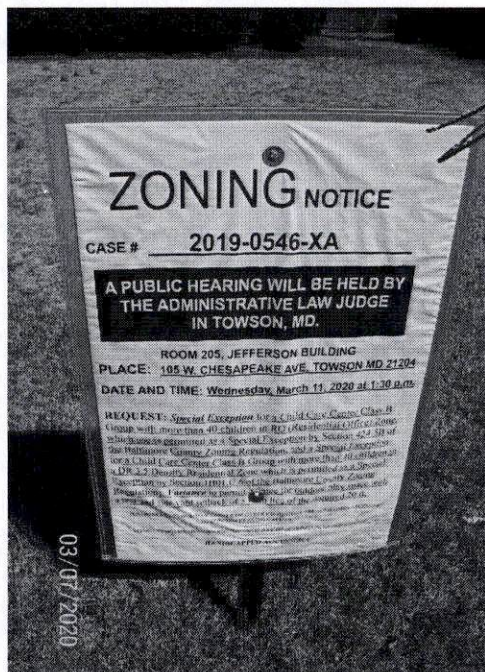
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11421 Reisterstown Road

SIGN 2 Recertification

February 19, 2020

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



Sincerely,

 _____
(Signature of Sign Poster)

March 7, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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Towson, Maryland 21204

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11421 Reisterstown Road

SIGN 1

February 19, 2020

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



Sincerely,

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(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

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(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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Petitioner/Developer: _____

Comprehensive Caring Angels Daycare, LLC

March 11, 2020

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Towson, Maryland 21204

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11421 Reisterstown Road

SIGN 2

February 19, 2020

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



Sincerely,

 February 19, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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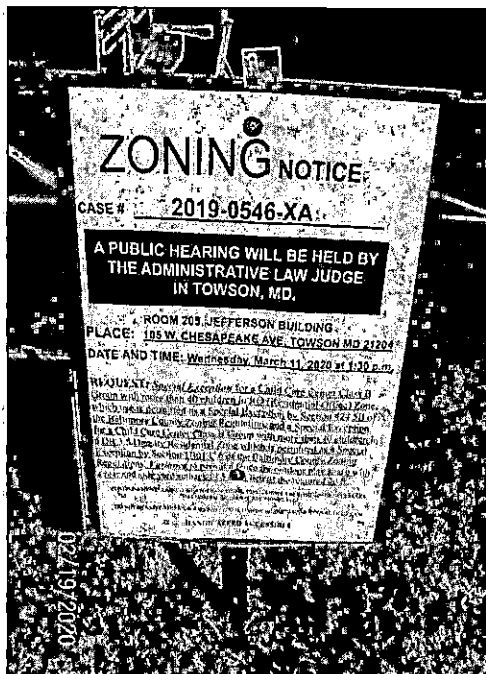
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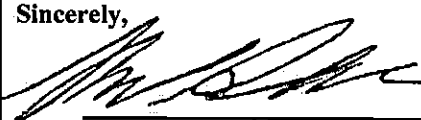
SIGN 1

February 19, 2020

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



Sincerely,

 February 19, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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2019-0546-XA

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Comprehensive Caring Angels Daycare, LLC

March 11, 2020

Date of Hearing/Closing: _____

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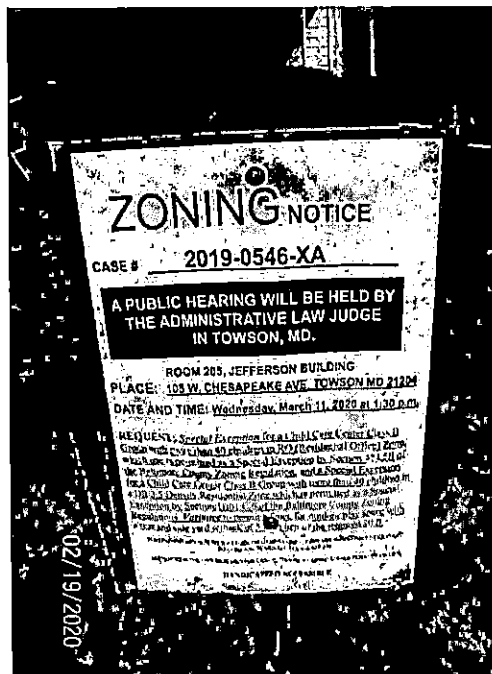
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11421 Reisterstown Road

SIGN 2

February 19, 2020

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



Sincerely,

February 19, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
11421 Reisterstown Road; N/S of Reisterstown*		OF ADMINISTRATIVE
Road, 724' from c/line of Timbergrove Road		
4 th Election & 2 nd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Comprehensive Caring Angels	*	BALTIMORE COUNTY
Daycare, LLC by Julius Nyambi	*	
Petitioner(s)	*	2019-546-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 06 2020

LR

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 6th day of January, 2020, a copy of the foregoing Entry of Appearance was mailed to Edward Covahey, Jr. 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

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

January 29, 2020

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:

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11421 Reisterstown Road

N/s of Reisterstown road, 724 ft. from centerline of Timbergrove Road

4th Election District – 2nd Councilmanic District

Legal Owners: Comprehensive Caring Angels Daycare, LLC

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Hearing: Wednesday, March 11, 2020 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 "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Edward Covahey, Jr., 614 Bosley Avenue, Towson 21204
Julius Nyambi, 57 Caraway Road, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 20, 2020.**
- (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: THE DAILY RECORD

Thursday, February 20, 2020 – Issue

Please forward billing to:

Edward Covahey
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

NOTICE OF ZONING HEARING

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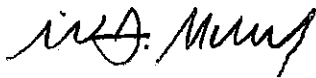
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Legal Owners: Comprehensive Caring Angels Daycare, LLC

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Variance to permit a fence for outdoor play space with a rear and side yard setback of 5 ft. in lieu of the required 20 ft.

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

On December 19, 2019, I spoke with Attorney Edward Covahey, Jr. regarding a change to the wording for case # 2019-0546-XA, 11421 Reisterstown Rd. I explained that the phrase "fence for outdoor play space with a" would be added as part of the variance request. The new wording will read "To permit a fence for outdoor play space with a rear and side yard setback of five (5) feet in lieu of the required twenty (20) feet". Mr. Covahey stated he had no problem with the wording and stated he would document it for his records.

Christina Frink

Planner

**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: 2019-0546-XA

Property Address: 11421 Reisterstown Rd

Property Description: _____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD C. COUNTRY JR

Company/Firm (if applicable): COUNTRY + BOZORR PA

Address: 614 BOSLEY AVE

TOWSON MD 21204

Telephone Number: 410-828-9441

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 3, 2020

Edward C. Covahey,
614 Bosley Ave
Towson MD 21204

RE: Case Number: 2019-0546-XA, 201 North Point Boulevard

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 December 17, 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

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over the words "Very truly yours".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

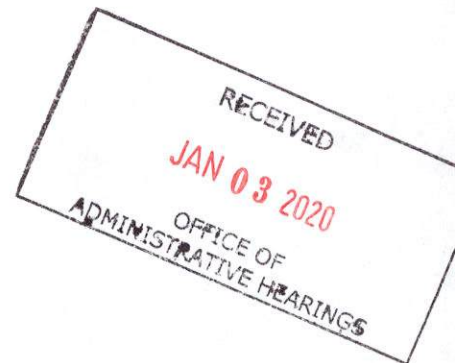
Enclosures

c: People's Counsel
Julius Nyambi 57 Caraway Road Reisterstown MD 21136

3-11-20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 3, 2020

SUBJECT: DEPS Comment for Zoning Item # 2019-0546-XA
Address 11421 Reisterstown Road
(Comprehensive Caring Angels
Daycare, LLC Property)

Zoning Advisory Committee Meeting of **December 30, 2019.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor 
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 30, 2019
Item No. 2019-0546-XA

DATE: 02/07/2020

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

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lightning Plan is also required.

Owner must install a Commercial Entrance a minimum of 24-feet wide, see Baltimore County Standard Detail R-32. The two-way entry drive isle must be a minimum of 22-feet wide. The one-way drive isles shall be a minimum of 11-feet wide.

The proposed handicap parking space along the northwest property line shall be removed since a 2-way drive isle is required.

*

*

*

*

*

VKD: cen
cc: file

Date: 12/23/19

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

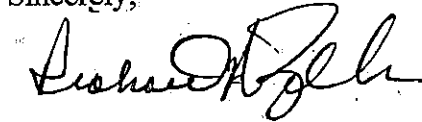
Dear Ms. Lewis:

We have reviewed the site plan to accompany the petition for variance on the subject of the Case number referenced below, which was received on 12/23/19. A field inspection and internal review reveals that an entrance onto MD140 consistent with current State Highway Administration guidelines is required. As a condition of approval for Special Exception, Variance Case Number 2019-0546-XA.

*Comprehensive Caring Angels Daycare, LLC
11421 Reisterstown Road
MD140*

- ★ The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,



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

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

★ Access permit is required to construct a 25' wide Commercial entrance

CASE NAME _____
CASE NUMBER _____
DATE MARCH 11, 2020

NAME

CITY, STATE, ZIP

[illegible]

3-11-20

CASE NO. 2019-0546-XA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

2/7

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

1/3

DEPS
(if not received, date e-mail sent _____)

NO Comment

3/6

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

no objections w/
Comment

12/23

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/20/2020 The Daily Record

SIGN POSTING (1st) Date: 2/19/2020 by SSG Robert Black

SIGN POSTING (2nd) Date: 3/7/2020 by " " " "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: * See note dated 12/19/19 From planner Christina Turk

2014-0546-14
3-11-20

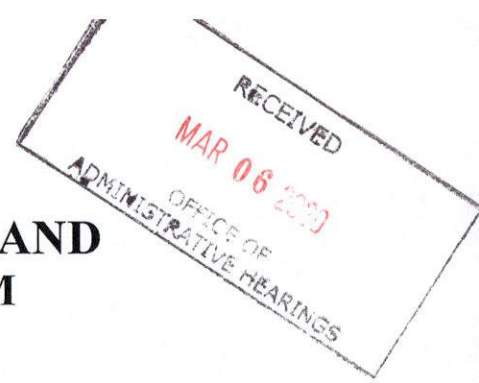
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 04 Account Number - 0402021400		
Owner Information		
Owner Name:	COMPREHENSIVE CARING ANGELS DAYCARE LLC	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	57 CARAWAY ROAD REISTERSTOWN MD 21136-	Deed Reference: /41911/ 00146
Location & Structure Information		
Premises Address:	11421 REISTERSTOWN RD 0-0000	Legal Description: 11421 REISTERSTOWN RD NE TIMBER GROVE RD
Map: 0058	Grid: 0001	Parcel: 0680
Neighborhood: 20000.04	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2020
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built 1926	Above Grade Living Area 3,022 SF	Finished Basement Area 19,845 SF
Property Land Area 19,845 SF	County Use 06	
Stories	Basement	Type
		OFFICE BUILDING /
Exterior	Quality	Full/Half Bath
	C3	
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	174,800	174,800
Improvements	282,000	324,900
Total:	456,800	499,700
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		456,800
		471,100
Transfer Information		
Seller: 11421 REISTERSTOWN ROAD LLC	Date: 09/26/2019	Price: \$290,000
Type: ARMS LENGTH IMPROVED	Deed1: /41911/ 00146	Deed2:
Seller: WINTERS STEPHEN	Date: 02/12/2003	Price: \$180,000
Type: ARMS LENGTH IMPROVED	Deed1: /21522/ 00579	Deed2:
Seller: NESSON JEFFREY P/RACHAEL	Date: 03/08/2000	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07382/ 00493	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM



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

DATE: 3/5/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-546

INFORMATION:

Property Address: 11421 Reisterstown Road
Petitioner: Julius Nyambi
Zoning: RO, DR 3.5
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for special exception and variance to determine whether or not the administrative law judge should permit a child care center class B with more than 40 children and rear and side yard setbacks of five feet in lieu of the required twenty feet.

A site visit was conducted on January 2, 2020. The site is along Reisterstown Road (MD 140). The existing structure is vacant, and according to SDAT, the primary structure was built in 1926.

It should be noted that the property is impacted by CZMP 2020 Issue 2-017, wherein all residential-office (RO) properties in that area are requested to be rezoned to Business, Major. Should the rezoning request be granted, the entire property would become BM, a commercial classification.

It should also be noted that the petition only references a variance for the rear and side yard. The request should reference the proposed fence stockade as required in the Baltimore County Zoning Regulations (BCZR) § 424.1.B. Zoning Office records indicate that the correct verbiage, as it pertains to this case, is being used.

The Department of Planning has concerns with the overall function of vehicle circulation and queueing during peak times. There is the possibility of vehicles queueing up on Reisterstown Road, which presents traffic and safety concerns. According to Baltimore County Development Plans Review Section and comments provided by the State Highway Administration (SHA), the entrance to the site must be widened. However, a utility pole is installed at the entrance, which may restrict any widening.

The Department of Planning has no objections to the requested relief, but does have concerns with how the proposed childcare center will operate safely and efficiently on this site with more than 40 children and potentially more than 80 daily trips. To the satisfaction of the administrative law judge, the applicant should demonstrate the following:

1. If more than 40 children, what the maximum children will be throughout a typical day (affecting daily trips) and how the pick-up and drop-off process is managed.

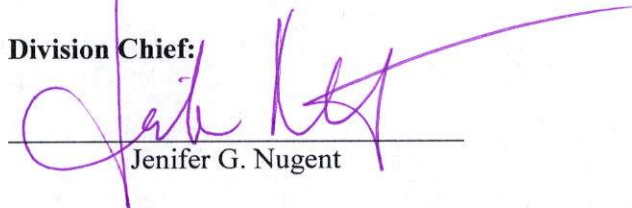
2. Plans proposed to mitigate any interference of traffic flow (queueing) along Reisterstown Road during drop-off/pick-up times.
3. How the site will provide safe and efficient circulation during peak drop-off/pick-up times.

In addition to the above items, the Department of Planning recommends the following conditions:

1. Provide a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval. Landscaping should be installed along the Reisterstown Road frontage.
2. No temporary freestanding signs shall be permitted along the Reisterstown Road frontage. All signage shall comply with Section 450 of the BCZR.
3. The fence stockade shall be constructed of high quality (vinyl or wood), opaque materials.

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

Division Chief:


Jenifer G. Nugent

CPG/JGN/kma/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Edward C. Covahey, Jr, Attorney Representative
Office of the Administrative Hearings
People's Counsel for Baltimore County

Search Result for BALTIMORE COUNTY

2019-0546-XA

AX-0020-P105

NW 14-I

0403001277

1966-0042-X
1976-0178-X

0402001511

DR 3.5

0402001512

0412040450

11423

2 CD

4 ED

NW 13-I

058A1

2004-0182-XA
2020-0182-XA

11421

RO

0404020352

11419

BL

0411057225

11417

BM

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1983-0293-SPH
2000-0018-SPH
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11422

4 CD

REISTERSTOWN RD

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11420

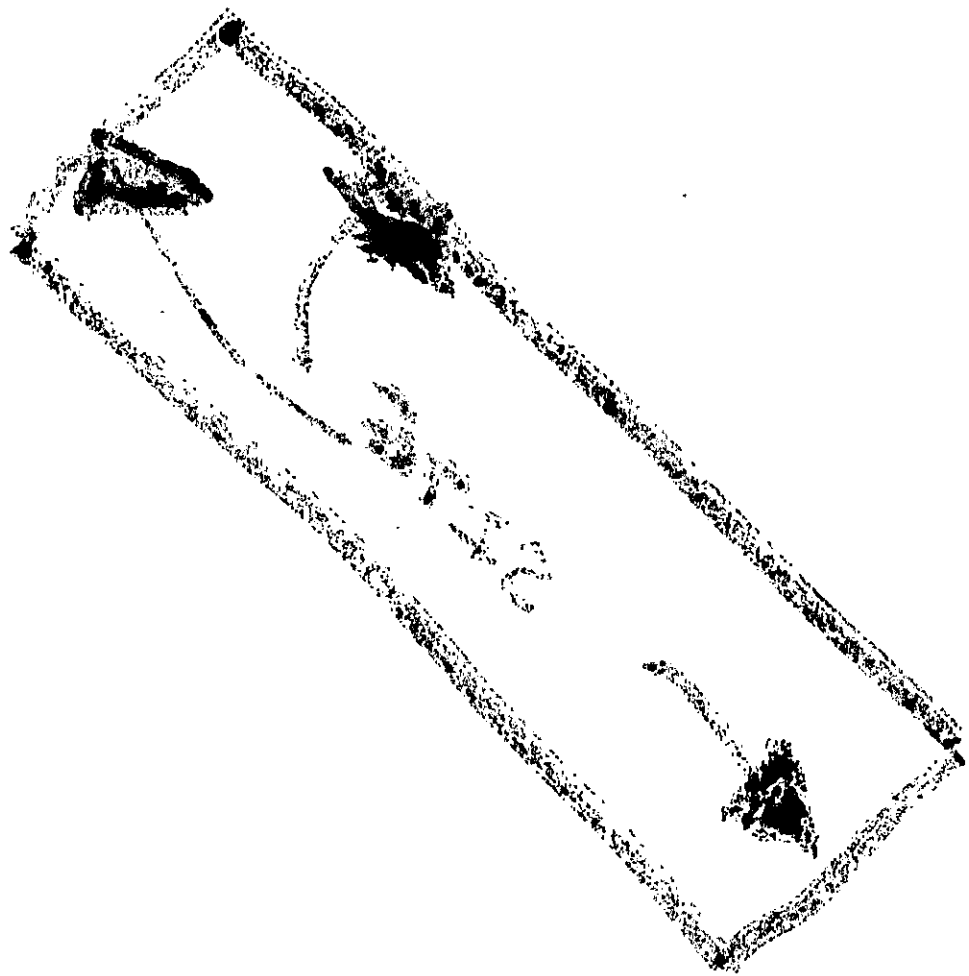
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1979-0184-XA
1987-0394-A
1998-0230-A
R-1994-0329
0418000300

BR

0402001851

R-1948-1327-X
R-1963-0084

2019-0546-XA



3016-02404

Case No.: 2019-0546-XA

Exhibit Sheet

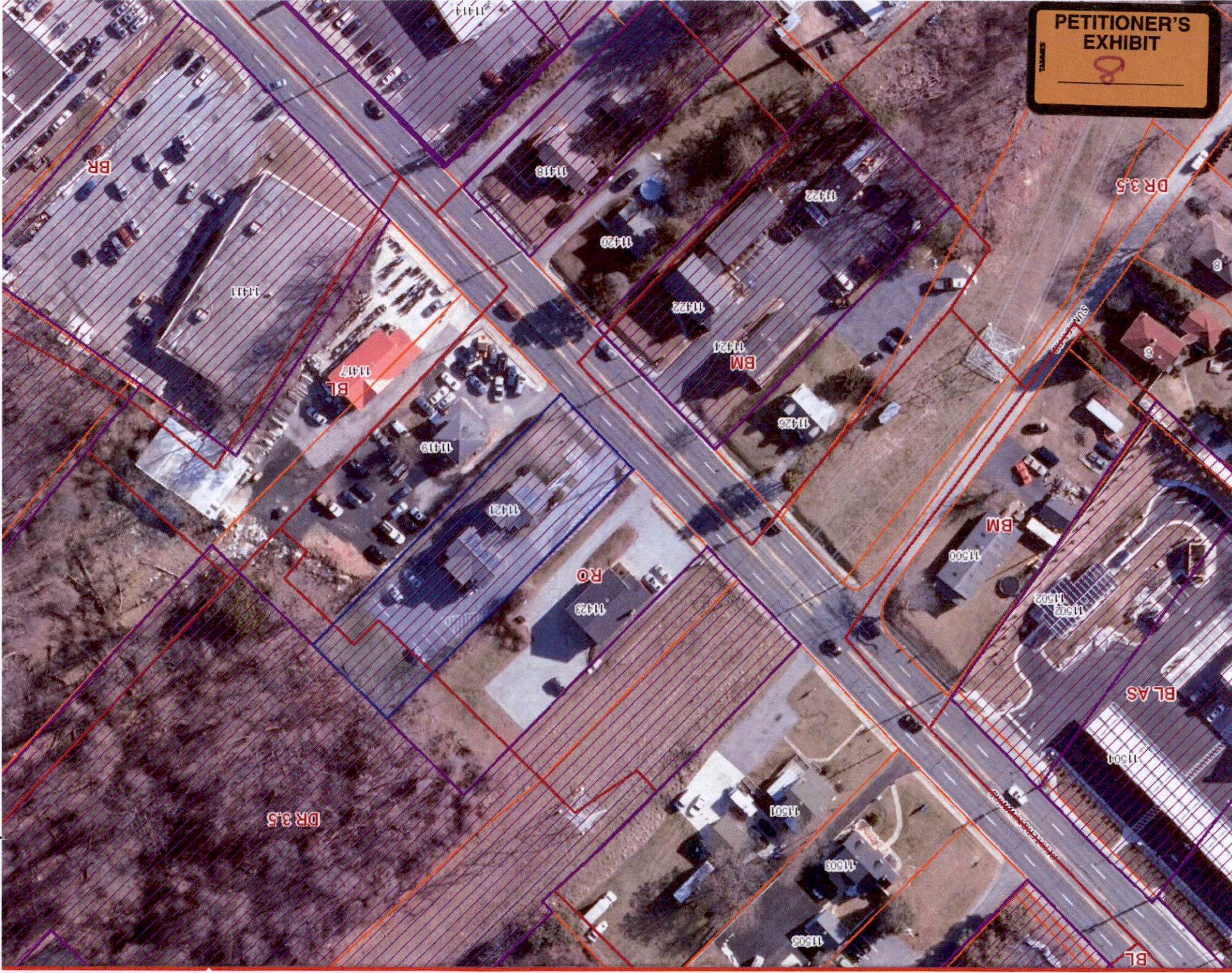
Petitioner/Developer

Protestants

DO
A-14-2020

Den
3-13-2020

No. 1	Site Plan	
1A	Revised Site Plan	
No. 2	Site Photo	
No. 3	Site Photo	
No. 4	Site Photo	
No. 5	Site Photo	
No. 6	Site Photo	
No. 7	Site Photo	
No. 8	Aerial Zoom Photos	
No. 9	SDAT Printouts	
No. 10		
No. 11		
No. 12		





Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 04 Account Number - 0402021400			
Owner Information					
Owner Name:	COMPREHENSIVE CARING ANGELS DAYCARE LLC		Use:	COMMERCIAL	
			Principal Residence:	NO	
Mailing Address:	57 CARAWAY ROAD REISTERSTOWN MD 21136-		Deed Reference:	/41911/ 00146	
Location & Structure Information					
Premises Address:	11421 REISTERSTOWN RD 0-0000		Legal Description:	11421 REISTERSTOWN RD NE TIMBER GROVE RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0058	0001	0680	20000.04	0000	
			Block:	Lot:	Assessment Year:
					2020
					Plat No:
					Plat Ref:
Special Tax Areas: None			Town:	None	
			Ad Valorem:	None	
			Tax Class:	None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1926	3,022 SF		19,845 SF	06	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		OFFICE BUILDING	/	C3	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2020	07/01/2019	07/01/2020	
Land:	174,800	174,800			
Improvements	282,000	324,900			
Total:	456,800	499,700	456,800	471,100	
Preferential Land:	0			0	
Transfer Information					
Seller: 11421 REISTERSTOWN ROAD LLC		Date: 09/26/2019	Price: \$290,000		
Type: ARMS LENGTH IMPROVED		Deed1: /41911/ 00146	Deed2:		
Seller: WINTERS STEPHEN		Date: 02/12/2003	Price: \$180,000		
Type: ARMS LENGTH IMPROVED		Deed1: /21522/ 00579	Deed2:		
Seller: NESSON JEFFREY P/RACHAEL		Date: 03/08/2000	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /07382/ 00493	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019	07/01/2020		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Special Tax Recapture: None					

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

**PETITIONER'S
EXHIBIT**

TA-000001

2



PETITIONER'S
EXHIBIT

3





PETITIONER'S
EXHIBIT

4

TABULAR



PETITIONER'S
EXHIBIT

TALLIES

5

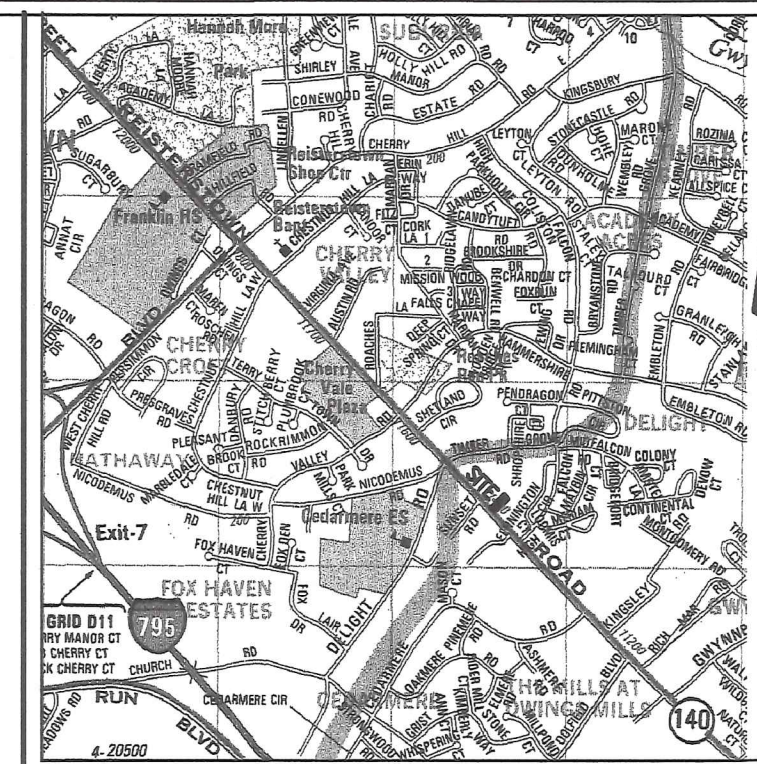
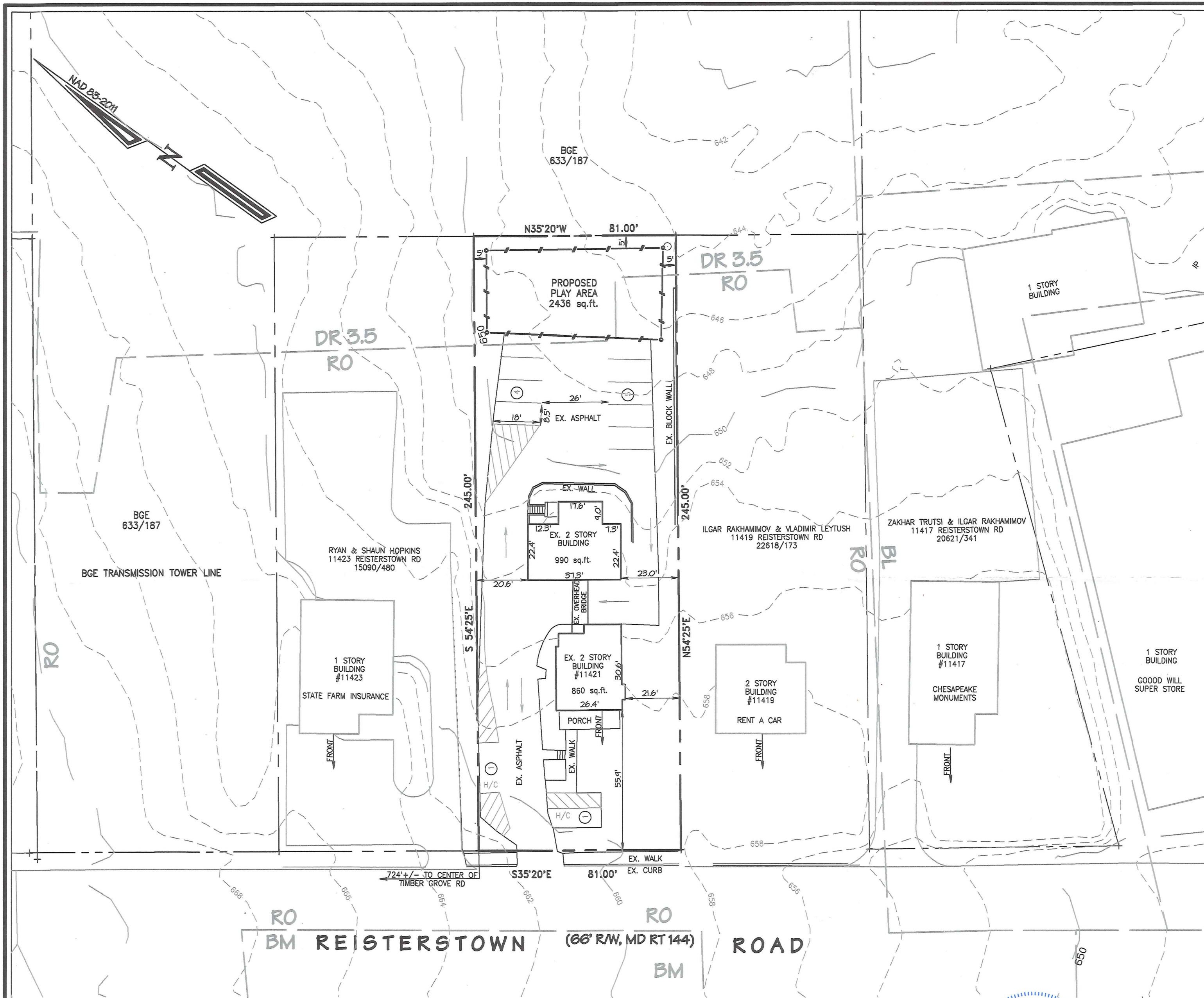


**PETITIONER'S
EXHIBIT**

TABLES

6



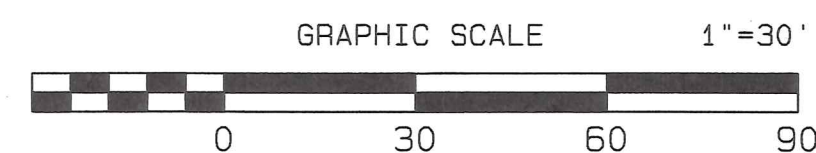


Vicinity Map

Scale: 1" = 2000'

NOTES

- Owner: Comprehensive Caring Angels Daycare LLC
57 Caraway
Reisterstown, MD 21136
- Deed: 41911/146
- Area= 19,845 sq.ft. or 0.455 Ac. ±
- Tax # 0402021400
- Zoned: RO and DR 3.5
- This site is not in the Chesapeake Bay Critical Area or the 100 year flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by public water and sewer.
- Prior Zoning Hearing:
Case 04-182-XA, Petition for Class B Office Building,
Permit an 8' Landscape Buffer, Granted Dec. 15, 2003



Plat to Accompany a Zoning Special Exception and Variance

of Comprehensive Caring Angels Daycare LLC

11421 Reisterstown Rd
Baltimore County, Maryland

Tax Map 58, Grid 1, Parcel 680
4th Election District, 2nd Councilmanic District
Scale: 1"=30' Date: October 23, 2019

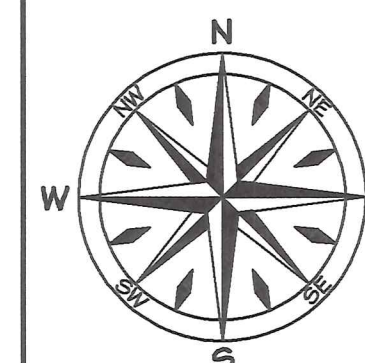
PARKING CALCULATIONS

Office Space: 3.3 per 1000 sq.ft. = 990 sq.ft. = 4 spaces
Child Care: 4 employees = 4 spaces
Total Spaces required = 8

Parking Spaces Provided = 11

GROUP CHILD CARE CENTER NOTES

- NUMBER OF EMPLOYEES: 4
- NUMBER OF CHILDREN TO BE ENROLLED: MORE THEN 40
- HOURS OF OPERATION: 6 am to 6 pm
DAYS OF THE WEEK: Monday thru Sunday
- ESTIMATED AMOUNT OF TRAFFIC: 80 Daily Trips



Dietz Surveying Co.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

PETITIONER'S

File Name: J

:21.pro

EXHIBIT NO. 1

10. 19213

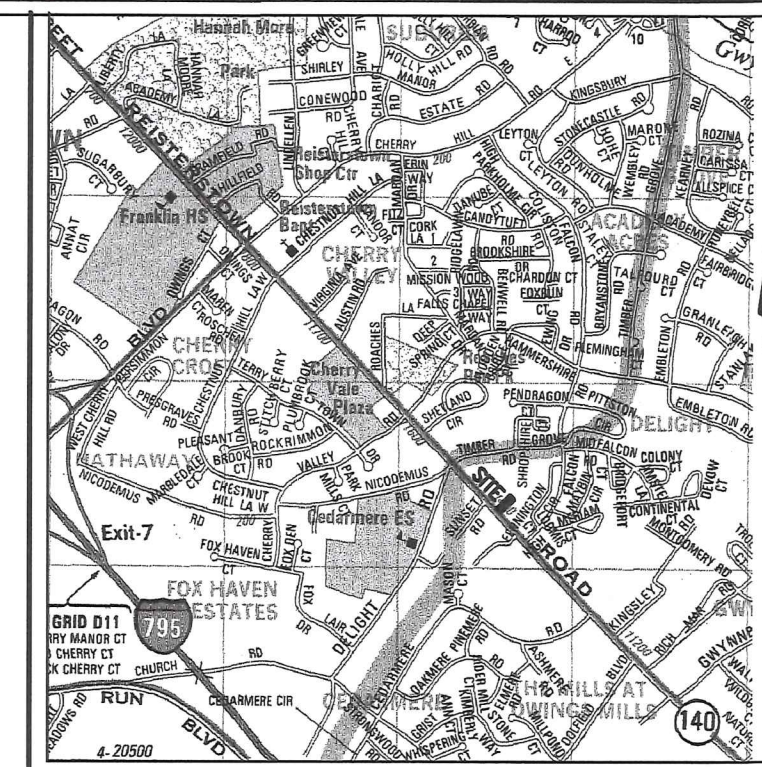
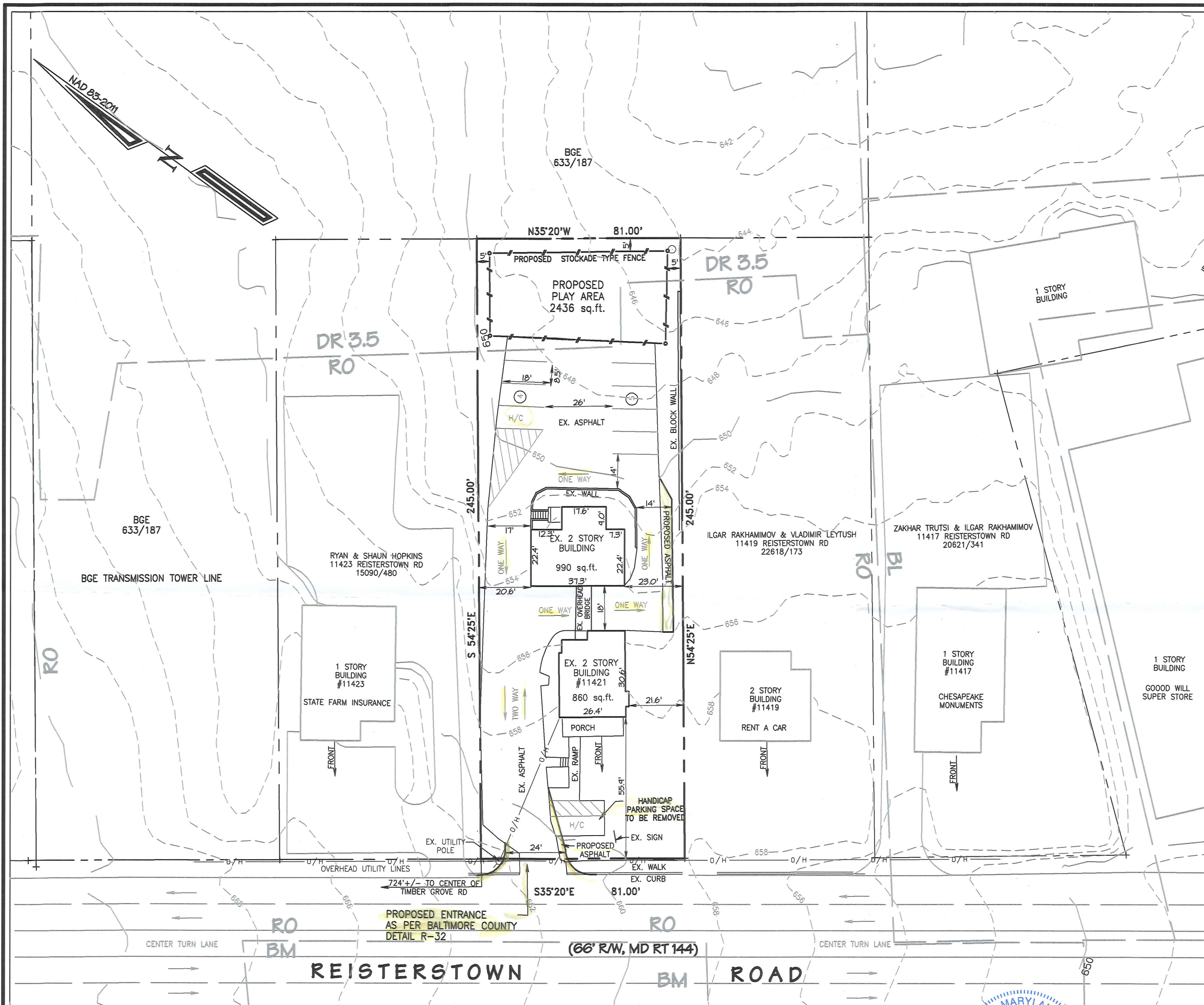
Revisions

Date

Plot Date: 12/16/2019

FIELD: JMD

2019-0546-XA



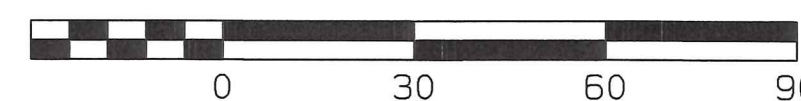
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NOTES

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GRAPHIC SCALE 1" = 30'



Plat to Accompany a Zoning Special Exception and Variance

of Comprehensive Caring Angels Daycare LLC

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Baltimore County, Maryland

Tax Map 58, Grid 1, Parcel 680

4th Election District, 2nd Councilmanic District
Scale: 1"=30' Date: October 23, 2019

PARKING CALCULATIONS

Office Space: 3.3 per 1000 sq.ft. = 990 sq.ft. = 4 spaces
Child Care: 4 employees = 4 spaces
Total Spaces required = 8

Parking Spaces Provided = 8 REGULAR PARKING SPACES
1 HANDICAP PARKING SPACE

TOTAL 9 PARKING SPACES PROVIDED

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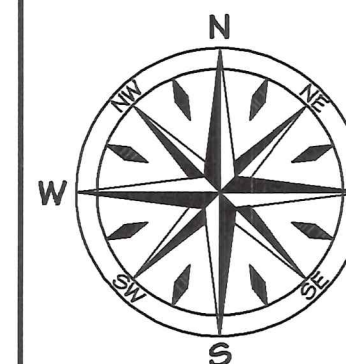


ADD PROPOSED NEW ENTRANCE

3-9-20

Revisions

Date



File Name: J:

Plot Date: 3/11/2020

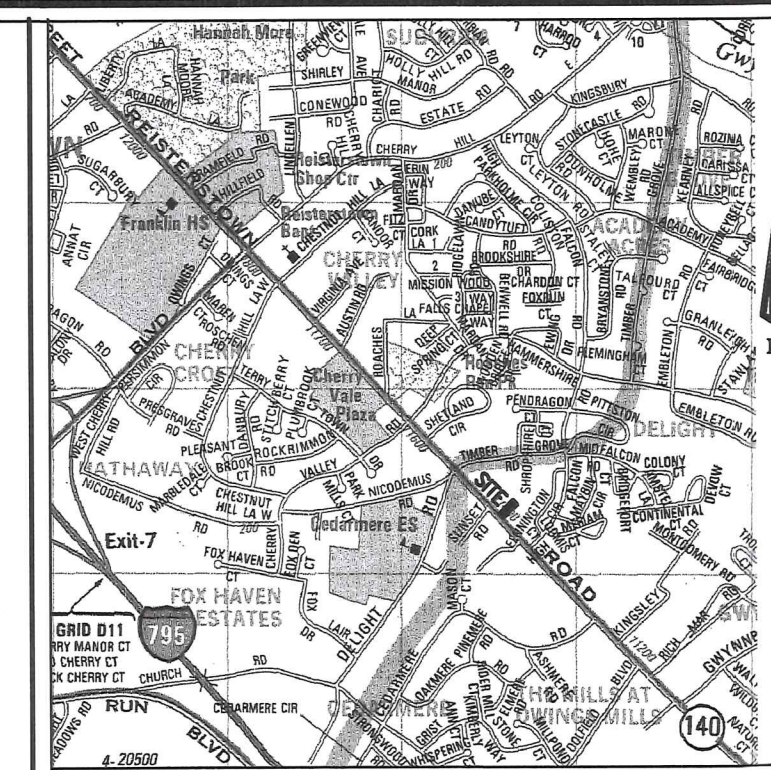
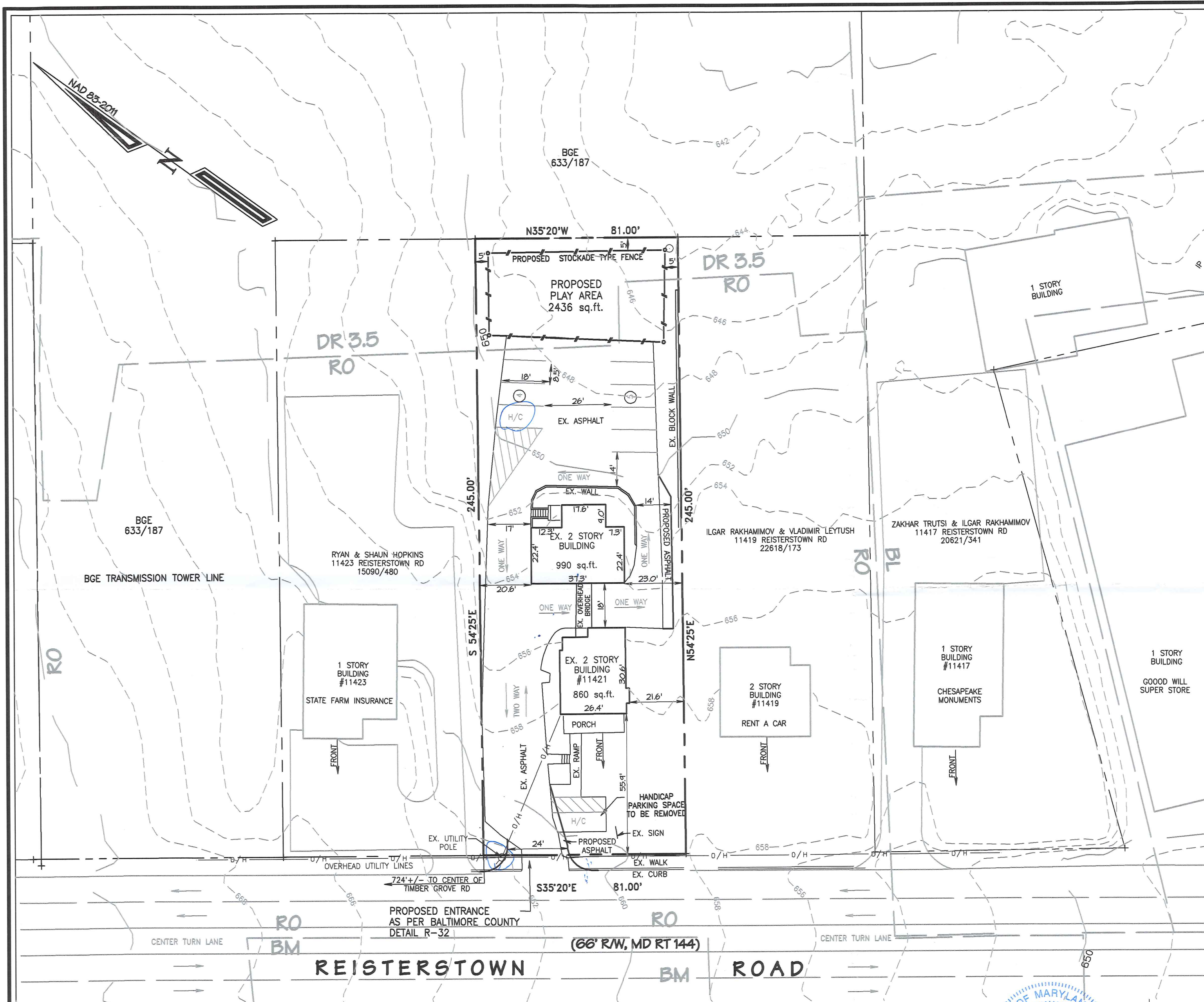
FIELD: JMD

PETITIONER'S

21.pro

EXHIBIT NO.

19213

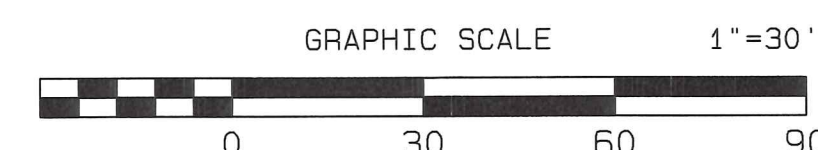


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Zoning Special Exception
and Variance

of
**Comprehensive Caring
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Baltimore County, Maryland

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ADD PROPOSED NEW ENTRANCE

3-9-20

Revisions

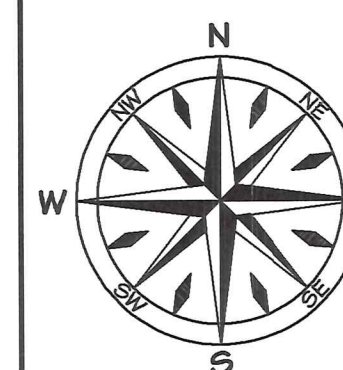
Date

Plot Date: 3/11/2020

FIELD: JMD

DRAWN: JMD

Job No. 19213



Dietz Surveying Co.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

File Name: J:\Reisterstown Rd 11421\Reisterstown Rd 11421.pro