

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND VARIANCE	
(1453 N. Rolling Road) *	OFFICE OF
1st Election District	
1st Council District *	ADMINISTRATIVE HEARINGS
Muhammad & Najla Abdur-Rahman	
Legal Owners *	FOR BALTIMORE COUNTY
Petitioners *	Case No. 2023-0149-SPHA
* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed by Muhammad and Naila Abdur Rahmann, legal owners, and Tasha Moore, lessee (“Petitioners”) for the property located at 1453 N. Rolling Road, Windsor Mill (the “Property”). The Petition for Special Hearing was requested pursuant to an Amended Petition (See File) to approve the following:

1. The proposed use of the existing structure constitutes a Class B group child care center for up to 40 children which is not located in a residential transition area, as provided in Baltimore County Zoning Regulations (“BCZR”), §§202.3.A.1, 1B01.1.A.12 & 424 and does not necessitate special exception relief; and
2. The existing structure not being subject to the bulk regulations applicable to DR zoned property in BCZR, §424.7 as the property is zoned ROA, not DR (and therefore subject to the bulk regulations provided in BCZR, §§202.2 & 202.4.B); and
3. That the existing off-street parking space requirements in BCZR, §202.3.C.2 are not applicable to a child care center (which lies between two churches), only a Class A office building; and
4. If necessary, a modified parking plan as provided in BCZR, §409.12; and

5. The material and height of the existing fencing of the existing outdoor play space abutting residential property satisfies BCZR § 424.1.B; and
6. The use of that portion of the existing parking area located in the front yard for parking, drop off or delivery purposes as provided in BCZR § 424.7.C; and
7. That there be no additional landscaping requirement in the rear yard and that Petitioner be required to leave the existing vegetative buffer in the minimum required 20 foot perimeter vegetative buffer setback as provided in BCZR § 424.7.B; and

Additionally, pursuant to the Amended Petition, Variance Relief was also requested from:

1. BCZR, §409.4 to permit a portion of the existing two-way aisle to be as wide as 16.5 ft in lieu of the minimum permitted 22 ft.; and
2. BCZR, §424.7.B to permit a group child-care center to be setback 42.6 ft. from the side property line, with 0 ft of perimeter vegetative buffer in lieu of the respective minimum required 50 ft. and 20 ft. setbacks to utilize the existing structure and parking, drop-off and delivery area.

An in person/virtual hearing was conducted on August 29, 2023 at 1:30 p.m., at 105 W. Chesapeake Avenue, Hearing Room 205, Towson, Maryland. The Petitions were properly advertised and posted. Tasha Moore was present at the hearing along with Brian Dietz, registered surveyor with Dietz Surveying, Inc. who prepared and sealed a site plan (the "Site Plan"). (Pet. Ex. 1). Mr. Dietz appeared virtually. Abdur-Rahman Muhammad, the legal owner also appeared virtually. Jason Vettori, Esquire of Smith, Gildea & Schmidt represented the Petitioner. Peter Zimmerman from the Office of People's Counsel sent in a letter dated August 22, 2023. (See File). Robert Murphy and Melissa R. Murphy, 1450 N. Rolling Rd. testified and asked questions

virtually at the hearing. Marilyn Gibson, an interested resident in the community, also appeared virtually.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and Department of Environmental Protections and Sustainability ("DEPS") which agencies did not oppose the relief requested. Department of Plans Review ("DPR") /Department of Public Works and Transportation ("DPW&T") provided the following comment:

There is no existing on street parking along the site frontage. The plan submitted with the application states the capacity for the day care is 30 children but the petition list up to 40 children. The parking of the tenants and the potential of having more employees for 40 children should be accounted for and clarified when establishing the number of required parking spaces.

Landscape: If Special Hearing and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

The Property is 1.063 acres +/- (46,286 sf) and is improved with a single family home which faces N. Rolling Rd. The Property is split-zoned Residential Office – Class A ("ROA") and Density Residential (DR 3.5). It is currently leased for a business known as "Kimnastics." (Pet. Ex. 8). However, Kimnastics is not the Petitioner's business. Adjoining the Property to the north is a Korean Church, and to the south is a commercial use known as 'CAC Palace of Peace'. (Pet. Ex. 7).

Tasha Moore, a former teacher with 32 years experience in education, desires to lease the Property in order to operate a Group Child Care Center, Class B, to teach and work with younger children to prepare them for kindergarten. Ms. Moore testified that the hours of operation will be from 6:00 am to 6:00 pm, Monday-Friday. Currently, there are 3 employees including Ms. Moore.

The business will be licensed under the State of Maryland which requires 1 teacher for every 10 children.

Mr. Dietz, who was accepted as an expert in surveying (Pet. Ex. 2), testified that the Site Plan meets the parking requirements under BCZR, §409.6.A.4 for up to 40 children. No exterior improvements are planned for the proposed use. The existing driveway is proposed to be widened to 24 ft. for a 2-way drive aisle which will help to provide efficient circulation for drop off/pick up of the children. There is one (1) pinch-point between the side of the building and the existing parking spaces where the drive aisle narrows to 16.5 ft. Because of that, Petitioner is seeking Variance relief for that area.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

A Group Child Care Center, Class B is defined in BCZR, 101.1 as:

GROUP CHILD CARE CENTER, CLASS B — A group child care center wherein group child care is provided for more than 12 children.

In the ROA zone, all of the uses which are permitted by right (and as limited) in D.R.3.5 Zones, are also permitted by right in the ROA zone. In BCZR, §1B01.1.A.12, Class B Child Care Centers are permitted by right as follows:

12. Class A group child care centers and Class B group child care centers providing for up to 40 children, if not located in a residential transition area, subject to the requirements of Section 424, and family child care homes, group child care centers and nursery schools.

Read together, the number of children permitted in a Class B Child Care Center is between 12 and 40 children. The Residential Transition Area (“RTA”) is only required under BCZR, §1B01.1.B.1.b if the land adjacent to the property to be developed contains a single family detached, semi-detached or duplex dwelling within 150 ft of tract boundary. In this case, the adjoining properties is zoned DR 3.5 but consists of townhomes. Accordingly, the RTA does not apply to this Property. In his letter to OAH, People’s Counsel does not dispute this.

As to the applicable bulk regulations, BCZR, §202.4.A directs that for “residential uses” the bulk regulations for the DR zone apply. Arguably, a Child Care Center is not a residential use but is more of an institutional use like a school. Nevertheless, Group Child Care Centers are governed by BCZR, §424, and in the general statement it makes clear that the bulk regulations for DR zones are applicable if there is a conflict between other BCZR sections:

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.

Based on this express wording, the bulk regulations for DR zones contained in BCZR, §424.7 control here.

In regard to the request to approve the existing fence as shown in the street view photograph, the existing fence is a chain link fence, at an undetermined height, and is shown to be surrounding the 1,200 sf outdoor play area. (Pet. Ex. 10B). The Petitioner wants to continue to use the existing fence. Based on the photograph, the height of the fence appears to be at least 4 ft. and was installed largely on a down slope. It does not have any opaque material which would provide screening of children. While I agree that the existing fence can be used to satisfy BCZR, §424.1.B, there is a safety issue for children who can be viewed beyond the property line particularly given the absence of vegetative buffer/screening in the rear yard. As a condition of the Order, Petitioner will need to make the chain link fence opaque with either vinyl slats or some other type of vinyl/waterproof mesh.

The proffered evidence was that the proposed Child Care Center does not adjoin any other Child Care Center in compliance with BCZR, §424.1.C. Additionally, the proffered evidence was that the proposed Child Care Center will be a principal use of the existing dwelling and is permitted, subject to additional conditions in DR zone for up to 40 children, and therefore does not need to proceed by way of Special Exception. (BCZR, §424.5.A). The proposed use will meet the minimum 1 acre requirement for the first 40 children as the Property measures 1.063 acres +/-.

In regard to the DR zone minimum setbacks, the existing dwelling is 116 ft. +/- from the street line along North Rolling Rd. and therefore meets the minimum 25 ft. front setback. The existing dwelling is not able to meet the side 50 ft. setback from the Property line with a 20 ft. vegetative buffer due to the existing parking lot (9 parking spaces) which rests on the Property line with 1451 N. Rolling Rd. The Property is able to meet the rear 50 ft. setback but not the

requirements that 20 ft. vegetative buffer. As a result, Petitioner has amended the Petition seeking Variance relief.

While a Lighting Plan was requested by DPR/DPW&T, in this case, the hours of operation are 6:00 am to 6:00 pm and the existing building has appropriately placed flood lights which adequately light the outside of the building, grounds, drop off/pick up, and parking area. As a result, a Lighting Plan is not required for this use, provided the existing exterior lighting is maintained.

In regard to the parking, drop off and delivery area, the side yard will primarily be used for each of those activities. However, there are 5 parking spaces which extend into the front yard. The DOP, in its ZAC comment, determined that the requested relief does not impose any adverse impact to neighboring properties or the public right of way and as such, I find that this comment fulfills the requirement in BCZR, §424.7.C.

In terms of parking, under BCZR, §409.6.A.4, the required number of parking spaces for a Group Child Care Center is 1 per every employee on the largest shift, but in no case less than 2. Here, there are 3 employees and the Petitioner is providing 9 spaces. There is no agreement with any adjoining property for shared parking because no additional parking is needed. While the use is permitted to have up to 40 children, according to the Petitioner, the State of Maryland license issued for the Child Care Center requires 1 employee for every 10 children. Currently, the Petitioner will only have a maximum of 30 children and therefore 3 employees. Even if the number of children increases to 40 and 4 employees, the Petitioner still has the requisite number of parking spaces (9) under BCZR, §409.6.A.4. Additionally, the parking requirements for ROA zone under BCZR, §202.3.C.2 do not apply.

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 proffered evidence was that the shape of the Property was irregular and therefore unique. I agree. Because of the unique features, the Petitioner would suffer a practical difficulty if the requested Variance relief is not granted because the Property, with its existing improvement and parking area, it could not be used as a Child Care Center. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 8th day of **September, 2023** by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR, §500.7 to approve the proposed use of the existing structure as a Class B Group Child Care Center for up to 40 children which is not located in a residential transition area, as provided in BCZR, §§202.3.A.1, 1B01.1.A.12 and & 424 and does not necessitate special exception relief, be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Hearing for a decision that the existing structure is *not* subject to the bulk regulations applicable to DR zoned property in BCZR § 424.7 as the property is zoned ROA, not DR (and therefore subject to the bulk regulations provided in BCZR §§ 202.2 & 202.4.B), be and it is hereby **DENIED**; and

IT IS FURTHER ORDERED that, as set forth herein, the bulk regulations for a DR zoned property in BCZR, §424.7 are applicable to this Property and proposed use; and

IT IS FURTHER ORDERED that the Petition for Special Hearing for a decision that the existing off-street parking space requirements in BCZR, §202.3.C.2 are not applicable to a Child Care Center (which lies between two churches), only to a Class A office building, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Group B, Child Care Center which provides for 9 parking spaces satisfies BCZR, §409.6.A.4 for up to 40 children; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to approve a modified parking plan as provided in BCZR, 409.12, be, and it is hereby **DISMISSED AS UNNECESSARY**; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to approve the existing chain link fence at its current height as it surrounds the outdoor play space under BCZR § 424.1.B be, and it is hereby **APPROVED WITH THE EXCEPTION THAT** the chain link fence shall be made opaque for safety of the children with a suitable outdoor/waterproof material such as vinyl slats or vinyl mesh prior to, and throughout the operation of the Child Care Center; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to use of that portion of the existing parking area located in the front yard for parking, drop off or delivery purposes as provided in BCZR § 424.7.C, be and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Hearing that there be no additional landscaping requirement in the rear or the side yards, and that Petitioner be required to leave the existing vegetative buffer in the minimum required 20 foot perimeter vegetative buffer setback as provided in BCZR, §424.7.B, and additionally that the Petitioner shall maintain the existing lighting on the exterior of the building and that no Lighting Plan will be required for this use, be, and it is hereby, **GRANTED**; and

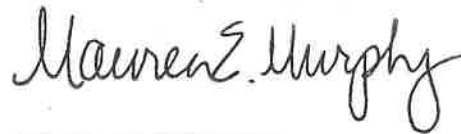
IT IS FURTHER ORDERED that the Petition for Variance relief from BCZR §409.4 to permit a portion of the existing two-way aisle to be as wide as 16.5 ft. in lieu of the minimum permitted 22 ft. is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance relief from BCZR, §424.7.B to permit a Group Child Care Center to be setback 42.6 ft. from the side property line, with 0 ft. of perimeter vegetative buffer in lieu of the respective minimum required 50 ft. and 20 ft. setbacks to utilize the existing structure and parking, drop-off and delivery area, and for a 0 ft. perimeter vegetative buffer in the rear yard in lieu of the required 20 ft. vegetative buffer be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. The Site Plan (Pet. Ex. 1) is incorporated into and made part of the Order.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 8, 2023

Jason Vettori, Esquire - jvettori@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2023-0149-SPHA
Property: 1453 N. Rolling Road

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dIm
Enclosure

c: Tasha Moore – tasha.moore00@comcast.net
Peter Zimmerman – pzimmerman@baltimorecountymd.gov
Brian Dietz – brian@dietzsurveying.net
Bob Murphy – remurphy29@gmail.com
Marilyn Gibson – mglobal2000@gmail.com
Muhammed – mfaar@yahoo.com



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

NOTE TO FILE

Judge Mayhew/Murphy

RE: 1453 N. Rolling Rd
2023-0149-SPHA

The Petitioner is requesting Special Hearings and a Variance for a Day Care use on the above property. The property is Zoned ROA and DR 3.5. The ROA zoning refers back to uses allowed in a DR zone. Per the BCZR Section 424, a Day Care use is permitted subject to additional conditions, as a result, additional Variance relief will be required. As part of BCZR Section 424.7 bulk standards for group centers additional Variance requests would include:

- BCZR 424.7.B to permit a side yard setback of 42.6 ft and a side yard vegetative buffer of 0 ft in lieu of the minimum required 50 ft and 20 ft respectively
- BCZR 424.7.B to permit a rear yard vegetative buffer of 0 ft in lieu of the minimum required 20 ft
- BCZR 424.7.C to permit parking, drop-off and pickup areas to be located inside the 20 ft vegetative buffer in lieu of a location outside the required vegetative buffer area.

Per my discussion with Attorney Jason Vettori, additional parking, drop-off and/or pick-up of children may be allowed by an agreement with the neighboring church at 1451 N. Rolling Rd. If an agreement is made, additional notes will need to be added to the site plan and the parking calculations will need to be adjusted.

Also, the number of proposed children on the petition form states up to 30 children and the site plan notes up to 40 children. The petition form and the site plan should be consistent, particularly for the purpose of permit review approval.

Please confirm if:

- **The use of the parking lot on the neighboring church property will require a revised site plan**
- **The above additional Variances will require a new hearing with revised site plans and**
- **The owner/operator of the Child Care is going to have 30 or 40 children**

Thank You

Christina Frink
Zoning
410-887-3391

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/20/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0149-SPHA

INFORMATION:

Property Address: 1453 N. Rolling Road
Petitioner: Muhammad & Najla Abdur-Rahman
Zoning: ROA/DR 3.5
Requested Action: Special Hearing/Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing to approve -

1. The proposed use of the existing structure constitutes a Class B group child care center for up to 40 children which is not located in a residential transition area, as provided in BCZR sections 202.3.A.1, 1B01.1.A.12 & 424 and does not necessitate special exception relief;
2. The existing structure not being subject to the bulk regulations applicable to DR zoned property in BCZR section 424.7 as the property is Zoned ROA, not DR (and therefore subject to the bulk regulations provided in BCZR sections 202.2 & 202.4.B);
3. That the existing off-street parking space requirements in BCZR section 202.3.C.2 are not applicable to a child care center(which lies between two churches), only a Class A office building;
4. If necessary, a modified parking plan as provided in BCZR section 409.12; and
5. For such other and further relief as may be required by the Administrative Law Judge (ALJ) for Baltimore County.

Variance -

1. From Section 409.4 of the BCZR to permit a portion of the existing two-way aisle to be as wide as 16.5 feet in lieu of the minimum permitted 22 feet; and
2. For such other and further relief as may be required by the ALJ for Baltimore County.

The proposed site is a 1.063 acre property zoned ROA and DR 3.5 and is surrounded by predominantly residential uses. The proposed site has no previous zoning actions/relief.

The existing land use is currently a Class B group child care facility on property zoned ROA/DR 3.5. The use is permitted by right pursuant to *BCZR sections 202.3.A.1, 1B01.1.A.12 & 424*. The requested relief, as said in above request, does not appear to impose adverse impacts on adjacent properties or the public right of way. It is understood that the current use is a Daycare Facility with a maximum of 3 adults and 30

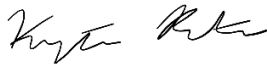
children. The site provides adequate play area space for the children. There is an office component on the premise, which will be solely used by the staff of the Daycare. The site provides adequate parking for both the use of a Class B child care facility and office use. The off-street parking requirements of BCZR section 202.3.C.2 and a modified parking do not appear to be necessary for this property. The variance request for a portion of the existing two-way aisle to be 16.5 feet in lieu of 22 feet does not monumentally impede parking and vehicular circulation and should allow for fairly smooth movements. The site appears to be ADA accessible and compliant.

The Department has no objections in granting the relief subject to the follow conditions.

1. Confirm with the Office of Zoning if a safe designated child drop-off and pick-up area is required.
2. Comply with any/all landscape guidelines required by the Baltimore County Landscape Architect.
3. The site complies with all setback regulations and guidelines for ROA zoned property.
4. The applicant shall comply with any additional conditions set forth by the Administrative Law Judge.

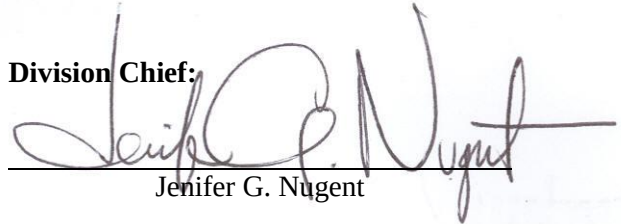
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Jason T. Vettori
Sophie Kotzker, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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: July 21, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0149-SPHA
Address: 1453 N ROLLING RD
Legal Owner: Muhammad Abdur-Rahman

Zoning Advisory Committee Meeting of July 17, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/9/2023

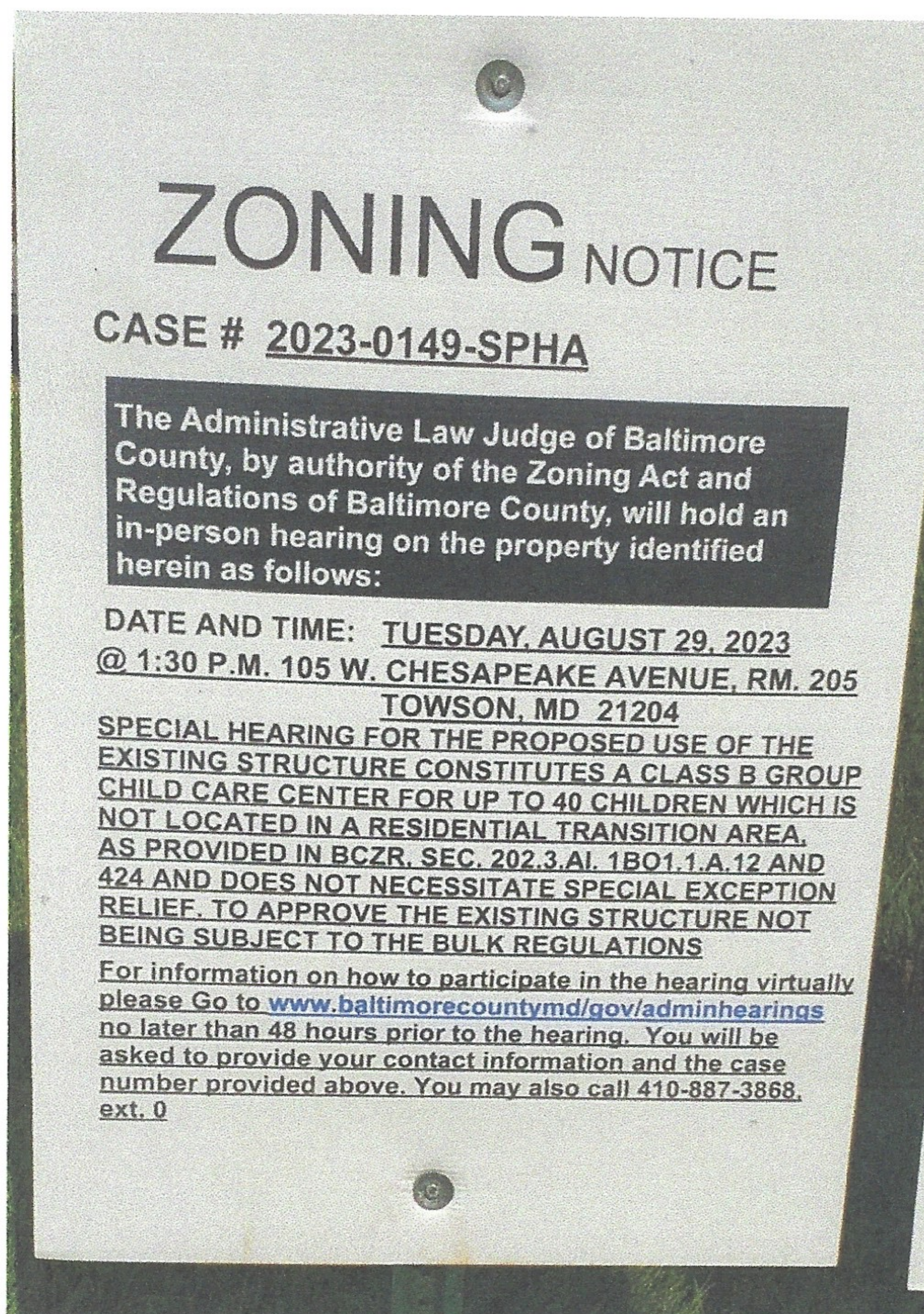
Case Number: 2023-0149-SPHA

Petitioner / Developer: JASON VETTORI, ESQ. ~ TASHA MOORE ~ MUHAMMAD ABDUR RAHMAN

Date of Hearing: AUGUST 29, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1453 NORTH ROLLING ROAD

The sign(s) were posted on: AUGUST 9, 2023



SIGN #1

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2023-0149-SPHA

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold an in-person hearing on the property identified herein as follows:

DATE AND TIME: TUESDAY, AUGUST 29, 2023
@ 1:30 P.M. 105 W. CHESAPEAKE AVENUE, RM. 205
TOWSON, MD 21204

APPLICABLE TO DR ZONED PROPERTY IN BCZR, SEC. 424.7 AS THE PROPERTY IS ZONED ROA, NOT DR (AND THEREFORE SUBJECT TO THE BULK REGULATIONS PROVIDED IN BCZR, SEC. 202.2 & 202.4.B.). TO APPROVE THAT THE EXISTING OFF-STREET PARKING SPACE REQUIREMENTS IN BCZR 202.3.C.2 ARE NOT APPLICABLE TO A CHILD CARE CENTER (WHICH LIES BETWEEN 2 CHURCHES). ONLY A CLASS A OFFICE BUILDING; AND IF

For information on how to participate in the hearing virtually please Go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0

ZONING NOTICE

CASE # 2023-0149-SPHA

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold an in-person hearing on the property identified herein as follows:

DATE AND TIME: TUESDAY, AUGUST 29, 2023
@ 1:30 P.M. 105 W. CHESAPEAKE AVENUE, RM. 205
TOWSON, MD 21204

NECESSARY A MODIFIED PARKING PLAN AS PROVIDED IN BCZR SEC 409.12. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

For information on how to participate in the hearing virtually please Go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0

SIGN #2

POSTED @ 1453 NORTH ROLLING ROAD ~ 8/23/2023

CASE # 2023-0149-SPHA

SIGN #3

ZONING NOTICE

CASE # 2023-0149-SPHA

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold an in-person hearing on the property identified herein as follows:

DATE AND TIME: TUESDAY, AUGUST 29, 2023
@ 1:30 P.M. 105 W. CHESAPEAKE AVENUE, RM. 205
TOWSON, MD 21204

VARIANCE BCZR, SEC. 409.4 TO PERMIT A PORTION OF
THE EXISTING TWO-WAY AISLE TO BE AS WIDE AS 16.5
FEET IN LIEU OF THE MINIMUM PERMITTED 22 FEET; AND
FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED BY THE ALJ FOR BALTIMORE COUNTY.
1453 NORTH ROLLING ROAD

For information on how to participate in the hearing virtually please Go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0

SIGN #4

POSTED @ 1453 NORTH ROLLING ROAD ~ 8/23/2023

CASE # 2023-0149-SPHA

DR 3.5

1951-2028-X

2500004326

Lot # 2

R-1952-2294 5-X

PAI # 010552

PAI # 010552

Pt. Bk./Folio # 078362
Pt. Bk. 0000078, Folio 0362

PAI # 010552

PAI # 010552

Urban Side of URDL
NW 1-G

1 CD
094C2
1 ED

0101920061

ROA

1453

Pt. Bk. 0000051, Folio 0035

1900011431

Lot # 20 2500012231

2500012232

2500012233

PAI # 010568

N ROLLING RD
N ROLLING RD

Pt. Bk./Folio # 051035

PAI # 010221

PAI # 010221

Lot # 26

1900011425

PAI # 010221 Pt. Bk. 0000050, Folio 0150

PAI # 010221

1451

Pt. Bk. 0000079, Folio 0550

2023-0149-SPHA

1900011414

Lot # 25

Lot # 24
1900011413

1900011430

**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: 2023-0149-SPHA

Property Address: 1453 North Rolling Road

Property Description: East side of Rolling Road, 1330 feet +/- from
the center of Crosby Road

Legal Owners (Petitioners): Muhammad Abdur-Rahman and Najla Abdur-Rahman

Contract Purchaser/Lessee: Tasha Moore

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tasha Moore

Company/Firm (if applicable): _____

Address: 3732 Peace Chance Drive

Randallstown, MD 21133

Telephone Number: (443) 431-3386

Revised 5/20/2014

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 01 Account Number - 0101920061

Owner Information

Owner Name: ABDUR-RAHMAN MUHAMMAD Use: RESIDENTIAL
 ABDUR-RAHMAN NAJLA Principal Residence: NO
 Mailing Address: 7619 INWOOD AVE Deed Reference: /30855/ 00236
 BALTIMORE MD 21228-

Location & Structure Information

Premises Address: 1453 N ROLLING RD Legal Description: 1.081 AC
 BALTIMORE 21228-1104 1453 ROLLING RD ES
 1800 S JOHNNYCAKE RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0094 0012 0269 1010008.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1966 3,712 SF 1.0700 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 1/2 YES STANDARD UNITSIDING/4 2 full/ 1 half

Value Information

	Base Value	Value		Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2022	As of 07/01/2023	
Land:	91,600	91,600			
Improvements	288,900	301,900			
Total:	380,500	393,500	384,833	389,167	
Preferential Land:	0	0			

Transfer Information

Seller: PIEL MARGARET ANN TRUSTEE	Date: 06/01/2011	Price: \$415,000
Type: ARMS LENGTH IMPROVED	Deed1: /30855/ 00236	Deed2:
Seller: PIEL RICHARD V	Date: 08/07/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18532/ 00253	Deed2:
Seller: PIEL RICHARD V	Date: 08/14/1981	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06318/ 00266	Deed2:

Exemption Information

Partial Exempt Assessments:Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00

Special Tax Recapture: None

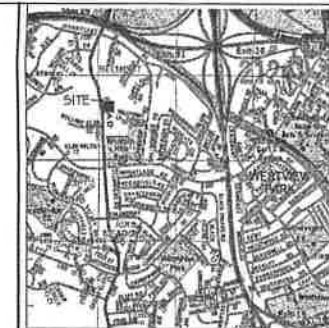
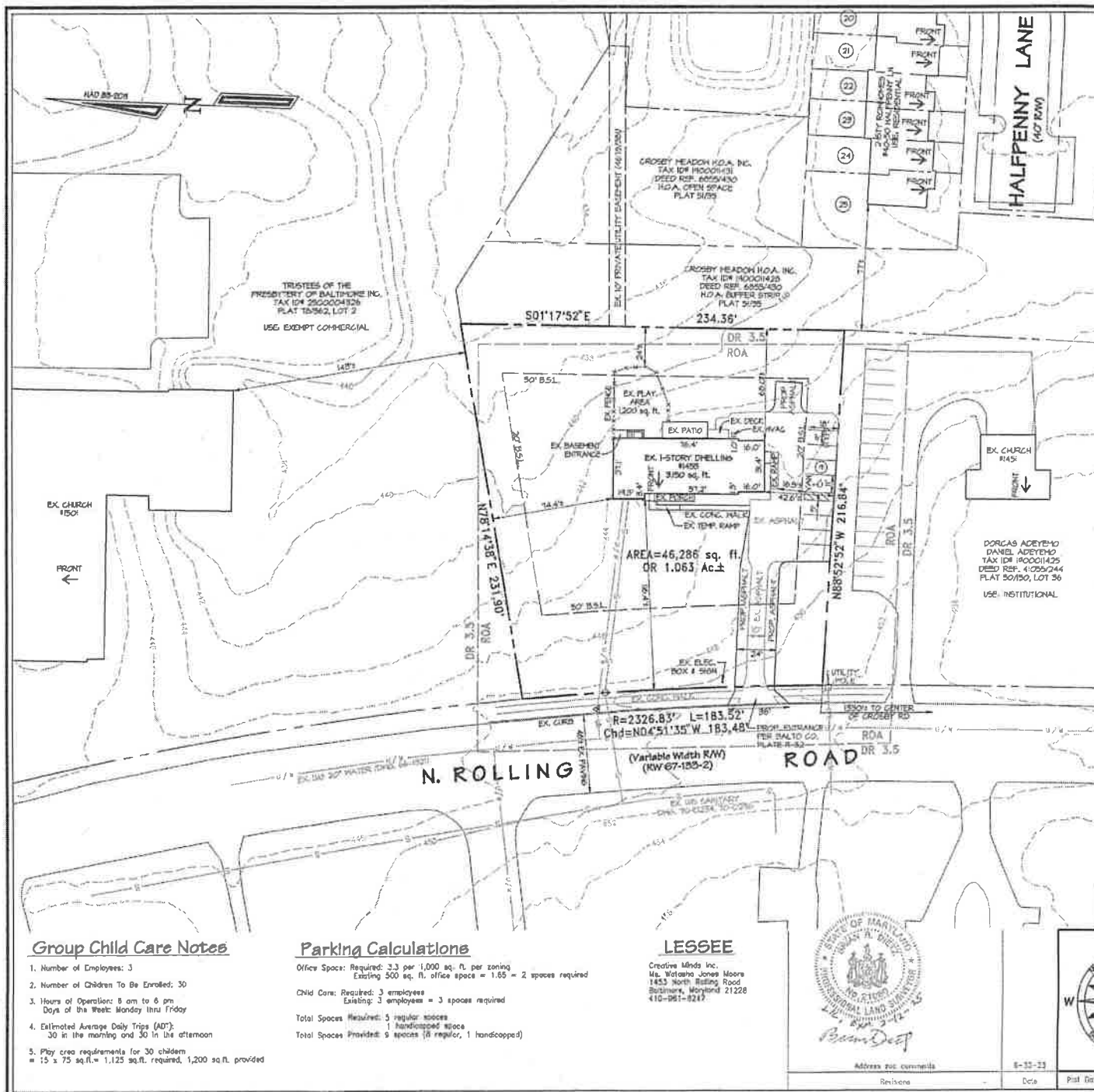
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0149-SPHA

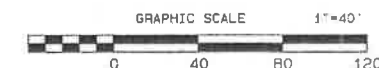


Vicinity Map

Scale: 1" = 200'

Notes

- Owner: Muhammad Abdur-Rahman
Najla Abdur-Rahman
7619 Inwood Avenue
Baltimore, MD 21228
- Deed Ref.: J.L.E. 30855/236
Tax ID: 0101820051
- Site Area=48,286 sq. ft. or 1.063 Ac.±
- Zoning: ROA and DR 3.5
- This site is not in the Chesapeake Bay Critical Area and is not located in the 100-year floodplain.
- There are no underground fuel tanks.
- The site is not a historic property and/or building.
- The site is served by public water and sewer.
- There are no prior zoning hearings/cases on record for the property.
- GS map 094C2
- Nearest Daycare: Love Lee Little Kids
5108 Wheeland Road
Catonville, MD 21228



Plat to Accompany
Petition for Zoning Hearing
of the

ABDUR-RAHMAN PROPERTY

1453 N. Rolling Road
Baltimore County, Maryland
Deed Ref.: J.L.E. No. 30855, folio 236
Tax Map 94; Grid 12; Parcel 269
1st Election District, 1st Councilmanic District
Scale: 1"=40' Date: May 1, 2023

Group Child Care Notes

- Number of Employees: 3
- Number of Children To Be Enrolled: 30
- Hours of Operation: 8 am to 6 pm
Days of the Week: Monday thru Friday
- Estimated Average Daily Trips (ADT):
30 in the morning and 30 in the afternoon
- Play area requirements for 30 children
= 15 x 75 sq.ft. = 1,125 sq.ft. required, 1,200 sq.ft. provided

Parking Calculations

Office Space: Required: 3.3 per 1,000 sq. ft. per zoning
Existing 500 sq. ft. office space = 1.65 = 2 spaces required
Child Care: Required: 3 employees = 3 spaces required
Total Spaces Required: 5 regular spaces
Total Spaces Provided: 5 spaces (3 regular, 1 handicapped)

LESSEE

Creative Minds Inc.
Ms. Wafarwa Jones Moore
1453 North Rolling Road
Baltimore, Maryland 21228
410-961-8247



Address and comments

Revisions

Date

Plot Date: 5/3/2023

FIELD: RD

DRW: SAL/KCK

Job No. 21314

Exhibit 1

