



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

October 28, 2024

Donna King Berdych, Esquire
303 West Pennsylvania Avenue
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Application for a Child Care Center Class A
Case No. 2024-0004-CC
Property: 2821 Willow Avenue

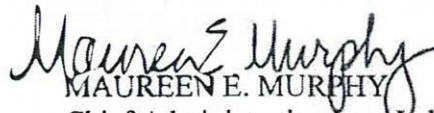
Dear Counsel:

Please be advised that an appeal for the above-referenced case was filed in this Office on October 28, 2024. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

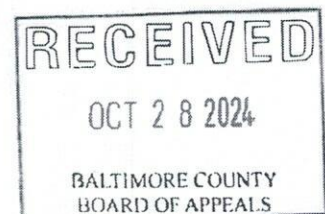
Sincerely,


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

Enclosure

C: Megan Brittain meganbrittain@icloud.com
Keyona Taylor keyonataylor@aol.com
Board of Appeals
People's Counsel



Donna Mignon

From: Donna Mignon
Sent: Monday, October 28, 2024 1:52 PM
To: dking@dking-law.com
Cc: meganbrittain@icloud.com; Keyona Taylor; Peoples Counsel; Appeals Board
Subject: Appeal to Board of Appeals 2024-0004-CC
Attachments: Appeal 2024-0004-CC - 2821 Willow Avenue.pdf

Good Afternoon,

Please find the attached letter in regard to the above appeal. Thank you.

Have a great day.

Donna L. Mignon
Legal Administrative Secretary
Office of Administrative Hearings for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

APPEAL

Application for Child Care Center Class A- Use Permit

Case No.: 2024-0004-CC

2821 Willow Avenue

Megan Brittain

15th Election District, 7th Council District

Application for Child Center Class A – Use Permit – filed by Megan Brittain

Formal Demand filed by neighbor Keyona Taylor on June 21, 2024

WebEx Hearing Notice – August 12, 2024 for hearing on 9/17/2024 at 10:00 a.m.

Certification of Publication – *The Daily Record* Newspaper – August 19, 2024

Certification of Posting by Richard Hoffman – August 18, 2024 and September 15, 2024

Entry of Appearance by Perry W. Lericos for Megan Brittain, Applicant/Petitioner

Attendance Sheets –
WebEx (5 sheets)

Zoning Advisory Committee Comments: - No comments from any agency

Petitioner's Exhibits

Exhibit Number	Description	Page Numbers
1	Architectural Drawings of 2821 Willow Avenue	001-003
2	Need for Child Care in the area of 2821 Willow Avenue	004-005
3	Maryland Excels Information and Participation for quality of care provided to all students	006 - 016
4	Class Observation Report and Third-Party Observation of Care provided	017 - 020
5	Letters in Support of M&M Child Care	021 - 027
6	License and Continuing Education Documentation	028 - 033
7	Photos of Child Care Areas at 2821 Willow Avenue	034 - 052
8	Proof of Residency and Geographic Distance of Complainant and 2821 Willow Avenue	053 - 056
9	Use Permitted Issued on 7/24/2024	

Exhibits from Protestants

Exhibit 1 – 9 Photos

Miscellaneous: Emails, Webex Information, SDAT, Site Plans

Cover Letter and Administrative Law Judge Maureen Murphy on September 30, 2024 Denying

Notice of Appeal by Donna Berdych, Esquire – representing the Petitioner

Check Number 4539 in the amount of \$300.00

Copy of Cashier's Receipt No. 223650

Contents of File placed in Board of Appeals folder on October 28, 2024



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 30, 2024

Perry W. Lericos, Esquire - plericos@ppsrlaw.com
Parker, Pallett, Slezak & Russell, LLC
11450 Pulaski Highway
White Marsh, MD 21162

RE: Use Permit
Case No. UP-2024-0004cc
Property: 2821 Willow Avenue

Dear Counsel:

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 black ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

:dlm

Enclosure

c: Megan Brittain - meganbrittain@icloud.com
Keyona Taylor - keyonataylor@aol.com
Heather - emailhld@gmail.com
Ron Parker - eamdil@ppsrlaw.com
Sarah Creighton - screighton@ubalt.edu

IN RE: USE PERMIT for Child Care Center	*	BEFORE THE
Class A/Day Care		
2821 Willow Avenue	*	OFFICE OF
15 th Election District		
7 th Council District	*	ADMINISTRATIVE HEARINGS
Megan Lee Brittain	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
	*	Case No. 2024-0004cc
Petitioner		
* * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of an Application for a Use Permit by the legal owner, Megan Lee Brittain (“Petitioner”), of the property located at 2821 Willow Avenue, Sparrows Point (the “Property”). Pursuant to Baltimore County Zoning Regulations (“BCZR”), §424 and §500.4, Petitioner filed an Application for a Use Permit with the Office of Permits, Approvals and Inspections (“PAI”) to operate a “Group Child Care Center, Class A”. On June 4, 2024, the Application was accepted for filing by the Office of Zoning Review (“OZR”). The Petition was properly advertised and posted. On June 21, 2024, a formal demand for a hearing was filed by Keyona Taylor.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on September 17, 2024 at 10:00 a.m. Petitioner appeared along with her attorney, Perry W. Lericos, Esquire of Parker, Pallett, Slezak & Russell, LLC. The Protestant Keyona Taylor, and her boyfriend and legal owner of the adjoining property at 2819 Willow Ave., Shawn Coleman, testified in opposition. No Zoning Advisory Committee (“ZAC”) comments were received from any County agencies.

The Property was created as Lot 16 on the Plat of Triple Union Annex and recorded in Land Records of Baltimore County on July 12, 1926 (Plat Book WPC 8, page 58). It is an 8,624

sf +/- rectangle lot which is 50 ft wide and 200 ft in length, located at the end of a series of similarly shaped and sized residential lots, fronting on Willow Ave. The eastern side yard and rear yard, adjoin an unimproved, wood area. Mr. Coleman's property at 2819 binds the western side yard. The Property is improved with a 1,032-sf single-family home constructed in 1995. A paved driveway is located in the front yard, and partly on the side of the home, where Petitioner and her husband park their 2 vehicles. Street view photographs were submitted. (Pet. Ex. 7). A wooden stockade fence is located on or close to the western boundary line with Mr. Coleman's property. (Pet. Ex. 7). The remainder of the rear yard and eastern side yard are enclosed with a chain link fence. (Pet. Ex. 1). The Plat of Triple Union Annex shows Willow Avenue to be 30 ft wide although it is unclear the width of its existing paving. (Prot. Ex. 1). The Property is zoned Density Residential (DR 5.5). The eastern side yard adjoins DR16 zoned property.

Since 2019, Petitioner has been licensed through the State of Maryland to operate a Family Day Care for a total of 8 children in her home. (Pet. Ex. 6). She now seeks approval to have a Group Child Care Center for 12 children. While a Class A Group Child Care Center permits a maximum of 12 children, given that her daughter is not yet in school, she may only care for 7 at one time. Petitioner explained that she actually operates two (2) separate types of day care in her home at different times of the day, Monday through Friday: (1) a before and after school day care for school-aged children beginning at 6:00 am until the bus arrives at 8:00-8:30 am, and then from 3:30-5:00 pm when the bus drops the children at Petitioner's home; and (2) preschool age children between the hours of 8:30 am to 3:30 pm. She testified that she never has more than 7 children in her home at the one time.

Petitioner resides in the home with her husband, Matthew, and 3 children. Matthew also works full-time with the day care. Petitioner is a paramedic and is studying early childhood

education at Notre Dame of Maryland. (Pet. Ex. 6). She provided a site plan of the Property showing the existing improvements (the "Site Plan") and Mr. Coleman's home. (Pet. Ex. 1. Due to water drainage issues in the rear yard, Petitioner had a drainage system installed. This permitted her to move the existing day care from the front yard to the rear yard. (Prot. Ex. 3, 5-7). Street view photographs of both outside and inside child care spaces were provided by Petitioner. (Pet. Ex. 7). Petitioner emphasized that there is a need for pre-school facilities in the area as the schools are currently operating on wait-lists. (Pet. Ex. 2). Her day care operation has met State standards and inspections. (Pet. Ex. 3, 4). Letters of support for the Application were provided. (Pet. Ex. 5).

Petitioner does not anticipate any additional traffic problems with a 12 children Group Child Care Center. Parents dropping off/picking up children will continue do so in the driveway. Additionally, with a Group Child Care Center, Petitioner can then hire an employee. It was the Petitioner's understanding that the wooden stockade fence along the boundary line with Mr. Coleman's property met the fencing requirements for a Group Child Care Center, Class A. Petitioner also emphasized that OZR already issued a Use Permit on July 24, 2024, which was over 1 month after Protestants filed a demand for a hearing. (Pet. Ex. 9).

Protestants are opposed to the Use Permit requesting additional children as a Group Child Care Center, Class A as they believe it will decrease their property value. Protestants provided street view photographs showing the outside play area for the day care was previously in the front yard, next to Willow Ave. (Prot. Exs. 3, 5-7). When children did play in the front yard, there was only low, garden style fencing containing the children. (*Id.*). Protestants testified that a soccer ball was kicked into Mr. Coleman's front yard fence, breaking some of the pickets. Protestants are concerned that, if this Use Permit is granted, then future commercial uses will be approved for the Property.

DECISION

A request for a Class A Group Child Care Center requires an Application for a Use Permit to be filed which meets the requirements of BCZR, §424.4.A.1. Additionally, the evidence must support the requirements of BCZR, §424.4.A.6 (b), (c), and (d). The definitions for child care uses are found in BCZR, §101.1 and read as follows:

FAMILY CHILD CARE HOME — A private residence wherein care, protection and supervision is provided for a fee for part or all of a day at least twice a week to no more than eight children at one time, including children of the adult provider. The operator of a family child care home shall hold at least one fire drill each week for the benefit of the children (see Section 424).

GROUP CHILD CARE CENTER — A building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week to at least nine children, including children of the adult provider (see Section 424).

GROUP CHILD CARE CENTER, CLASS A — A group child care center wherein group child care is provided for no more than 12 children at one time.

As applied here, Petitioner may operate a Family Child Care Home at the Property with a maximum of 8 children by right under the above definition. Presently, only 7 children can be cared for while her daughter is included in the total of 8 children. Inexplicably, Petitioner testified that she and her husband have 2 other children who also reside at the Property, but have not been included them in the total number of children allowed for a Child Care Center.

In this Case, Petitioner operates 2 separate day cares businesses: pre-K children (8:30 am-3:30 pm) and school-aged children (6:00-8:30 am, and 3:30-5:00 pm). Petitioner testified that there is never an instance where she is caring for more than 7 children at the Property at one time. Practically speaking, however, it is reasonable to assume that, at some point, there will be a situation(s) where a child is not picked up on time, and remains at the Property such that the

number of children will exceed 7. If more children are added and given Petitioner's existing multiple day care operations, it is reasonable to conclude that more than 12 children will be cared for at the Property at one time, in contravention of the regulations.

Based on the evidence presented by the Petitioner, by all accounts she and her husband are capable day care providers, and have fulfilled the necessary government requirements and approvals to operate these Family Child Care operations. Additionally, Petitioner and her husband are fulfilling a great need for child care facilities in the area. The evidence reflects that Petitioner has put much thought, effort and time into her dually-operated Family Child Care operations.

First, Petitioner sought to disqualify the demand for hearing because it was filed by Keyona Taylor and not by Shawn Coleman, the legal owner of 2819 Willow Ave. This argument fails under BCZR, 424.4.A.3 which permits an "occupant" or "owner" to demand a hearing:

3. Within the 30-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.

Second, BCZR, §424.4.A.6 (b) requires the Petitioner to present evidence that the proposed Group Child Care Center, Class A is consistent with the character of the surrounding community and to provide evidence regarding the anticipated impact of the proposed use on the community. With the dual-operating child care businesses at this Property, there would be a total of 24 children being cared for at the Property, albeit at different times. It cannot be ignored that along with 24 children, are at least 24 parents driving to and from the Property, twice a day, 5 days a week. Those parents would have to park in the driveway or on the 30 ft. wide street. There is no shoulder on Willow Ave. and therefore no space to park on the street. Consideration is also be given to the fact that this Property is less than ¼ acre, 50 ft. wide, with a 1,032-sf home, which, I find is presently at-capacity in caring for 14-16 children. While Petitioner has moved the outside

play area from her front yard to the rear yard so that children are no longer playing next to Willow Ave., and while Petitioner's businesses provide a needed service for this community as shown by the letters of support, Protestants testified that the proposed Group Child Care for up to 24 children will adversely impact their quality of life, the peace and enjoyment of their home, and will decrease their property value. Thus, under BCZR, §424.4.A.6 (b), I find that adding 8 more children to these day care operations would be inconsistent with, and would negatively impact, this community because the use becomes too intensive for this modestly sized Property. Thus, for this reason, the proposed Use Permit will be denied.

Third, as set forth in BCZR, §424.4.A.6 (c), Petitioner was also required to produce evidence that the requirements of BCZR, §424.1 have been met:

§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.

In this Case, Subsection A and C are not at issue. However, Petitioner cannot satisfy Subsection B because the wooden stockade fence sits along the common boundary line with Mr. Coleman, and must be "no closer to the property line than 20 feet." A plain reading of BCZR, §424.1 with

the use of the word “shall” makes clear the *mandatory* fencing requirement. On a 50 ft. wide lot, this would effectively create a tiny or no outdoor play area. Moreover, the fence should enclose the play area because this Property is located next to residentially zoned (DR16) property. While the eastern and rear yards currently adjoin a wooded area, that adjoining land is still residential. As a result, the entire outdoor play area should be enclosed with either wooden stockade or panel, 6 ft. tall fencing, setback from the Property line at least 20 ft.

It is noteworthy to mention that the existing wooden stockade fence here is not just a minor deviation from the statutorily mandated standards for fenced play areas for Class A, Group Child-Care Centers, but a zero (0) ft. setback in lieu of the required 20 ft. It can be inferred that the statutory intent of the fence regulation is not only to remove children from neighboring property lines in order to protect the peaceful enjoyment of neighboring properties, but to shield children from sight. Either way, it is clear that the purpose of the fence setback, opaque design, and minimal height of 6 ft., is to ensure the safety of the children attending the day care. Here, it is clear that zero (0) ft. setback, as well as the lack of enclosure of the entire outdoor play area with a wooden stockade or panel fence, fail to accomplish these goals. As BCZR, §424.4(6)(c) requires the ALJ to consider compliance with BCZR, §424.1, I find that the complete lack of compliance with BCZR, §424.1 is detrimental to the health, safety and general welfare of the community in that there is no setback from the Protestants’ property which negatively impacts their use and enjoyment, and equally as troubling is the lack of proper screening of the children in the rear yard play area. Consequently, because of this failure, the requested Use Permit must be denied.

Fourth, BCZR, §424.4.A.6(c), required the Petitioner to present evidence that the proposed Group Child Care Center satisfies each of the factors set forth in BCZR, §502.1. While evidence was produced that the Petitioner is a competent and qualified day care provider, and that the

existing Family Child Care Center has met with State approvals and inspections, and otherwise fills a need for same in this community, there was no evidence that the proposed Use Permit for no more than 12 children at one time, would be meet each of those BCZR, §502.1 factors. One of those §502.1 factors - the additional traffic generated by having potentially 24 parent vehicles, plus employee(s), coming and going from this Property twice a day, 5 days a week and lack of parking areas – was addressed above. This issue alone negatively impacts the general welfare of the community. Thus, for this reason, the Use Permit will be denied.

Fifth, while the Residential Transition Area (RTA) requirements in BCZR, §1B01.1.B.1.e may be modified for a Group Child Care Center, no evidence was presented in regard to meeting or modifying these requirements. In fact, no zoning relief from the RTA requirements was sought in this Case. Conversely, a Family Child Care Center is not required to meet the RTA requirements. (BCZR, §424.3).

Sixth, BCZR, §424.4.A.6(c) also requires evidence that “other applicable requirements are met.” Here, there was no evidence produced, and no zoning relief requested, from the Bulk standards for Group Child Care Centers in DR zones in BCZR, §424.7 which reads as follows:

§ 424.7. Bulk standards for group centers in D.R. Zones.

The following standards apply to group child-care centers located in D.R. Zones:

A. Minimum lot size: one acre for the first 40 children plus 500 square feet per child for every child beyond 40 children.

B. Minimum setback requirements.

Front: 25 feet from street line or the average setback of the adjacent residential dwellings, whichever is less.

Side: 50 feet from property line, with 20 feet of perimeter vegetative buffer.

Rear: 50 feet from property line, with 20 feet of perimeter vegetative buffer.

- C. Parking, drop-off and delivery areas shall be located in the side or rear yards, unless the Zoning Commissioner, upon the recommendation of the Director of Planning, determines that there will be no adverse impact by using the front yard for parking, drop off or delivery purposes. In all cases these areas shall be located outside of the required buffer area.
- D. Maximum height: 35 feet.
- E. Maximum impervious surface area: 25 percent of gross area.

The language of BCZR, §424.7 uses the term “group child-care center” which is defined as above in BCZR, §101.1 as a “building or structure wherein care, protection and supervision is provided for part or all of a day, on a regular schedule, at least twice a week **to at least nine children**, including children of the adult provider.” Thus, the Bulk regulations in BCZR, §424.7 are expressly intended to apply to Group Child Care Centers, in DR zones, which have at least 9 children. In this Section, the County Council did not distinguish between Group Child Care Centers as a principal use, from Group Child Care Centers as accessory uses. Without further qualifying language, all such Group Child Care uses in D.R. zones (whether Class A, Class B, Principal or Accessory) are subject to the enumerated Bulk standards. Conversely, Family Child Care Centers appear to be exempt from these Bulk Regulations.

Presumably an argument could be made that such stringent Bulk standards should not apply to *accessory* Group Child-Care Centers due to the impracticality of meeting such standards on a residential property. Yet, in comparison to BCZR, §424.4(6)(d), BCZR, §424.2 and BCZR, §424.3 wherein the County Council specifically provided discretion to modify the RTA standards, no such discretion is enumerated in BCZR, §424.7. Accordingly, under a plain reading of the statute, the Bulk standards found in BCZR, §424.7 are applicable in this Case.

Applying those Bulk regulations here, this Property is less than ¼ acre, cannot provide a 20 ft. perimeter, vegetative buffer, and cannot provide side or rear yard parking for parents.

Moreover, the Site Plan was devoid of information as to whether the front, side and rear yard setbacks, or the 25% impervious surface area, have been met. Consequently, the Use Permit must be denied for failure to meet the Bulk standards under BCZR, §424.7.

Accordingly, for all of the foregoing reasons, the Use Permit for a Group Child Care Center, Class A, must be denied.

THEREFORE, IT IS ORDERED this 30th day of **September, 2024** by this Administrative Law Judge, that the application for a Use Permit under BCZR, §500.4 and §424.1 *et seq* to operate a “Group Child Care Center, Class A” be, and it is hereby **DENIED**.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

Formal
Demand
Filed

CASE NO. 2024-

0004-CC

CHECKLIST

✓
✓
Itr
Order

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

DPW AND/OR DPW&T

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/19/24

SIGN POSTING (1st)

Date:

8/18/24

by

R. Hoffman

SIGN POSTING (2nd)

Date:

by

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

Perry Pericos, Esq. represents
the legal owner

May 10, 2024

To: Dept. of Permits, Approval, and Inspections Zoning
111 West Chesapeake Avenue, Rm 124
Towson, Maryland 21204
Telephone: 410-887-3353

A Large Family Child Care Home Registration (9-12 children in a residence) has been requested by:

Name of Applicant: MEGAN BRITTAIN

Address of Applicant: 2821 WILLOW AVE., SPARROWS POINT, MD 21219

Telephone Number: 443-418-5853 (meganbrittain@icloud.com)

The above-named individual has requested a large family child care home registration (9-12 children in a residence). Effective January 1, 2012, the Annotated code of Maryland was amended to include a new category of child care facilities, Large Family Child Care Homes. The COMAR Regulations governing this new category, COMAR 13A.18.01-16, became effective February 6, 2012. Since the Zoning Regulations in Baltimore County define family child care as care for up to eight (8) children in care, we understand that an applicant for this new type of facility will have to meet the local Zoning requirements set up for Class A child care centers in residences in Baltimore County. As Class A child care facilities, these large family child care homes must obtain use permits. The above-named individual has requested that this process be initiated as the first step in this application process. Please contact the above-named individual to begin this process.

After review, please complete the following and send to the **MSDE/ Office of Child Care Licensing office** at the address listed below:

**MSDE/ OCC, Region 3
409 Washington Ave., Suite LL8
Towson, MD 21204
Mail Stop 64**

A Large Family Child Care Home may operate at the above address:

YES ☒ No ☐ (If no, please specify the grounds for disapproval and additional action required of the applicant) _____

Name and Title: Tyler Cox Planner II

Signature: 

Date: 7/15/24

Application for Child Care Center Class A / Adult Day Care 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 Location: 2821 Willow Ave, Sparrows Point MD 21219

Election District: 15

Subdivision: Edgemere

Street Address: 2821 Willow Ave

Lot Number: 2821 Block Number: 2800

*If no lot or block number, give distance to nearest intersecting street, _____

feet, north / south / east / west of _____ Street / Road / Avenue

Lot Size: 50 x 200

Existing Nearest Child Care Center Location: (lot number, street address, etc.)

2715 Lodge Forest Dr

Sparrows Pt Md 21219

General Information:

A. Name and Address of Applicant/Operator

Megan Brittan

2821 Willow Ave, Sparrows pt MD 21219

Telephone Number 443-418-5853

B. Number of Employees 5 Hours of Operation 6am-6pm Days of Week 7

C. Number of Children Enrolled 12

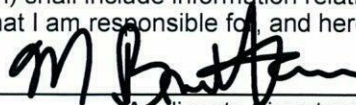
D. Estimated Amount of Traffic Generated (Drop-off / Pick-up / Deliveries):

Morning 10 Cars Afternoon 10 Cars

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.



Applicants Signature



BLACK
DESIGN
CONSULTANTS

located at
2108 LUKEWOOD DRIVE
WINDSOR MILL, MD 21207
2nd ELEC. DIST.

Property Owner: Priestly H. Shuler
Statesburg S. Shuler * AS AN ACCESSORY USE
Address: 2108 Lukewood Drive DR 5.5=
Windsor Mill, Maryland 21207
Date: 04/05/04 (plan date)
Phone: 410-277-0299

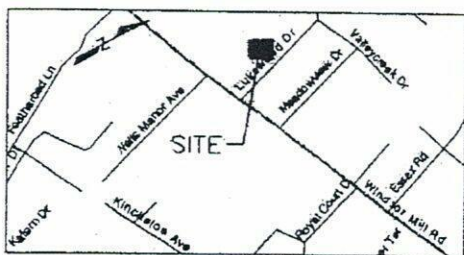
NOTE & CHECK ONE
THERE HAVE BEEN _____

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

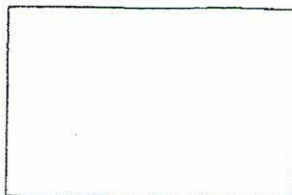


VICINITY MAP

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

NO SIGNS ARE PROPOSED, ANY FUTURE SIGNS WILL COMPLY WITH SECT 413.1 BCZR AND ZONING SIGN POLICIES OR BE VARIANCED

Engineer scale Drawings



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

PRINT OR TYPE NAME _____

SIGNATURE W. L. S. J. Rev 03/09

PRINT OR TYPE NAME

Special Regulations

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 centers 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 30-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.

UP-2024-0004-CC
Scheduled Dated, 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

Tyler Cox Name on 6/4/24 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, decision can be expected within approximately five weeks.

Suggested Posting Date: 6/14/24
B (A + 7 Days or Next Friday)

Date Posted: 6/6/24
C (Certified Below)

Hearing Requested - YES ☐ No ☐ Date: _____

Last Day of Hearing Requests: _____
D (C + 30 Days)

Approximate Decision Date: _____
E (A + 40 Days or D + 5 Work Days)

*Within 14 days of filling

CERTIFICATE OF POSTING

District: _____

Location of Property: 2821 Willow Avenue
Sparrows Point, Md.
21213

Number of Signs: 1 Date of Posting: 6/6/24

Posted by: Richard Hoffman
RICHARD HOFFMAN

Certification of Posting

Class A Child Care Center

Permit Number: UP-2024-0004-CC

Sign Posting Date: 6/6/24



2821 Willow Avenue

Richard E. Hoffman (signed) 6/6/24

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Date to be posted: anytime before but no later than _____

Request for Use Permit: Class A Child Care

Format for Use Permit Sign, Black Letter on a White Background:

ZONING NOTICE

BUILDING PERMIT APPLICATION

PUBLIC HEARING?

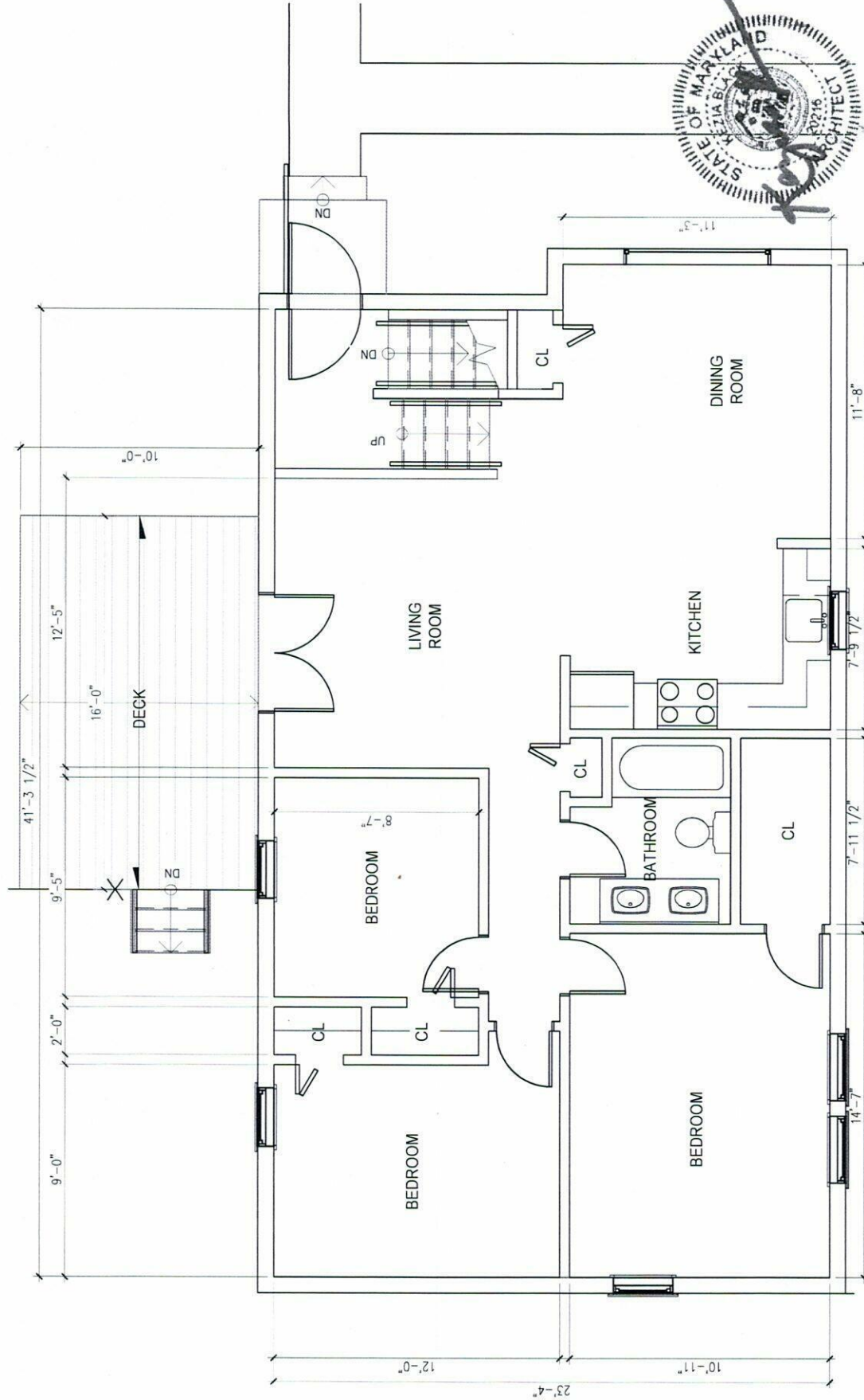
PURSUANT TO SECTION 424.A3 BALTIMORE COUNTY REGULATIONS, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED BUILDING PERMIT PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 4:30 PM ON

REQUEST FOR HEARING MUST REFERENCE THE ADDRESS ON THIS SIGN.

ADDITIONAL INFORMATION IS AVIALABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE, TOWSON, MD 21204, RM 124 (410-887-3391).

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

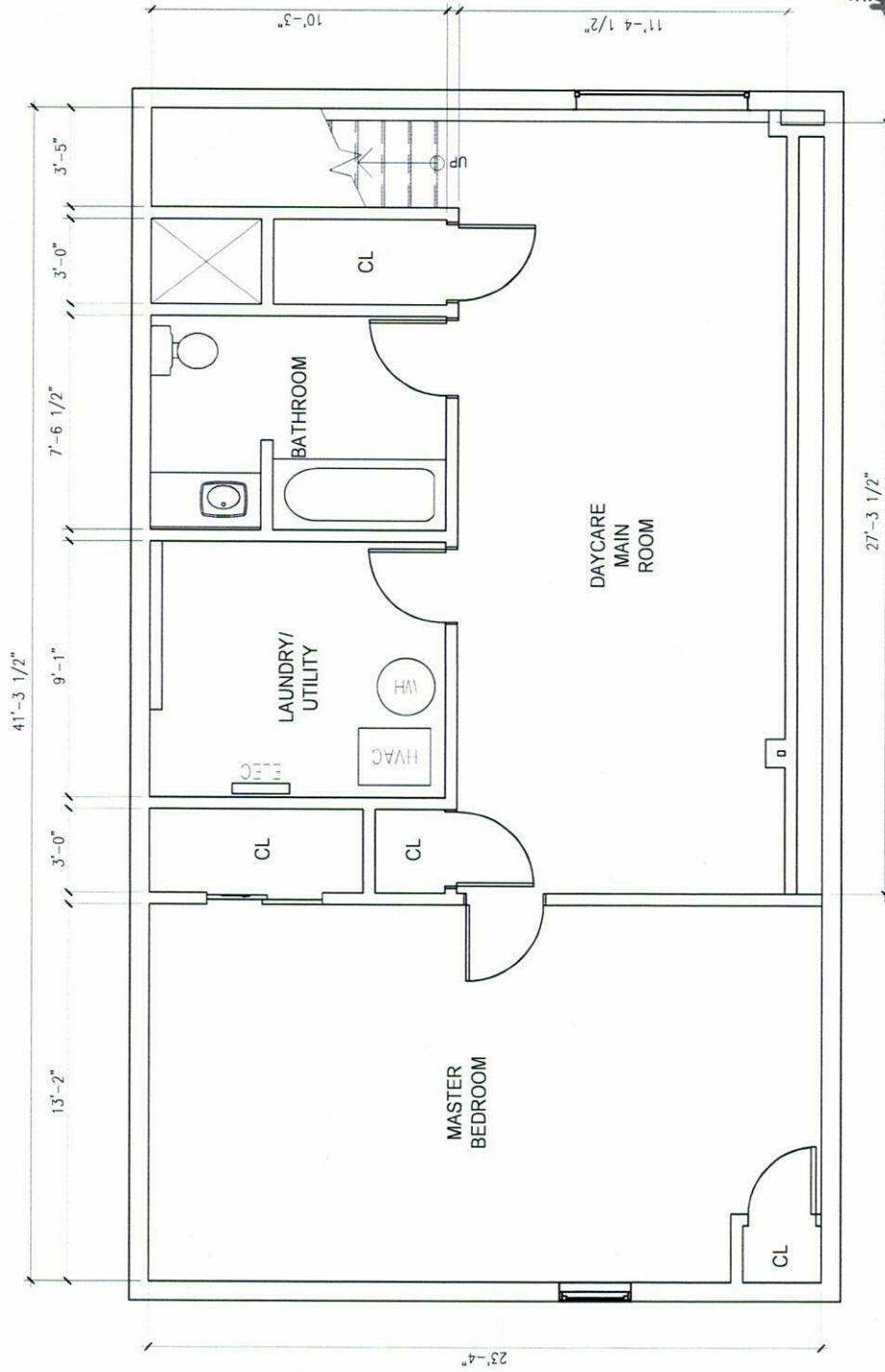
HANDICAPPED ACCESSIBLE



A-01
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
DATE: JUNE 3, 2024

M&Ms CHILDCARE, LLC.
2821 WILLOW AVE
SPARROWS POINT, MARYLAND 21219

BLACK
DB DESIGN
CONSULTANTS



A-02
 BASEMENT FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 DATE: JUNE 3, 2024

M&Ms CHILDCARE, LLC.
 2821 WILLOW AVE
 SPARROWS POINT, MARYLAND 21219

