



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

July 25, 2024

Timera D. Loftin – teachyouth.love@gmail.com
14 Rhonda Court
Windsor Mill, MD 21207

RE: MOTION FOR RECONSIDERATION
Case No. 2024-0077-SPHXA
Property: #6914 Windsor Mill Road

Dear Ms. Loftin:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Enclosure

c: J. Scott Dallas – jsdinc@aol.com
Nicole M. Lacoste Folks, Esquire – nfolks@gfrlaw.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
(6914 Windsor Mill Road	*	OFFICE OF
2nd Election District		
2nd Council District	*	ADMINISTRATIVE HEARINGS
Timera Loftin		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0077-SPHXA
* * * * *		

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner, Timera Loftin on May 20, 2024.

A Motion for Reconsideration does not allow for the re-litigation of a case’s merits. During a hearing on the merits, it is the duty of the Administrative Law Judge (“ALJ”) to consider the testimony of witnesses and make a determination as to the persuasiveness and credibility of these witnesses when contradictory evidence is presented. The purpose of a Motion for Reconsideration does not allow for the rehashing of previously presented testimony in the hopes the fact finder will come to an alternate conclusion.

In the Opinion and Order for this matter, it was determined that the exception to RTA requirements enumerated in BCZR 1B01.1.B.1g(11) regarding Class A and Class B Group Child Care Centers had not been met due to the Petitioner’s failure to comply with the bulk standards of BCZR, 424.7. These bulk standards include the following:

§ 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.

As noted in the Opinion and Order, the subject property falls short of the majority of the lot size and setback requirements for Group Child Care Centers in D.R. zones. In that the requested deviations from these requirements are so extreme it is impossible to conclude that compliance with the bulk standards of § 424.7 will be maintained as contemplated in the proposed RTA exception. Consequently, the subject property is subject to both RTA requirements and § 424.7 bulk standards.

While the Petitioner was successful in providing evidence that justified a Special Exception for a Group Child Care Center pursuant BCZR, § 502.1, the Petitioner failed to prove that a reduction in set-back requirements, specifically from the fenced-in play area in the rear and side of the dwelling, would not adversely impact the residential community or development on the land adjacent to the property to be developed (RTA requirements), or that the subject property was unique and that uniqueness was the cause of the requested variance relief. (§ 424.7 bulk standards)

In the Petitioner's Motion for Reconsideration the Petitioner has proposed moving the fenced play area 6 ft. from the adjacent property line instead of the 2 ft. previously requested. While this is an improvement, such an amendment still does not bring the subject property close to meeting both RTA requirements as well as requirements of for Group Child Care Centers pursuant to BCZR, §1B01.1.B.1.e(2). Additionally, Petitioner reiterated the prior argument that the subject property's irregular shape and corner lot status meets the definition of "uniqueness" under *Cromwell v. Ward*, 102 Md. App. 691 (1995). As previously held, neither of these characteristics create a condition that would necessitate the proposed variance relief. (The property line shared with the adjacent property is comprised of a straight, and continuous line and is in no way unique.)

As previously noted in the Opinion on this matter, while the Petitioner made efforts to canvas the neighborhood to gather support for the proposed Group Child Care Center, the Petitioner's Motion for Reconsideration still fails to include any communication from the owner of the adjacent property at 6912 Windsor Mill Road, who would be most effected by the requested variance relief.

For all these reasons, the Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED this 25th day of **July 2024**, by this Administrative Law Judge that the Motion for Reconsideration is hereby **DENIED**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm



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

May 20, 2024

Nicole M. Lacoste Folks, Esquire – nfolks@gfrlaw.com
Gordon Feinblatt, LLC
1001 Fleet Street, Suite 700
Baltimore, Maryland 21202

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2024-0077-SPHXA
Property: #6914 Windsor Mill Road

Dear Ms. Folks:

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,



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Timera D. Loftin – teachyouth.love@gmail.com
J. Scott Dallas – jsdinc@aol.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE		
(6914 Windsor Mill Road	*	OFFICE OF
2nd Election District		
2nd Council District	*	ADMINISTRATIVE HEARINGS
Timera Loftin		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
 Petitioner	 *	 Case No. 2024-0077-SPHXA
 * * * * *	 * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the legal owner, Timera Loftin (“Petitioner”) for the property located at 6914 Windsor Mill Road, Windsor Mill (the “Property”). The Petition for Special Exception was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 1B01.1.C.6 to permit a Group Child Care Center, Class B (up to 39 children) located within a Residential Transition Area (“RTA”). Special Hearing was requested from the BCZR 1B01.1.B.1g(1) to permit/determine a Group Child Care Center, Class B (up to 39 children) and improvements are planned in such a way that compliance with the bulk standards of § 424.7 will be maintained that the special exception can otherwise be expected to be compatible with the charge and general welfare of the surrounding residential premises. Additionally, Variance relief as follows: (1) To permit a 0 ft. RTA buffer in lieu of the required 50 ft. (front, sides and rear); setbacks of 18 ft. and 54 ft. (sides) in lieu of the required 75 ft., 67 ft. (rear) in lieu of the required 75 ft. and 30 ft. (front) in lieu of the required 75 ft., pursuant to BCZR, § 1B01.1.B.1.e(2) for buildings; and as close as 10 ft. in lieu of the required 50 ft. for parking and

playground areas pursuant to BCZR, §1B01.1.B.1.e(2). (2) From BCZR, § 424.7 A, to permit a lot size of 0.333 acres +/- in lieu of the required 1 acre. (3) From BCZR, § 424.7 B to permit a 0 ft. buffer in lieu of the required 20 ft. (side and rear) and the required 18 ft. setback (side) in lieu of the required 50 ft. (4) For such other and further relief as may be required by the Administrative Law Judge (“ALJ”) for Baltimore County.

A WebEx hearing was held on May 14, 2024, at 1:30 p.m. The Petitions were properly advertised and posted. Timera Loftin was present at the hearing along with Petitioner’s counsel, Nicole M. Folks, of Gordon Feinblatt, LLC and J Scott Dallas of J S Dallas Inc., a registered property line surveyor who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Interested citizen, Lois Timmons also attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) Department of Plans Review (“DPR”). They did not oppose the requested relief, subject to proposed conditions.

The Property is a 0.333-acre property zoned DR 5.5. It is surrounded by residential uses. The property currently has an existing residential dwelling on the site that will no longer be used as a residence if the requested relief is granted. The Petitioner proposes a Group Child Care Center, Class B (up to 39 children).

Petitioner, Timera Loftin is the proprietor of Loftin Love Christian Day-Care & Learning Center that currently operates at two other locations. Ms. Loftin testified that there is currently a waiting list at her other locations and that she hopes to open a third to serve the need for day-care in the immediate area. Ms. Loftin explained that she grew up in the surrounding Windsor Mill community and attended local schools. She has a bachelor’s degree in Early Childhood and Elementary Education and a Masters in Adult Administration Education and Supervision. She has

been providing day care services in the community for over 12 years. Consequently, Ms. Loftin was accepted as an expert in child daycare operations.

Ms. Loftin testified that the proposed childcare center for the subject property would allow up to 39 children, ranging in age from 6-week-old infants to 5-years old. Operating hours would be from 7 a.m. to 6 p.m., Monday through Friday. She explained that upon opening the daycare she would employ 2 to 3 adult employees that would increase as enrollment grew, with a foreseen maximum of 6. As to drop-off and pick-up times for children attending the daycare, Ms. Loftin explained that each will occur during 2.5-to-3-hour timeframes. Morning drop-off times would be planned to begin between 7a.m. to 9:30am and late afternoon/evening pick-up times would start at 3 p.m. and conclude by no later than closing at 6 p.m. Ms. Loftin expects no more than 10 cars arriving per hour and departing shortly thereafter. Oftentimes, clientele includes siblings, relatives and friends that develop carpools that reduce the number of cars arriving daily. Ms. Loftin confirmed that she is open to a procedure that would have staff meeting children at their cars and escorting them into the building for a quicker drop off.

Mr. Dallas was accepted as an expert in Baltimore County Zoning regulations. Mr. Dallas testified that the subject site is unique in its shape as a corner lot, but conceded that such uniqueness was not catalyst for the request for variance relief to RTA regulations, but explained that the narrowness and shallowness of the .33 acre satisfied the uniqueness factor in regards to the requested relief from the Child Care Center bulk regulations found in BCZR § 424.7. As to these regulations, Mr. Dallas explained that the Petitioner is requesting a lot size of 0.33 in lieu of the 1 acre required and a 0-ft. buffer in lieu of the required 20 ft. and an 18-ft side setback in lieu of the required 50 ft. Mr. Dallas explained that strictly complying with these regulations would case a practical difficulty for the Petitioner in that the lot in question cannot conform to these

requirements and the Petitioner would be precluded from operating a child daycare at this location. Mr. Dallas noted that a 2- ft. buffer exists between the proposed fenced play area and the neighbor's property located at 6912 Windsor Mill. An 18-ft. side setback exists from this property and the existing dwelling on the subject property. (Ms. Loftin noted that she had attempted to reach out to this neighbor but had not made contact. No resident of this address attended the hearing of this matter.) Ms. Loftin entered into evidence a document containing addresses and signatures of 30 citizens from the neighborhood surrounding the subject site who are in support of the proposed Class B child care center. (Pet. Ex. 7)

Mr. Dallas testified that per the site plan, it is proposed that 6 paved parking spots be added to the macadam driveway already existing from St. Luke's Lane. In addition to these parking spots a paved turn around area will be added in order for parents to pull in and turn around and exit the property via the 22 ft. wide driveway. Mr. Dallas explained that Kristoffer L. Nebre, P.E., Traffic Engineering Division Chief, DPW&T confirmed that Windsor Mill Road and St. Luke's Lane was not a failing intersection and did not foresee traffic as an issue for drop-off and pick-up at the subject property. (Pet. Ex. 5)

Interested citizen, Lois Timmons who lives near the subject site at 16 Charleswood Court attended the hearing and expressed her concern regarding the traffic at the intersection at Windsor Mill Road and St. Luke's Lane and opined that a daycare may not be appropriate for that location. She also had questions concerning the number of children that will be attending and what fencing would be included for the subject property.

SPECIAL EXCEPTION

The first item of the Petitioner's requested relief that must be addressed is the Petitioner for 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, 11 (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.

In regards to the requirements of BCZR § 502.1 Mr. Dallas testified that the proposed Special Exception will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations.

Mr. Dallas' expert opinion on these issues was uncontroverted and was supported by previously referenced County agency comments. While the logistics for drop-off and pick-up were a concern for Mr. Nebre of DPW&T, the testimony of Mr. Dallas and Ms. Loftin provided a logical contingency plan as to how such activities would be managed on the property to assure safety for arriving and departing vehicles as well as the children being dropped-off and picked-up. Consequently, I find that Petitioner's request for Special Exception meets the requirements of BCZR § 502.1.

SPECIAL HEARING

The next issue to be addressed in the Petitioner's requests for relief is the Special Hearing involving whether the RTA exception found in BCZR § 1B01.1.B.1g(11) should be applied in this matter. 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).

BCZR §1B01.1B(1)(a) - states the legislative purpose of the RTA as follows:

1. Residential transition areas and uses permitted therein.
 - a. Definitions and purpose.
 - (1) The residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.
 - (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

The following language is included in BCZR 1B01.1.B.1g(11) regarding a relevant enumerated exception to the RTA requirements:

- g. Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to:
- (11) Principal use Class A and Class B group child care centers, provided that the Zoning Commissioner determines, during the special exception process that the proposed improvements are planned in such a way that compliance with the bulk standards of Section 424.7 will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

While it has been established through the testimony of Mr. Dallas that the requirements of BCZR, § 502.1 have been met, it must still be determined whether “compliance with the bulk standards of § 424.7 will be maintained” for this exception to the RTA to apply. These bulk standards include the following:

§ 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.

As is clearly outlined above, and made plain by the Petitioner's variance requests, the subject property falls short of the majority of the lot size and setback requirements for group child care centers in D.R. zones. In that the requested deviations from these requirements are so extreme it is impossible to conclude that "compliance with the bulk standards of § 424.7 will be maintained" as contemplated in the proposed RTA exception. Consequently, I find that the Petitioner's request for Special Hearing as to the applicability of BCZR 1B01.1.B.1g(11) is denied.

1

VARIANCE

In finding that RTA exception under BCZR § 1B01.1.B.1g(11) does not apply to the Petitioner's request for relief, all requests for RTA variance relief must now be addressed.

Pursuant to BCZR § 1B01.1.B.1(c) the following standard applies to RTA variances:

- (2) The RTA for a tract may be modified as directed by findings pursuant to § 32-4-402 and the hearing officer's hearing under Article 32, Title 4, Subtitle 2 of the Baltimore County Code. However, the hearing officer may not reduce the amount of RTA unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed.

Pursuant to the site plan, the adjacent neighbor at 6412 Windsor Mill will be most dramatically affected by a relaxation of the RTA standards. (Pet. Ex. 1) The legislative intent of the RTA which is to create a buffer between commercial and residential uses is obviously negated

¹ (6) A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with § 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, **to the extent possible with RTA use requirements**, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

The RTA exception under in BCZR § 1B01.1.B.1g(6) includes the language "**to the extent possible with RTA use requirements.**" **No such language appears in BCZR § 1B01.1.B.1g(11)** in regards to the bulk standards of § 424.7

by the existence of a child care center immediately next door to a residential dwelling without the required buffer. While the resident of this property did not attend the hearing for this matter, the effect of the proposed use on this neighbor's property is obvious. BCZR, § 1B01.1.B.1(c), noted above, contemplates "reductions" in the amount of the RTA, while the requested relief seeks to eliminate parts of the RTA completely. Such an elimination would place a child care's play area 2 feet from the property line and 12 feet from the neighboring residence, putting such residents in extreme close proximity to the noise that logically accompanies such a use, and placing children at play within two feet of a property not affiliated with the daycare. While child care centers can be expected to produce some level of child related noise, it was not contemplated that such a use would exist directly over the property line from a residential property. Accordingly, the variance requests for regarding RTA restrictions must be denied.

A standard Variance request such as one requesting relief from the bulk standards BCZR, § 424.7. 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).

In light of the uncontradicted testimony by both Mr. Dallas and Ms. Loftin, it is clear that without the requested variance relief, the Petitioner would experience a practical difficulty. Consequently, the issue of "uniqueness" is the remaining issue to be addressed. While the definition of "uniqueness" in the context of variance requests has historically been an issue of debate, the fact that the bulk standards at issue in this matter involve legislated regulations for group child care centers requires strict scrutiny when making the "uniqueness" determination. As

testified to by Mr. Dallas, the subject property is an irregularly shaped, corner lot, with an angled property line facing St. Luke's Lane. It can be argued that such a shape is somewhat unique in comparison to neighboring lots, but the question remains as to whether this uniqueness necessitates the requested variance relief. Instances of uniqueness that necessitate variance relief may include situations when a physical feature of the site at issue, such as a steep slope, or utility easement necessitates a structure being placed on a property in a location that does not comply with required setbacks, etc. In this case, as acknowledged by Mr. Dallas, the requested variance relief is not necessitated by the properties unique shape, but rather by the fact that due to the placement of the dwelling already on the property, it is not large enough to accommodate the requirements of the § 424.7. Such a circumstance is not within the definition of "uniqueness" contemplated in *Cromwell*. The proposed site plan's most problematic failure in meeting the standards set forth in § 424.7 is that the proposed fence for the children's play area which 2 ft. from the neighboring property line and 12 ft. from the neighboring dwelling. While minor deviations from § 424.7 bulk standard requirements may be deemed to be compatible with the character and general welfare of the surrounding residential premises, a complete abandonment of buffer and setback requirements of §424.7 negates the legislative purpose for imposing such restrictions in the first place.

Both Mr. Dallas and Counsel for the Petitioner were successful in communicating the qualifications of Ms. Loftin and highlighting her past success in running such group child care centers. It should be noted that Ms. Loftin's testimony proved that she is an acknowledged and dedicated member of her field and that her pursuit to expand a business that is beneficial to the community is meritorious. Notwithstanding this fact, it is my charge as a ALJ not the judge the merit such pursuits, but rather to decide whether such pursuits can be undertaken on the subject

property in light of Baltimore County Zoning Regulations. Through this perspective, I find that the subject property is not “unique” as envisioned by *Cromwell* and that all variance relief from the bulk standards of §424.7 must be DENIED.

THEREFORE, IT IS ORDERED this 20th day of **May, 2024** by this Administrative Law Judge that the Petitioner for Special Exception pursuant to BCZR § 1B01.1.C.6 to permit a Group Child Care Center, Class B (up to 39 children) located within a Residential Transition Area (“RTA”) be and is hereby **GRANTED**; and

IT IS FURTHER, ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order is and be **GRANTED**.

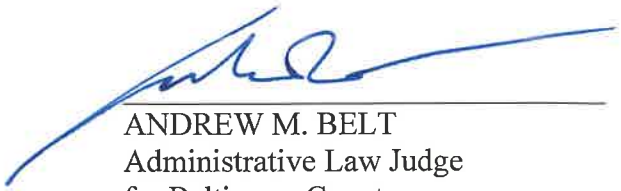
IT IS FURTHER ORDERED, the Petition for Special Hearing pursuant to BCZR, § 1B01.1.B.1g(1) to permit/determine a Group Child Care Center, Class B (up to 39 children) and improvements are planned in such a way that compliance with the bulk standards of § 424.7 will be maintained to the extent possible and that the special exception can otherwise be expected to be compatible with the charge and general welfare of the surrounding residential premises be, and it is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Petition for Variance to permit a 0 ft. RTA buffer in lieu of the required 50 ft. (front, sides and rear); setbacks of 18 ft. and 54 ft. (sides) in lieu of the required 75 ft., 67 ft. (rear) in lieu of the required 75 ft. and 30 ft. (front) in lieu of the required 75 ft., pursuant to BCZR, § 1B01.1.B.1.e(2) for buildings; and as close as 10 ft. in lieu of the required 50 ft. for parking and playground areas pursuant to BCZR, §1B01.1.B.1.e(2) be and is hereby **DENIED**; and

IT IS FURTHER ORDERED, that the Petitioner for Variance relief from BCZR, § 424.7 A, to permit a lot size of 0.333 acres +/- in lieu of the required 1 acre be and is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Petition for Variance relief from BCZR § 424.7 B to permit a 0 ft. buffer in lieu of the required 20 ft. (side and rear) and the required 18 ft. setback (side) in lieu of the required 50 ft., and it is hereby, **DENIED**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address #6914 WINDSOR MILL ROAD Currently Zoned DR 5.5
Deed Reference 48401 / 118 10 Digit Tax Account # 0204750091
Owner(s) Printed Name(s) TIMERA D LOFTIN

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Please see Attachment

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

3. X **a Variance** from Section(s)
PLEASE SEE ATTACHMENT

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

TIMERA D LOFTIN
Name #1 - Type or Print Name #2 - Type or Print
Timera Loftin
Signature #1 Signature #2
14 RHONDA CT WINDSOR MILL, MD
Mailing Address City State
21207 443-286-0340 teachyouth.love@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

J SCOTT DALLAS (J S DALLAS INC)
Name - Type or Print
J Scott Dallas
Signature
P O BOX 26 BALDWIN MD
Mailing Address City State
21013 410-817-4600 jsdinc@aol.com
Zip Code Telephone # Email Address

Case Number 2024-0077-SPHXA Filing Date 3, 20, 2024 Do Not Schedule Dates Reviewer CP

ATTACHMENT

Group Child Care Center, Class B

1. **Special Exception** – to permit a Group Child Care Center, Class B (up to 39 children) located within a residential transition area (RTA), pursuant to Section 1B01.1.C.6 of the Baltimore County Zoning Regulations.
2. **Special Hearing** – to permit/determine a Group Child Care Center, Class B (up to 39 children) and improvements are planned in such a way that compliance with the bulk standards of Section 424.7 of the Baltimore County Zoning Regulations will be maintained to the extent possible and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential promises, pursuant to Section 1B01.1.B.1.g(1) of the Baltimore County Zoning Regulations.
3. **Variance** to permit a 0 foot RTA buffer in lieu of the required 50 feet (front, sides, and rear); and setbacks of 18 feet and 54 feet (sides) in lieu of the required 75 feet, 67 feet (rear) in lieu of the required 75 feet, and 30 feet (front) in lieu of the of the required 75 feet, pursuant to Section 1B01.1.B.1.e(2) for buildings; and as close as 10 feet in lieu of the required 50 feet for parking and playground areas pursuant to Section 1B01.1.B.1.e(2) of the Baltimore County Zoning Regulations.

Variance from Section 424.7 A of the Baltimore County Zoning Regulations to permit a lot size of 0.333 Acres +/- in lieu of the required 1 acre.

Variance from Section 424.7 B of the Baltimore County Zoning Regulations to permit a 0 foot buffer in lieu of the required 20 feet (side and rear) and the required 18 foot setback (side) in lieu of the required 50 feet.
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2024-0077-SPAXA

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

Baldwin, MD 21013

(410)817-4600

FAX (410)817-4602

ZONING DESCRIPTION - #6914 WINDSOR MILL ROAD

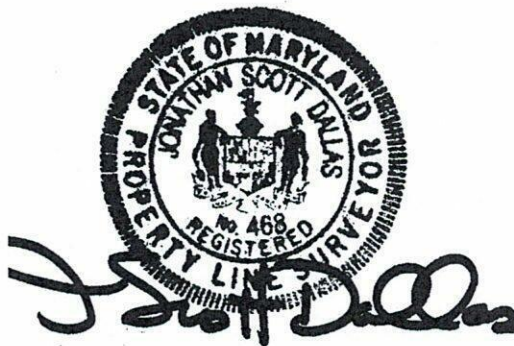
BEGINNING for the same on the east side of St. Lukes Lane, 30 feet wide distant 153 feet+- northeasterly from the center of Windsor Mill Road, 30 feet wide thence ***(1) Southwesterly 143.17 feet*** thence ***(2) Southeasterly 100 feet*** along said center of Windsor Mill Road thence ***(3) Northeasterly 147 feet more or less*** thence ***(4) North 54 degrees 20 minutes 30 seconds West 153.89 feet*** to the place of beginning.

SAVING AND EXCEPTING therefrom County Highway Deed 6257 folio 658.

CONTAINING 14,491 square feet or 0.333 Acres of land, more or less.

LOCATED in the 2nd Election District, 2nd Councilmanic District.

Note: Description above compiled from deeds, plats, and plans by others
And not the result of a Maryland Boundary Survey.



2024-0077-SPAXA

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/23/2024

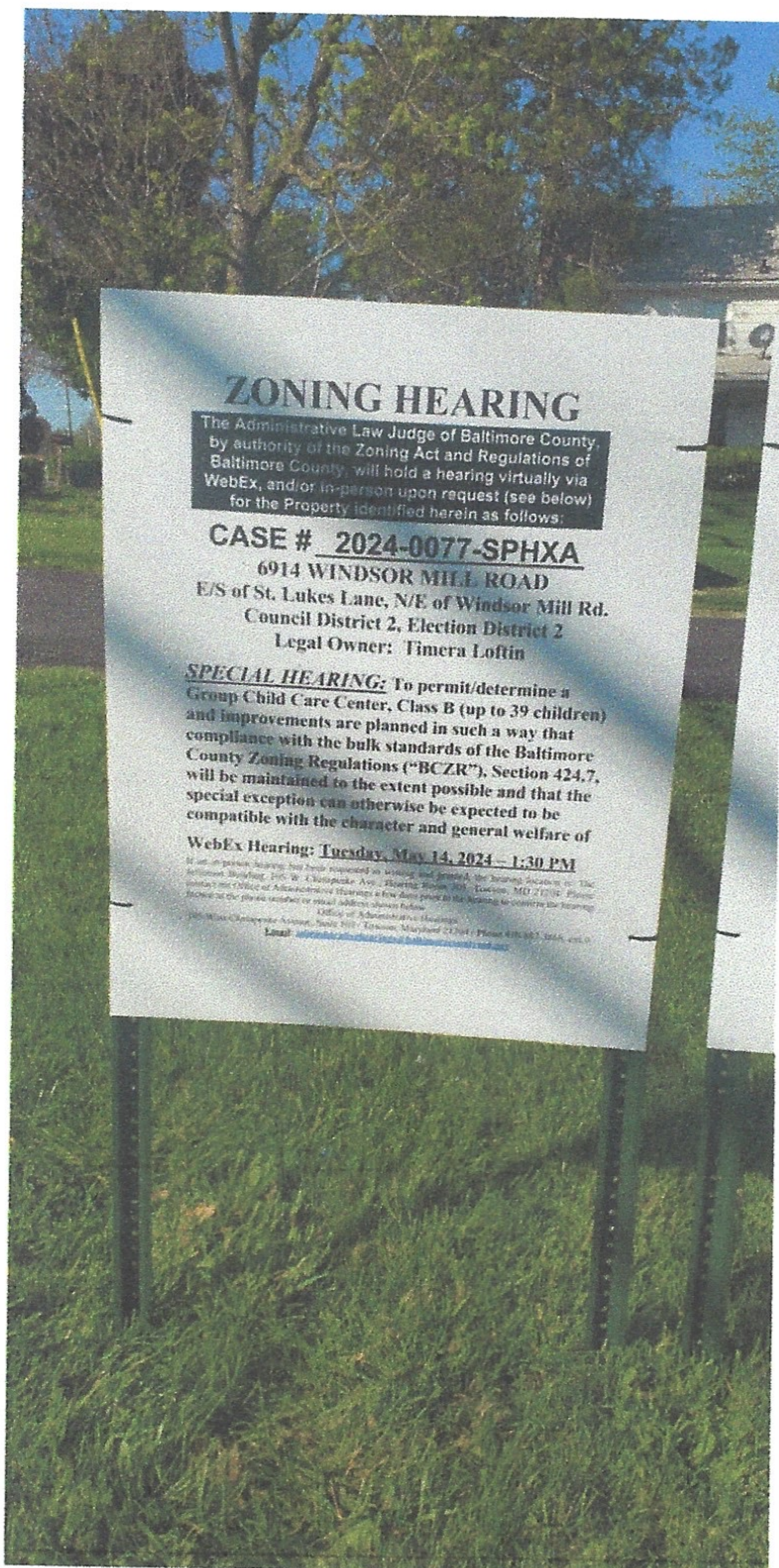
Case Number: 2024-0077-SPHXA

Petitioner / Developer: J. SCOTT DALLAS ~ TIMERA LOFTIN

Date of Hearing: MAY 14, 2024

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:
6914 WINDSOR MILL ROAD

The sign(s) were posted on: APRIL 23, 2024



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)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0077-SPHXA
Address: 6914 WINDSOR MILL RD.
Legal Owner: Timera Loftin

Zoning Advisory Committee Meeting of April 2, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/1/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0077-SPHXA

INFORMATION:

Property Address: 6914 Windsor Mill Road

Petitioner: Timera D. Loftin

Zoning: DR 5.5

Requested Action: Special Exception/Special Hearing/Variance

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

Special Exception -

1. To permit a Group Child Care Center, Class B (up to 39 children) located within a residential transition area (RTA), pursuant to Section 1B01.1.C.6 of the Baltimore County Zoning Regulations.

Special Hearing -

1. To permit/determine a Group Child Care Center, Class B (up to 39 children) and improvements are planned in such a way that compliance with the bulk standards of Section 424.7 of the Baltimore County Zoning Regulations will be maintained to the extent possible and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential promises, pursuant to Section 1B01.1.B.1.g(1) of the Baltimore County Zoning Regulations.

Variance(s) -

1. To permit a 0 foot RTA buffer in lieu of the required 50 feet(front, sides, and rear); and setbacks of 18 feet and 54 feet (sides) in lieu of the required 75 feet, 67 feet (rear) in lieu of the required 75 feet, and 30 feet (front) in lieu of the required 75 feet, pursuant to Section 1B01.1.B.1.e(2) for buildings; and as close as 10 feet in lieu of the required 50 feet for parking and playground areas pursuant to Section 1B01.1.B.1.e(2) of the Baltimore County Zoning Regulations.
2. To permit a lot size of 0.333 acres in lieu of the required 1 acre pursuant to Section 424.7 A of the Baltimore County Zoning Regulations.
3. To permit a 0 foot buffer in lieu of the required 20 feet (side and rear) and the required 18 foot setback (side) in lieu of the required 50 feet pursuant to Section 424.7 B of the Baltimore County Zoning Regulations.
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a 0.333-acre property zoned DR 5.5. It is surrounded by residential uses. The property currently has an existing residential dwelling on the site. The applicant proposes a Group Child Care Center, Class B (up to 39 children)

The Department of Planning's assessment of the requested petition is reliant upon the Baltimore County Zoning Regulations and the Comprehensive Manual of Development Policies.

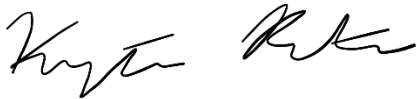
The proposed use of a Group Child Care Center, Class B, is acceptable and permitted by special exception. The proposed use will generate more trips and increase traffic flow for this area during peak hours. However, the site is not within a failing traffic shed according to Baltimore County Transportation Basic Services map. The applicant has requested for RTA and buffer relief. The applicant's hardship is that with the proposed use, the entire site is within the RTA buffer and there is no opportunity to fulfill these requirements. Also, the lots in this area are narrow, awkwardly shaped parcels and similar uses are closely knit. The designated playground is fenced in and will be located in the rear, away from the public right-of-way for the safety, health and welfare of the children.

The Department of Planning has no opposition to the granting of said requested relief above conditioned upon the following:

- 1) All signage is submitted to the Department of Planning for review and approval. Signage should comply with section 450 of the Baltimore County Zoning Regulations.
- 2) Confirm with Zoning if a dumpster is required. If so, indicate on the plan the dumpster location and provide design details. The dumpster should not be visible from the public right-of-way and the enclosure should be designed so that the materials match the principal structure and are compatible.
- 3) The site is ADA compliant.
- 4) Confirm with the Department of Public Works & Transportation if a Traffic Impact Study is required.
- 5) Confirm that the proposed drop off and parking area will be paved and designed to Public Works & Transportation standards.
- 6) Confirm with the Department of Public Works & Transportation if sidewalks are required to be installed.
- 7) The plan meets all additional conditions as required by the Administrative Law Judge.

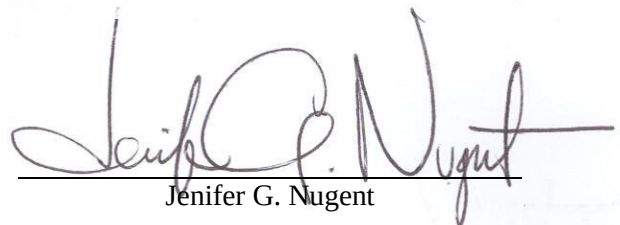
For further information, concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas, J S Dallas Inc.
Joseph Wiley, Community Planner
Jeff Perlow, Zoning Review

Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2024-0077-SPHX A
Property Address: 6914 Windsor Mill Rd.
Legal Owners (Petitioners): Timera D. Loftin
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): J. Scott Dallas / J. S. Dallas, Inc.
Address: P.O. Box 26
Baldwin MD 21013

Telephone Number: 410 817 4600

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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

No. 229486

Date: 3-21-2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1,200.00
								1,200.00

Total:

Rec From: 6914 Windsor Mill Rd

For: 2024-0077-SAXXA

DE 5.5

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF



LOFTIN LOVE CHRISTIAN DAYCARE/LEARNING
GENERAL OPERATING ACCOUNT
3527 N ROLLING RD STE 8, 9,10,11,13
WINDSOR MILL, MD 21244
410-655-2738

12-11

4203

7-163/520 MD
5326

PAY
TO THE
ORDER OF

Baltimore County
two hundred

DATE 3/13/2024

\$ 200.00

00/100 DOLLARS

BANK OF AMERICA

ACH R/T 052001633

FOR zoning relief 6914 Windsor Mill Road

Termina Loftis

⑈004203⑈ ⑆052001633⑆ 446024818544⑈



LOFTIN LOVE CHRISTIAN DAYCARE/LEARNING
GENERAL OPERATING ACCOUNT
3527 N ROLLING RD STE 8, 9,10,11,13
WINDSOR MILL, MD 21244
410-655-2738

12-11

4175

7-163/520 MD
5326

PAY
TO THE
ORDER OF

Baltimore County
one thousand

DATE 4/24/2024

\$ 1,000.00

00/100 DOLLARS

BANK OF AMERICA

ACH R/T 052001633

FOR zoning relief 6914 Windsor Mill Road

Termina Loftis

⑈004175⑈ ⑆052001633⑆ 446024818544⑈



Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 0204750091

Owner Information

Owner Name: LOFTIN TIMERA D Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 14 RHONDA COURT Deed Reference: /48401/ 00118
WINDSOR MILL MD 21244

Location & Structure Information

Premises Address: 6914 WINDSOR MILL RD Legal Description: 6914 WINDSOR MILL RD
BALTIMORE 21207-4480 HOLDER PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0088 0013 0120 2010008.04 0000 2022 Plat Ref: 0004/ 0038

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1950 1,188 SF 18,125 SF 04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
1 1/2 YES STANDARD UNITS SIDING/3 2 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	60,700	76,500		
Improvements	106,100	126,800		
Total:	166,800	203,300	191,133	203,300
Preferential Land:	0	0		

Transfer Information

Seller: REI CONNECTIONS INC	Date: 09/21/2023	Price: \$400,000
Type: ARMS LENGTH IMPROVED	Deed1: /48401/ 00118	Deed2:
Seller: SECRETARY OF VETERANS AFFAIRS	Date: 04/28/2023	Price: \$225,600
Type: NON-ARMS LENGTH OTHER	Deed1: /48001/ 00268	Deed2:
Seller: DENTON JOHN REID 3RD	Date: 05/31/2022	Price: \$163,057
Type: NON-ARMS LENGTH OTHER	Deed1: /46958/ 00487	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
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:

2024-0077-SPHX A

Lot # 2 1800004238

Lot # 3 2100003431

PAI # 020232

Pt. Bk./Folio # 044017A

Lot # 1
1800004237
1979-0113-A

Pt. Bk. 0000044, Folio 0017

SAINT LUKES LN

2103

Pt. Bk. 0000047, Folio 0058
2100003433

Lot # 3

PAI # 020234

Pt. Bk./Folio # 047058

Lot # 3 2100003432

PAI # 020234

PAI # 020234

Pt. Bk. 0000004, Folio 0038

0204750091

6914

NW 4-F

088A2
2CD

DR 5.5
2ED

WINDSOR MILL RD

6912 0208300140

Lot # 1
1900001004

1900001005

0207580430

R-1957-4086-X

R-1971-0031

0223000600

PAI # 0200633

Pt. Bk. 0000022, Folio 0005

1956-3925-X

0219320380 Pt. Bk./Folio # 022005A

Lot # 2

6908 PAI # 020139

Lot # 35 0208300231

PAI # 020139

Pt. Bk. 020139 38

PAI # 020139

Lot # 35

2024-0077-SAHXA

OWNER: TIMERA D LOFTIN
14 RHONDA CT
WINDSOR MILL,MD. 21244
PHONE: 443-286-0340

EXISTING LOT AREA:
4491 Sq.Ft. OR 0.333 Ac.+/-

. EXISTING BUILDING AREA:
01 Sq. Ft.

UTILITIES:
PUBLIC SEWER
PUBLIC WATER

THE SITE LIES WITHIN ZONE "AE" (EL 9) AS SHOWN
ON F.I.R.M. 2400100378G DATED NOVEMBER 2, 2023.

. EX. STRUCTURE = 1-1/2 STORY

. DEED REF: JLE 48401-118

. TAX ACCOUNT: #0204750091

. COUNCILMANIC DISTRICT: 2ND

0. CENSUS TRACT: 402404

1. WATERSHED: GWYNNS FALLS

2. TAX MAP: #88, GRID 13, PARCEL 120

3. ZONING: DR 5.5
(PER BALT. CO. WEBSITE)

4. NO KNOWN PREVIOUS ZONING CASES ON FILE

5.SETBACKS:
O.R. 5.5:

FRONT: 25' REAR: 30' SIDE 10' (25' SUM)
MIN. LOT WIDTH: 55 FT.
MIN. LOT AREA: 6000 SQ. FT.

6. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

17.THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
S THE SITE ITSELF HISTORIC.

8. NO KNOWN PREVIOUS DRC MEETINGS

19. CONTOURS SHOWN HEREON PER BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE

20. NO KNOWN PERMITS ON FILE.

21. EXISTING BUILDING: 1-1/2 STORY SINGLE FAMILY DWELLING

22. PROPOSED USE: CHILD DAYCARE FACILITY

23. NEIGHBORHOOD: 2010008.04

24. 200 SCALE ZONING MAP NO. 088A2

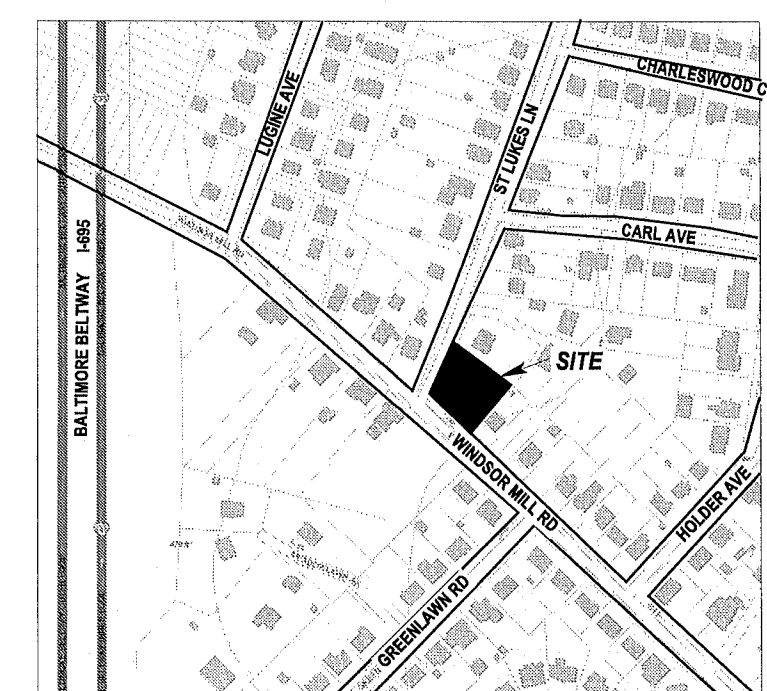
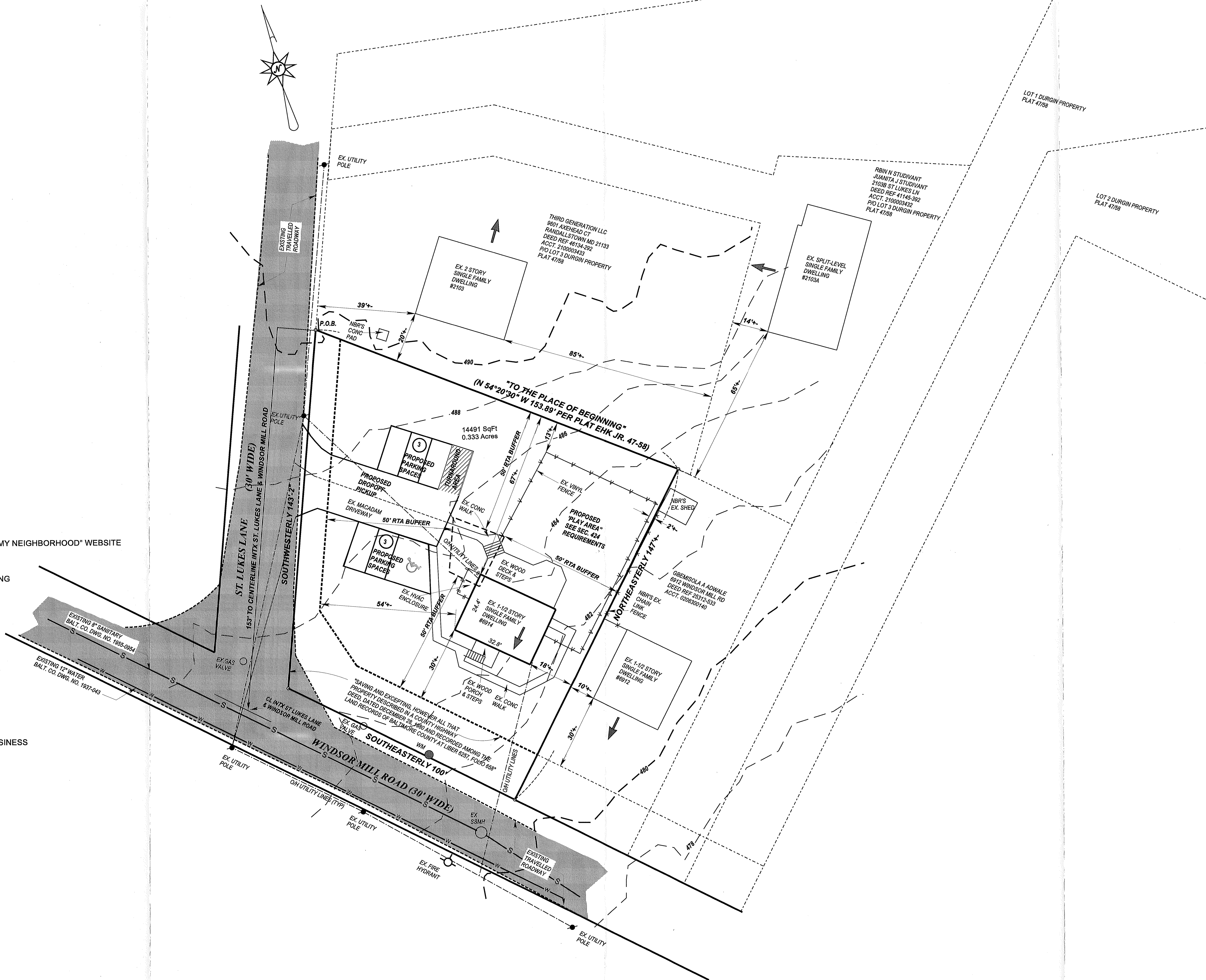
25. ST LUKES LANE R/W WIDTH PER
ZONING CASE 1986-0062A (2107 ST LUKES LANE)

16. WINDSOR MILL RD R/W WIDTH PER
ZONING CASE 12004-0202-A (#6825 WINDSOR MILL RD)

27. WHOLE SITE IS WITHIN RTA

8. NO LARGE VANS OR BUSES WILL BE USED FOR THIS BUSINESS

NOTE: PROPOSED NUMBER OF STAFF: 6
PROPOSED PARKING SPACES: 6
PROPOSED MAX. NUMBER OF STUDENTS: 39



VICINITY MAP

1"=1000'

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



02-26-2024
DATE

**SITE PLAN TO ACCOMPANY
APPLICATION FOR ZONING
VARIANCE AND SPECIAL EXCEPTION
#6914 WINDSOR MILL RD
ZONING: DR 5.5
DEED REFERENCE JLE 48401-118
2ND COUNCILMANIC DISTRICT
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=20' DATE: 02-26-2024**

FILE NAME 23-1952 WINDSOR MILL.trv		
SCALE 20 Ft/In	DATE 2-27-2024	DRAWN BY R.N.G.
JOB WINDSOR MILL	REVISION 1/1	SHEET 1/1