



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 26, 2024

Faiga Blasenstein – faigyblas@gmail.com
Sholom Denebeim
2032 Jolly Road
Baltimore, MD 21209

RE: Petitions for Special Hearing & Variance
Case No. 2024-0156-SPHA
Property: 2032 Jolly Road

Dear Petitioners:

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:d1m
Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
& VARIANCE		
(2032 Jolly Road)	*	OFFICE OF
3 rd Election District		
2nd Council District	*	ADMINISTRATIVE HEARINGS
Faiga Blasenstein & sholom Denebeim		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
 Petitioners	 *	 Case No. 2024-0156-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 the legal owners, Faiga Blasenstein and Sholom Denebeim (“Petitioners”) for the property located at 2032 Jolly Road, (the “Property”). The Petition for Special Hearing from the Baltimore County Zoning Regulations (“BCZR”), § 424.4, to approve a use permit for a Class “A” child-care facility for a maximum of 12 children. Variance relief was filed pursuant to BCZR, § 424.1 to allow an existing 51 in. (4.25 ft.) wooded and wire fence to be permitted to use at a child-care center in lieu of the required 5 ft. wooden stockade fence, and also to allow the existing fence/play area to have a zero (0) ft. setback to the property lines in lieu of the required 20 ft. setbacks.

A WebEx hearing was held on opened on August 6, 2024 and continued on September 11, 2024. The Petitions were properly advertised and posted. The Petitioners were present at the hearing *pro se*. No protestants appeared while an interested citizen appeared anonymously.

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

The subject property is approximately 16,016 sq. ft., and zoned DR 2. It is surrounded predominantly by residential uses. There are multiple previous zoning requests associated with the property. Mr. Denebeim testified that the subject property is his family's residence and it's also presently being used as a family daycare for six (6) children, plus two (2) of his own. (Pet. Ex. 9) He explained that he and Ms. Blasenstein are now requesting a Class "A" Child-Care Center to be operated from the subject property with a maximum of 12 children. Ms. Blasenstein explained that there is already a wait list of individuals who are interested in sending their children to the daycare at the subject property. Additionally, a letter of support signed by six (6) members of the surrounding community was entered into evidence. (Pet. Ex. 6) Petitioners conceded that no adjacent neighbors were signatories of this letter. Mr. Denebeim explained that the rear of the subject property is surrounded by a split-rail style farm fence with wire mesh added to the back. (Pet. Ex. 5) He explained that this fence is 4.25 ft. and is sufficient to contain small children at play in the rear yard. (Pet. Ex. 1) He noted that the fence at the rear of the property was an approximately 8-ft. stockade-style fence. As for the set back of the fence bordering the adjacent property, Mr. Denebeim testified that he is not sure if the fence is on the property line or on the property of the adjacent neighbor. He explained that the narrowest part of the rear yard was at least 72 ft. wide. (Pet. Ex. 2 & 3) When asked if he would consider erecting a fenced 5-ft. tall stockade-style fence within the already fenced area to enclose a designated play area, he stated that he would prefer not to do so to maximize the area in which children could play.

As for the potential operation of the proposed Class "A" Child-Care Center, Mr. Denebeim explained that in addition to Ms. Blasenstein there will be one part-time employee who will park in the subject property's drive-way. He further noted that the driveway can accommodate parking for up to five vehicles, but cars must pull in and back out of the driveway onto Jolly Road during

pick-up and drop-off. He explained that hours of operation will be 8:30 am to 4:30 pm, with the drop-off and pick-up of children being staggered in conjunction with their parent's work schedule. He testified that Jolly Road is a residential road without painted lane markings. He noted that parking was allowed on the side of Jolly Road opposite from the subject property and that cars cannot pass one another when cars are parked on the road. He clarified that all residences on Jolly Road have driveways in which residents can park.

VARIANCE

Petitioners have requested variance relief from BCZR, § 424.1 to allow an existing 51 in. (4.25 ft.) wooded and wire fence to be permitted to use at a child-care center in lieu of the required 5 ft. wooden stockade fence, and also to allow the existing fence/play area to have a zero (0) ft. setback to the property lines in lieu of the required 20 ft. setbacks.

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).

As to the issue "uniqueness" found in the *Cromwell* analysis, there was no evidence presented in the exhibits offered or in the testimony given that the subject property is unlike surrounding properties that would necessitate variance relief. Even if some evidence of "uniqueness" could be established, it would still be incumbent upon the Petitioners to show a nexus between such "uniqueness" and the need for variance relief. In any event, the record is devoid of any such evidence. Additionally, the Petitioners have alleged that "substantial financial

costs and logistical challenges” constitute the requisite practical difficulty. In the absence of a finding of “uniqueness”, it is unnecessary to address this prong of the *Cromwell* analysis at this time.

It is noteworthy to mention that the requested variance relief is not just a minor deviation from the statutorily mandated standards for fenced play areas for Class “A” Child-Care Centers. The Petitioners have requested a zero (0) ft. setback in lieu of the required 20 ft. and have not only asked for a deviation in fence height, but rather has requested to avoid using the required stockade fence style entirely. It can be inferred that the statutory intent of such regulations is both to remove children from neighboring property lines and shield them from the sight. In any of these interpretations, it is clear that the purpose of such regulations is to ensure the safety of the children involved. It can be additionally extrapolated that the required set back regulations are for the benefit of adjacent properties. In both scenarios it is clear that zero (0) ft. set back fails to accomplish any of these goals. Finally, in light of the testimony of Mr. Denebeim regarding whether the side fence is located on his or the neighboring property presents further problems in that variance relief obviously cannot be granted for a fence located on a neighboring property. For all of the reasons stated above, the requested variance relief must be denied.

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).

Petitioners have requested Special Hearing relief in the form of an application for a use permit for a Class "A" Group Child-Care Center pursuant to BCZR, § 424.4. This section states the following regarding the duty of the Zoning Commissioner ("ALJ") when considering such applications:

§ 424.4. Group child-care centers as accessory use.

- .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 IB01.1.B notwithstanding, the Zoning Commissioner may modify 1B01.1.B.1.e as it pertains to such use in D.R. Zones.

While this matter was styled as a Petition for Special Hearing, the statutory language above mandates the ALJ to undertake an analysis in keeping with a Petition for Special Exception found in BCZR, § 502.1 which requires that a 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.

As no Protestants appeared in opposition of the proposed relief, the Petitioners provided uncontroverted testimony that drop-off and pick-up times will be staggered to alleviate traffic problems on Jolly Road. Additionally, the Petitioners provided a Fire Safety Inspection letter showing that they were in compliance with relevant fire safety regulations. (Pet. Ex. 8). It's clear that a Class "A" Group Child-Care Center is permitted in a DR 2 zone subject to BCZR, § 424. 4 and would not be inconsistent with the requirements of subsection D, E, F, and H of BCZR, § 502.1. What does remain at issue, however, is whether the proposed Class "A" Group Child-Care Center is "detrimental to the health, safety or general welfare of the locality involved" due to its failure to comply with BCZR, § 424.1 in regards to fence height, set back and design. As BCZR, § 424.4(6)(c) requires the ALJ to consider compliance with BCZR, § 424.1, I find that the proposed total lack of compliance with BCZR, § 424.1 is detrimental to the health, safety and general welfare of the community in that the current fence height, set back and design does not provide children attending the daycare the required protections mandated by statute. Consequently, the requested use permit must be denied.

It is important to note that the denial of the requested use permit is based solely on the lack of compliance with BCZR, § 424.1. The Petitioners were persuasive in their testimony that they currently operate a quality family day care operation and would continue to do so if the requested relief were granted.

DR Zone Bulk Standards Pursuant to BCZR, § 424.7

While not included in the variance relief requested by the Petitioners in the instant case, an objective reading of BCZR, § 424.7 suggests that group child-care centers as an accessory use in a D.R. zone are subject to the bulk standards found within that section. These standards are noted below:

§ 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: (emphasis added)

- 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.

Group Child Care Centers and Group Child Care Center, Class “A” are defined in BCZR, §101.1 as follows.

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.

By definition, the proposed use in the instant case meets both of these descriptions. The language of BCZR, § 424.7 uses the generic term “group child-care center” without further qualification, implying that all such uses in the D.R. zone, whether Class A, Class B, Principal or Accessory, are subject to the enumerated bulk standards. It can be logically argued 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, but elsewhere in BCZR, § 424 the ALJ is specially given discretion to modify Residential Transition Area (“RTA”) standards found in BCZR, §1B01.1.B.1, while no such discretion is enumerated for the bulk standards found in BCZR, § 424.7. (*See, i.e.*, BCZR, §§ 424.4(6)(d), 424.2 & 424.3) Accordingly, adherence to the “Plain Meaning Rule” of statutory interpretation would lead one to believe that the bulk standards found in BCZR, § 424.7 are applicable in matters such as the case at bar.

As the Petitioners’ request for zoning relief has failed on other grounds, it is not necessary to address compliance with the D.R. zone bulk standards in the instant case. It is noteworthy, however, that in the interest of addressing the need for child daycare and its availability in residential communities, legislation clarifying the appropriate application of BCZR, § 424.7 may be warranted.

THEREFORE, IT IS ORDERED this 26th day of **September, 2024** by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR, § 424.4, to approve a use

permit for a Class "A" child care facility for a maximum of 12 children, be and it is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Petition for Variance pursuant to BCZR, § 424.1 to allow an existing 51 in. (4.25 ft.) wooded and wire fence to be permitted to use at a child care center in lieu of the required 5 ft. wooden stockade fence, and also to allow the existing fence/play area to have a zero (0) ft. setback to the property lines in lieu of the required 20 ft. setbacks, be and 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 2032 Jolly Rd, Baltimore, MD 21209 Currently Zoned DR 2
Deed Reference 48015 / 00253 10 Digit Tax Account # 1700005932
Owner(s) Printed Name(s) Faiga Blasenstein and Sholom Denebeim

(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
A special hearing pursuant to section 424.4, BCZR, to approve a use permit for a Class A child care facility for a maximum of 12 children.

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

3. a **Variance** from Section(s) (4.25 ft.)

of A Variance for section 424.1 of the BCZR that would allow an existing 51" (4.25') wooded and wire fence to be permitted for use at a child care center in lieu of the required 5' wooden stockade fence, also to allow the existing fence/play area to have a 0' setback to the property lines in lieu of the required 20' setbacks. indicate
u need

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):

Faiga Blasenstein / Sholom Denebeim

Name #1 - Type or Print Name #2 - Type or Print

Faiga / Sholom Denebeim
Signature #1 Signature #2

2032 Jolly Rd, Baltimore, MD

Mailing Address City State

21209 / 760-653-8755 / faigyblas@gmail.com

Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Faiga Blasenstein

Name - Type or Print

Faiga
Signature

2032 Jolly Rd, Baltimore, MD

Mailing Address City State

21209 / 760-653-8755 / faigyblas@gmail.com

Zip Code Telephone # Email Address

Case Number 2024-0156 SPHA Filing Date 6 / 20 / 24 Do Not Schedule Dates Reviewer RL



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 2032 Jolly Rd, Baltimore, MD 21209 Currently Zoned DR 2
Deed Reference 48015 / 00253 10 Digit Tax Account # 1700005932
Owner(s) Printed Name(s) Faiga Blasenstein and Sholom Denebeim

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A Special Hearing pursuant to section 424.4, BCZR, to approve a group child care center for a maximum of 12 children.

2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ **a Variance** from Section(s)

A variance for section 424.1 of the BCZR that would allow an existing 51" wooden and wire fence to be permitted for use at a child care center in lieu of the required 5' wooden stockade fence.

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

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

I/ 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):

Faiga Blasenstein / Sholom Denebeim

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2032 Jolly Rd, Baltimore, MD

Mailing Address City State

21209 / 760-653-8755 / faigyblas@gmail.com

Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Faiga Blasenstein

Name - Type or Print

Signature

2032 Jolly Rd, Baltimore, MD

Mailing Address City State

21209 / 760-653-8755 / faigyblas@gmail.com

Zip Code Telephone # Email Address

Case Number 2024-0156 SPHA Filing Date 6 / 20 / 24 Do Not Schedule Dates Reviewer RL

PROPERTY DESCRIPTION

ZONING DESCRIPTION FOR 2032 JOLLY RD.
BEGINNING AT A POINT ON THE WEST SIDE OF JOLLY ROAD,
WHICH IS 50 FEET WIDE AT THE DISTANCE OF 210 FEET
SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING STREET PHEASANT CROSS DRIVE WHICH IS 50
FEET WIDE.
BEING LOT 25 BLOCK H SECTION 05 IN THE SUBDIVISION OF
GREENGATE AS RECORDED IN BALTIMORE COUNTY PLAT
BOOK 38, FOLIO 77 CONTAINING 1/3 ACRE. ALSO KNOWN
AS 2032 JOLLY RD. AND LOCATED IN THE 03 ELECTION
DISTRICT.

2024-0156-SPHA

**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/neighborhood 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 the posting of two signs 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: 2024-0156-SPHA

Property Address: 2032 Jolly Rd

Property Description: _____

Legal Owners (Petitioners): Faiga Blasen Stein / Sholom Denebeim

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Faiga Blasen Stein / Sholom Denebeim

Company/Firm (if applicable): _____

Address: 2032 Jolly Rd

Telephone Number: 760-653-8755

*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

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: July 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0156-SPHA
Address: 2032 JOLLY ROAD
Legal Owner: Faiga Blasenstein, Sholom Denebeim

Zoning Advisory Committee Meeting of July 8, 2024.

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

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 3, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0156-SPHA

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

DPR: 10' drainage and utility easement in the rear of the property. We ask that the fence be relocated out of easement.

DPW-T: State Document, Record Plat Liber 38 Folio 77, shows an existing 10-foot drainage and utility easement along the north and rear property lines. The plan provided with the application shows the fence in the existing easements. The plan should be revised to show the fence outside of the easements.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

**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 the posting of two signs 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: 2024-0156-SPHA

Property Address: 2032 JOLLY RD

Property Description: _____

Legal Owners (Petitioners): Faiga Blasenstein / Sholom Denebeim

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Faiga Blasenstein / Sholom Denebeim

Company/Firm (if applicable): _____

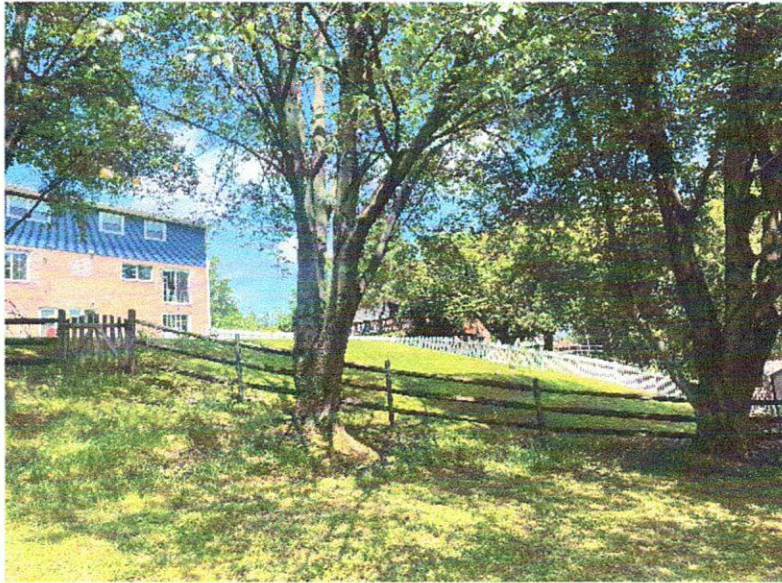
Address: 2032 JOLLY RD

Telephone Number: 760-653-8755

*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.

PHOTOS

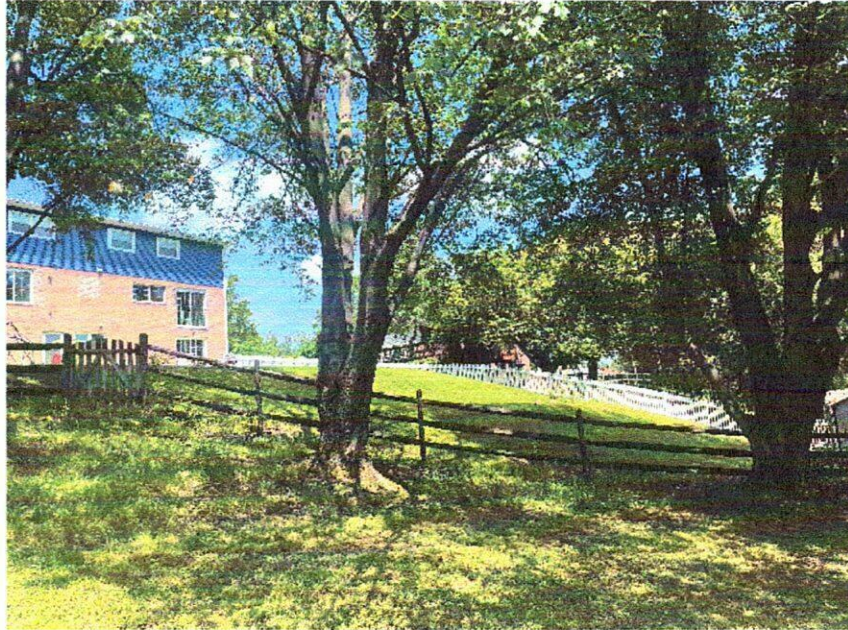
(SPLIT RAIL FENCE WITH MESH WIRE)



2024-0156-SPHA

PHOTOS

(SPLIT RAIL FENCE WITH MESH WIRE)



2024-0156-SPHA

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: None**

Account Identifier:

District - 03 Account Number - 1700005932

Owner Information

Owner Name:

DENEBEIM SHOLOM
BLASENSTEIN FAIGA N

Use:

RESIDENTIAL

Principal Residence: YES

Mailing Address:

2032 JOLLY RD
BALTIMORE MD 21209-1014

Deed Reference:

/48015/ 00253

Location & Structure Information

Premises Address:

2032 JOLLY RD
BALTIMORE 21209-1014

Legal Description:

1167 W ROCKLAND HILLS DR
GREEN GATE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0069	0020	0893	3060076.04	0000	5	H	25	2023	2	
									Plat Ref:	0038/ 0077

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1976	1,962 SF	890 SF	16,016 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	4	2 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	130,900	130,900		
Improvements	280,500	329,600		
Total:	411,400	460,500	427,767	444,133
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
KAHN DONALD E	05/04/2023	\$553,000
Type: ARMS LENGTH IMPROVED	Deed1: /48015/ 00253	Deed2:
Seller: HHM CONSTRUCTION CO INC	Date: 09/01/1976	Price: \$66,500
Type: ARMS LENGTH IMPROVED	Deed1: /05671/ 00792	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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: Additional information requested for 2023 Date: 01/05/2024

2024-0156-SPHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/11/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0156-SPHA

INFORMATION:

Property Address: 2032 Jolly Road
Petitioner: Faiga Blasenstein
Zoning: DR 2
Requested Action: Variance

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

Special Hearing -

1. A special hearing pursuant to BCZR Section 424.4, to approve a use permit for a Class A child care facility for a maximum of 12 children.

Variance(s) -

1. A variance from Section 424.1 of the BCZR that would allow an existing 51”(4.25”) wooded and wire fence to be permitted for use at a child care center in lieu of the required 5’ wooden stockade fence.
2. To allow the existing fence/play area to have a 0’ setback to the property lines in lieu of the required 20’ setback.

The proposed site is a 16,016 square foot residential property zoned DR 2. It is surrounded by predominately residential uses. There are multiple previous Zoning Action requests associated with the property.

The petitioner proposes to use the property for a Class A care facility with a maximum of 12 children. All structures on the site plan are currently existing. The requested relief for a childcare facility would not disrupt the continuity or character of the established neighborhood. This use may be granted pending that it will not be detrimental to the health, safety or general welfare of the surrounding community. The public right-of-way will not be affected and the development does not impose any adverse impacts on to adjacent properties.

The requested relief for 0’ setback of an existing fence/play area in lieu of 20’ setback as well as relief to provide a wooden stockade fence are the current/existing conditions of the site. Although the wooden stockade fencing is preferred by the Department of Planning, we would be content with the wooded and wire fence if deemed acceptable by the Administrative Law Judge. The Department acknowledges that

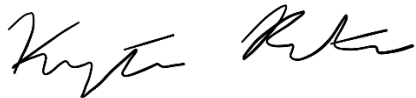
the wooden stockade fencing would be a better alternative for the safety and visual mitigation of surrounding residences. The requested setback relief of the fencing would not encroach onto adjacent properties or have any adverse impacts.

The Department of Planning has no objection to the above requested relief and recommends approval with the following conditions:

1. The petitioner demonstrates to the satisfaction of the Administrative Law Judge that the existing wood and wire fencing with a height of 4.25' will not alter the level of safety provided in lieu of the wooden stockade fence or indicate an existing hardship on why it cannot be provided.
2. 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.
3. The proposal complies with all other requirements outlined in Baltimore County Zoning Regulation (BCZR) Section 424.
4. Compliance with any additional relief as required by the Administrative Law Judge.

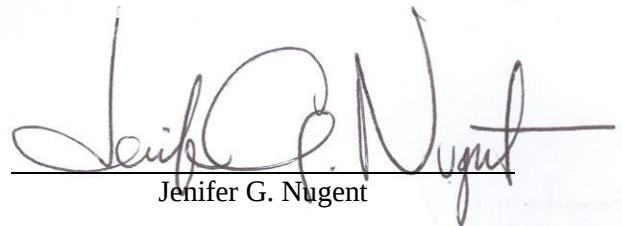
For further information, concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Dino C. La Fiandra, Esquire
Sydney Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2024-0156-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Faiga Blasenstein, Sholom Denebeim

August 6, 2024

Date of Hearing/Closing: _____

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

Attn: Jeff Perlow:

Ladies and Gentlemen:

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

2032 Jolly Road *SIGN 1A & 1B Recertification*

July 16, 2024

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



Sincerely,

July 16, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

SITE PLAN
ZONING VARIANCE FOR EXISTING FENCE
AT 2032 JOLLY RD, BALTIMORE, MD 21209

OWNERS: FAIGA BLASENSTEIN, SHOLOM DENEHEIM

DATE: 05/27/24 PHONE: (760) 653-8670

SUBDIVISION: GREENGATE

LOT: 25

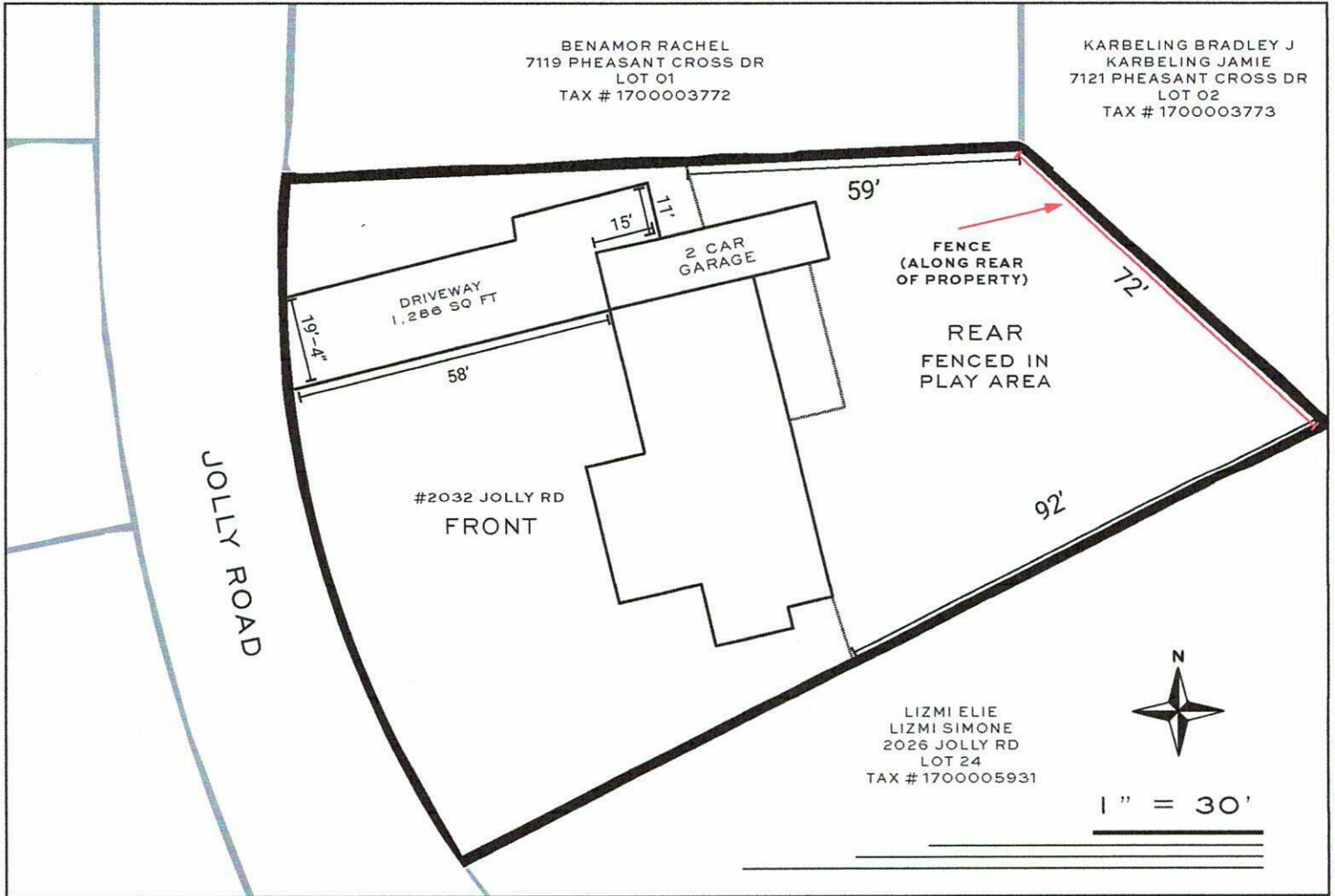
BLOCK: H

SECTION: 05

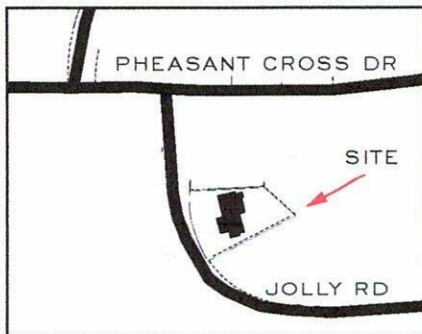
PLAT BOOK: 38 FOLIO: 77

TAX# 1700005932

DEED REFERENCE # 48015 / 00253



VICINITY MAP



ZONING MAP # 69
ZONING: DR 2
ELECTION DISTRICT: 03
COUNCIL DISTRICT: 02
LOT AREA ACREAGE: 0.3680
LOT SQUARE FOOTAGE: 16,016
HISTORIC: NO
CBCA: NO
FLOOD PLAIN: NO

UTILITIES
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING: NO

2024-0156-SPHA

