

1. BZA Agenda (October, 2020)

Documents:

[BZA AGENDA \(OCTOBER, 2020\).PDF](#)

2. Application - Case No. 20-04 Dubai

Documents:

[APPLICATION - CASE NO. 20-04 DUBAY.PDF](#)

3. Pre-Hearing Statement - Dubai

Documents:

[PRE-HEARING STATEMENT - DUBAY.PDF](#)

4. BZA Case No. 20-04 City Staff Report (Dubay)

Documents:

[BZA CASE NO. 20-04 CITY STAFF REPORT \(DUBAY\).PDF](#)



BOARD OF ZONING APPEALS AGENDA

Tuesday, October 6, 2020, at 6 PM

Virtual Meeting:

www.facebook.com/WestminsterMD

www.WestminsterMD.gov

- I. Call to Order**
- II. Approval of Minutes**
- III. Public Hearings**

CASE NO: 20-02 (Rehearing)

Hearing on a motion of the Board of Zoning Appeals' Resolution and Decision dated June 23, 2020 filed by Applicants Mid-Atlantic Lubes, LLC, the contract purchaser, and property owner ABBEC Property, LLC, seeking modification of the findings and reopening the record in the case to allow **rehearing on the subject of the applicability of Zoning Ordinance Section 164-140 to the Applicants' request** for a special exception to operate a service station at 335 Gorsuch Road, Westminster, Maryland, in the B Business Zone. The Board shall consider further testimony from all interested parties, limited to the subjects raised in the Applicants' motion for modification and the Board's Order to Suspend 20-02 on July 16, 2020, including any procedural or substantive objections to Applicants' motion.

CASE NO: 20-04

An application by Kathie Dubay, the applicant and property owner Olindo and Aurora Pagulayan Trustee, requesting approval of a special exception to operate a **day-care facilities for up to eight children use, subject to the provisions of Zoning Ordinance Section 164-90 A., which references Section 164-30 G.** to be located at 221 Alymer Court Westminster, Maryland pursuant to Zoning Ordinance Article XIV: PD-9 Planned Development – 9 Zone , Section 164-90 A. Special Exceptions.

- IV. Other Business**
- V. Adjournment**

Application Fees
See fees below, plus City legal fees and court reporter fees, payable to *City of Westminster*



For Office Use Only
Case No.: _____
Form Received: _____
Fee Paid: _____
DCPD Reviewed: _____
Appeal Received: _____
Court Review: _____

CITY OF WESTMINSTER

56 WEST MAIN STREET
WESTMINSTER, MD 21157

APPLICATION FOR PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS

In accordance with the Charter and Code of the City of Westminster, an application is made to the Board as follows:

1. Purpose of Hearing:

Applicable Fees:

- | | | |
|-------------------------------------|-------------------------------|--|
| <input checked="" type="checkbox"/> | Request for special exception | \$1,500, unless owner-occupied or day care \$300 |
| <input type="checkbox"/> | Request for variance | \$1,000, unless owner occupied \$200 |
| <input type="checkbox"/> | Appeal of admin decision | \$600 |
| <input type="checkbox"/> | Nonconforming uses | No fee |

2. Applicant Information:

Name: Kathie Dubai Address: 221 Alymer Ct, Westminster MD 21157
Telephone: 410-991-1801 Fax: - E-Mail: Kcyr04@comcast.net

3. Property Owner Information: (if Different)

Name: Olindo Pagulyan Address: 1998 Zicker Ave, Las Vegas NV 89123
Telephone: 410-236-3698 Fax: - E-Mail: opagulyan@gmail.com

4. Attorney Information: (if Applicable)

Name: _____ Address: _____
Telephone: _____ Fax: _____ E-Mail: _____

5. Address of Subject Property: 221 Alymer Ct, Westminster, MD 21157

6. Request Description: I. Kathie Dubai have been zoned since Feb 1996 for 6 children. I'm interested in being zoned for 8 children. in my licensed daycare.

Please note that applications for public hearings must comply with the provisions and requirements in [Chapter 164](#), Zoning & Subdivision of Land, City of Westminster Code. All applicants are advised to review the [Rules of Order and Procedure](#) before applying.

Application for Public Hearing before the Board of Zoning Appeals (Continued - Page 2)

Subject Property - Owner's Address: 221 Alymer Ct, Westminster, MD 21157

Using SDAT, provide names and addresses of owners of all adjacent properties – including names and addresses of owners of properties on opposite sides of streets or alleys.

Property 1: Gregory & Cynthia Lessner 217 Alymer Ct, Westminster, MD 21157

Property 2: Michael & Heather Harmon 219 Alymer Ct, Westminster MD 21157

Property 3: Terrance & April Walbert 223 Alymer Ct, Westminster MD 21157

Property 4: Brian & Jessica Bailey 225 Alymer Ct Westminster MD 21157

Property 5: Edward & Karen Henry 239 Alymer Ct, Westminster MD 21157

Property 6: Dale & Jennifer Fisher 224 Alymer Ct, Westminster MD 21157

Property 7: Leon Wtz 211 Alymer Ct, Westminster, MD 21157

Property 8: _____

Property 9: _____

Property 10: _____

Property 11: _____

Property 12: _____

CERTIFICATION

I CERTIFY THAT THE FOREGOING INFORMATION AND THE LIST OF ADJOINING PROPERTY OWNERS IS TRUE AND ACCURATE. I AGREE TO ABIDE BY THE RULES OF ORDER AND PROCEDURE FOR THE BOARD OF ZONING APPEALS AND ALL APPLICABLE LAWS.

Kathie A Dubay
APPLICANT'S SIGNATURE / DATE

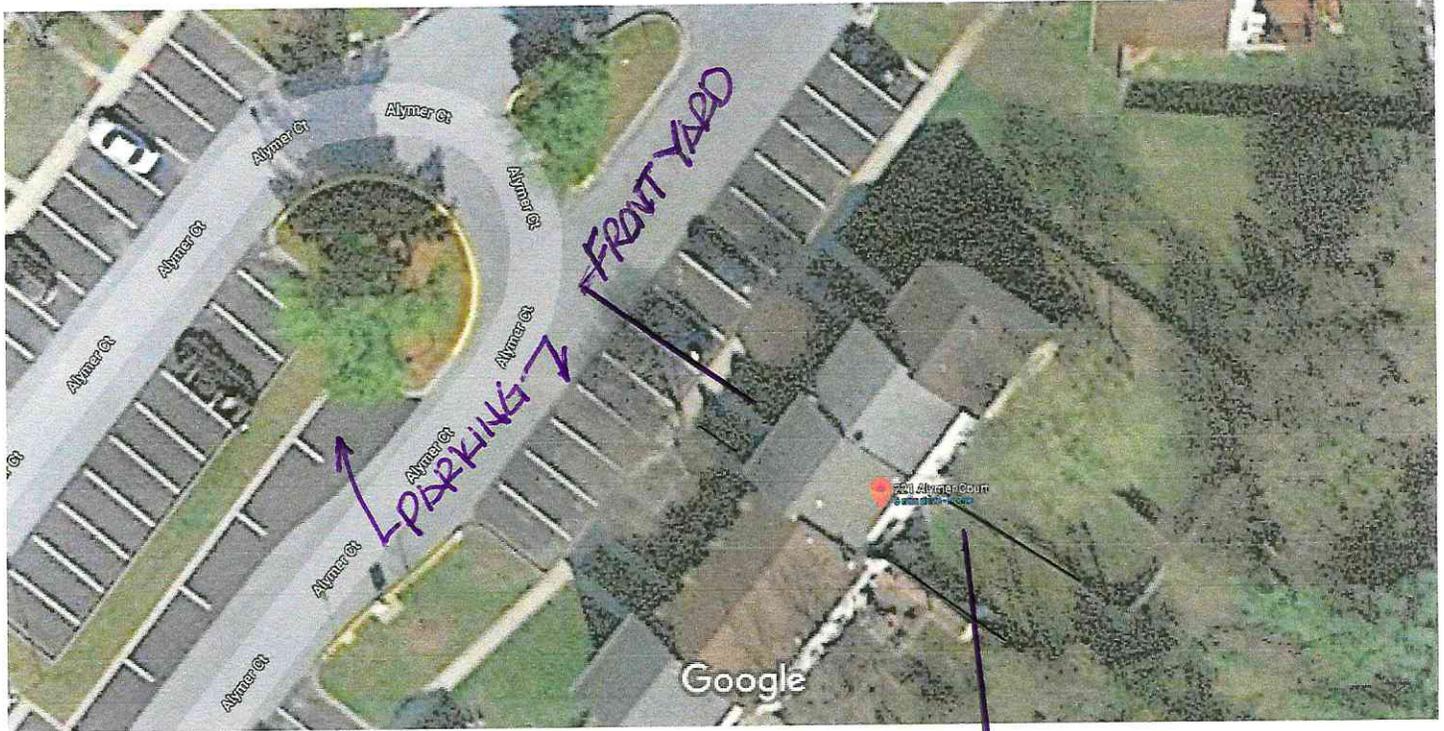
Olinda Pagulayan
Olindo Pagulayan 1-24-2020
PROPERTY OWNER'S SIGNATURE / DATE

Kathie A Dubay
APPLICANT'S PRINTED NAME / DATE

APPLICANT'S ATTORNEY SIGNATURE / DATE

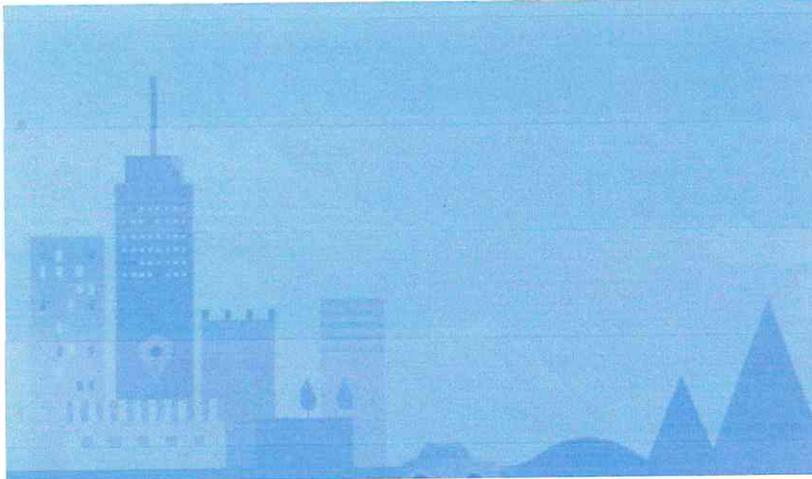
Please email signed and dated applications with all required submittals to planning@westgov.com

Google Maps 221 Alymer Ct



Map data ©2020 Map data ©2020 20 ft

BACK YARD



221 Alymer Ct

Westminster, MD 21157

Building



Directions



Save



Nearby



Send to your phone



Share

Michelle Jefferson

From: Kathie Dubay <kcyr04@comcast.net>
Sent: Wednesday, July 29, 2020 6:58 PM
To: Michelle Jefferson
Subject: Pictures





Sent from my iPhone



City of Westminster

KENNETH A. YOWAN
Mayor
CITY COUNCIL
Edward S. Calwell
President
Suzanne P. Albert
Stephen R. Chapin, Sr.
Damian L. Halstad
Gregory Pecoraro

P.O. BOX 710
WESTMINSTER, MARYLAND 21158
TELEPHONE:
Local (410) 848-9000
Baltimore Line (410) 876-1313
TDD: (410) 857-8290
FAX: (410) 876-0299

Thomas B. Beyard
Director of Planning & Public Works
John D. Dudderar
City Clerk
Stephen V. Dutterer
Director of Finance - Treasurer
Sam R. Leppo
Chief of Police

February 1, 1996

Kathie Cyr
221 Alymer Court
Westminster, Maryland 21157

Dear Ms. Cyr:

This is to certify that the application to use your residence at 221 Alymer Court, for a family day-care home not to exceed six (6) children, is acceptable under the present zoning regulations of the City.

Very truly yours,

JOHN D. DUDDERAR
City Clerk

JDD/ddr

Kathie Dubay
221 Alymer Ct
Westminster, MD 21157

September 1, 2020

RE: Prehearing Statement for zoning for daycare

City of Westminster Zoning:

I have applied for and increase of children in my home daycare. I am licensed for 6 and would like to increase to 8. Based on licensing, I can have up to 8 children. I have submitted every report, site plan, pictures and documents requested. All these documents are attached to this letter.

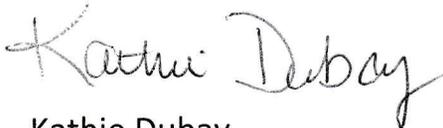
This request does not require expert testimony, simply a copy of my daycare license, which is also attached.

I have no witnesses to identify, I call no witnesses and to my knowledge, none of my neighbors oppose this expansion of the daycare children.

It is my hope this doesn't take more than fifteen minutes.

Thanks for your time.

Sincerely,

A handwritten signature in cursive script that reads "Kathie Dubay". The signature is written in black ink and is positioned to the left of the typed name.

Kathie Dubay

Application Fees

See fees below, plus City legal fees and court reporter fees, payable to City of Westminster



CITY OF WESTMINSTER

56 WEST MAIN STREET
WESTMINSTER, MD 21157

For Office Use Only

Case No.: _____
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Property 9: _____

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Property 12: _____

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Kathie A Dubay
APPLICANT'S SIGNATURE / DATE

Olindo Pagulayan
Olindo Pagulayan 7-24-2020
PROPERTY OWNER'S SIGNATURE / DATE

Kathie A Dubay
APPLICANT'S PRINTED NAME / DATE

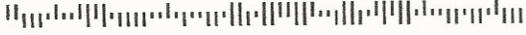
APPLICANT'S ATTORNEY SIGNATURE / DATE

Please email signed and dated applications with all required submittals to planning@westgov.com



City Of Westminster
 56 W Main Street
 Westminster, MD 21157

General Information:
 Pay Online: www.westminstermd.gov
 Billing Inquires: (410) 848-3255
 Federal Tax ID : 52-6000811

4-1
 KATHIE CYR
 221 ALYMER CT
 WESTMINSTER MD 21157-6332


Messages

Consumer Confidence Reports
www.westminstermd.gov/cranberryCCR
www.westminstermd.gov/wakefieldCCR
 For Questions/Concerns regarding water quality please email:
CityofWestminsterWTP@westgov.com

Account Information

Customer Number: 043712+001
 Service Location: 221 ALYMER CT
 Billing Date: 4/30/20
 Due Date: 5/30/20
 Last Payment Date: 2/26/20
 Previous Balance: 124.36
 Payments: 124.36
 Current Charges: 140.76
 Adjustments:
 Total Due: 140.76

Terms: Net amount due upon receipt of invoice. Gross Amount (includes penalty of 5%) due after date shown on invoice. After five days from this date water and/or sewer service will be subject to termination. A minimum charge of \$100.00 will be charged for restoring service.

Condition: If from any cause, the water should temporarily fail, no rebate shall be allowed for any claim of damages resulting from the

Billing Details

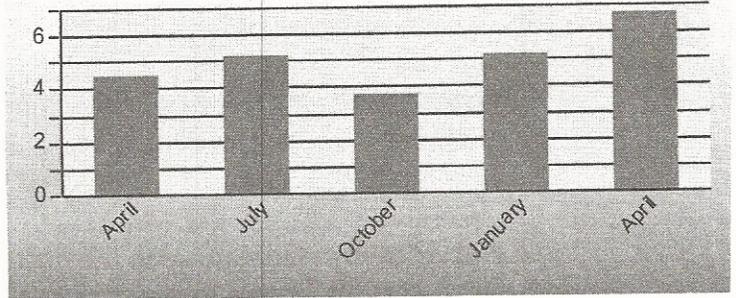
Account #: 32-00720-000 221 ALYMER CT
 Service from 2/1/2020 to 4/30/2020

Water		
Base City Water.....	23.77	
Water Consumption - City.....	28.95	
Sewer		
Base City Sewer.....	28.20	
Sewer Consumption -City.....	44.84	
Brf		
Bay Restoration Fee Residential.....	15.00	
Total Current Charges.....	140.76	

Meter Information

Meter #: 88018748
 Prev Read CCF: 447 Curr Read CCF: 456 A
 Prev Read Date: 1/9/20 Curr Read Date: 3/24/20
 Usage: 6733 Gallons

Your average water use for this billing period was 90 gallons per day.



PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. MAKE CHECK PAYABLE TO: **CITY OF WESTMINSTER**

Account Number: 32-00720-000
 Service Location: 221 ALYMER CT
 Billing Date: 4/30/20
 Due Date: 5/30/20

AMOUNT DUE 140.76
 Gross amount due after: 5/30/20
 Gross amount: 147.80

City of Westminster
 Water/Sewer Dept.
 56 W Main Street
 Westminster, MD 21157



KATHIE CYR
 221 ALYMER CT
 WESTMINSTER MD 21157-6332



City of Westminster

KENNETH A. YOWAN
Mayor

CITY COUNCIL
Edward S. Calwell
President

Suzanne P. Albert
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Damian L. Halstad
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February 1, 1996

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City Clerk

JDD/ddr

Google Maps 221 Alymer Ct



Map data ©2020 Map data ©2020 20 ft

BACK YARD



221 Alymer Ct

Westminster, MD 21157

Building



Directions



Save



Nearby



Send to your phone



Share

POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location.



**MARYLAND STATE DEPARTMENT OF
EDUCATION**

Achievement Matters Most

State of Maryland - Department of Education
Office of Child Care
CERTIFICATE OF REGISTRATION

Region: 13
County: CARROLL
Registration Number: 56546
First License/Registration Issued:
04/30/1996

This certifies that **Kathie Dubay** is registered to operate a Family Child Care Home
at: **221 Alymer Court, Westminster, MD 21157**

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-550 through 5-558, and COMAR 13A.15.01-.15.

Current Status of Registration:		Approved Ages of Children in Care:		Approved Hours of Operation:		Accreditation:	
Issued on:	05/01/2014	Under 2 years old *	2	Days:	YES	Accredited:	NO
Revised on:		2 years through 5 years old	YES	Evenings:	NO	Accrediting Agency:	
Status:	Continuing - Full	5 years through 12 years old	YES	Overnight:	NO		
		13 years through 20 years old	YES	Weekends:	NO		

Maximum number of family child care children approved for care at one time: **6**

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family child care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new Certificate.

* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

RESTRICTIONS/COMMENTS: THE BASEMENT MAY NOT BE USED FOR CHILD CARE. ANNIVERSARY MONTH: APRIL.

Lillian M. Lowery

State Superintendent of Schools
Maryland State Department of Education



Units 15-20 5 parking spaces



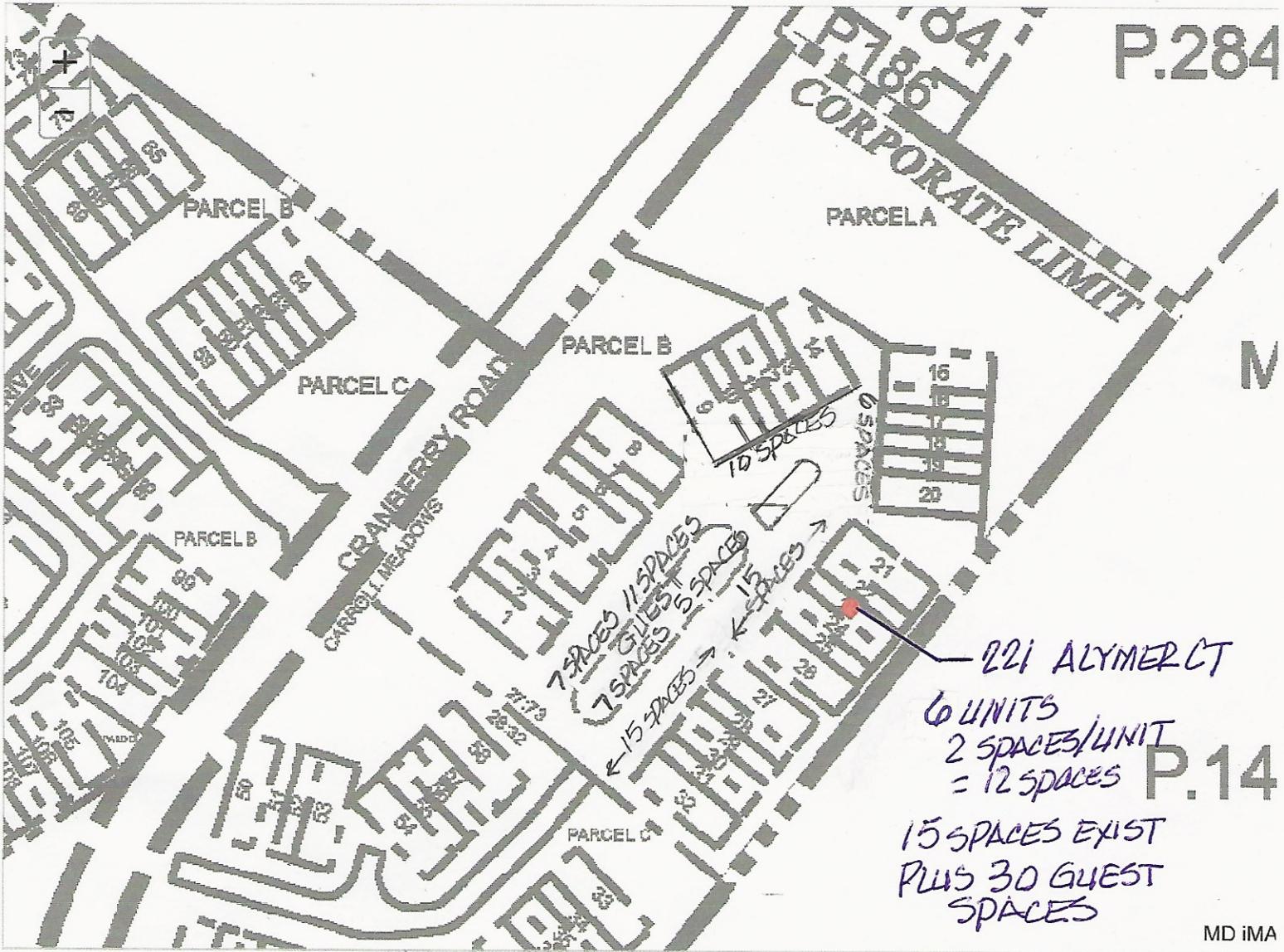
Units 21-26 15 parking spaces



Front of 221 Alymer Court



30 Guest Parking Spaces



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

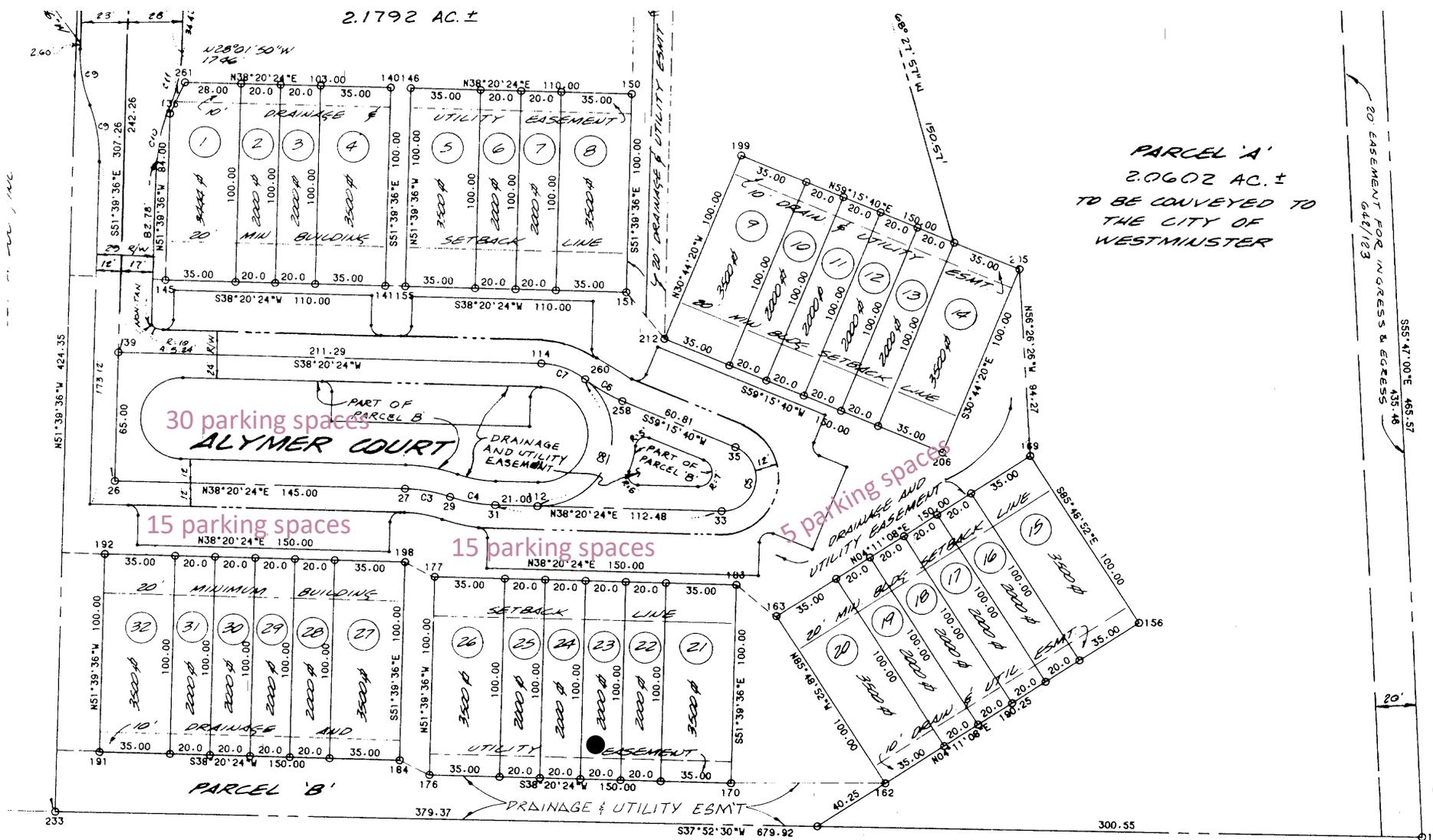
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

2.1792 AC. ±

PARCEL 'A'
2.0602 AC. ±
TO BE CONVEYED TO
THE CITY OF
WESTMINSTER



221 Alymer Ct

C. WAYNE HOFFMAN
698/26



BOARD OF ZONING APPEALS

October 6, 2020

TITLE: Expanded Day-Care Use at 221 Alymer Court

REQUEST: Special Exception Case# 20-04

The Applicant is requesting Special Exception approval for a “...**day-care facilities for up to eight children...**” use, pursuant to Zoning Ordinance Section 164-90 A. which references Section 164-30 G.

PROJECT INFORMATION:

LOCATION: 221 Alymer Court, Westminster, Maryland (SDAT# 07-091834), approximately 430 feet northeast of the North Cranberry Road and Alymer Court intersection.

ZONE: PD-9 Planned Development – 9 Zone

APPLICANT/REPRESENTATIVES:

APPLICANT: Kathie Dubay
OWNER: Olindo and Aurora Pagulayan Trustee
ENGINEER: None
ATTORNEY: None

STAFF: Andrew R. Gray, Comprehensive Planner
Mark A. Depo, Director of Community Planning and Development

ATTACHMENTS:

1. Special Exception Application
2. Applicant Prehearing Statement
3. SDAT real property search information
4. Article XVI Off-Street Parking and Loading

STAFF REPORT

Article XXII of the City Zoning Ordinance (Zoning Ordinance) requires the City of Westminster Board of Zoning Appeals (Board) to hear and decide special exceptions as such exceptions are authorized by the Zoning Ordinance. The Board is hereby empowered to add the specific provisions that it may deem necessary to protect adjacent properties, the general neighborhood and the residents and workers therein, including provisions such as special setbacks, landscaping, parking, lighting restrictions, limited business hours and other restrictions. The Board may also specify a time limit for the implementation of a special exception. [Zoning Ordinance Section 164-171.A.]

I. BACKGROUND

On July 30, 2020, the Applicant submitted a Special Exception application to the Board for a “day-care facilities for up to eight children ” use, pursuant to Zoning Ordinance Section 164-90.A., at 221 Alymer Court (SDAT# 07-091834), hereinafter referred to as the “Property”.

II. PROPERTY INFORMATION

The Property is zoned PD-9 Planned Development – 9 Zone. The Maryland State Department of Assessments and Taxation (SDAT) records indicate the Property is owned by Olindo and Aurora Pagulayan Trustee. The property is located approximately 430 feet northeast of the North Cranberry Road and Alymer Court intersection.



III. REQUIRED NOTICE

On September 4, 2020 a Notice of Hearing was sent via certified mail to the subject adjoining property owners and property owner. On September 13, 2020, a Notice of Hearing appeared in the Carroll County Times. On September 20, 2020, a second Notice of Hearing appeared in the Carroll County Times. On September 21, 2020 the application and pre-hearing statement were posted on the City's website. On September 22, 2020, the property was posted with a Zoning Notice sign. On October 2, 2020, a copy of the agenda, was posted on the City website. These notices were provided to meet the notification requirements set forth in Zoning Ordinance Section 164-166 and the Maryland Open Meeting Act. As of the date of this staff report, the City has not received a written request for BZA inspection of the property, pursuant to Zoning Ordinance Section 164-166.E.

IV. SPECIAL EXCEPTION ANALYSIS AND COMMENTS

Special Exception Criteria

Pursuant to Zoning Ordinance Section 164-169, Criteria for determination, "In the exercise of its responsibilities under this chapter, the Board shall study the specific property involved, as well as the neighborhood, shall consider all testimony and data submitted and shall hear any person desiring to speak for or against the appeal or petition."

- A. In making its determination, the Board may consider whether the appeal or petition would adversely affect the public health, safety, security, morals or general welfare, would result in dangerous traffic conditions or would jeopardize the lives or property of people living in the neighborhood.
- B. In deciding such matters, the Board may consider the following factors, together with other relevant factors:
 - (1) The number of people residing or working in the immediate area concerned.
 - (2) The orderly growth of a community.
 - (3) Traffic conditions and facilities.
 - (4) The effect of such use upon the peaceful enjoyment of people in their homes.
 - (5) The conservation of property values.
 - (6) The effect of odors, dust, gas, smoke, fumes, vibrations, glare and noise upon the use of surrounding property values.
 - (7) The most appropriate use of land and structure.
 - (8) Prior decisions of the courts regarding such matters.
 - (9) The purpose of the regulations as set forth in this chapter.
 - (10) The type and kind of structures in the vicinity where public gatherings may be held, such as schools, places of worship and the like.
 - (11) Facilities for sewers, water, schools, transportation and other services and the ability of the City to supply such services.

- (12) Limitations of fire-fighting equipment and the means of access for fire, police and health services.
- (13) The preservation of cultural and historical landmarks.
- (14) Traffic conditions, including facilities for pedestrians, such as sidewalks, safety zones, parking facilities available and the safe access of cars to highways or roads.
- (15) The contribution, if any, that such proposed use, building or addition would make toward the deterioration of areas and neighborhoods.

Conditions for Grant of Special Exceptions

Pursuant to Section 164-161 A.(2), the Board of Zoning Appeals is empowered “to hear and decide special exceptions as such exceptions are authorized by this chapter.” Pursuant to Section 164-170 A., “The Board may grant a special exception when it finds from a preponderance of the evidence of record that:”

- (1) The proposed use does not adversely affect the general plan for the physical development of the district, as may be embodied in this chapter and in any Master Plan or portion thereof adopted by the Commission.

The information provided by the Applicant did not address if their proposed use does not adversely affect the general plan for the physical development of the district, as may be embodied in this chapter and in any Master Plan or portion thereof adopted by the Commission. The applicant should provide testimony addressing this provision of the Ordinance.

The *2009 Comprehensive Plan* sets goals including:

- Goal F2, “Encourage the provision of quality childcare services in locations that are convenient to Westminster residents and employees.”

- (2) The proposed use at the selected location will not:

- (a) Adversely affect the health and safety of residents or workers in the area;

The information provided by the Applicant did not address if their proposed use would adversely affect the health and safety of residents or workers in the area. The applicant should provide testimony addressing this provision of the Ordinance.

- (b) Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or

The information provided by the Applicant did not address if their proposed use would overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements.

The applicant applied for a Water and Sewer Allocation for the proposed increase of two children, if the Board were to approve this special exception application. There are approximately 1,114 GPD of water available for commercial uses. 30 GPD would be required for the additional two children. The applicant should provide testimony regarding pick-up and drop-off times to determine impact on public roadways.

- (c) Be detrimental to the use or development of adjacent properties or the general neighborhood or change the character of the general neighborhood in which the use is proposed, considering the service required, at the time of the application, the population, density, character and number of similar uses; and

The information provided by the Applicant did not address if their proposed use would be detrimental to the use or development of adjacent properties or the general neighborhood or change the character of the general neighborhood in which the use is proposed, considering the service required, at the time of the application, the population, density, character and number of similar uses. The applicant should provide testimony addressing this provision of the Ordinance

The special exception use is proposed on property in the PD-9 Planned Development - 9 Zone.

For the purposes of the special exception review, the neighborhood would consist of the immediately surrounding properties. These properties are zoned as the following:

- North: PD-9 Planned Development - 9 Zone
- South: PD-9 Planned Development - 9 Zone
- East: PD-9 Planned Development - 9 Zone
- West: PD-9 Planned Development - 9 Zone

It should be noted that the area to the southeast of the property, adjacent to property owned by Carroll Meadows Homeowners Assoc. Inc is zoned Conservation by Carroll County Government.

- (3) The standards set forth for each particular use for which a special exception may be granted have been met.

There are no specific requirements set forth for the particular use.

Additional Zoning Ordinance Regulations

Parking Requirements:

Pursuant to Zoning Ordinance Section 164-171 B., the proposal must meet the City's parking requirements contained in Article XVI.

The special exception application is for a day care use within an existing single-family attached dwelling unit, with an existing shared parking area. The existing *single-family attached...* unit, parking requirement is *3 spaces per dwelling unit, minimum of 9 x 18 feet in size per space*, pursuant to Section 164-111 of the Zoning Ordinance (attached).

The applicant is currently applying for a *day-care facility for up to eight children...* It would appear the parking requirement most closely related to this use in Section 164-111 of the Zoning Ordinance would be for *Home Occupations*. *Home Occupations* require *1 space in addition to spaces devoted to use by the residents*.

There are currently 58 single-family attached dwelling units located on Alymer Court, requiring 174 Parking Spaces. There are currently 155 parking spaces located on Alymer Court. A deficiency of 19 Parking Spaces is currently present and may not allow sufficient parking for the applicant's proposal. Please see the aerial map below for more information on the existing parking and dwelling units.



Please note that the applicant has indicated 30 guest parking spaces exist in their pre-hearing statement. There are currently no pavement markings signifying guest parking

or resident parking. The applicant should provide testimony on current parking conditions in the Carroll Meadows area.

Signage Requirements:

Pursuant to Zoning Ordinance Section 164-120 A. Signs not requiring permits, “signs indicating the name and/or premises or accessory use of a home for a home occupation, its residents or professional purposes, not exceeding one square foot in area” are allowed. This is the only type of signage that is allowed in a residential zone.

The information provided by the Applicant did not address signage and it is understood by staff without signage information and currently no visible signage on the site, that none would be proposed. Applicants testimony should include information about any proposed signage. Staff has included the photo below that includes the front of the home taken on September 22, 2020.



V. CONCLUSION AND ADDITIONAL CONSIDERATION

Pursuant to Zoning Ordinance Section 164-170 B., “The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.”

Zoning Administration recommends that the Board of Zoning Appeals deny the proposed Special Exception use due to insufficient parking.

If the Board decides to approve the proposed Special Exception use, staff suggests the following condition.

- 1) All proper licensing will be obtained by the applicant.

Application Fees
See fees below, plus City legal fees and court reporter fees, payable to *City of Westminster*



For Office Use Only
Case No.: _____
Form Received: _____
Fee Paid: _____
DCPD Reviewed: _____
Appeal Received: _____
Court Review: _____

CITY OF WESTMINSTER

56 WEST MAIN STREET
WESTMINSTER, MD 21157

APPLICATION FOR PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS

In accordance with the Charter and Code of the City of Westminster, an application is made to the Board as follows:

1. Purpose of Hearing:

Applicable Fees:

- | | | |
|-------------------------------------|-------------------------------|--|
| <input checked="" type="checkbox"/> | Request for special exception | \$1,500, unless owner-occupied or day care \$300 |
| <input type="checkbox"/> | Request for variance | \$1,000, unless owner occupied \$200 |
| <input type="checkbox"/> | Appeal of admin decision | \$600 |
| <input type="checkbox"/> | Nonconforming uses | No fee |

2. Applicant Information:

Name: Kathie Dubai Address: 221 Alymer Ct, Westminster MD 21157
Telephone: 410-991-1801 Fax: - E-Mail: Kcyr04@comcast.net

3. Property Owner Information: (if Different)

Name: Olindo Pagulyan Address: 1998 Zicker Ave, Las Vegas NV 89123
Telephone: 410-236-3698 Fax: - E-Mail: opagulyan@gmail.com

4. Attorney Information: (if Applicable)

Name: _____ Address: _____
Telephone: _____ Fax: _____ E-Mail: _____

5. Address of Subject Property: 221 Alymer Ct, Westminster, MD 21157

6. Request Description: I. Kathie Dubai have been zoned since Feb 1996 for 6 children. I'm interested in being zoned for 8 children in my licensed daycare.

Please note that applications for public hearings must comply with the provisions and requirements in [Chapter 164](#), Zoning & Subdivision of Land, City of Westminster Code. All applicants are advised to review the [Rules of Order and Procedure](#) before applying.

Application for Public Hearing before the Board of Zoning Appeals (Continued - Page 2)

Subject Property - Owner's Address: 221 Alymer Ct, Westminster, MD 21157

Using SDAT, provide names and addresses of owners of all adjacent properties – including names and addresses of owners of properties on opposite sides of streets or alleys.

Property 1: Gregory & Cynthia Lessner 217 Alymer Ct, Westminster, MD 21157

Property 2: Michael & Heather Harmon 219 Alymer Ct, Westminster MD 21157

Property 3: Terrance & April Walbert 223 Alymer Ct, Westminster MD 21157

Property 4: Brian & Jessica Bailey 225 Alymer Ct Westminster MD 21157

Property 5: Edward & Karen Henry 239 Alymer Ct, Westminster MD 21157

Property 6: Dale & Jennifer Fisher 224 Alymer Ct, Westminster MD 21157

Property 7: Leon Wtz 211 Alymer Ct, Westminster, MD 21157

Property 8: _____

Property 9: _____

Property 10: _____

Property 11: _____

Property 12: _____

CERTIFICATION

I CERTIFY THAT THE FOREGOING INFORMATION AND THE LIST OF ADJOINING PROPERTY OWNERS IS TRUE AND ACCURATE. I AGREE TO ABIDE BY THE RULES OF ORDER AND PROCEDURE FOR THE BOARD OF ZONING APPEALS AND ALL APPLICABLE LAWS.

Kathie A Dubay
APPLICANT'S SIGNATURE / DATE

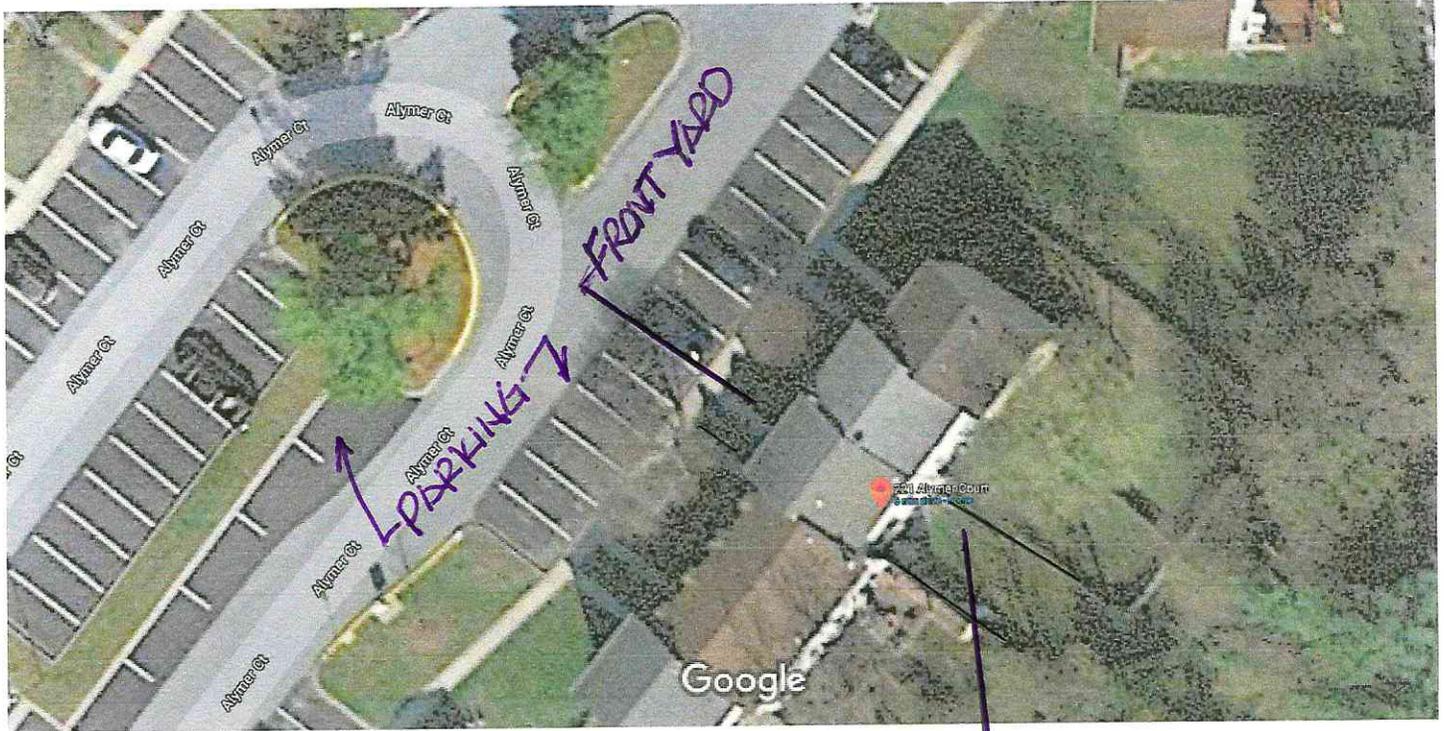
Olinda Pagulayan
Olindo Pagulayan 1-24-2020
PROPERTY OWNER'S SIGNATURE / DATE

Kathie A Dubay
APPLICANT'S PRINTED NAME / DATE

APPLICANT'S ATTORNEY SIGNATURE / DATE

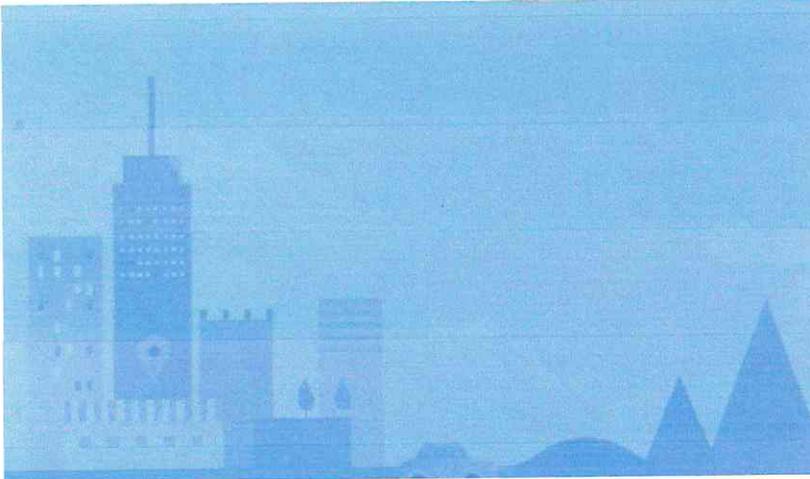
Please email signed and dated applications with all required submittals to planning@westgov.com

Google Maps 221 Alymer Ct



Map data ©2020 Map data ©2020 20 ft

BACK YARD



221 Alymer Ct

Westminster, MD 21157

Building



Directions



Save



Nearby



Send to your phone



Share

Michelle Jefferson

From: Kathie Dubay <kcyr04@comcast.net>
Sent: Wednesday, July 29, 2020 6:58 PM
To: Michelle Jefferson
Subject: Pictures





Sent from my iPhone



City of Westminster

KENNETH A. YOWAN
Mayor
CITY COUNCIL
Edward S. Calwell
President
Suzanne P. Albert
Stephen R. Chapin, Sr.
Damian L. Halstad
Gregory Pecoraro

P.O. BOX 710
WESTMINSTER, MARYLAND 21158
TELEPHONE:
Local (410) 848-9000
Baltimore Line (410) 876-1313
TDD: (410) 857-8290
FAX: (410) 876-0299

Thomas B. Beyard
Director of Planning & Public Works
John D. Dudderar
City Clerk
Stephen V. Dutterer
Director of Finance - Treasurer
Sam R. Leppo
Chief of Police

February 1, 1996

Kathie Cyr
221 Alymer Court
Westminster, Maryland 21157

Dear Ms. Cyr:

This is to certify that the application to use your residence at 221 Alymer Court, for a family day-care home not to exceed six (6) children, is acceptable under the present zoning regulations of the City.

Very truly yours,

JOHN D. DUDDERAR
City Clerk

JDD/ddr

Kathie Dubay
221 Alymer Ct
Westminster, MD 21157

September 1, 2020

RE: Prehearing Statement for zoning for daycare

City of Westminster Zoning:

I have applied for and increase of children in my home daycare. I am licensed for 6 and would like to increase to 8. Based on licensing, I can have up to 8 children. I have submitted every report, site plan, pictures and documents requested. All these documents are attached to this letter.

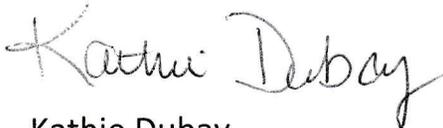
This request does not require expert testimony, simply a copy of my daycare license, which is also attached.

I have no witnesses to identify, I call no witnesses and to my knowledge, none of my neighbors oppose this expansion of the daycare children.

It is my hope this doesn't take more than fifteen minutes.

Thanks for your time.

Sincerely,

A handwritten signature in cursive script that reads "Kathie Dubay". The signature is written in black ink and is positioned above the printed name.

Kathie Dubay

Application Fees

See fees below, plus City legal fees and court reporter fees, payable to *City of Westminster*



CITY OF WESTMINSTER

56 WEST MAIN STREET
WESTMINSTER, MD 21157

For Office Use Only

Case No.: _____
Form Received: _____
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APPLICATION FOR PUBLIC HEARING BEFORE THE BOARD OF ZONING APPEALS

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2. Applicant Information:

Name: Kathie Dubay Address: 221 Alymer Ct, Westminster MD 21157
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Property 9: _____

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Property 12: _____

CERTIFICATION

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Kathie A Dubay
APPLICANT'S SIGNATURE / DATE

Olindo Pagulayan
Olindo Pagulayan 7-24-2020
PROPERTY OWNER'S SIGNATURE / DATE

Kathie A Dubay
APPLICANT'S PRINTED NAME / DATE

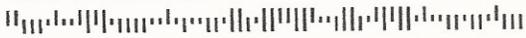
APPLICANT'S ATTORNEY SIGNATURE / DATE

Please email signed and dated applications with all required submittals to planning@westgov.com



City Of Westminster
 56 W Main Street
 Westminster, MD 21157

General Information:
 Pay Online: www.westminstermd.gov
 Billing Inquires: (410) 848-3255
 Federal Tax ID : 52-6000811

4-1
 KATHIE CYR
 221 ALYMER CT
 WESTMINSTER MD 21157-6332


Messages

Consumer Confidence Reports
www.westminstermd.gov/cranberryCCR

www.westminstermd.gov/wakefieldCCR

For Questions/Concerns regarding water quality please email:
CityofWestminsterWTP@westgov.com

Account Information

Customer Number: 043712+001
 Service Location: 221 ALYMER CT
 Billing Date: 4/30/20
 Due Date: 5/30/20
 Last Payment Date: 2/26/20
 Previous Balance: 124.36
 Payments: 124.36
 Current Charges: 140.76
 Adjustments:
 Total Due: 140.76

Terms: Net amount due upon receipt of invoice. Gross Amount (includes penalty of 5%) due after date shown on invoice. After five days from this date water and/or sewer service will be subject to termination. A minimum charge of \$100.00 will be charged for restoring service.

Condition: If from any cause, the water should temporarily fail, no rebate shall be allowed for any claim of damages resulting from the

Billing Details

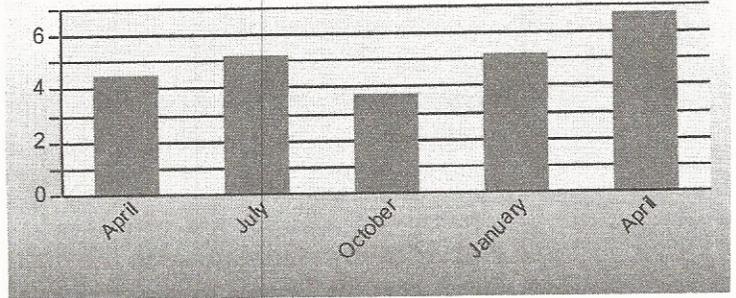
Account #: 32-00720-000 221 ALYMER CT
 Service from 2/1/2020 to 4/30/2020

Water		
Base City Water.....	23.77	
Water Consumption - City.....	28.95	
Sewer		
Base City Sewer.....	28.20	
Sewer Consumption -City.....	44.84	
Brf		
Bay Restoration Fee Residential.....	15.00	
Total Current Charges.....	140.76	

Meter Information

Meter #: 88018748
 Prev Read CCF: 447 Curr Read CCF: 456 A
 Prev Read Date: 1/9/20 Curr Read Date: 3/24/20
 Usage: 6733 Gallons

Your average water use for this billing period was 90 gallons per day.



PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. MAKE CHECK PAYABLE TO: **CITY OF WESTMINSTER**

Account Number: 32-00720-000
 Service Location: 221 ALYMER CT
 Billing Date: 4/30/20
 Due Date: 5/30/20

AMOUNT DUE 140.76
 Gross amount due after: 5/30/20
 Gross amount: 147.80

City of Westminster
 Water/Sewer Dept.
 56 W Main Street
 Westminster, MD 21157



KATHIE CYR
 221 ALYMER CT
 WESTMINSTER MD 21157-6332



City of Westminster

KENNETH A. YOWAN
Mayor

CITY COUNCIL
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Sam R. Leppo
Chief of Police

February 1, 1996

Kathie Cyr
221 Alymer Court
Westminster, Maryland 21157

Dear Ms. Cyr:

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Very truly yours,

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City Clerk

JDD/ddr

Google Maps 221 Alymer Ct



Map data ©2020 Map data ©2020 20 ft

BACK YARD



221 Alymer Ct

Westminster, MD 21157

Building



Directions



Save



Nearby



Send to your phone



Share

POST IN CONSPICUOUS PLACE - This Certificate of Registration is not transferable to another person, address, or location.



**MARYLAND STATE DEPARTMENT OF
EDUCATION**

Achievement Matters Most

State of Maryland - Department of Education
Office of Child Care
CERTIFICATE OF REGISTRATION

Region: 13
County: CARROLL
Registration Number: 56546
First License/Registration Issued:
04/30/1996

This certifies that **Kathie Dubay** is registered to operate a Family Child Care Home
at: **221 Alymer Court, Westminster, MD 21157**

The Office of Child Care issues this Certificate of Registration pursuant to Family Law Article, Sections 5-550 through 5-558, and COMAR 13A.15.01-.15.

Current Status of Registration:		Approved Ages of Children in Care:		Approved Hours of Operation:		Accreditation:	
Issued on:	05/01/2014	Under 2 years old *	2	Days:	YES	Accredited:	NO
Revised on:		2 years through 5 years old	YES	Evenings:	NO	Accrediting Agency:	
Status:	Continuing - Full	5 years through 12 years old	YES	Overnight:	NO		
		13 years through 20 years old	YES	Weekends:	NO		

Maximum number of family child care children approved for care at one time: **6**

This Certificate of Registration is issued to the provider named above on condition that the provider agrees to comply with all applicable family child care laws and regulations. Failure to comply with applicable laws and regulations may result in an enforcement action against the Certificate of Registration, including but not limited to suspension or revocation of the Certificate or denial of a new Certificate. The provider must surrender this Certificate to the Office of Child Care upon suspension, revocation, voluntary closure, or denial of a new Certificate.

* No more than two children under the age of two, including the provider's own children, may be in care at any time unless approved in advance by OCC.

RESTRICTIONS/COMMENTS: THE BASEMENT MAY NOT BE USED FOR CHILD CARE. ANNIVERSARY MONTH: APRIL.

Lillian M. Lowery

State Superintendent of Schools
Maryland State Department of Education



Units 15-20 5 parking spaces



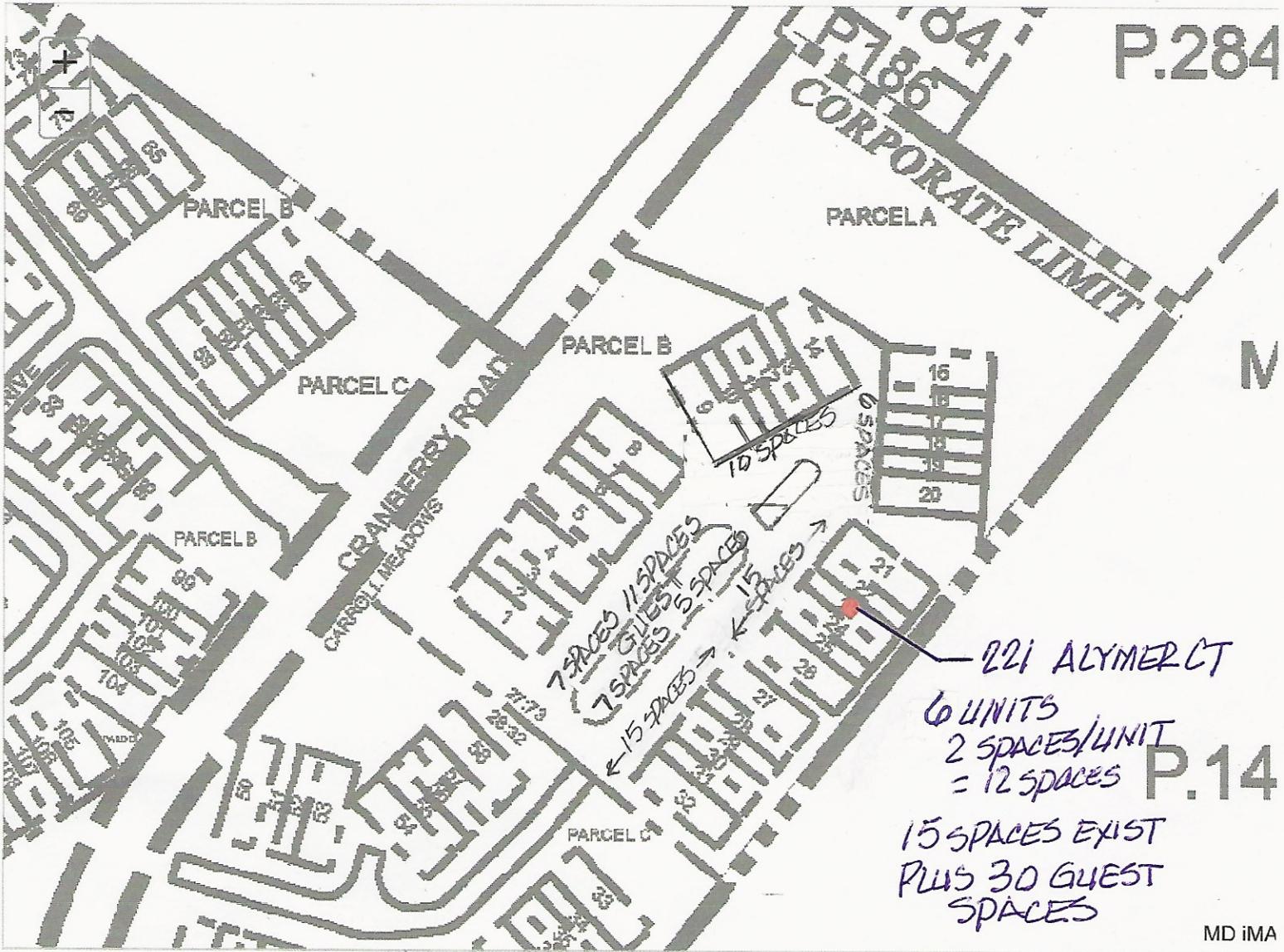
Units 21-26 15 parking spaces



Front of 221 Alymer Court



30 Guest Parking Spaces



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

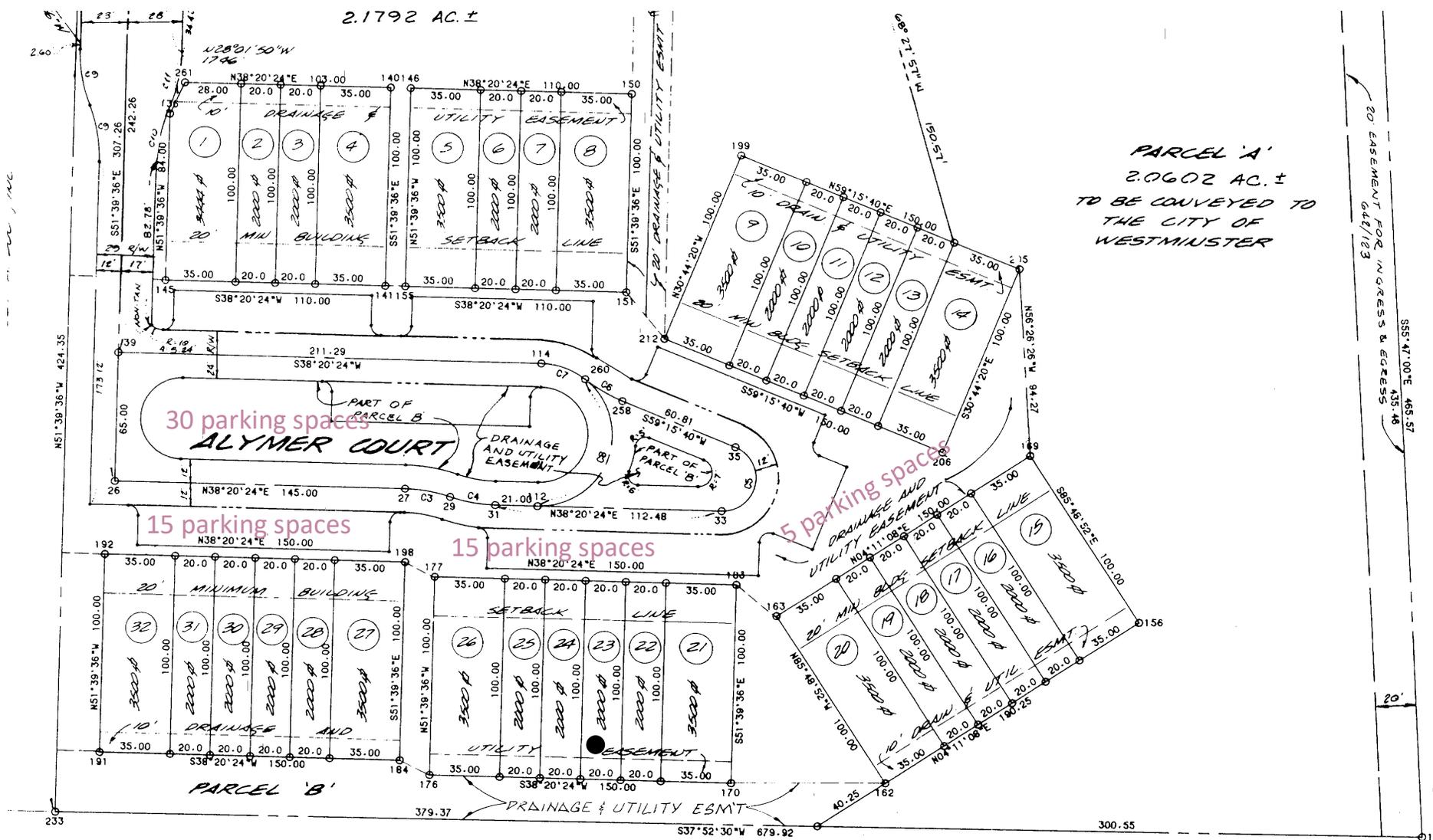
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

2.1792 AC. ±

PARCEL 'A'
2.0602 AC. ±
TO BE CONVEYED TO
THE CITY OF
WESTMINSTER



221 Alymer Ct

C. WAYNE HOFFMAN
698/26

Real Property Data Search (w3)

Search Result for CARROLL COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Special Tax Recapture: None									
Account Identifier:		District - 07 Account Number - 091834							
<i>Owner Information</i>									
Owner Name:		OLINDO AND AURORA PAGULAYAN TRUSTEE				Use:		RESIDENTIAL	
Mailing Address:		1998 ZICKER AVE LAS VEGAS NV 89123-2851				Principal Residence:		NO	
						Deed Reference:		/06385/ 00081	
<i>Location & Structure Information</i>									
Premises Address:		221 ALYMER CT WESTMINSTER 21157-0000				Legal Description:		LT 23 - 2000 SQ FT ALYMER CT 27-73 SEC 1 CARROLL MEADOWS	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0105	0011	2734	7010013.07	0000	1		23	2021	Plat Ref: 0027/ 0073
Town: WESTMINSTER									
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1986		1,080 SF				2,000 SF			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2		CENTER UNIT	SIDING/	4	1 full/ 1 half				
<i>Value Information</i>									
			Base Value	Value	Phase-in Assessments				
				As of	As of		As of		
				01/01/2018	07/01/2020		07/01/2021		
Land:			69,000	69,000					
Improvements			95,500	95,500					
Total:			164,500	164,500	164,500				
Preferential Land:			0						
<i>Transfer Information</i>									
Seller: PAGULAYAN OLINDO				Date: 11/24/2010			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /06385/ 00081			Deed2:		
Seller: SUNSET ASSOCIATES INC				Date: 12/31/1986			Price: \$62,400		
Type: ARMS LENGTH IMPROVED				Deed1: /00991/ 00606			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
<i>Exemption Information</i>									
Partial Exempt Assessments:		Class				07/01/2020		07/01/2021	
County:		000				0.00			
State:		000				0.00			
Municipal:		000				0.00		0.00	
Special Tax Recapture: None									
<i>Homestead Application Information</i>									
Homestead Application Status: No Application									
<i>Homeowners' Tax Credit Application Information</i>									
Homeowners' Tax Credit Application Status: No Application						Date:			

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

§ 164-111 General provisions and requirements.

- A. For the following uses of buildings hereinafter erected or increased from the size existing at the time of the adoption of this chapter, off-street parking facilities which are outside the public right-of-way shall be required as provided herein.
- B. Parking standards. Off-street parking facilities shall be provided for uses in zones, must not be more than 300 feet in distance from an entrance to said uses, shall accommodate normal parking requirements and shall meet the standards listed below.
- C. Parking facilities in Central Business Zone; benefit assessment charge and annual maintenance fee. As to all construction or uses, including residential uses, commenced in the Central Business Zone after the effective date of this section, to the extent that the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to meet the standards in this section, thereby creating a hardship, the Planning Director may, in the Planning Director's discretion, upon application from the user, allow a reduction in the number of spaces; provided, however, that the user shall pay the City a one-time benefit assessment charge and an annual maintenance fee for each space the user is not able to provide under the standards in this section as provided in the General Fee Ordinance.

[]

[Amended 2-27-1995 by Ord. No. 594; 4-14-1997 by Ord. No. 617; 9-24-2001 by Ord. No. 672; 7-12-2004 by Ord. No. 718; 1-28-2008 by Ord. No. 774; 11-24-2008 by Ord. No. 792]

Type of Use	Parking Standards (number of spaces)
Residential	
Single-family detached and semidetached	2 per dwelling unit, minimum of 9 x 18 feet in size per space
Single-family attached	3 per dwelling unit, minimum of 9 x 18 feet in size per space
Multiple-family units	1 per efficiency unit; 1 1/2 per 1-bedroom unit; 2 for 2- or more-than-2-bedroom units
Multiple-family housing for older persons	1 1/2 per dwelling unit up to 2 bedrooms, 2 per dwelling unit with more than 2 bedrooms
Nonresidential	
Airparks, airports and fields requirements. Land uses incidental to air flights are subject to other parking standards contained in this chapter.	Subject to state and federal site
Animal hospitals, veterinary clinics and kennels	1 per employee, plus 1 per business vehicle, plus 1 for each 300 square feet of floor space used for hospital, clinic, office, storage or other purposes
Automobile service stations	2 per bay and 1 per employee shift
Barbershops and beauty shops	1 per employee, plus 2 per each chair
Bowling centers	4 per lane and 1 per employee
Commercial establishments devoted to retail sales, trade, merchandising or similar uses not otherwise specified herein	1 for each 250 square feet of floor area used for retail sales, trade or merchandising, and 1 for each 300 square feet of floor space used for office, storage or other purposes
Convents and monasteries	1 for each 250 square feet of floor space, plus 1 per institutional vehicle
Country clubs, private clubs, social clubs and fraternal organizations	1 per 4 persons of estimated facility capacity, plus 1 per employee and 1 per facility vehicle and piece of mobile equipment
Fire stations, rescue stations and ambulance services	1 per 1 1/2 employees on a major shift, plus 1 per facility vehicle, plus 1 per piece of mobile equipment, plus 1 for visitor's use per 5 employees on the maximum shift
Food stores, supermarkets and roadside stands	1 per 200 square feet of floor area devoted to customer service
Funeral homes and mortuaries	1 for each 100 square feet of floor area devoted to assembly room purposes, plus 1 per 2 employees, plus 1 for each vehicle used in connection with the business
Furniture and appliance stores and repair shops	1 per 500 square feet of floor area, plus 1 for each employee
Government buildings and public buildings	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Home occupations	1 in addition to spaces devoted to use by the residents
Hospitals, nursing, care or retirement homes	1 for every 4 beds or 1 per 600 square feet of floor area, exclusive of basement area not devoted to patients, whichever is greater
Hotels, motels, lodging houses and boarding- (lodging) or rooming houses	1 for each rental room or suite. In addition, if a restaurant in connection with such use is open to the public, the off-street parking facilities for such restaurant shall be those required for a restaurant use.
Indoor shooting ranges	1 per employee and 2 per each shooting and 1 for each 250 square feet of floor area used for accessory retail sales
Manufacturing establishments not otherwise specified herein	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment
Medical and dental offices and clinics	4 per doctor, plus 1 per employee or 1 for each 200 square feet of office space, whichever is greater
Nightclubs and taverns	1 per 4 seats or 1 per 75 square feet of floor area devoted to customer service, plus 1 per employee, whichever is greater
Offices: business, professional or financial	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Places of worship	1 for each 3 fixed seats, provided that the number of spaces required may be reduced by up to 50% if the place of worship is within 500 feet of any public parking lot or commercial parking lot where sufficient spaces are available, by permission of the owner(s) without charge, during the time of services to make up the additional spaces required
Radio and television studios	1 for each 250 square feet of floor area or 2 per office, whichever is greater
Recreation facilities and centers	1 per 4 persons of estimated facility capacity, plus 1 per employee and 1 per facility vehicle and piece of mobile equipment

Research and development establishments, including laboratories	1 per 1 1/2 employees based on the occupancy load, plus 1 per company vehicle
Restaurants and lunchrooms	1 per 4 seats, plus 1 per 2 employees
Schools	Subject to State Board of Education site requirements
Sport centers or arenas, auditoriums not associated with schools, theaters, private assembly halls and community meeting halls	1 per 3 seats or similar accommodations provided, plus 1 per 2 employees
Swimming pools, commercial	1 per 4 persons of estimated pool maximum capacity, plus 1 per employee
Swimming pools, community	1 per 7 persons of estimated pool maximum capacity, plus 1 per employee
Taxi stations	1 for every 3 taxis using the station
Truck and motor freight terminals	1 per motor vehicle to be serviced by the facility, plus 1 per employee. With the exception of parking spaces for employees, all motor vehicle spaces shall be of a size adequate for the type of vehicle serviced by the terminal.
Utility facilities, including telephone offices and service centers	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment, plus 1 for visitors use per 25 employees on the maximum shift, or 1 per 1,000 square feet of gross floor area
Warehouses, heavy equipment storage yards, lumber- and building materials yards and all other industrial uses	1 per 1 1/2 employees on a major shift, plus 1 per company vehicle and piece of mobile equipment, plus 1 for visitor's use per 25 employees on the maximum shift, or 1 per 1,000 square feet of gross floor area
Wholesale establishments	1 per 2 employees

[1] *Editor's Note: See Ch. A175, Fees, Art. I, General Fees.*

- D. [2] Parking facilities in Downtown Parking Area; benefit assessment charge and annual maintenance fee. As to all construction or uses, including residential uses, commenced in the Downtown Parking Area after the effective date of this section, to the extent that the Planning Director determines that the size, configuration or other physical characteristic of the site of the planned use makes it impossible for the user to meet the standards in this section, thereby creating a hardship, the Director may, in the Director's discretion, upon application from the user, allow a reduction in the number of spaces; provided, however, that the user shall pay the City a one-time benefit assessment charge of and an annual maintenance fee for each space the user is not able to provide under the standards in this section as provided in the General Fee Ordinance.[3] Additionally, there is hereby granted a reduction in the number of required parking spaces of 25% for all construction or uses, commenced in the Downtown Parking Area after July 1, 2004. The Downtown Parking Area shall be designated on a map adopted by resolution of the Mayor and Common Council.

[Added 7-12-2004 by Ord. No. 718; amended 1-28-2008 by Ord. No. 774; 11-24-2008 by Ord. No. 792]

[2] *Editor's Note: Former Subsections D, E and F were redesignated as Subsections E, F and G to accommodate the addition of a new Subsection D.*

[3] *Editor's Note: See Ch. A175, Fees, Art. I, General Fees.*

- E. All off-street parking and loading facilities required by this article for any use shall be located on and entirely within the same record lot with that use, unless otherwise provided for in this article.
- F. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated. The number of spaces so designated may not be less than the sum of the individual requirements for each use, except as hereinafter provided, and all design requirements contained in this article must be met. A common parking facility so established must be located so that a major point of pedestrian access to such common facility is within a five-hundred-foot walking distance of the entrance to each use served thereby.
- G. Required off-street parking spaces may be reduced in area by providing designated parking spaces for bicycles, motorbikes or motorcycles, but in no event shall such a reduction in area be permitted on more than 5% of the total number of required spaces.

§ 164-112 Compliance required.

- A. No land shall be used or occupied, no structure shall be designed, erected, attached, used or occupied and no use shall be operated unless the parking and loading facilities herein required are provided in at least the amounts and in accordance with the design standards set forth in this article.
- B. No automobile off-street parking area shall be reduced in area or encroached upon by buildings, vehicle storage, loading or unloading or any other use where such reduction or encroachment will reduce the area below that required by this article.
- C. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in this article.
- D. No parking area or loading space shall be used for the storage, sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- E. For the purpose of this article, the number of employees for a use shall be computed on the basis of the maximum number of persons to be employed at any one time, other than at changes of shifts.
- F. All garage or other space allocated for parking of vehicles within buildings or in basements or open spaces on the roofs of buildings shall be considered part of the required off-street parking facilities and may be included as such in computing the area requirements outlined in this article.
- G. Off-street parking and loading facilities for commercial or industrial uses that make it necessary for vehicles to back out directly into a public road are prohibited.
- H. All off-street parking and loading facilities required by this article for any use shall be established in accordance with all design standards and maintained throughout the operation of that use; any additional off-street parking and loading facilities required as a result of an expansion of or a change in any use shall be likewise established and maintained.
- I. In all residential zones, off-street parking of motor vehicles shall be limited to passenger cars, recreational vehicles and trucks not exceeding a maximum gross weight of 18,000 pounds, which are not truck tractors, trailers or truck-trailer combinations, as defined in the Transportation Article of the Annotated Code of Maryland.
- J. Parking facilities shall be provided for the physically handicapped and aged as specified in Article 41, § 257JK of the Annotated Code of Maryland, entitled "Building code making buildings usable by handicapped persons," or as that section may be hereinafter amended.[1] Such parking facilities may be counted in computing the number of spaces required under this article.

[1] *Editor's Note: See now § 6-102 of Art. 83B of the Annotated Code of Maryland.*

§ 164-113 Location and landscaping.

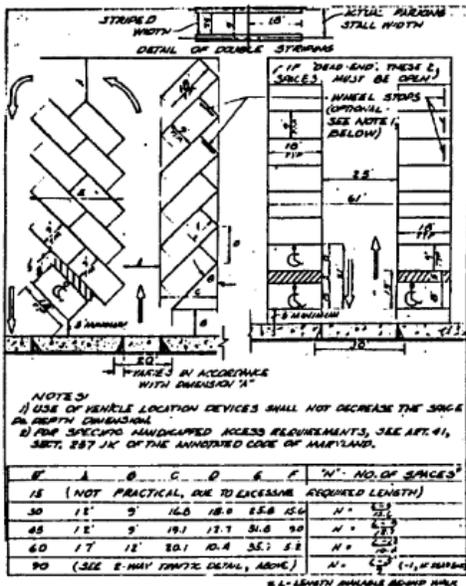
Every off-street parking area, except where the public street is the approved drive aisle, for more than five vehicles shall be located at least five feet from any public walkway, 10 feet from any street or curb and five feet from every residential lot line. The edges of the parking area shall be curbed or buffered, and the space between the parking area and street or lot line shall be landscaped and maintained in a slightly condition. Where adjoining a street, such landscaping shall consist of grass and low shrubs or ornamental trees. Where adjoining a residential lot, it shall include a hedge of sufficient type and height, not less than 30 inches, to protect and screen the adjoining property. If an ornamental wall or fence is installed in lieu of such hedge and accomplishes the same purpose, then the five-foot strip may be reduced to three feet. In parking areas containing 12 or more parking spaces, the total area of said parking area shall be a minimum of 10% of landscaped islands. Said landscaped islands shall be planted with a minimum of one two-and-one-half-inch-caliper shade tree for each 350 square feet of such island.

§ 164-114 Maintenance and lighting.

- A. Any off-street parking area, including any commercial parking lot, for more than five vehicles shall be surfaced or kept treated in such a manner as may be necessary to prevent any dust or nuisance to the neighboring property or the general public and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- B. Adequate lighting shall be provided for all parking facilities used at night. Lighting of off-street parking facilities shall be installed and maintained in a manner not to reflect or cause glare into abutting or facing residential premises nor to cause reflection or glare which adversely affects safe vision of operators of vehicles moving on roads and highways.

§ 164-115 Design standards.

- A. Approval. Designs and plans for areas to be used for automobile off-street parking, including but not limited to the design of aisle widths, stall lengths and widths, turning radii, flow patterns and paving, shall be subject to approval by the Planning Director in accordance with the purposes and requirements set forth in this section and Article XXV of this chapter.
- B. Objectives of designs and plans. Said designs and plans shall accomplish the following objectives:
 - (1) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include but shall not be limited to the reasonable control of noise, glare or reflection from automobiles, automobile perimeter, landscaping, plantings, walls, fences or other natural features or improvements.
 - (2) The safety of pedestrians and motorists within a parking facility.
 - (3) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
 - (4) The provision of appropriate lighting, if the parking is to be used after dark.
- C. Arrangement and marking. All off-street parking areas shall be arranged and marked so as to provide for orderly and safe loading, unloading, parking and storage of vehicles. All nonparallel parking spaces shall be striped to indicate parking areas. Standard parking spaces less than 10 feet in width shall be double-striped between each space to indicate the car width. Compact parking spaces shall be striped around their entire perimeter. Individual parking spaces shall be clearly defined, and directional arrows and traffic signs shall be provided as necessary for traffic control.
- D. Size of spaces.
 - (1) Each standard-size parallel parking space shall have minimum dimensions of seven feet by 21 feet. A "parallel parking space" is defined as one in which the long side of the space parallels the travel lane.
 - (2) Each standard-size perpendicular or angled parking space shall be a rectangle having minimum dimensions of nine feet by 18 feet.
 - (3) The size, clearance, area and other dimensional requirements of off-street parking areas and parking places shall be determined by the type of parking arrangement in accordance with the parking chart and table stated below:



- E. Additionally, all off-street parking and loading areas shall be so graded, drained and paved or surfaced as to prevent damage to abutting properties or public streets and shall be approved by the Planning Department.
[Amended 1-28-2008 by Ord. No. 774]

- F. Modification by Planning Director. The Planning Director may approve the use of compact parking spaces with minimum dimensions of eight feet by 16 feet due to extraordinary situations or conditions peculiar to a specific parcel of property. Any such compact parking spaces shall not exceed 30% of the total number of spaces. The Director may also approve changes in the dimensions of parking spaces in parking garages consistent with nationally recognized design standards for parking garages. No space in a parking garage shall have less than the minimum dimensions of eight feet by 16 feet.

[Amended 8-10-1998 by Ord. No. 629; 1-28-2008 by Ord. No. 774]

§ 164-116 Off-street loading.

- A. Off-street loading and unloading spaces with appropriate and safe access from a street or alley shall be provided on each lot where it is deemed necessary by the Zoning Administrator to adequately serve the uses within the proposed structure.
- B. Where off-street loading spaces are provided cooperatively for two or more uses, all required off-street loading spaces shall be located on the same lot as the use served.
- C. No loading space or berth shall be located within 40 feet of the nearest point of intersection of the rights-of-way of two streets or roads.
- D. No loading space or berth shall be located in a required front yard.
- E. No loading area shall be located so as to interfere with the circulation of vehicles in any off-street parking area.