

Misc. 1286

State of Maryland, Baltimore County, Cir:

To H. Guy Campbell, Daniel W. Rubens and Carl F. Vohden, being
and Constituting the Board of Zoning Appeals of Baltimore County.

YOU ARE COMMANDED, that the record and proceedings in a certain case of.....

Arrie D. Heath and Lillian M. Heath
and Dorothy Ida Ziegler

with all things touching the same, as fully and perfectly as they remain before you by whatever

name or names the parties aforesaid, or either of them, are called in the same, you send and certi-

fy to the CIRCUIT COURT FOR BALTIMORE COUNTY, before the Honorable

J. Howard Murray

Associate Judge of the Circuit Court for Baltimore County, presiding, together with this writ, im-

mediately after receipt of the same.

WITNESS, the Honorable Frederick Lee Coburn, Chief Judge of the Circuit Court for

Baltimore County, this 13th day of April 1953.

Issued this 21st day of August 1953

GEORGE L. STERLICK Clerk.

True Copy Test

George L. Sterlick

H. Guy Campbell
Daniel W. Rubens
Carl F. Vohden

Board of Zoning Appeals of
Baltimore County

Doc. 1132

THOMAS L. CAMPBELL
ATTORNEY AT LAW
28 WYOMOCK BUILDING
11 CONYER PLACE
DUNDALK 22, MD.

April 16th 1953

Miss Harris
Zoning Commission for Baltimore County
303 Washington Ave.
Towson 4, Maryland

Re: Petition for a Special Permit
for Private School (Day Nursery)
S. E. Side Brentwood Ave., 18th Dist.
Arrie D. Heath, Lillian M. Heath
and Dorothy Ida Ziegler, Petitioners

Dear Miss Harris:

Please enter the attached appeal to the Board of Zoning
Appeals from an adverse decision of the Zoning Commissioner dated
April 9th 1953.

Enclosed please find the sum of twenty two (\$22.00)
dollars to cover costs of said appeal.

Respectfully,

Thomas L. Campbell
Attorney for Petitioners

TLS/s

RE: PETITION FOR A SPECIAL PERMIT FOR PRIVATE
SCHOOL (Day Nursery) S. E. Side Brentwood
Ave., 18th Dist. S. W. Grafton Ave., 18th
District, Arrie D. Heath, Lillian M. Heath,
and Dorothy Ida Ziegler, Petitioners.

The appeal in the above entitled matter coming on
for hearing on the 16th day of June, 1953, before the Board
of Zoning Appeals of Baltimore County from an Order of the
Zoning Commissioner of Baltimore County dated April 9, 1953,
denying a special permit for a private school (Day Nursery);
and it appearing from the facts and evidence adduced at the
appeal that the special permit would be detrimental to the
health, safety, and general welfare of the community and
for reasons set forth in the Opinion; therefore,

It is this 14th day of August, 1953, ordered by
the Board of Zoning Appeals of Baltimore County that the
special permit for private school (Day Nursery) be denied.

H. Guy Campbell
Daniel W. Rubens
Carl F. Vohden

Board of Zoning Appeals of
Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Arrie D. Heath and Lillian M.
Heath and Dorothy Ida Ziegler from an Order of the Zoning
Commissioner of Baltimore County dated April 9, 1953, denying
a special permit for a private school (Day Nursery) in regard
to the property described in said petition.

The case came on for hearing before the Board, testi-
mony was taken, and counsel heard.

The property which is the subject of this petition
is a tract of land in the Twelfth Election District of Baltimore
County on the Southeast side of Brentwood Avenue, having a
frontage of 75 feet thereon with a rectangular depth southeasterly
of 125 feet.

There was some conflict in the testimony as to the
need of a nursery school in this area, with some testifying
that there is a need especially in view of the fact that their
children attended the nursery; while others complained that
there was not only no need, but the existence of such a school
or nursery would be detrimental to the neighborhood and would
depreciate their property.

There is some doubt in the mind of the Board that
the physical facilities of this nursery are adaptable for the
use for which the appellants desire to use the same; and although
some changes might be made to correct the inadequate plumbing,
this would not itself be sufficient corrective action as the
record shows that there are at times two families living on the
property and that an additional 15 children would be detrimental
to the health, safety, and general welfare of the community;
and, therefore, the Board will pass its order denying the
petition for a special permit.

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF
Dorothy Ida Ziegler
6905 Brentwood Avenue
Dundalk 22, Maryland

For a Special Permit
To The Zoning Commissioner of Baltimore County

Dorothy Ida Ziegler Legal Owner
Contract Purchaser

herby petition for a Special Permit, Under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, accessible to Chapter 877 of the Acts of the General
Assembly of Maryland of 1943, for a certain permit and use, as
provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now
or be erected thereon) hereinafter described for maintaining a
Day Nursery.

All that parcel of land in the 18th District of Baltimore County on the southeast side
Brentwood Ave. beginning 55' southeast of Tra Ten Ave., thence southwesterly and
binding on the southeast side Brentwood Ave. 75' with a rectangular depth south-
easterly of 125', being Lots 3, 4, and 5 Block F, plat of Fairlawn, known as
6905 Brentwood Ave.

Arrie D. Heath
Lillian M. Heath

Contract Purchaser

6905 Brentwood Avenue
Dundalk 22, Maryland

Address

Date: April 9, 1953

3/23
10.11

ORDERED by the Zoning Commissioner of Baltimore County this 2nd day of March, 1953, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing, thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 23rd day of March, 1953, at 1:00 o'clock P.m.

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY HEALTH DEPARTMENT

WILLIAM H. F. WARTHEM, M.D., M.P.H.
HEALTH OFFICER

ROBERT T. WYKE, M.D.
A. ROBERT KAMMER, M.D.
WARRY S. BATHURST, M.D.
LEWIS S. SALZMAN, M.D., M.A.
VANCE S. BULLIVANT
HAROLD H. HOLLAND
MORTALITY & MORBIDITY - A. S.

HEAD OF HEALTH
H. STREET BALTIMORE

NICHOLAS J. BISHOPSHAW
CHIEF OF CLINIC
WILLIAM H. F. WARTHEM, M.D., M.P.H.
HEALTH OFFICER

February 17, 1953

Dr. H. Charles Weismüller
Zoning Engineer
Zoning Department of Baltimore County
County Office Building
TOWNSHIP, Maryland

Dear Sir:

With further reference to the application of Mrs. Dorothy Ida Ziegler of 5905 Brentwood Avenue, Dundalk 22, Md. I wish to advise you that a preliminary over-all survey of the premises to be used as a day nursery has been made by Mr. Margerus, Sanitarian.

Mr. Margerus is of the opinion that this property will be satisfactory for such purposes and recommends that no more than twenty seven children be accommodated.

Very truly yours,

Wm. H. F. Warthem
Sanitary Engineer
Division of Environmental Health

BALTIMORE COUNTY HEALTH DEPARTMENT

WILLIAM H. F. WARTHEM, M.D., M.P.H.
HEALTH OFFICER

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H. STREET BALTIMORE

NICHOLAS J. BISHOPSHAW
CHIEF OF CLINIC
WILLIAM H. F. WARTHEM, M.D., M.P.H.
HEALTH OFFICER

April 15, 1953

Mr. Charles H. Doherty
Zoning Engineer
Zoning Department of Baltimore County
County Office Building
TOWNSHIP, Maryland

Dear Mr. Doherty:

Our records show that on February 17, 1953 a letter was sent to your office in reference to a preliminary sanitary survey of the proposed day nursery of Mrs. Dorothy Ida Ziegler, 5905 Brentwood Avenue, Dundalk 22, Maryland.

According to previous procedure which has been followed, we are amending word as to the action of the Zoning Commissioner on this proposed property. In the meantime, there have been reports from telephone complaints concerning the care that the children are receiving at this nursery. Mrs. Ziegler has been operating without a license for an indefinite period of time. Therefore, Mr. Margerus, an assistant Sanitary Engineer and Mr. Jay L. Lattimore, Director, Division of School Health Service visited the premises on March 27, 1953 and found that several necessary changes were listed and she was told that she would be given two weeks in which to comply. To date we have had no word from Mrs. Ziegler, and feel that we are justified in closing the nursery, which should never have begun operating in the first place. We understand that a hearing has been held and would appreciate very much receipt of your recommendations so that we may call attention to your findings at the same time that we insist that the nursery be closed.

This is a community problem which we feel deserves prompt action.

Wm. H. F. Warthem
Sanitary Engineer
Division of Environmental Health

en

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWNSHIP, Maryland

Notified 12th day of March, 1953
Filed for: Special Permit for Day Nursery (day nursery)
Petitioner: Dorothy Ida Ziegler
Location of property: 5905 Brentwood Ave. Dundalk 22, Md.
Location of Sign: 5905 Brentwood Ave. Dundalk 22, Md.
Remarks: Sign posted on property known as 5905 Brentwood Ave.
Date of Posting: 3-11-53
Date of return: 3-12-53

OFFICE OF
THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
Baltimore, Md.
THE HERALD-ARGENT
Chesapeake, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

March 14, 1953
THIS IS TO CERTIFY, that the annexed advertisement of Charles H. Doherty, Zoning Commissioner of Baltimore County, was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 14th day of March, 1953, that is to say March 6 and 13, 1953.
THE BALTIMORE COUNTIAN
By Paul J. Morgan
Editor and Manager.

March 3, 1953

\$25.00

RECEIVED of Dorothy Ida Ziegler, the sum of Twenty Five (\$25.00) Dollars, being cost of petition for Special Permit, advertising, and posting of property 5905 Brentwood Ave., 12th District.

Zoning Commissioner

Received:

Monday March 23, 1953
at 1:00 P.M.
Bureau of the Zoning Department
TOWNSHIP, Maryland

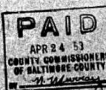


April 28, 1953

\$25.00

RECEIVED of Thomas L. Sampson, Attorney for Dorothy Ida Ziegler, et al., petitioners, the sum of Twenty Five (\$25.00) Dollars, being cost of appeals to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner denying the petition for a special permit for Day Nursery, southeast side of Brentwood Avenue, 95 feet southeast of Crafon Ave., 12th District.

Zoning Commissioner



October 1, 1953

\$7.50

RECEIVED of Maurice J. Rogers, Attorney for Dorothy Ziegler, petitioner, the sum of \$7.50 being cost of a certified copies of petition and other papers filed in the matter of petition for special permit, Brentwood Avenue, 12th District.

Zoning Commissioner

