

RE: PETITION FOR SPECIAL PERMIT FOR DAY NURSERY - 303 West Chesapeake Ave., 9th District - John E. Raine, Sr., Petitioner - Louise & Jimmie Harston, Lessees.

The appeal in the above entitled matter coming on for hearing before the Board of Zoning Appeals of Baltimore County on the 2nd day of December, 1953, from an Order of the Zoning Commissioner of Baltimore County dated October 28, 1953, denying the special permit for a day nursery in regard to the property described therein; and it appearing from the facts and evidence adduced at the appeal that the granting of the special permit would be detrimental to the general welfare of the community and for reasons set forth in the opinion; therefore,

It is this 18th day of December, 1953, ordered by the Board of Zoning Appeals of Baltimore County that the special permit for a day nursery school be denied.

H. B. Campbell
Chairman
Carl F. Tolson
Jimmie W. Williams
Board of Zoning Appeals of Baltimore County

JOHN E. RAINE, SR. (PETITIONER)
303 W. Chesapeake Ave., Dept. 1007
TOWSON, MD.
10/24/53

OPINION OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

This is an appeal by Jimmy Harston and Louise Harston and John E. Raine, Sr., from an Order of the Zoning Commissioner of Baltimore County dated October 28, 1953, denying a special permit for a day nursery school in regard to the property described in the petition.

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

The property which is the subject of this petition is located at 303 West Chesapeake Avenue, Towson, being a tract of land 100 feet wide on the south side of Chesapeake Avenue by a depth of 300 feet, and improved by a 2 1/2 story frame dwelling.

It is the intention of the petitioners that the property and improvements be used for a day nursery school to be operated five days per week from approximately 7:30 in the morning to 5:30 in the afternoon with a maximum of about 40 students. The introduction to this neighborhood of such an enterprise as contemplated would have a serious deteriorating effect upon this strictly residential area. It was noted that a nursing home is situated on the adjoining property to the east, but that its operation is conducted almost wholly within the building and the persons using the services of that home are as a rule advanced in age or somewhat incapacitated and quiet in their behavior and demeanor.

There was some testimony that the operation of the proposed school would increase the traffic hazard along Chesapeake Avenue; but the Board feels that while this may be true, it is not of sufficient detriment in itself to justify an adverse ruling in regard to the application. However, the Board is of the

opinion that taking all the matters into consideration that a nursery school located on the subject property would be detrimental to the general welfare of the community; and it will, therefore, pass its order denying the same.

H. B. Campbell
Chairman
Carl F. Tolson
Jimmie W. Williams
Board of Zoning Appeals of Baltimore County

FILED NOV 6 1953

IN THE MATTER OF THE APPLICATION FOR A SPECIAL PERMIT FOR USE AS A DAY NURSERY OF THE PROPERTY KNOWN AS 303 W. CHESAPEAKE AVENUE, NINTH ELECTORAL DISTRICT OF BALTIMORE COUNTY; JIMMIE HARSTON and LOUISE HARSTON, PETITIONERS. BEFORE CHARLES H. DOING, ZONING COMMISSIONER FOR BALTIMORE COUNTY.

ORDER FOR APPEAL

Mr. Commissioner:

Please enter the appeal from your order dated October 28, 1953 denying the application for the special permit aforesaid and transmit all papers and records of the proceedings to the Board of Zoning Appeals for Baltimore County.

John E. Raine Jr.
John E. Raine, Jr., Attorney

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *9th* Date of Posting: *10-15-53*
Posted to: *Legal Permit Day Nursery*
Petitioner: *John E. Raine, Sr. Lessee, Louise Harston*
Location of property: *S.S. Chesapeake Ave. by 100' W of property of Harston on the S.S. Chesapeake Ave. 100' W of lot 100' S of property of Harston on the S.S. Chesapeake Ave. 100' W of lot 100' S of property of Harston on the S.S. Chesapeake Ave.*
Remarks: *Posted on property known as 303 W. Chesapeake Ave.*
Posted by: *George R. Hoffmann* Date of return: *10-15-53*

#2751-5
MAP #9 "S" NURSERY SCHOOL 10/24/53

PETITION FOR SPECIAL PERMIT

ORDERED by the Zoning Commissioner of Baltimore County this 1st day of October, 1953, at 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 28th day of October, 1953, at 2:30 o'clock P.M.

IN THE MATTER OF :
Petitioner John E. Raine, Sr. : BEFORE THE
"Sittler" : ZONING COMMISSIONER
and : OF BALTIMORE COUNTY
Jimmie and Louise Harston, :
Lessees :
For a Special Permit :
To the Zoning Commissioner of Baltimore County
John E. Raine Sr. Legal Owner
Jimmie & Louise Harston Contract Lessees

hereby petition for a Special Permit, Under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable 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 to be erected thereon) hereinafter described for

Nursery School

303 W. Chesapeake Ave, Towson.
100' x 300' S.S. Chesapeake Ave, 100' W of Beasley Ave.

John E. Raine Sr.
Jimmie & Louise Harston
LESSEES.
1121 Chesapeake Ave
Towson, Md.

10/28/53
2:30
No Photo

FILED OCT 16 1953
CERTIFICATE OF PUBLICATION
TOWSON, MD. 11-1-53
THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each successive weeks before the 28th day of October, 1953, the first publication appearing on the 9th day of October, 1953.

The UNION NEWS
Manager.

CHARLES H. DOING
ZONING COMMISSIONER
CLARENCE C. DEER
CHIEF CLERK
WALTER H. BRADY
DEPUTY ZONING COMMISSIONER
November 4, 1953

RECEIVED of J. J. Young, the sum of Twenty (\$20.00) Dollars, being cost of petition for Special Permit, advertising and posting property northeast side of Holmes Avenue, beginning 555 feet southeast of Bloomsbury Avenue, 1st District, Baltimore County, Md.

Charles H. Doing
Zoning Commissioner

Hearing: Wednesday, November 25, 1953 at 1:00 p.m. Heckford Building, Towson, Md.

Upon hearing on petition for a special permit to use the property described therein for a day nursery to use the by reason of location, being in a residential zone, the general welfare of the community being detrimentally affected and would amount to "spot zoning", therefore, the special permit petitioned should be denied.

It is this 28th day of October, 1953, ORDERED by the Zoning Commissioner of Baltimore County that the aforesaid special permit be and the same is hereby denied.

Charles H. Doing
Zoning Commissioner of Baltimore County

October 13, 1953

\$20.00

RECEIVED of J. C. Harston, the sum of Twenty (\$20.00) Dollars, being cost of petition for Special Permit for Nursery School, advertising and posting property west of Donley Avenue, 9th District, Baltimore County, Maryland.

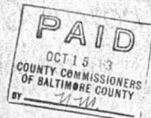
Zoning Commissioner

Hearings

Wednesday, October 28, 1953

at 2:30 p.m.

Reckard Building,
Towson, Md.



November 6, 1953

\$30.00

RECEIVED of John E. Raine, Jr., Attorney for John E. Raine, Sr., Petitioner, the sum of Thirty (\$30.00) Dollars, being cost of appeal to the Board of Zoning Appeals of Baltimore County from the decision of the Zoning Commissioner of Baltimore County denying the special permit for a Day Nursery, 303 West Chesapeake Avenue.

Zoning Commissioner



NO PLAT
IN
THIS FOLDER