

JOS. E. & JANE E. WHEELER
Hedgeley Avenue
Baltimore, Md.
3291-3

RE: PETITION FOR A SPECIAL PERMIT TO OPERATE
DAY NURSERY (Kindergarten) E. S. Kurtz
Avenue, 100 feet S. Ridgeley Road, 5th
District - Joshua R. Wheeler and Jane E.
Wheeler, Petitioners - Willard L. Cusey
and Marian W. Cusey, Contract Purchasers

The applicants own the one and only vacant lot on
the easternmost side of Kurtz Avenue, between Ridgeley Road and
North Avenue, in Lutherville, in the Eighth District of Balti-
more County, which they will be able to sell to Mr. and Mrs.
Cusey, if Mr. and Mrs. Cusey can obtain a special permit for
a kindergarten to be operated in a residential type building to
be erected on said lot for no more than thirty pupils. This
building will be used exclusively for this purpose from about
October to May each year, five days a week, from about 9:00
a. m. to noon.

The evidence showed the applicant to be a highly
reputable and competent person to carry on such a service to
the community and the number of proponents far exceeded the
number of protestants. The proponents, however, were largely
parents of the children who would attend the kindergarten.

Mr. Robert C. Williams, and wife, own the property
immediately adjoining the proposed site on the north and a Mr.
Mishbrod, and wife, the home immediately adjoining on the south.
The Mishbrods take no stand, either for or against the proposed
school, but Mrs. Williams appeared and testified that the chil-
dren will be disturbing to her, particularly during the play
periods.

The play-ground will be to the rear of the lot
where Mr. and Mrs. Williams take their recreation in raising a

Contracted:

Robert C. Williams - 1723 Kurtz Ave., Lutherville.
(Charles E. Kindergarten - 1st and 1st Ave.)

Mrs. Robert C. Williams - 1723 Kurtz Ave.

Contracted - In view of the facts brought forth
by the petitioners and from the letters received
by the office - also that the granting of the
permit would effect the safety, health
and general welfare of the community.
Paul H. Hoffmann

lowly flower and vegetable garden. She contends that she is
entitled to protection, in an exclusive residential area, from
every type of commercial encroachment under the Zoning Laws and
Regulations of Baltimore County. In this the Board must agree.
To allow this commercial use amounts to "spot zoning" which is
unlawful.

The Board, therefore, is constrained to affirm the
Order of the Zoning Commissioner and refuse the special permit.

Charles H. Cusey
Marian W. Cusey

Board of Zoning Appeals
of Baltimore County

DEC 20 1954

3291

PETITION FOR A SPECIAL PERMIT
FOR DAY NURSERY (KINDERGARTEN)
E.S. KURTZ AVE., 100 FT. S. RIDGELEY
AVE., 5TH DISTRICT - WILLARD L. CUSEY
AND MARIAN W. CUSEY, PETITIONERS

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Commissioner:

Please enter an Appeal to the Board of Zoning Appeals of Baltimore County
from your Order dated December 14, 1954, refusing the Special Permit applied
for in this proceeding.

George M. Barry
Attorney for Petitioners

ORDERED by the Zoning Commissioner of Baltimore
County this 14th day of November, 1954,
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 held in the office of the Zoning
Commissioner of Baltimore County, Maryland, on the 14th
day of December, 1954, at 10:00 o'clock
A.M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a special permit to use the
property described therein for the operation of a Day Nursery
(Kindergarten) and its being on a residential area in which there
are two kindergartens in existence at the present time approximately
one block from the property in question also it was testified by
the residents that with an operation of this kind, with its noise
and additional automobile traffic would reduce the values of
surrounding properties.

For the above reasons it is the opinion of the Deputy
Zoning Commissioner of Baltimore County, that the granting of the
special permit for a Day Nursery (Kindergarten) would be detrimental
to the safety and general welfare of the community, therefore
the petition should be denied.

Deputy It is this 14 day of December, 1954, ORDERED
by the Zoning Commissioner of Baltimore County that the aforesaid
petition for a special permit, be and the same is hereby denied.

Charles H. Cusey
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF
JOSHUA R. & JANE WHEELER, Owners
Marian and Willard Cusey, Contract Purchasers

BEFORE THE
BOARD OF ZONING APPEALS
OF BALTIMORE COUNTY

For a Special Permit
To the Zoning Commissioner of Baltimore County

Joshua R. & Jane E. Wheeler Legal Owner

Marian W. & Willard L. Cusey Contract Purchaser

hereby petition for a Special Permit, Under the Zoning Regulations
and Restrictions passed by the County Commissioners of Baltimore
County, agreeable to Chapter 577 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 a Day Nursery

Property is shown as lot 1721 Kurtz Ave.
Lutherville Md.

All that parcel of land in the Eighth District of Baltimore
County on the east side of Kurtz Avenue, beginning 100 feet south of Ridgeley
Avenue thence southerly and ending on the east side of Kurtz Avenue 100
feet with a rectangular depth easterly of 205 feet. Known as 1721 Kurtz
Avenue

Marian W. Cusey
Willard L. Cusey
Contract Purchaser

Address
12/14/54
10 AM

Joshua R. Wheeler
Jane E. Wheeler
Legal Owner
22 Liberty Pl. (Bldg. 22) Md.
Address

December 23, 1954

\$30.00

RECEIVED of George M. Barry, Attorney for Willard
L. Cusey and Marian W. Cusey, petitioners, 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 denying the special permit for
Day Nursery, east side of Kurtz Avenue 100 feet South of
Ridgeley Avenue, 5th District.

Zoning Commissioner

PAID
DEC 27 1954
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY

\$120.00

Zoning Commissioner of Baltimore County

Hearing:
Wednesday, December 6, 1956
at 10:00 A.M.
Beckford Building
Towson, Maryland

cc: Joshua H. Wheeler
22 Liberty Parkway

PAID
NOV 22 1964
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY M.V.

3291-5

THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once each week~~ of 2 times ~~once each week~~ before the 8th day of December 1954, the first publication appearing on the 19th day of November 1954.

THE JEFFERSONIAN,
W. S. Smith
Manager

Cost of Advertisement, \$_____

329/

Posted for: *Special Permit for Day Messary*
 Date of Posting: *11-26-54*
 Petitioner: *Joshua A. James E. Wheeler*
 Location of property: *E.S. of Kentucky Ave., 1/2 mi. S.W. of S. of Kentucky Ave., Thru S.E. boundary*
and E.S. of Kentucky Ave. in 1/2 mi. S.W. of S. of Kentucky Ave., Thru S.E. boundary
 Location of Signs: *Posted on property known as 1721 Kentucky Avenue*
 Remarks: _____
 Posted by: *George A. Hummel*
 Date of return: *11-27-54*

SCALE - 1" = 100'

2

1981 Kurtz Ave



Ridgely Rd.

North Ave

17'

65'

65'

95'

100'

140'

195'

Kurtz

Ave

DEED REF 2137/350

Lutherville - 8th Dist

