

RE: PETITION FOR SPECIAL EXCEPTION
FOR DAY NURSERY - N. S. Edlynch
Road 500' West of Lynch Road - 12th
District - Robert and Claire
Shaw, Petitioners

REFOUR
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 4756-X

OPINION

The petitioners herein apply for a special exception to operate a Day Nursery in their home, located on the north side of Edlynch Road, a proximately 500 feet west of Lynch Road in the 12th District. The house is a one story brick structure located on a lot 73 feet wide and 330 feet deep. The room to be used for Day Nursery purposes is in a newly constructed addition to the rear of the house. The home is occupied by the petitioners and their two children.

The owners of the homes on either side of the subject property stated that they had no objections to the proposed Day Nursery. Several other residents in the neighborhood testified in favor of the petition. A group of residents and a spokesman for the Kingston Hall of Jehovah's Witness who have a place of worship in the area objected to the proposed Day Nursery primarily on the grounds that it would increase traffic on Edlynch Road and further, that it would constitute commercial encroachment in the area.

Testimony and photographs submitted at the hearing indicated that there was very little traffic on Edlynch Road at the present time. It was also testified that the rear of a large supermarket was across the street from the subject property. It was also stated that a large department store had recently opened a short distance away.

The Board is of the opinion that the operation of a small Day Nursery would not create any significant increase in traffic; further, in view of the supermarket already in the area, the proposed Day Nursery would not constitute an initial commercial encroachment in the neighborhood. With restrictions written in as conditions precedent to the granting of this special exception, the Board feels that Section 500.1 of the Zoning Regulations is not violated and that the special exception for a Day Nursery is justified.

ORDER

It is this 22nd day of December, 1959, by the County Board of Appeals of Baltimore County, ORDERED that the petitioners herein are granted a special exception for a Day Nursery at the above location, subject, however, to the following conditions and restrictions:

1. That the number of children to be cared for at this Day Nursery be not more than eight (8).
2. That the hours and days of operation be within 7:00 a.m. to 5:00 p.m., Mondays through Fridays.
3. That the outside play area be fenced or screened in a manner to keep the children within the confines of the subject property.
4. That no business sign be erected on the property.
5. That the operation of the Day Nursery shall comply in all respects with Health Department Regulations relating thereto.

Any appeal from this decision must be entered in accordance with Rule No. 110 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

James J. Quinn
Robert J. Shaw

RE: PETITION FOR SPECIAL EXCEPTION
FOR DAY NURSERY - N. S. Edlynch
Road 500' West of Lynch Road, 12th
District - Robert & Claire Shaw,
Petitioners

REFOUR
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
No. 4756-X

Upon hearing on petition for a special exception to use the property described therein for the operation of a Day Nursery, and it appearing that by reason of location, the safety and the general welfare of the community not being detrimentally affected and no traffic hazard being created, the special exception should be granted, therefore:

It is this 24th day of September 1959, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a special exception, should be and the same is hereby granted, subject, however, to compliance with the regulations of the Baltimore County Health Department and the Bureau of Fire Prevention/Governing the operation of day nurseries in Baltimore County.

It is further ORDERED that the granting of this special exception is for the operation of said Nursery by the present owners only and not for any other person or persons who may at some time in the future purchase the property.

Robert J. Shaw
Deputy Zoning Commissioner
of Baltimore County

IN THE MATTER OF
ROBERT J. SHAW

For a Special Exception
To The Zoning Commissioner of Baltimore County

ROBERT & CLAIRE SHAW

Legal Owner

Contract Purchaser

hereby petition for a Special Exception, 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 Exception to use the land (and improvements now or be erected thereon) hereinafter described for *Children's Nursery*

All that parcel of land in the Twelfth District of Baltimore County on the North side of Edlynch Road beginning 500 feet West of Lynch Road; thence Westerly and thence on the North side of Edlynch Road 72.5 feet with an average rectangular depth Northerly of 377 feet to the place of beginning.

Contract Purchaser

Legal Owner

Wm. Edlynch Rd.
Balt. 22. Md.

Recd
AUG 6 - 1959

ORDERED by the Zoning Commissioner of Baltimore County this 6th day of August, 1959, 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 September, 1959, at 3:00 o'clock P.M.

Zoning Commissioner
of Baltimore County

IN THE MATTER OF THE PETITION :
CONCERNING NORTH SIDE OF
EDLYNCH ROAD, 500' W. of Lynch :
Road, 12th District - :
Robert and Claire Shaw, :
Petitioners :
BALTIMORE COUNTY :
Case No. 4756-X

NOTICE OF APPEAL

Mr. Commissioners

Please enter an appeal on the above entitled case to

the Board of Appeals of Baltimore County and enter the appearances of James J. Cullen, Jr., and Donald L. Allawalt, attorneys for the protestants, Norman Conet, et al.

James J. Cullen, Jr.
James J. Cullen, Jr.

Donald L. Allawalt
Donald L. Allawalt
Attorneys for Protestants
2 E. Lexington Street
Baltimore 2, Maryland
24-74202

I hereby certify that on this 5th day of October, 1959 a copy of the foregoing Notice of Appeal was mailed, postage prepaid to T. Bayard Williams, Jr., Esq., 204 Washington Avenue, Towson 4, Maryland.

True copy-test:

Robert J. Shaw
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 N. CALVERT STREET
TOWSON 4, MARYLAND
DA 3-3000

MALCOLM W. DILL
DIRECTOR
WILLIAM H. FORD
ZONING COMMISSIONER

Mr. Robert J. Shaw
711P Edlynch Rd.
Baltimore 22, Md.

NOTICE OF HEARING

Re: N/S Edlynch Rd. beg. 500' West of Lynch Rd. - 12th District
Robert & Claire Shaw-Petitioners

TIME: 3:00 P.M.
DATE: Wednesday, September 23, 1959
PLACE: Room 106, County Office Building, 111 N. Calver Street, Towson, Maryland

Zoning Commissioner
of Baltimore County

RECEIPT

PAID - Baltimore County, Md. - Office of Planning and Zoning

RECEIVED OF: Robert & Claire Shaw
LOCATION OF PROPERTY: 711P Edlynch Rd. - Baltimore 22, Md.
AMOUNT: \$10.00

Zoning Commissioner
of Baltimore County

October 6, 1959

\$30.00

RECEIVED OF Messrs. Cullen and Allawalt, attorneys for the protestants, the sum of Thirty (\$30.00) Dollars being cost of appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner granting a special exception for Day Nursery, north side of Edlynch Road 500' west of Lynch Road, 12th District, Robert & Claire Shaw, petitioners.

Zoning Commissioner

PAID - Baltimore County, Md. - Office of Planning and Zoning

10-658 6599 * * * TFL * 30.00
10-659 6599 * * * TFL * 30.00

LAW OFFICES OF
T. BAYARD WILLIAMS

T. BAYARD WILLIAMS (1879-1952)
JACK M. WILLIAMS
ASSOCIATE
SEYMOUR E. LAMER

6732 HOLABIRD AVENUE, DUNDALK 22, MARYLAND
TELEPHONE ATWATER 2-3450

March 7, 1963

Zoning Department of Baltimore County
County Office Building
Towson 4, Maryland

Re: In the matter of the Petition for Special
Exception for Day-Nursery - N. S. Edgelynn
Road 500 feet W. Lynch Road, 12th Election
District - Robert and Claire Shaw, Petitioners.

Attention: Mrs. Harris

Gentlemen:

You are herewith advised that I have examined
the docket in the Circuit Court for Baltimore County
and find that the appeal to the Court from the County
Board of Appeals was dismissed on February 11, 1960,
and the costs have been paid.

Very truly yours,

T. BAYARD WILLIAMS, JR.

TBW:bjt



ZONING DEPARTMENT OF
BALTIMORE COUNTY
PETITION FOR SPECIAL
EXCEPTION

12A - DISTRICT
Pursuant to petition filed with
the Zoning Commissioner of Bal-
timore County for a Special Ex-
ception to use the property here-
inafter described for Children's
Nursery, the Zoning Commissioner
of Baltimore County, by authority
of Baltimore County, will hold a
public hearing in Room 108, Coun-
ty Office Building, 121 W. Chesa-
moke Avenue, Towson, Maryland,
on Wednesday, September 23, 1959,
at 3:00 P.M.

To determine whether or not the
Special Exception petitioned for as
aforesaid should be granted, the
property in said petition being par-
ticularly described as follows:
All that parcel of land in the
Twelfth District of Baltimore
County on the North side of Edgelynn
Road beginning 500 feet
West of Lynch Road; thence West-
erly and ending on the North
side of Edgelynn Road 72.5 feet
with an average rectangular depth
Northerly of 371 feet to the place
of beginning, as shown on plat
plan filed with the Zoning Depart-
ment, being in part of Robert and
Claire Shaw.

BY ORDER OF
WILSIE H. ADAMS
ZONING COMMISSIONER
OF BALTIMORE
Sept. 4-11.

True copy-test:

Wilsie H. Adams
Zoning Commissioner
of Baltimore County

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS THE COMMUNITY PRESS
Baltimore, Md. Dundalk, Md.
THE HERALD-ARGUS
Catonsville, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

September 12, 1959.

THIS IS TO CERTIFY, that the annexed advertisement of
Wilsie H. Adams, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for two successive weeks before
the 12th day of September, 19 59, that is to say
the same was inserted in the issues of

September 4 - 11, 1959.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager, B

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4756

District 12th Date of Posting 9-16-59
Posted for Special Exception - Children's Nursery
Petitioner: Robert and Claire Shaw
Location of property: 72.5 ft. Edgelynn Road by 500 ft. west of Lynch
Road etc. in dist. known as 7818 Edgelynn Road
Location of Signs: Posted on property known as 7818 Edgelynn
Road.
Remarks: George R. Hammond
Posted by George R. Hammond Date of return: 9-11-59

NO PLAT
IN
THIS FOLDER