#64-105-X

RE: PETITION FOR A SPECIAL EXCEPTION FOR DAY NURSERY - W.S. 46th St., 841.85' S. Eastern Ave., 12th District - James O. Somers and Theresa Somers, Petitioners

BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 64-105-X

The petitioners, in the above matter, have requested a special exception to operate a Day Nursery at 530 - 46th Street, in the Twelfth District of Baltimore County. The operation of the Nursery will take place in an existing one story concrete block building at the rear of the subject property.

The special exception is granted subject to the following restrictions:

1. Strict compliance with all the requirements of the Baltimore County Fire Bureau for use as day nursery for maximum of 20 children. Cement floor to have wooden floor installed over same.

   Ceiling of fire resistant material to be installed.

   Overhead garage door to be removed and an exit door opening way of travel to be installed.

   Opening in floor by present door to be closed.

   Install an exhaust fan for ventilation.

   Heat to be U.L. approved ceiling type gas with a Class B stack.

   Property to be fenced for play area.

   Install one 5# CO_2 extinguisher and one 2½ gal. Class A extinguisher.

   And any additional requirements of the Baltimore County Fire Bureau.

2. Operation shall not begin until the Baltimore County Health Department has given approval.

3. A new fence must be erected separating the subject property from No. 532 - 46th Street.

#64-105-X

MAP #12 SEC. 4-B

4. Not more than 20 children shall be permitted.
5. No bus service shall be provided for the children.
6. Hours of operation shall be between 7:30 a.m. and 5:30 p.m. only.
7. Site plan shall be subject to approval of the Office of Planning and Zoning.

"X" 3/20/64

Zoning Commissioner of Baltimore County

Date: April 9, 1964

#64-105-X

MAP #12 SEC. 4B "X" 3/20/64

PETITION FOR ~~ZONING RE-CLASSIFICATION AND/OR~~ SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James O. and Theresa Somers legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an ..... zone to an "X" ..... zone; for the following reasons:

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for day nursery

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

James O. Somers
Theresa Somers
Legal Owner

Contract purchaser

Address 530 South 46th St., 21224

George E. Gavrelis
Petitioner's Attorney

Address 6903 Dunmanway, Balto. 22, Md. Alwater 5-0800

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of February, 196 4, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of April, 196 4, at 11:00 o'clock A.M.

FEB 19 '64
OFFICE OF PLANNING & ZONING

Zoning Commissioner of Baltimore County

(over)

11:00 A 4/8/64 12 M

David W. Dallas, Jr.

Civil Engineer

8713 OLD HARFORD ROAD — NORTHFIELD 5-7422 — BALTIMORE 14, MD.

#64-105-X MAP #12 SEC. 4B "X" 3/20/64

ZONING DESCRIPTION

SPECIAL EXCEPTION FOR NURSERY IN R-6 ZONE

BEGINNING for the same on the west side of 46th Street (50 feet wide) at the division line between lots no. 859 and 860 as shown on the plat of Harbor View as filed among the Land Records of Baltimore County in Plat Book WPC No. 5 folio 80, said point being distant 841.85 feet measured southerly from the south side of Eastern Avenue, thence binding on the west side of said 46th Street north 22 degrees 32 minutes west 50.00 feet to the division line between lots no. 858 and 857 as shown on said plat, thence binding on said division line south 67 degrees 28 minutes west 125.00 feet to the division line between lots no. 858 and 892 as shown on said plat, thence binding on said line and on the division line between lots no. 859 and 891 as shown on said plat the two following courses and distances south 22 degrees 32 minutes east 44.40 feet and south 2 degrees 48 minutes east 3.90 feet to the division line between said lots no. 859 and 860, thence binding on said division line north 68 degrees 24 minutes east 126.70 feet to the place of beginning.

CONTAINING 0.141 acres of land more or less.

BEING lots no. 858 and 859 as shown on the plat of Harbor View filed as aforesaid.

BEING known as 530 South 46th Street.

February 7, 1964

INVOICE

TELEPHONE 823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 23307

DATE 4/8/64

To: Somers & Son, 530 S. 46th Street, Baltimore 24, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of property for James O. Somers	37.30
	#64-105-X	
	PAID — Baltimore County, Md. — Office of Finance	
	4-864 2113 * 23307* MP—	37.30
	4-864 2113 * 23307* MP—	37.30

TOTAL AMOUNT $37.30

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE

TELEPHONE 823-3000

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON 4, MARYLAND

No. 21614

DATE 2/19/64

To: George E. Edwards, Esq., 6903 Dunmanway, Balto. 22, Md.

BILLED BY: Zoning Department of Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for James Somers	50.00
	PAID — Baltimore County, Md. — Office of Finance	
	2-1964 452 * 21614* MP—	50.00

TOTAL AMOUNT $50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PETITION FOR A SPECIAL EXCEPTION 12th DISTRICT

ZONING: Petition for Special Exception for a Day Nursery.

LOCATION: West side of 46th Street 841.85 feet South of Eastern Avenue.

DATE & TIME: WEDNESDAY, APRIL 8, 1964 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Concerning all that parcel of land in the Twelfth District of Baltimore County.

BEGINNING for the same on the west side of 46th Street (50 feet wide) at the division line between lots no. 859 and 860 as shown on the plat of Harbor View as filed among the Land Records of Baltimore County in Plat Book WPC No. 5 folio 80, said point being distant 841.85 feet measured southerly from the south side of Eastern Avenue, thence binding on the west side of said 46th Street north 22 degrees 32 minutes west 50.00 feet to the division line between lots no. 858 and 857 as shown on said plat, thence binding on said division line south 67 degrees 28 minutes west 125.00 feet to the division line between lots no. 858 and 892 as shown on said plat, thence binding on said line and on the division line between lots no. 859 and 891 as shown on said plat the two following courses and distances south 22 degrees 32 minutes east 44.40 feet and south 2 degrees 48 minutes east 3.90 feet to the division line between said lots no. 859 and 860, thence binding on said division line north 68 degrees 24 minutes east 126.70 feet to the place of beginning.

CONTAINING 0.141 acres of land more or less.

BEING lots no. 858 and 859 as shown on the plat of Harbor View filed as aforesaid.

BEING known as 530 South 46th Street.

Being the property of James O. Somers and Theresa Somers, as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mar. 20

ORIGINAL

64-105-X

OFFICE OF

THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS, Reisterstown, Md. — THE HERALD - ARGUS, Catonsville, Md.

No. 1 Newburg Avenue — CATONSVILLE, MD.

March 23, 1964.

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, 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 One Week ~~successive weeks~~ before the 23rd day of March, 1964, that is to say the same was inserted in the issues of March 20, 1964.

THE BALTIMORE COUNTIAN

By Paul J. Morgan
Editor and Manager.

K.M.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 12th — Date of Posting 3/19/64

Posted for: Hearing Wed. APRIL 8, 64 AT 11:A.M.

Petitioner: JAMES SOMMERS

Location of property: W/S 46TH ST 841.85' S OF EASTERN AVE.

Location of Signs: ON FRONT LAWN OF #530 46TH ST. INSIDE OF WIRE FENCE APP. 8FT AND APP 10FT FROM SIDEWALK

Remarks: OK MAKES

Posted by: Richard Ewe Dallas — Signature

Date of return: 3/26/64

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner — Date: March 27, 1964

FROM: Mr. George E. Gavrelis, Deputy Director

SUBJECT: #64-105-X, Special Exception for a Day Nursery. West side of 46th Street 841.85 feet South of Eastern Avenue. Being property of James O. Somers.

12th District

HEARING: Wednesday, April 8, 1964 (11:00 A.M.)

Demands on the writer's time have made it impossible to prepare written comments regarding the subject petition within the time period required by law. Members of the planning staff will be available to testify orally at the hearing if desired.

March 11, 1964

#64-105-X MAP #12 SEC. 4B "X" 3/20/64

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON 4, MARYLAND

George E. Edwards, Esq.
6903 Dunmanway
Baltimore 22, Maryland

Dear Sir:

SUBJECT: Petition for Day Nursery for James O. Somers

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

OFFICE OF PLANNING & ZONING: No comment

TRAFFIC DEPARTMENT: No comment

BUREAU OF ENGINEERING: No comment

HEALTH DEPARTMENT: No comment

STATE ROADS COMMISSION: No comment

REDEVELOPMENT COMMISSION: No comment

FIRE DEPARTMENT: Will comment after site is inspected

INDUSTRIAL DEVELOPMENT: No comment

BUILDINGS DEPARTMENT: No comment

BOARD OF EDUCATION: No comment

Yours very truly,

James E. Dyer

JED/ba

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 20, 1982

Ms. Ethel Schaum
1644 Gray Haven Court
Baltimore, Maryland 21222

RE: Zoning Information
Peter Rabit Day Nursery
(2901 Liberty Parkway) and
Eastwood Day Nursery
(530 - 46th Street) -
12th Election District

Dear Ms. Schaum:

Reference is made to your letter of August 24, 1982 to Mr. William E. Hammond, Zoning Commissioner, and our subsequent telephone conversation of September 17, 1982 relative to the above.

Both the Peter Rabbit Day Nursery and the Eastwood Day Nursery would be permitted to be utilized as nursery schools. The property known as 2901 Liberty Parkway enjoys a legal nonconforming use for a day care center/nursery school and may be utilized as such provided the number of students does not exceed the maximum licensed by the Baltimore County Health Department in previous license years. As a legal nonconforming use, the requirements of Section 104.1 of the Baltimore County Zoning Regulations are applicable (see attachment). The property known as 530 - 46th Street was the subject of two zoning hearings: (1) Case No. 64-105-X, a Special Exception for a day nursery granted April 9, 1964 and (2) Case No. 80-117-SPH, a Special Hearing to remove some of the restrictions imposed by the previous hearing granted April 2, 1980 (see attachments for restrictions). This location may be used as a nursery school provided the new operation complies with all of the aforementioned restrictions.

If you have any further questions concerning this matter, please contact this office.

Very truly yours,

Diana Itter

DIANA ITTER
Zoning Associate III

DI:nr
Attachments
cc: Mr. William E. Hammond, Zoning Commissioner
Mrs. Jean M. H. Jung, Deputy Zoning Commissioner
Mr. James E. Dyer, Zoning Supervisor

JED
82-1828

Ms. Ethel Schaum
1644 Gray Haven Court
Balto., Md. 21222

August 24, 1982

Mr. William Hammond, Commissioner
Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Hammond:

Our church is interested in purchasing property to use as a nursery school. We have two properties in mind. We would like to find out from you in advance if these properties would be allowed to be used as nursery schools, as they are presently being used as day care centers. The two properties are:

1.	Peter Rabbit Day Nursery 2901 Liberty Parkway Dundalk, Maryland 21222	Located on Southeast corner of Liberty Pkwy. and Dunmanway.
2.	Eastwood Day Nursery 530 46th Street Baltimore, Md. 21224	Located N/S of 46th St., 841.85' S of Eastern Avenue

Please advise if either or both of these properties could be used as a nursery school without a special hearing.

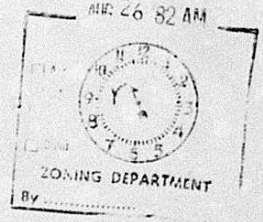
We will wait to hear from you as soon as possible before signing any contracts. I understand that the license for both day care centers and nursery schools are made on the same form and applied for on the same applications from the county.

Thank you for your assistance.

Very truly yours,

Mrs. Ethel Schaum

Ms. Ethel Schaum



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 30, 1994

Jason H. Brand, Esquire
Law Offices of Jerry S. Sopher
913 South Charles Street
Baltimore, MD 21230

RE: Zoning Verification
530 West 46th Street
12th Election District

Dear Mr. Brand:

Per your correspondence of December 19, 1994 and our research regarding the above referenced matter, it has been determined that the special exception granted in case #64-105-X and the restrictions amended by case #80-117-SPH are still in effect for the subject property.

Be advised that a new owner may operate a day care center at the above reference address pursuant to the aforementioned zoning hearings. Any such use shall be subject to the restrictions contained in those orders.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

Very truly yours,

Joseph C. Merrey
Planner I

JCM:scj

Printed with Soybean Ink
on Recycled Paper

MAR 13'64

Ans
Recd
Entd
OFFICE OF PLANNING & ZONING

BALTIMORE COUNTY FIRE PREVENTION

INSPECTION REPORT — PROPOSED DAY NURSERY — DISTRICT ____

LOCATION 530 46th Street — ZONE # ____

MAILING ADDRESS Baltimore, Md. 21224 — ZONE # ____

OWNER Mrs. Theresa Somers — PHONE ____

ADDRESS same — ZONE # ____

OCCUPANT same — TYPE Day nursery

FIRM NAME Eastwood Day Nursery — PHONE AT 4-7630

STORIES 1 — SIZE 32x20 — CONSTRUCTION Block — CELLAR None

STAIRWAYS None

DIST. FROM FIRE DEPT. 4 mi. — FROM WATER 300' — SOURCE Hyd.

KIND OF HEAT Proposed gas — FIRE ESCAPE No

FIRE EXTINGUISHER None

Proposed building is a one story garage.

NO. PERSONS IN BLDG. ____ — DATE INSPECTION 3/11/64 — TIME 9:30 A.M.

REMARKS Recommendations: 1 For use as day nursery for maximum of 20 children.

2 Cement floor to have wooden floor installed over same.

3 Ceiling of fire resistant material to be installed.

4 Overhead garage door to be removed and an exit door opening way of travel to be installed.

5 Opening in floor by present door to be closed.

6 Install an exhaust fan for ventilation.

7 Heat to be U.L. approved ceiling type gas with a Class B stack.

8 Property to be fenced for play area.

9 Install one 5# CO_2 extinguisher and one 2½ gal. Class A extinguisher.

No comment is made for kitchen as owner stated food will be cooked in her home.

INSPECTOR Capt. Quinn

cc: Bldg. Dept.
Zoning Dept.
Mr. Rasmussen

BALTIMORE COUNTY, MARYLAND
FIRE BUREAU
TOWSON 4, MD.

F. LEE COCKEY, Deputy Chief
Baltimore County Fire Bureau

#64-105 X

GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
6903 DUNMANWAY
BALTIMORE 22, MARYLAND
ATwater 5-0800

February 18, 1964

Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

Dear Sir:

I am enclosing herewith a Petition for Special Exception for a day nursery on behalf of James O. and Theresa Sommers, 530 South 46th Street, Baltimore, Maryland, 21222, together with seven copies of the description, seven copies of the plat, one topography plat and my check in the amount of $50.00.

Will you please file these for me and advise me of the hearing date.

Thank you for your cooperation.

Very truly yours,

George D. Edwards

George D. Edwards

GDE/dg
Enclosures

ZONING PLAT

PROPERTY OF

JAMES & THERESA SOMERS

RJS 1429 - 366

Nº 530 SOUTH 46TH STREET

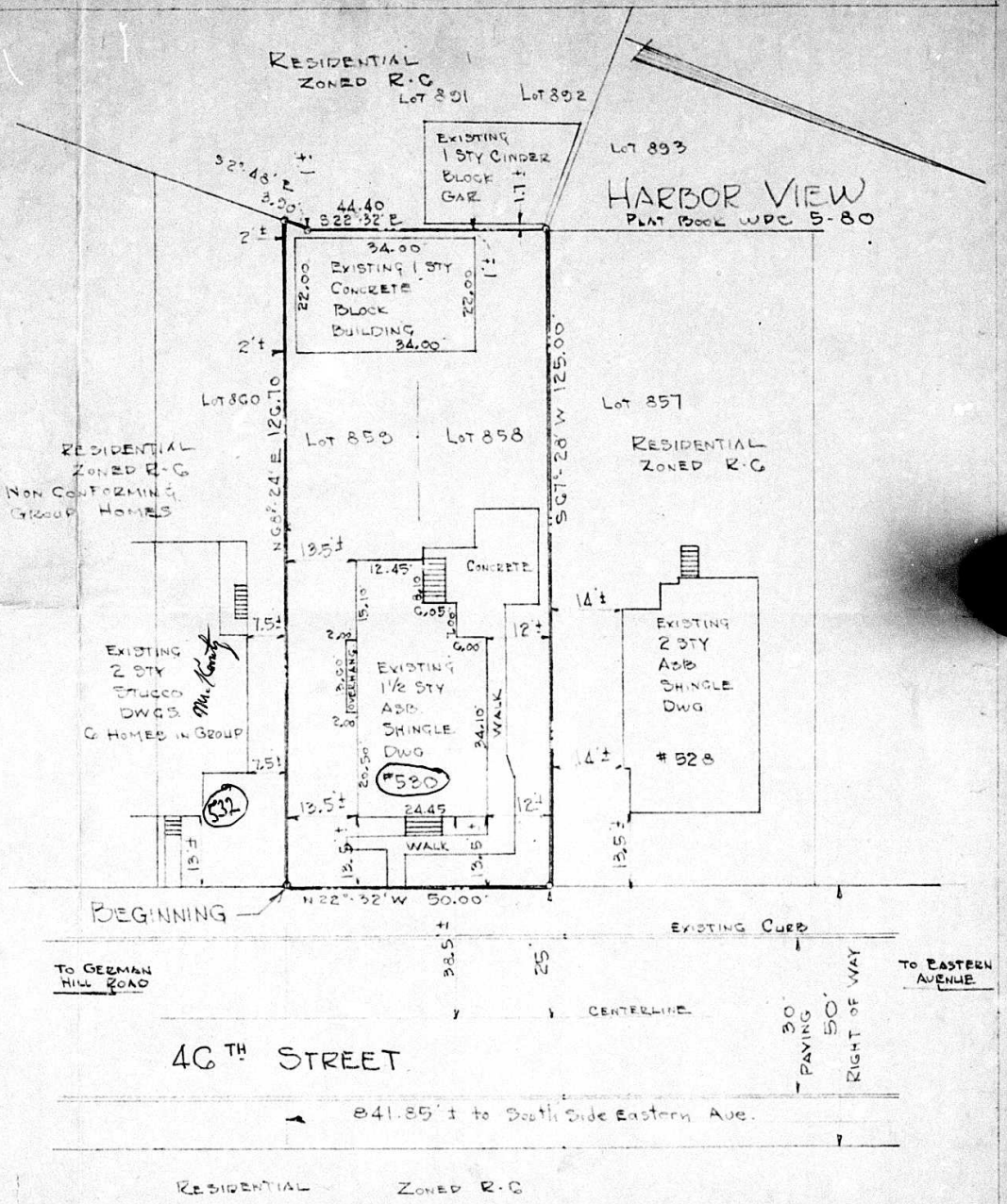
12TH ELECTION DISTRICT — BALTIMORE COUNTY, MD

SCALE 1" = 20 — FEBRUARY 6, 1964

c/o GEORGE D. EDWARDS
ATTORNEY AT LAW
PROFESSIONAL BUILDING
6903 DUNMANWAY
BALTIMORE 22, MD
AT 5-0800

DAVID W. DALLAS, JR.
CIVIL ENGINEER
8713 OLD HARFORD RD. BALTO., 14, MD.
NO 5-7422

ZONING DATA

EXISTING ZONING	R-6
PROPOSED ZONING	R-6 WITH SPECIAL EXCEPTION FOR NURSERY
AREA OF LOT	0.141± ACRES
UTILITIES	ALL UTILITIES AVAILABLE

#64-105-X
MAP
#12
SEC. 4-B