

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

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Morton L. Hyman, legal owner, 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 \_\_\_\_\_ 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, a nursery school.

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

DATE: 2/10/70 - 20 days after filing of this petition.

Contract purchaser \_\_\_\_\_ Legal Owner \_\_\_\_\_  
Address: 6703 Alter Street  
Baltimore, Maryland, 21207  
Petitioner's Attorney \_\_\_\_\_  
Protestant's Attorney \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 1969, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 1969, at 10:00 o'clock A.M.

John A. Miller  
Zoning Commissioner of Baltimore County



1 1

March 2, 1970

Mr. Edward D. Hardesty  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Petition for Special Exception  
NE/S of Alter Street, 90' from the  
NW/S of Chisholm Drive - 3rd District

Dear Mr. Hardesty:

Please enter an appeal from your Order of February 10, 1970 denying the Special Exception for a Nursery School on the NE/S of Alter Street.

Enclosed herewith please find Mr. Hyman's check in the amount of \$80.00.

Very truly yours,  
Fred E. Waldrop  
Fred E. Waldrop

FEW:wp

8.11.69

2.

Very truly yours,

Fred E. Waldrop  
Fred E. Waldrop

FEW:wp

8.11.69

2.

JOSEPH D. THOMPSON, P.E., L.S.  
CIVIL ENGINEERS & LAND SURVEYORS

1180 101 SHELL BUILDING - 200 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204 • Vail 3-8820

DESCRIPTION FOR SPECIAL EXCEPTION TO ZONING,  
#6703 ALTER STREET, THIRD DISTRICT, BALTIMORE  
COUNTY, MARYLAND.

BEGINNING for the same at a point on the northeast side of Alter Street, 60 feet wide, at the distance of 90.00 feet measured northwesterly along the northeast side of Alter Street from the northwest side of Chisholm Drive, 50 feet wide, said point being on the dividing line between lot nos. 19 and 20 as shown on a plat of Section One of Dalton recorded among the Plat Records of Baltimore County in Plat Book GLB No. 21, folio 16, and running thence and binding on the northeast side of Alter Street and referring the courses of this description to the Baltimore County Grid Meridian, North 42 Degrees 09 Minutes 10 Seconds West 65.00 feet to the dividing line between lot nos. 20 and 21, as shown on said plat, thence leaving the northeast side of Alter Street and binding on said dividing line North 47 Degrees 50 Minutes 50 Seconds East 120.00 feet to the outline of the plat herein referred to and running thence and binding on said outline South 42 Degrees 09 Minutes 10 Seconds East 65.00 feet to the dividing line between lot nos. 19 and 20 herein referred to and running thence and binding on said division line South 47 Degrees 50 Minutes 50 Seconds West 120.00 feet to the place of beginning.

CONTAINING 7,800 square feet, more or less.

SUBJECT to a five foot drainage easement along the third line of the above described parcel of land.

JOSEPH D. THOMPSON, P.E., L.S.  
CIVIL ENGINEERS & LAND SURVEYORS

1180 101 SHELL BUILDING - 200 EAST JOPPA ROAD  
TOWSON, MARYLAND 21204 • Vail 3-8820

DESCRIPTION FOR SPECIAL EXCEPTION TO ZONING  
#6703 ALTER STREET, THIRD DISTRICT, BALTIMORE  
COUNTY, MARYLAND

BEING Lot No. 20 as shown on a plat of Section One of Dalton recorded among the Plat Records of Baltimore County in Plat Book GLB No. 21, folio 16.

8.11.69

2.

Very truly yours,

Fred E. Waldrop  
Fred E. Waldrop

FEW:wp

8.11.69

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Very truly yours,

Fred E. Waldrop  
Fred E. Waldrop

FEW:wp

8.11.69

2.

Very truly yours,

Fred E. Waldrop  
Fred E. Waldrop

RE: PETITION FOR SPECIAL EXCEPTION  
for a Nursery School  
NE/S of Alter Street 90' from  
NW/S of Chisholm Drive,  
3rd District  
Morton L. Hyman,  
Petitioner

BEFORE  
COUNTY BOARD OF APPEALS  
OF  
BALTIMORE COUNTY  
No. 70-79-X

OPINION

The petitioner in this case requests a special exception to permit the operation of a Nursery School at 6703 Alter Street, in the Third Election District of Baltimore County. A Nursery School is a permitted use in all residential zones as a special exception under the Baltimore County Zoning Regulations. The subject property is presently improved with an existing brick and shingle dwelling, which the petitioner proposes to remodel for a Day Nursery School to accommodate forty children. The subject property is situated on the north side of Alter Street approximately 90 feet west of Chisholm Drive, and contains 7800 square feet, with frontage of 65 feet along Alter Street and a depth of 120 feet.

The petitioner, Morton L. Hyman, who lives immediately west of the subject property at 6705 Alter Street, testified that he purchased the property in 1968, and it has been rented for residential use since that time. He stated that he feels there is a need for a Nursery School in the area to take care of the children of working parents. The proposed Nursery School would operate between the hours of 9 a.m. and 5 p.m., and would employ a qualified administrator and a full-time registered nurse, and perhaps four other employees. Mr. Hyman stated that while the school would be able to accommodate forty children, he hopes to limit the enrollment to thirty-five children, and that he does not intend to provide any transportation to and from the Nursery School.

Various neighbors who live in the immediate vicinity of the subject property objected to the petition on the grounds that Alter Street presently carries extremely heavy traffic in the afternoon hours between 4:30 and 6 o'clock, and that the school hours would conflict with the peak hour traffic on Alter Street. They also felt that the Day Nursery would depreciate the value of their houses, and that there is no need for an additional Day

Fred E. Waldrop, Esq.,  
202 Loyale Federal Building  
Towson, Maryland 21204  
Item 48 Page 2

September 16, 1969

BUILDING ENGINEER'S OFFICE:  
Petitioner shall conform to Baltimore County Building Codes, as existing house may possibly need changes to conform to Building Code Section on Nurseries upon interior inspection.

FIRE DEPARTMENT:  
Owner shall be required to comply with all Fire Department requirements in accordance with Life Safety Code, 1967 edition, Chapter 9, "Educational Occupancies," when construction plans are submitted for approval.

BOARD OF EDUCATION:  
Would not increase student population.

HEALTH DEPARTMENT:  
Public water and sewers available to this site.

Day Nursery Comments: Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County Regulations. For more complete information, contact the Division of Internal and Child Health, Baltimore County Department of Health.

Air Pollution Comments: The building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

ZONING ADMINISTRATION DIVISION:  
This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers  
Oliver L. Myers

OLM:JD  
ENC.

8.11.69

2.

Very truly yours,

Oliver L. Myers  
Oliver L. Myers

Morton L. Hyman - #70-79-X

Nursery facility in the neighborhood. In addition, several witnesses felt that the possibility of having forty children playing in a relatively small back yard would be a disturbance to the community. The subject property is located some four blocks northwest of the Liberty Road in the center of an R-6 residential development, and there are no nonresidential uses in the development four to five blocks in any direction of the subject property.

Without going into detail as to the testimony of each witness, the Board finds as a fact that the granting of the special exception to permit the operation of a Day Nursery at the subject location would be:

1. Detrimental to the health, safety and general welfare of the locality involved;
2. Tend to create congestion in roads, streets or alleys therein;
3. Tend to overcrowd land and cause undue concentration of population.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 29th day of July, 1970, by the County Board of Appeals, ORDERED that the special exception petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

John A. Slavit  
John A. Slavit

William S. Baldwin  
William S. Baldwin

John A. Miller  
John A. Miller

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Edward D. Hardesty, Deputy Zoning Commissioner Date: October 10, 1969

FROM: Mr. George E. Gavett, Director of Planning

SUBJECT: Petition #70-79-X, Special Exception for a nursery school. Northeast side of Alter Street 90 feet from the Northwest side of Chisholm Drive. Morton L. Hyman Petitioner.

3rd District  
HEARING: Thursday, October 23, 1969 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the subject petition. If it should be decided to grant the subject petition, however, we request that the grant be conditioned upon approval of the site plan by this office.

8.11.69

2.

Very truly yours,

Oliver L. Myers  
Oliver L. Myers

OLM:JD  
ENC.

8.11.69

2.

Very truly yours,

Oliver L. Myers  
Oliver L. Myers

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of...

the above Reclassification should be had, and it further appearing that by reason of...

a Special Exception for a Nursery School should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of February, 1969, that the herein described property or area should be and the same is hereby reclassified, from a Zone to a Zone, and or a Special Exception for a Nursery School should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations...

the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of February, 1969, that the herein described property or area should be and the same is hereby DENIED the Special Exception for a Nursery School...

ORDER RECEIVED FOR FILING

DATE 2/19/69

BY [Signature] ADMINISTRATIVE ASSISTANT

[Signature] Zoning Commissioner of Baltimore County

INVOICE No. 64740  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COURT HOUSE  
TOWSON, MARYLAND 21204  
To: [Address]  
Billed By: [Signature]  
Total Amount: \$50.00  
Important: Make checks payable to Baltimore County, Maryland  
Mail to Division of Collection & Receipts, Court House, Towson, Maryland 21204

PETITION FOR SPECIAL EXCEPTION...  
The Board of Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing for Special Exception for a Nursery School...

CERTIFICATE OF PUBLICATION

TOWSON, MD. OCT 2, 1969  
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 in each of 000 5120 before the 22nd day of October, 1969, the first publication appearing on the 2nd day of October, 1969.

THE JEFFERSONIAN  
[Signature] Manager

Cost of Advertisement \$

INVOICE No. 69335  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COURT HOUSE  
TOWSON, MARYLAND 21204  
To: Fred E. Waldrop, Esq.,  
Loyola Federal Building  
Towson, Md. 21204  
Billed By: Zoning Office  
Total Amount: \$80.00  
Important: Make checks payable to Baltimore County, Maryland  
Mail to Division of Collection & Receipts, Court House, Towson, Maryland 21204

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BUILDING  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
September 16, 1969  
Fred E. Waldrop, Esq.,  
202 Loyola Federal Building  
Towson, Maryland 21204  
RE: Type of Hearings: Special Exception for a nursery school  
Location: NW/4 of Alter St. & Chisholm Dr.  
Petitioner: Morton L. Hyman  
Committee Meeting of Sept. 2nd, 1969  
3rd District  
Item 4B  
Dear Sir:  
The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.  
The subject property is presently improved with a one story ranch type home, brick and masonry. It is surrounded on all sides by the same type of dwelling. The neighborhood appears to be in the age bracket of 10 to 15 years of age, in good repair. Alter Street is improved as far as concrete curb and gutter are concerned.

BUREAU OF ENGINEERING:  
General:  
Since highway improvements have been completed for this street and all utilities exist, this office has no further comment.  
PROJECT PLANNING DIVISION:  
This plan has been reviewed and there are no site planning factors requiring comment.  
BUREAU OF TRAFFIC ENGINEERING:  
Since no change in zoning is requested, there should be no major increase in trip density.

PETITION FOR SPECIAL EXCEPTION...  
This is to certify that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County was inserted in THE COMMUNITY TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 6th day of Oct. 1969 that is to say, the same was inserted in the issue of October 2, 1969.

STROMBERG PUBLICATIONS, Inc.  
By: [Signature]

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd  
Date of Posting: MARCH 21-1970  
Posted for: SPECIAL  
Petitioner: MORTON L. HYMAN  
Location of property: NW/4 OF ALTER STREET, 90 FT. FROM NW/4 OF CHISHOLM DRIVE  
Location of Sign: 6703 ALTER STREET  
Remarks: NW/4 PLACE FOR ONE STORY  
Posted by: [Signature]  
Date of return: MARCH 26-1970

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd  
Date of Posting: OCT 4, 1969  
Posted for: SPECIAL EXCEPTION FOR A NURSERY  
Petitioner: MORTON L. HYMAN  
Location of property: NW/4 OF ALTER ST. 90 FT. FROM THE NW/4 OF CHISHOLM DRIVE  
Location of Sign: 6703 ALTER STREET  
Remarks: [Signature]  
Posted by: [Signature]  
Date of return: OCT 7-69

Fred E. Waldrop, Esq., BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
202 Loyola Federal Building  
Towson, Maryland 21204  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
Your Petition has been received and accepted for filing this 19th day of September, 1969  
John G. Rose, Zoning Commissioner  
Petitioner: Morton L. Hyman  
Petitioner's Attorney: Fred E. Waldrop, Esq., Reviewed by: [Signature]  
Chairman of Advisory Committee

INVOICE No. 69268  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE  
Division of Collection and Receipts  
COURT HOUSE  
TOWSON, MARYLAND 21204  
To: [Address]  
Billed By: [Signature]  
Total Amount: \$3.00  
Important: Make checks payable to Baltimore County, Maryland  
Mail to Division of Collection & Receipts, Court House, Towson, Maryland 21204

