

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

December 30, 1994

(410) 887-3353

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

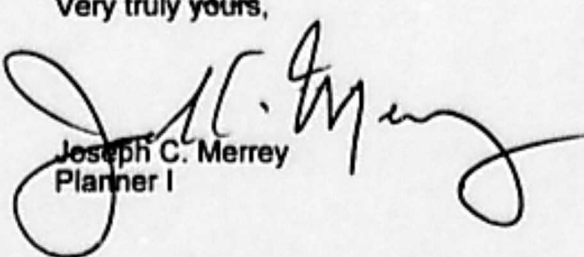
Dear Mr. Brand:

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





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 Rabbit 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

988
42-1828

Ms. Ethel Schaum
1644 Gray Haven Court
Baltimore, 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,

Ms. Ethel Schaum

Ms. Ethel Schaum



Pursuant to the advertisement, posting of property, and public hearing on the above Petition, and it appearing that by reason of the following finding of facts that a special exception (Case No. 64-105-X) to operate a day nursery at 510 South 46th Street was originally granted on April 9, 1964, by the then Zoning Commissioner, John G. Rose, with certain restrictions, among which were for "Not more than 20 children..." and specifying the "Hours of operation shall be between 7:30 a. m. and 5:30 p. m. only"; that the day nursery has continued to operate on the subject property since that date; that the Protestants testified that more than 20 children have attended the day nursery, now being operated by the Petitioner, at hours in excess of those specified in the special exception; that previous licenses issued to the Petitioner's predecessor were for a maximum of 25 children; that the Petitioner has made substantial improvements to the day nursery since purchase of the property in 1978; that a letter from the Baltimore County Department of Health, dated November 19, 1979, indicated that "the capacity of the center to be 29 children, allowing 35 square feet of usable floor space per child required under current State regulations", and that to amend the special exception, as herein provided, will not be detrimental to the health, safety, and general welfare of the community and will be within the spirit and intent of the Baltimore County Zoning Regulations.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of April, 1980, that the amendment to the special exception for a day nursery (Case No. 64-105-X), to provide for an increase in the number of children to 29 and to increase the hours of operation to between 6:30 a.m. and 6:00 p.m., should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the Order of April 9, 1964, except to the extent that this Order amends the terms and provisions thereof.
2. No vehicles delivering children shall double park on South 46th Street and the parents of the children shall be so informed.
3. The children shall be kept in the day nursery facility until 10:00 a.m. so as to minimize the noise in the immediate area.
4. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

William E. Hammond
Zoning Commissioner of
Baltimore County



THORNTON M. MOURING
DIRECTOR

September 18, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #33 (1979-1980)
Property Owner: Gloria L. Dorsey
W/S 46th St. 841.85' S. Eastern Avenue
Existing Zoning: PA 5.5
Proposed Zoning: Special Hearing to amend Special
Exception Case No. 64-105-X to allow a maximum number of
30 children in lieu of the allowable maximum of 20
children and to increase the hours of operation from
7:30 A.M. to 5:30 P.M. to 6:00 A.M. to 6:00 P.M.
Acres: 0.143 District: 12th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item 33 (1979-1980).

Very truly yours,
Ellsworth H. Diver, P.E.
ELLSWORTH H. DIVER, P.E.
Chief, Bureau of Engineering

END:HAM/PWR:es

P-NE Key Sheet
S SE 17 Nos. Sheet
SE 2 H Topo
96 Tax Map



John D. Seyffert
DIRECTOR

September 17, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #33, Zoning Advisory Committee Meeting, August 14, 1979, are as follows:

Property Owner: Gloria L. Dorsey
Location: W/S 46th St. 841.85' S. Eastern Ave.
Existing Zoning: D.R.5.5
Proposed Zoning: Special Hearing to amend Special Exception Case # 64-105-X to allow a maximum number of 30 children in lieu of the allowable maximum of 20 children and to increase the hours of operation from 7:30 A.M. to 5:30 P.M. to 6:00 A.M. to 6:00 P.M.

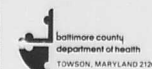
Acres: 0.143
District: 12th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

October 8, 1979

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #33, Zoning Advisory Committee Meeting of August 1979, are as follows:

Property Owner:	Gloria L. Dorsey
Location:	W/S 46th St. 841.85' S Eastern Ave.
Existing Zoning:	D.R. 5.5
Proposed Zoning:	Special Hearing to amend Special Exception Case 64-105-X to allow a maximum number of 30 children in lieu of the allowable maximum of 20 children to increase the hours of operation from 7:30 A.M. to 5:30 P.M. to 6:00 A.M. to 6:00 P.M.
Acres:	0.143
District:	12th

Metropolitan water and sewer exist.

A representative from the Division of Maternal and Child Health recently inspected the existing day care center. Due to space limitations permit to operate the day care center will specify a maximum allowable number of 29 children.

Ian J. Forrester
Ian J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

JTF/JTB/tbc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: August 14, 1979
FROM: Ted Burnham
SUBJECT: Meeting of August 14, 1979
Zoning Advisory Committee
Meeting of August 14, 1979

ITEM NO. 32	See Comments
ITEM NO. 33	Standard Comments
ITEM NO. 34	See Comments
ITEM NO. 35	See Comments
ITEM NO. 36	Standard Comments Only.
ITEM NO. 37	See Comments
ITEM NO. 38	See Comments
ITEM NO. 39	See Comments
ITEM NO. 40	See Comments
ITEM NO. 41	Standard Comments Only.

Ted Burnham
Ted Burnham, Chief
Plans Review

TBR:j



WILLIAM E. HAMMOND
ZONING COMMISSIONER

April 2, 1980

Ms. Gloria L. Dorsey
510 South 46th Street
Baltimore, Maryland 21224

RE: Petition for Special Hearing
W/S of 46th Street, 841.85' S of
Eastern Avenue - 12th Election
District
Gloria L. Dorsey - Petitioner
NO. 80-117-SPH (Item No. 33)

Dear Ms. Dorsey:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:eri

Attachments

cc: Myles R. Eisenstein, Esquire
222 St. Paul Street
Baltimore, Maryland 21202

Mr. Paul Breidenbaugh
415 St. Paul Street
Baltimore, Maryland 21202

Mr. & Mrs. Joseph Area, Jr.
614 South Savage Street
Baltimore, Maryland 21224

Mr. Raymond Tallin
525 South 46th Street
Baltimore, Maryland 21224

Mr. & Mrs. Thomas
532 South 46th Street
Baltimore, Maryland 21224

Ms. Kay Drayton
Acting Child Day Care Coordinator
Department of Health

Captain Joseph Kelly
Fire Department

John W. Heslian, III, Esquire
People's Counsel

ZONING DESCRIPTION

SPECIAL HEARING FOR NO. 530, 46TH STREET

BEGINNING for the same on the west side of 46th Street, said point being 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 W 50.00 feet, thence binding on said division line south 67 degrees 28 minutes 125.00 feet, thence south 22 degrees 32 minutes east 44.40 feet and south degrees 48 minutes east 3.90 feet, thence binding on said division line no 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

August 28, 1979

William E. Hammond
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Gloria L. Dorsey

Location: W/S 46th St. 841.85' S Eastern Ave.

Item No. 33 Zoning Agenda Meeting of 8/14/79

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDED the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1979 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *George M. Hagan* Method and Date: *8/28/79*
Special Inspection Division Approved: *George M. Hagan*
Fire Prevention Bureau

MARYLAND STATE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Baltimore COUNTY HEALTH DEPARTMENT
GROUP DAY CARE CENTER INSPECTION

CHILD DEVELOPMENT REPORT
Date: 5-24 1977
Time of inspection: am
Center: Eastwood Day Nursery
Address: 530 S. 46 St
Dundalk Md
Licensee: Mrs. T. Somers

Entries: S = Satisfactory U = Unsatisfactory
NA = Not Applicable UP = Unsatisfactory Pending Corrective Action

LICENSING POLICY
13 S Current License posted
15 S Capacity of Center

ADMISSION POLICIES
18 S Minimum Age
19 S Special Care

STAFF
63 S No evidence injurious treatment, physical or emotional by staff
67 S Sufficient qualified staff
68 S Program Director
69 S In centers licensed prior
90 S In centers licensed after
91 S Program Director/ 5-20
92 S Program Director/ 21-40
93 S Program Director/ 41-
94 S Senior Staff
95 S Aides
96 S Other personnel
97 S Substitutes
98 S Number of staff
99 S Group size and staffing
100 S Mixed group size
101 S More than 4 two year olds
102 S Staffing pattern

SQUARE FOOTAGE
27 S 35 sq. ft. of space per child
28 S 30 sq. ft. of space per child

PROGRAM
25 S Playground
26 S Appropriate rest period
103 S Planned
104 S Alternating activities
105 S Individual/small group activities
106 S Variety
107 S Outdoor play
108 S Clothing
109 S Snack and meal time

EQUIPMENT AND FURNISHINGS
110 UP Quantity and variety
111 UP Dramatic play
112 UP On open shelves:
art materials
science materials
rhythm instruments
natural materials
111C UP Sufficient unit blocks
Accessories
111D UP Books, games, puzzles
111E UP Large muscle equipment

CHILD DEVELOPMENT REPORT (continued) Page 2
Center: Eastwood Day Nursery Date: 5-24 1977

EQUIPMENT AND FURNISHINGS (continued) RECORDS
112 S Quantity
113 S Arrangement
114 S Scaled to size
114A S Storage/play materials
114B UP Storage/cots, bedding
114C S Equipment not in use
114D S Storage/movable outdoor equipment

Record comments made to person interviewed. Record discussions by regulation section, including agreed upon compliance dates, if applicable. Use additional paper, if necessary.

111C - see below
111C sand blocks that are splintering
need accessories - animals (paw 4300)
people
111D add more challenging manipulative toys
114B replace worn, ripped cots
25 remove broken plastic mirror

RECOMMENDED FOR LICENSURE - YES ☒
NO ☐

Signature of licensee or person interviewed after review
Mrs. M. Somers
Signature of Inspector

DHMH 1167 D
4/75

Gary Hammond 527 S. 45th St, Baltimore, 21224
Richard Reed 528 S. 46 St
James Cook 501-5-46th St - 24
Robert Allen 525 S. 45th St 2224
Mrs. & Ellen 529 S. 46th St

79-2177
NOT 1879 AM
614 South Savage Street
Baltimore, Maryland 21224
December 14, 1979

Mr. William G. Hammond
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Gloria Dorsey - Eastwood Day Nursery
530 South 46th St.

Dear Mr. Hammond:

My husband and I own the property at 528 S. 46th St. This house was originally owned by my parents, and has been in my family for 26 years. We bought the house about 4 years ago, completely gutted it, and are in the process of complete renovation and addition of rooms. We have put our life savings into this property, plus so far 3 years of really hard work. All of the work has been done by my husband and me and my children.

Years ago, when the original permit for the nursery came up, Mr. and Mrs. James Somers owned the property. Mr. Somers business at that time was not doing well, and he was beginning to be plagued with a crippling form of arthritis which has now made him almost an invalid. At that time, my parents did not want to deprive Mrs. Somers of some means to make a living by having this small nursery in the building which was erected on the back lawn. My parents understood that this would be only a small nursery and that the zoning was to be a special exception, which they did not believe at the time would go to a new owner. They did not oppose it in order to help their neighbor.

In the years that followed, the property was a family residence, with grass, trees, shrubs and flowers and a grape arbor - looked like a nice residential suburban home, but with a small nursery in the rear. The children at that time seemed well behaved for the most part, well taken care of, and during the times when they were outside, were not very noisy.

Mrs. Dorsey acquired the property about one and a half years ago, and evidently bought the house with the nursery. Before realizing that this young couple was out to make a real business for themselves and were not content to have a small nursery, my husband signed a paper for them at the request of Mr. Dorsey who told him they wanted to have a "couple more children" at the nursery. (My husband has the bad habit of never reading what he signs. He felt that he was helping a neighbor).

Since Mrs. Dorsey has had the property, it has become a real commercial business venture. The flowers, trees, grape arbor and even the grass has now been removed. The property is now about 90% cement. It no longer looks like a suburban family home, but the business which it is turning out to be.

2.

These properties are only 50 feet wide, and I feel that this is much too close together to have such a commercial property right next door. I fear that these changes have already lowered the value of my property..

Not only have the Dorseys cemented their own property, but they evidently do not want any kind of the residential niceties around them that go along with suburban living. They have been after me to cut down the trees which are on my property on the side that is next to their property. They have now threatened me with court action for so called damages caused by these trees.

They have already harassed and taken to court the neighbor on the other side of them, Mr. and Mrs. Koonz, claiming that they want the shrubs along the Koonz property line removed, and a tree that is on their property removed because the leaves go into their yard and into their rain-pour. I understand that (thank goodness) the case was dismissed. It is a shame that this old couple had to be dragged to court after living in a home without any problem for 38 years, because someone has cemented their property for business reasons and want you to remove small shrubs from your driveway.

This has always been a very pretty, quiet residential section with good, kind neighbors. These neighbors who had signed the petition to allow the additional children for the nursery and the longer hours, I don't believe realize what this action will bring. I really fear that in the future there is a real chance that the property will be turned into a nursery entirely. Having double parked cars and crying children being taken into the nursery at 6 AM will not be pleasant for many of these people who are elderly. If the additional hours are granted, I found it necessary to stay at my house during the day to await a repairman, and the noise from the children during the time they were outside was really too much. I don't know if Mrs. Dorsey already has more than the allotted amount of children, or if it is the fact that it is now cement, but the children playing out there with adults doing housekeeping chores and yelling at the children was certainly a far cry from what it used to be.

Please take all things into consideration before making a decision regarding the property. My husband after many years of hard work and all of our money were looking forward to moving into this home and enjoying our lawn, our shade trees and the general peacefulness of our property. We are not in any financial condition to make a move to another place. I am afraid the cost of housing and the interest rates would prohibit any kind of move on our part, at 49 years of age.

We will appreciate your most thoughtful consideration of our plea.

Sincerely,
Joseph Ares
Joseph Ares &
Barbara Ares

Thomas W. Lipton 522 S. 46th St
Robert Rauloff 540 S. 46th St
Edna Smith 538 S. 46th St
Elizabeth P. Goe 6914 7th Ave
Mrs. Bora 531 S. 45th St
Mrs. Mrs. Luther Lutzendorf 523 S. 45th St
Edman Murrell 523 S. 45th St
John Schuch 510 S. 45th St
James Zischewitz 7004 Fair Lane
Joseph J. Zischewitz 7004 Fair Lane
Mrs. Mrs. John Koonz 524 45th St
J. T. Bruner 502 S. 45th St
Henry McCord 517 S. 45th St
Mc Cord

Barbara Cook
528 S. 46th St
31224

Kathy Lutzendorf
523 45th St
31224

Mrs. Mrs. James Koonz
530 S. 46th St
31224

Protestance

RECEIVED
283-2826 1701 530-4446

MYLES R. EISENSTEIN
ATTORNEY AT LAW

5100 202
222 SOUTH PAUL PLACE
BALTIMORE, MD 21202



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284-7630



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284-7630



June 22, 1979

Baltimore County
Office of Planning Zoning
Inspector, Maryland 21204

Re: Application for Day Care Centre License
530 South 46th Street
13th Election District



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284.7630

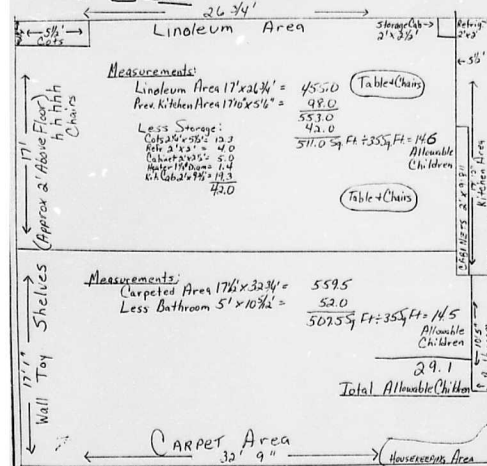


Santa Cruz
Office of Planning - Jm
June 27, 1974
Page 2 of 2

Due to parking spaces in front of our home, I believe, I
 believe as traffic problems near double parking problems.
 I have also attached signs signed with residents of
 our block stating they have no objections to this sign, to
 increase visibility.
 If there is any further explanation required, or we
 may be of assistance, please let me know.

Very truly yours,
Hannah L. Dargatz
Anne

Attachments



EASTWOOD DAY NURSERY
530 South 46th Street
Baltimore, Maryland 21224
284-7630



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284-7630



June 23, 1979

To Al from Mr. May (Green)

This is to advise that I, Mr. the undersigned, have no objections whatsoever to the day care center known as Eastwood Day Nurseries and located at 530 Street 46th Street, Baltimore, Maryland 21208, having its capacity permanently increased to twenty-nine (29) children.



EASTWOOD DAY NURSERIES
530 South 46th Street
Baltimore, Maryland 21224
284-7630



June 23/1979

To whom It May Concern.

It is to be advised that I/She, the undersigned, has no objections whatsoever to the day care center known as Easterday Day Nursery and located at 530 South 4th St. Baltimore, Maryland 21204, having its capacity per month spread to twenty-nine (29) children.

[illegible]

MEASUREMENTS TAKEN BY LESLIE SANDLER ON MAY 29, 1972

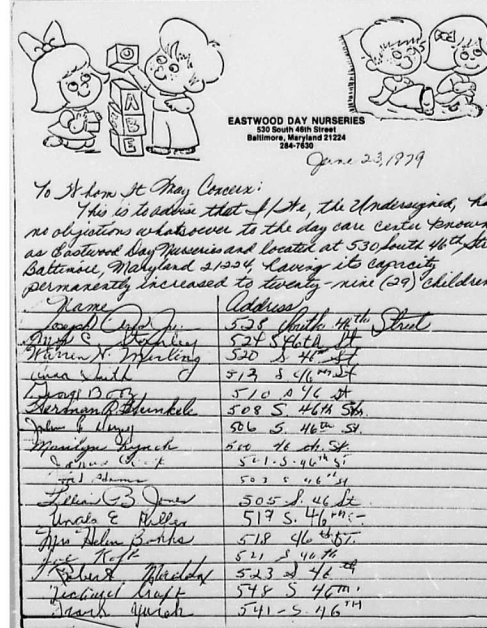
Carpeted area $17-1/12' \times 32-3/4' = 559.5$ sq.ft. (wall to wall)

Bathroom $5' \times 10-5/12' = \underline{52.0}$ sq.ft. (subtract)

507.5 sq.ft. ± 35 sq.ft. = 14.5

Linoleum area $17' \times 26-3/4' = 455.0$ sq.ft. (wall to wall)
 Kitchen $17-10/12' \times 5-1/2' = + 99.0$ sq.ft. (add)
 553.0 sq.ft.
 = 142.0 sq.ft. (storage)
 511.0 sq.ft. $\div 35$ sq.ft. = 14.6

Storage			
Cots	2-1/4' x 5-1/2'	=	12.3 sq.ft.
Refrigerator	2' x 2'	=	4.0 sq.ft.
Cabinets	2' x 2-1/2'	=	5.0 sq.ft.
Teater	1-1/3' diameter	=	1.4 sq.ft.
Kitchen cabinets	2' x 9-2/3'	=	<u>19.1</u> sq.ft.
			42.0 sq.ft.



MAN 7'80" 111

12 1 2 3 4 5 6 7 8 9 10 11

1:50

ZOOING DEPARTMENT
EASTWOOD DAY NURSERIES

January 4, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

RE: Special Hearing #80-117-SPH

Dear Mr. Hammond:

I am writing this letter to stress some facts which I feel we neglected to do at the hearing on 1/3/80 due to our lack of preparation for and knowledge of the protest.

1. As verified, the nursery has been licensed well in excess of twenty(20) children for at least fifteen (15) years with no complaints.

2. The nursery has been open from 6:00 a.m. to 6:00 p.m. for at least ten (10) years, as evidenced by Attachment #1, with no complaints.

3. Mr. and Mrs. Koontz did not complain until we encountered legal difficulties, as described in Attachment #2. The Koontz's complied with the requests one week before the court date, which was several months after my attorney first contacted them. The Judge dismissed the case, stipulating that should this condition occur again, I would be permitted to appear in person in court. As the Koontz's first complaint was in early August, 1979, less than one month after my attorney wrote them, I feel their protest is purely personal revenge. Also, regarding Mr. Koontz's complaint, I do not see how car headlights can penetrate a person's blinding glasses. I am sure that Mrs. Koontz is not blind. (Mr. Koontz is a blind man who leaves for work via his car port to 6100 a.m.)

4. Mr. Ares signed my petition in June, 1979. Since that time I have encountered legal difficulties with Mr. and Mrs. Ares. Attachment #3 is the letter I referred to in my testimony, which explains the severity of this situation. My attorney, Dutch

Mr. William E. Hammond
January 4, 1980
#80-117-SFH
Page Two

4. (Continued) Rupperberger, advised me to send the Area two certified letters advising them of the situation, my requests, and my intentions. My attorney also strongly advised that if they did not comply, to file suit this month, and that due to the safety aspect, that an injunction could probably be obtained. As I am sure your records will indicate, prior to Mrs. Area's letter last month, there had been no complaints from them. My letters to the Area were dated 9/24/79 and 12/27/79. I would also like to point out that in June, 1979, when Mr. Area signed my petition stating that he had "absolutely no objections whatsoever" and at that time commented about his own difficulties with Mr. and Mrs. Koontz and what a shame it was that they were giving me a hard time.

During your visit and inspection, please note the two trees extending far over the play area, which Mrs. Area insisted do not extend at all over the play area. Mrs. Area expressed her own and her family's concern over commensuration of the neighborhood. However, in 1973 through 1974, the family operated a Poodle Parlor at 528 South 46th Street. In view of all this, I can only assume that the Area's protest is also purely personal.

6. The following information should also interest you. The Area of 523 South 45th Street was a source of noise, own and keeps on these premises a rooster and a hen, which make typical noises from 4:30 a.m. until sometimes noon.

7. The petition submitted by Mr. Koontz had, I believe, only the following residents signatures from the 500 block of 46th Street: 501, 528, 529, 538 and 540 plus their own - 532. The residents of these identical addresses, excluding the Koontz's, previously signed my petition stating they had "absolutely no objections whatsoever." This raises some questions in my mind. As the actual statement was on a separate paper with NO signatures. Were these people aware of what they were signing? Even if they were aware, what prompted them to change their minds so quickly and completely? and are these conflicting signatures of any value to either side? The other signatures, I believe with the exception of 527 South 45th Street, are not in the immediate area.

8. My petitions have nearly every resident of the entire block. I had one refusal by a neighbor who cannot speak English. Most of the skipped house numbers are due to double lots; the others, I was not able to reach them.

9. Mr. Talon (527 South 45th Street) complained of children heckling his mother. After checking with my own staff, I must admit that one such occurrence took place in August, 1979. The particulars - his mother was burning a large pile of leaves in the area between the yards (I believe a right of way or storm water drain approximately 2 feet wide) while the children were

Mr. William E. Hammond
January 4, 1980
#80-117-SFH
Page Three

9. (Continued) outside playing. The children were startled by the smoke and flames which were extremely close to the fence. One child called the woman a witch. The woman began yelling and told the children she was going to cut out their tongues. I assure you that almost immediately after the fire was started, the children were moved from this area, for obvious safety reasons. The entire staff has continued to keep the children away from this area when these residents are in their back yard. This is not only for the residents' sakes, but also to avoid the hysteria caused in a few of the children by the woman, her numerous fires and her statements. This was definitely an isolated incident.

10. I have also attached a copy of our schedule (Attachment #4) which we follow closely. We have a very enriching program: a daily cleaned premises and an educated, responsible and were staff (five (5) of seven (7) staffers have college educations in early childhood). We provide a much-needed service for the parents and a loving, home-like atmosphere catering to the emotional, education, social and physical needs of our children. We have an extremely satisfied clientele, who provide a constant inspection of our total operation - our doors remain unlocked continuously from 6:00 a.m. to 6:00 p.m. I hope during your inspection you feel free to question any parents present as to the earliest time they have ever seen the children outside, or "briefed" any parents in fact, I assure you we have not any other questions in your mind. I assure you we have not all went well and to avoid a possible panic, we have not made any comments otherwise.

11. When you come to inspect, I hope you will take note that all improvements I have made to my property have been just that - improvements. The cemented area was to prevent the almost constant muddy condition caused by our location in the midst of an incline from the front and one from the side. This area is in back of my house and is not easily visible from the street or sidewalk. It is a much nicer sight than the previous well-traveled barren plot of dirt and mud. My home has been transformed from a run-down eyesore to one of the nicest residential sites in the block. The improvements have appreciated my value and the community's. Upon completion of the renovation, my front and side yards are to be professionally landscaped by McCullough & Sons. This was discussed with them several months ago.

Please, Mr. Hammond, keep all of these facts in mind when making your decision. I will anxiously await to hear from your office.

Very truly yours,
Gloria Dorsey
Gloria Dorsey

Attachments

"We'll go out on a limb for you"

Phone: 284-8558

Attachment #3

McCULLOUGH & SONS

1123 Old North Point Road
Dundalk, Maryland 21222

October 15, 1979

Miss Gloria L. Dorsey
530 South 46th Street
Baltimore, Md. 21204

Dear Miss Dorsey,

This is in reference to the damage caused to your property by your next door neighbor at 528 South 46th Street.

On October 4, 1979, I visited your home and noticed a medium size Walnut tree located next to the North West corner of your property. This Walnut tree has an extensive decline and dieback disease, which has a couple of limbs that hang over your house.

I could not estimate the damage to your property, that this tree was causing at the time of my inspection except for the dead branches as indicated in the paragraph above. Under normal conditions I would estimate that this Walnut tree on your neighbors property, however, as you have a day nursery on your premises I would be concerned about the safety of the children under your care. It is my opinion that the tree be properly diseased and removed off of your property line.

The next tree that I examined was the White Mulberry tree located over the South Western side of your property. This tree also belongs to the same neighbor. This tree has a considerable amount of peach scale disease and powdery mildew which is causing alot of deadwood in the tree. This tree extends well over the property line and is touching the building that you use for your day nursery. It is my recommendation that this tree be trimmed off of your property line and the deadwood be removed.

The next tree I observed was a large American Sycamore tree with a D.B.H. (Diameter Breast Height) of 27" and is approximately 100 years old. This tree has been cut back years ago very severely and had been topped out at the same time. I observed your concrete patio was in the root zone of the Sycamore tree, which was causing the cracking of the cement in the patio.

On examination of your basement walls I noted that Sycamore roots growing through your wall and underneath the footing are coming into your sub pump. It is my recommendation that the tree be properly diseased and removed off of your property line. I also noted the roots growing through your wall caused your foundation to crack and leak. I observed a large root 1 1/2 inches in diameter growing through the wall located in the bathroom in your basement which caused extensive cracking of the foundation footing.

I noticed that the root had been cut flush with the inside of the wall and the cracks in the foundation had been sealed with a sealer. This of course will not solve the problem of your basement leaking as the root will continue to grow through your wall and make the crack larger. It is my recommendation that the Sycamore tree either be removed or that your ground that runs parallel with the tree and your wall have a trench dug and the roots be cut.

Sincerely yours,

Charles M. McCullough
Charles M. McCullough, Pres.
McCullough & Sons, Inc.

wla



EASTWOOD DAY NURSERIES
537 South 46th Street
Baltimore, Maryland 21224
284-1820



TO WHOM IT MAY CONCERN:

This is to verify that my daughter first attended the above day care center in 1970. My son is now attending the day care center. Since my first contact with the center, the hours were and have continued to be 6:00 a.m. to 6:00 p.m.

George Miller 1/4/80
George Miller Date

TO WHOM IT MAY CONCERN:

This is to verify that my daughter began attending the above day care center in 1974. The hours since that time have continued to be 6:00 a.m. to 6:00 p.m.

Patricia Wimer (Mrs.) 1/12/80
Patricia Wimer (Mrs.) Date

TO WHOM IT MAY CONCERN:

This is to verify that my son has been attending the above day care center since 7/7. The hours have remained the same, 6:00 a.m. to 6:00 p.m.

Connie Marler (Mrs.) 1/4/80
Connie Marler (Mrs.) Date

LETTER FROM
HUPPESBERGER, WHITE & CLARE
NOTE: SEE
811 WASHINGTON AVENUE
THURSDAY, MARYLAND 21201
444-40-0000

July 12, 1979

Mr. and Mrs. Thomas Koontz
537 South 46th Street
Baltimore, Maryland 21224
Dear Mr. and Mrs. Koontz:

This file was being retained by your neighbor, Mrs. Gloria Dorsey who resides at 530 South 46th Street.

According to Mrs. Dorsey, your father has shown out her property and are partially liable for the damage. She has further advised that your father's tree in the back yard has grown at least fifteen feet into her property. This growth has caused a leaning of her fence, clogging of her storm-water drain and leaves and branches are clogging the gutter on her house. Mrs. Dorsey has advised you numerous instances that she wants you to trim the tree and bushes so that they will not come onto her property. Since you have not seen fit to take care of this problem, Mrs. Dorsey has reluctantly obtained the services of this office to have you comply with her request.

Mrs. Dorsey has instructed us that the address to resolve this matter on amicable basis and has requested me to advise you that she is willing to discuss this matter further as to the date, time and manner in which the bushes and tree will be cut. However, if it is your intention not to meet with Mrs. Dorsey within one week of the date of this letter and thereafter comply with her request to cut the bushes and tree she has advised me to proceed with legal action.

Very truly yours,

G. A. Rupperberger III

CAR/jlc

cc: Mrs. Gloria Dorsey

SCHEDULE

GROUP I		GROUP II	
Opening thru 7:30	Rest, breakfast, television, table games	Rest, breakfast television, table games	
7:30 - 9:00	Breakfast, table games, free play	Breakfast, table games, free play	
9:00 - 9:15	Clean up time	Clean up time	
9:15 - 10:00	Planned Lesson - Arts & Crafts, Science, Math, Vocabulary, Colors, Etc.	Group Activity - Music, Story, Exercises, Games, Etc.	
10:00 - 10:45	Group Activity - Music Story, Exercises, Games, Etc.	Planned Lesson - Arts & Crafts, Science, Math, Vocabulary, Colors, Etc.	
10:45 - 11:00	Telet time and prepare for lunch	Telet time and prepare for lunch	
NOTE - If Lessons and group activity are completed early, children may go out in good weather, before lunch.			
11:00 - 11:30	Lunch	Lunch	
11:30 - 12:30	Clean Up Lunch, put lunch boxes away, free play - inside or outside.	Clean Up Lunch, put lunch boxes away, free play - inside or outside.	
12:30 - 3:00	Lay down cots, toilet, nap time	Lay down cots, toilet, nap time	
3:00 - 3:30	Free play - inside or outside	Free play - inside or outside	
3:30 - 4:00	Snack time	Snack time	
4:00 - 5:00	Free play - inside or outside	Free play - inside or outside	
5:00 - 5:15	Clean up time	Clean up time	
5:15 - 6:00	Television, quiet play	Television, quiet play	

PETITION MAPPING PROGRESS SHEET

FUNCTION	Went Map		Original	Duplicate	Tracing	200 Sheet
	date	by	date	date	date	date
Descriptions checked and outline plotted on map						
Petition number added to outline						
Denied						
Granted by ZC, BA, CC, CA						
Reviewed by: <i>MM</i>	Revised Plans: Change in outline or description Yes No					
Previous case: # 64-105-X	Map #					

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 18 day of 1979.
William E. Hammond
William E. Hammond
Zoning Commissioner
Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION FOR SPECIAL HEARING
12th District
 ZONING: Petition for Special Hearing
 LOCATION: West side of 46th Street, 100 feet South of Eastern Avenue
 DATE: 12th District, Thursday, January 7, 1980 at 9:30 A.M.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
 The Baltimore County Zoning Commission shall hold a public hearing on the petition for special hearing for the following:

Petition for Special Hearing Under Section 802.7 of the Zoning Ordinance of Baltimore County, Maryland, submitted by Gloria Dorsey, 111 W. Chesapeake Avenue, Towson, Maryland, for the purpose of amending the zoning map to allow a maximum number of 30 children in day of the following maximum number of 20 children and to increase the density of children from 20 to 30 per acre. All the property is located in the Twelfth District of Baltimore County. The property is located on the west side of 46th Street, east side of Eastern Avenue, and is bounded by 46th Street to the north, Eastern Avenue to the south, and 46th Street to the east. The property is located on the west side of 46th Street, east side of Eastern Avenue, and is bounded by 46th Street to the north, Eastern Avenue to the south, and 46th Street to the east. The property is located on the west side of 46th Street, east side of Eastern Avenue, and is bounded by 46th Street to the north, Eastern Avenue to the south, and 46th Street to the east.

BY ORDER OF
 WILLIAM E. HAMMOND
 Zoning Commissioner
 of Baltimore County

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle
 38 N. Dundalk Ave.
 Dundalk, Md. 21222
 Dec. 21, 1979

THIS IS TO CERTIFY, that the annexed advertisement of William E. Hammond, Zoning Commissioner of Balco. County in matter of petition by Gloria Dorsey was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week before the 14th day of December, 1979; that is to say, the same was inserted in the issue of

December 13, 1979

Kimbel Publication, Inc.
 Publisher.

By *Kimbel Publication, Inc.*

PETITION FOR SPECIAL HEARING

12th District

ZONING: Petition for Special Hearing

LOCATION: West side of 46th Street, 100 feet South of Eastern Avenue

DATE: 12th District, Thursday, January 7, 1980 at 9:30 A.M.

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

The Baltimore County Zoning Commission shall hold a public hearing on the petition for special hearing for the following:

Petition for Special Hearing Under Section 802.7 of the Zoning Ordinance of Baltimore County, Maryland, submitted by Gloria Dorsey, 111 W. Chesapeake Avenue, Towson, Maryland, for the purpose of amending the zoning map to allow a maximum number of 30 children in day of the following maximum number of 20 children and to increase the density of children from 20 to 30 per acre. All the property is located in the Twelfth District of Baltimore County. The property is located on the west side of 46th Street, east side of Eastern Avenue, and is bounded by 46th Street to the north, Eastern Avenue to the south, and 46th Street to the east. The property is located on the west side of 46th Street, east side of Eastern Avenue, and is bounded by 46th Street to the north, Eastern Avenue to the south, and 46th Street to the east.

BY ORDER OF
 WILLIAM E. HAMMOND
 Zoning Commissioner
 of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 19, 1979.
 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 a week before the 19th day of November, 1979, the day of appearance of the advertisement, appearing on the 19th day of November, 1979.

THE JEFFERSONIAN,
William E. Hammond
 4450
 Cost of Advertisement, \$

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your Petition has been received this day of August, 1979.

Filing Fee \$ 25 Received: Check Cash Other

Attorney # 33

Submitted by *William E. Hammond*

Petitioner's Attorney Reviewed by *William E. Hammond*

This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 12 Date of Posting: 12/17/79

Posted for: *William E. Hammond*

Petitioner: *William E. Hammond*

Location of property: *West side of 46th Street, 100 feet South of Eastern Avenue*

Location of Sign: *West side of 46th Street, 100 feet South of Eastern Avenue*

Remarks: *See attached map*

Posted by: *William E. Hammond* Date of return: 12/17/79

Signature

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 83243

DATE: October 23, 1979 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: *Gloria Dorsey*

FOR: *Filing Fee For Case No. 80-117-SW*

884 4 PRUE 24 250006

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. 85564

DATE: January 3, 1980 ACCOUNT: 01-662

AMOUNT: \$59.00

RECEIVED FROM: *Gloria Dorsey*

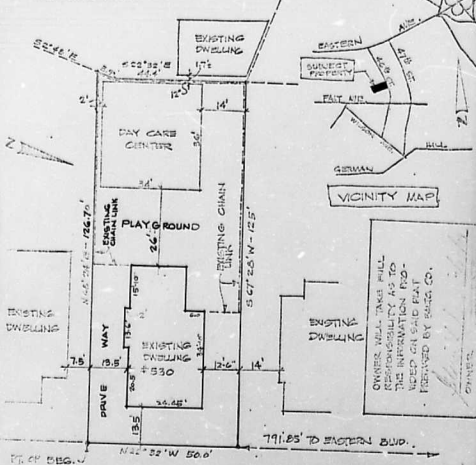
FOR: *Filing Fee For Case No. 80-117-SW*

Advertising: 1st copy

884 4 PRUE 24 590006

VALIDATION OR SIGNATURE OF CASHIER

- RESTRICTIONS:
1. CONFORMANCE WITH THE ORDER OF 4/1/66, EXCEPT TO THE EXTENT THAT THIS ORDER AMENDS THE TERMS AND PROVISIONS THEREOF.
 2. NO VEHICLES DELIVERING CHILDREN SHALL DOUBLE PARK ON BOTH 46th STREET AND THE PARENTS OF THE CHILDREN SHALL BE SO INFORMED.
 3. THE CHILDREN SHALL BE KEPT IN THE DAY NURSERY FACILITY UNTIL 10:00 A.M. SO AS TO MINIMIZE THE NOISE IN THE NEIGHBORHOOD AREA.
 4. APPROVAL OF A SITE PLAN BY THE DEPT. OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.



46th STREET PLANS APPROVED
 50' E/W 30' PAVING BY *Gloria Dorsey*
 DATE: 5-6-80

PETITION FOR SPECIAL HEARING TO INCREASE NO. OF CHILDREN FROM 20 TO 30 AND HOUR OF OPERATION FROM 7:30 AM - 5:30 PM
 OWNER - GLORIA L. DORSEY
 12 ELECTION DIST. ZONED DIR. 5.5
 HARBOR VIEW. WPC No. 5. PLOW 50, LOT No. 553 4, 259
 Note: No Bus service shall be provided for the children.
 Existing public facilities in the street.

SCALE: 1"=20'

