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ORDER

MICROFILM

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Roy E. Spurrer

Zoning Commissioner of
Baltimore County

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ORDER RECEIVED FOR FILING

DATE 2. 2. 2010

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John W. Hession, III

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IN SUPPORT

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ORDER RECEIVED FOR FILING

DATE Dec. 26, 1981

BY Debra P. Laster -dk

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ORDER RECEIVED FOR FILING

DATE June 2, 1964

84 July 20

ADMINISTRATIVE ASSISTANT -

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
SW corner of Taylor and Hillway Aves.,
9th District : OF BALTIMORE COUNTY

ST. ANDREWS EVANGELICAL : Case No. 81-73-XA
LUTHERAN CHURCH, Petitioner

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 12th day of September, 1980, a copy of the foregoing Order was mailed to R. Taylor McLean, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner; and John O. Simons, General Partner, Hillway Day Care Associates, 7720 Belair Road, Baltimore, Maryland 21236, Contract Purchaser.

John W. Hession, III
John W. Hession, III

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

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the surrounding neighborhood than the nursery school/day care center foreseen in the Regulations. To make this analysis, we must conjure up the traffic characteristics generated by a generalized nursery school. The Baltimore County Zoning Regulations do not describe "nursery schools" but merely lists same (See B.C.Z.R. 1B 101.1 C 11). Surely this generalized school would not be either the largest or smallest conceivable traffic generators, since to choose the former, would be to grant all nursery school special exceptions regardless of their detriment to the neighborhood while choosing the latter would deny all such requests frustrating the special exception legislation. There then must be a strong element of "normal", "average" or "expected", to this generalized nursery school standard. This makes sense as well from the nature of a special exception in that this use, although not permitted by right, is a recognized use which the public would normally expect given special restrictions for the neighborhood's protection. Similarly, the generalized nursery school fits on a generalized lot located in a typical DR zone. Thus a proposal for a 1,000 student school on a small lot would not be expected in a high density neighborhood where a small school would. Based on this analysis, the Board asks are there exceptionally large numbers of students in this proposal and therefore excessive numbers of automobiles involved? Are there peculiarly dangerous entrance/exit ways compared to average nursery schools? Do the children walk exceptionally far from the planned drop-off/pick-up point so that parents will likely violate the Petitioner's plan for traffic control as compared to similar existing nursery schools which have been compatible with adjacent high density neighborhoods? After reviewing the testimony of the case, the Board concludes that there is no credible evidence before it that would indicate that the proposed design and location are any worse than the generalized nursery schools envisioned by the Zoning Regulations for a lot of this size and location. The Board believes that nursery schools of modern design definition, require pick-up and drop-off at peak traffic hours, if they are to be of service to the public. One hundred twenty students does not appear to be exceptionally large, as this would be equivalent to a four classroom school. Nine-tenths of an acre would certainly be small for a grammar or high school, but does not appear

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE
AND VARIANCES :
SW/corner of Taylor and Hillway : COUNTY BOARD OF APPEALS
Avenues - 9th Election District :
St. Andrews Evangelical Lutheran Church, : OF
Petitioner : BALTIMORE COUNTY
 : No. 81-73-XA

OPINION

This case comes to the Board of Appeals from an Order of the Zoning Commissioner denying a variance and special exception for a nursery school/day care center for a portion of the Petitioner's property. The proposal is to build a new building which could be used not only as a day care center during the working hours for parents with small children, but also could be used on week-ends by the church nearby. The property is zoned DR 16 and DR 10.5 and is located directly across the street from a high density townhouse neighborhood from which the Protestants came.

The Protestants' case deals primarily with the impact of on traffic that the use of this proposed building would have on the neighborhood. Mr. Jack Sturgill testified that parking in the area is at a premium and that the homes in the area were built prior to the requirement by Baltimore County for off-street parking now required in DR 10.5 zones. This means that the two car families in the neighborhood have totally used up all available space on the streets and now overflow into nearby parking lots and parking areas. In addition, they feared double parking by the parents and permanent parking by employees, which would further absorb the already congested parking spaces in the neighborhood. Another of the protestants' concerns was that parents would drop off their children in the morning and pick them up in the evening on Dartmouth Avenue, causing excessive traffic congestion. They related that dangerous congestion already exists at the intersection of busy Taylor Avenue and Hillway.

While the Board is greatly concerned with the Protestants' parking and congestion problems, it concludes that there is virtually no modern use of the Petitioner's property that would not involve the threat of more automobiles. By definition, any such threat,

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

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to this Board to be unusually small for pre-school, less mobile children. Again, the remainder of the church property is virtually unused during the day and clearly would be available.

With the evidence before it, the Board will grant the special exception as restricted below.

The Board, in requiring the opening of Parking Lot B to the general public during the hours stated below, realizes the difficulties that the church and school will have from this Order. However, the Board feels that by accepting the removal of at least two parking spaces from Dartmouth Avenue for room for the driveway of Parking Lot B, the neighborhood should be compensated by having this lot available to them during off hours.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of February, 1982, by the County Board of Appeals, ORDERED that the special exception BE GRANTED, subject to the following restrictions: (1) that the student drop-off, pick-up point be restricted to Area C, as shown on Petitioner's Exhibit #2 and that no students be allowed to be picked up or dropped off on Hillway or Dartmouth Avenue, (2) that suitable fencing shall enclose the proposed site as defined by Petitioner's Exhibit #2 with the exception that the fencing shall continue along Taylor Avenue thereby preventing any discharge of students from Taylor Avenue. A separate sidewalk will therefore be required from student drop-off point, Lot C, across the flood plain and to the student entrance of the new building, (3) that the entrance driveway to the rear parking lot designated as Lot B on Petitioner's Exhibit #2 shall be blocked off by a suitable gate or chain from 8 a.m. to 10 a.m. and from 3 p.m. to 6 p.m., whenever the nursery school is in operation. At all other times, this lot shall be open to use for parking by visitors to the nursery school, emergency vehicles, and by the general public, (4) employees shall be required to park entirely on Parking Lot A as indicated on Petitioner's Exhibit #2, (5) students shall be

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Case No. 81-73-XA

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if it were to become reality, would further deteriorate the already overcrowded parking conditions in the neighborhood. In answer, the Petitioner has made great efforts to alleviate the neighborhood's concerns about traffic and parking. They note that the church property is virtually unused at the present time during the day, which provides a nearly empty parking lot behind the church, which would be used for all employees of the project. Their plan includes fencing around the property to discourage parents from double parking in picking up their children, except in an available semi-circle in front of the church. They would block off the small service parking lot (6 spaces) behind the new building during peak hours to assure the neighborhood that this would not be a source of congestion. In all, the Board believes that the Petitioner has met its burden of proof for the special exception in that its plans clearly indicate that if the plan is carried out, there would be no detriment to the neighborhood. The Board is further supported in this conclusion knowing that the church rather than the contract purchaser for the day care center will be ultimately responsible for the peaceful enjoyment of the new use within the neighborhood.

The Protestants most difficult argument states that if the request is granted and if neither the Petitioner nor the Contract Purchaser live up to the requirements set out in the variance and special exception by this Board, that the enforcement by the County of any violation would be difficult, if not impossible. The Board recognizes the difficulty of the County enforcing its zoning regulations, particularly where perhaps 100 families would be using the day care center and the substantial investment of the contract purchaser. Nevertheless, to agree that the County was unable to enforce its own regulations and therefore should deny this petition, puts the Board in an untenable position. The Board must believe that when it grants the special exceptions, the County can and will enforce the law.

Another issue raised by the Petitioner and by the County, was that the need for a variance for setback had been eliminated by County Council Bill 124-81, passed after the Zoning Commissioner's hearing. Mr. James Hoswell, a Baltimore County Planner, testified that Bill 124-81 had changed the requirement for a variance for a setback from a

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accompanied from their drop-off/pick-up point, Lot C on Petitioner's Exhibit #2, by faculty and staff from the nursery school and shall at no time be allowed to walk to the student entrance unaccompanied by an adult, and (6) that the building and screening shall be accomplished in accord with the Petitioner's plan.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John V. Murphy
John V. Murphy, Acting Chairman

Leroy B. Spurrer
Leroy B. Spurrer

John A. Miller
John A. Miller

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

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residential lot line such that a variance was no longer required in this case. We agree. Mr. Hoswell was concerned, however, about the interpretation of Section 203 of the Bill, which requires that a 75 foot buffer separate a special exception use from the nearby residential lot lines. All of the Petitioner's improvements meet this requirement except the driveway for the small parking lot behind the facility, which is clearly within the 75 foot line.

The Board believes that the County Council in adopting Bill 124-81 did not intend to change the long standing practice of this Board, that exempts driveways (but not parking lots) from the setback requirements. The logic here, as in the past, is that the driveways are mere incidental accessories to a parking lot.

After testimony was taken in this case, the Board became aware of the recent case of Schultz v Pritts 291 Md. 1, decided July 16, 1981, which in Part III of the decision, restructures the standards by which special exceptions are to be granted, particularly where, as in this case, the primary issue is traffic. In Schultz, the Court of Appeals specifically overruled the standards established in Gowl v Atlantic Richfield Co., 27 Md. App. 410, 341 A2d 832 (1975) which looked to the traffic generated by permitted uses in the zone, and if the special exception generated less traffic, directed this Board to grant the special exception. In Schultz, the Court said that we should look to the special exception specified by the Code rather than permitted uses as the traffic standard, and if this particular request does no more harm than any such special exception, the request must be granted.

Using the Schultz standards, we inquire as to whether the traffic generated by this nursery school, (which the Petitioner testified involved 90 cars in the morning and evening peak hours) would be more than that generated by the generalized nursery school allowed by special exception by the Council in the Baltimore County Zoning Regulations. Stated another way, the question becomes, is there anything particularly bad about this design at this location which makes it more burdensome on

IN SUPPORT

<u>Dr. Whittington</u>	1570 Taylor Ave	21236
<u>David Schott</u>	521 Regatta Ave	21212
<u>WED Schott</u>	521 Regatta Ave	21212
<u>Anna Marie Brown</u>	59 Belrose Rd.	21213
<u>Sylvia Frost</u>	2624 Canterbury Rd	21234
<u>Kelia Hillman</u>	6 Ardrey Circle	21204
<u>Shanda Seery</u>	6807 Collinsdale Rd	21234
<u>Laura Seery</u>	7703 Bass Ave Rd	21234
<u>Laura Seery</u>	2803 Harview	21234
<u>Christa Gough</u>	3626 Seabrook Ave	21214
<u>John E. Hing</u>	6807 COLLINSDALE RD.	21234
<u>Charles Hillman</u>	6 Ardrey Circle	21204
<u>Nancy Quinn</u>	1412 Dartmouth Ave	21234
<u>P. John Quinn</u>	1553 Taylor Avenue	21234
<u>Lavinia W. Seal</u>	18 Temon Court	21234

John A. Miller
Ex 3 Jan 13 1982

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Nursery School (day care center)

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

I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Hillsway Day Care Associates
(Type or Print Name)
Signature: John O. Simons, General Partner
720 Belair Road
Address
Baltimore, Maryland 21236
City and State

Legal Owner(s): St. Andrews Evangelical Lutheran Church
(Type or Print Name)
Signature: Charles L. Hellemann
President of St. Andrews Lutheran Church
(Type or Print Name)

Attorney for Petitioner:

R. Taylor McLean
(Type or Print Name)

102 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No. (301) 823-1800

Signature

Address

City and State

Name and telephone number of legal owner, contract purchaser or representative to be contacted

Name

Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1980, 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 7th day of October, 1980, at 10:30 o'clock A.M.

Signature
Zoning Commissioner of Baltimore County.

C.C.O.-No. 1 (over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

St. Andrews Evangelical Lutheran Church
I, or we, as legal owner(s) 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 for a Variance from Section 1802.2 B (V.B.2) to permit a front yard setback of 15' instead of the required 30'

minimum 1802.2 C to permit a setback from DR16/DR10S line of 55'

instead of the required 75'. Sect. 409.2 b(5) to permit 6 parking spaces instead of the required 21 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Drainage from Herring Run limits the developable area of the site.

Parking variance is requested because of the ample parking available on the St. Andrews Evangelical Lutheran Church lot.

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

I, or we, agree to pay expenses of above Variance 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.

Contract Purchaser: Hillsway Day Care Associates
(Type or Print Name)
Signature: John O. Simons, Jr., General Partner
720 Belair Road
Address
Baltimore, Maryland 21236
City and State

Legal Owner(s): St. Andrews Evangelical Lutheran Church
(Type or Print Name)
Signature: Charles L. Hellemann
President of St. Andrews Lutheran Church
(Type or Print Name)

Attorney for Petitioner: R. Taylor McLean
(Type or Print Name)

102 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State

Attorney's Telephone No. (301) 823-1800

Signature

Address

City and State

Name and telephone number of legal owner, contract purchaser or representative to be contacted

Name

Telephone No.

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Signature
Zoning Commissioner of Baltimore County.

C.C.O.-No. 1 (over)

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
SW/corner of Taylor and Hillway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church, Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 81-73-XA

OPINION

This case comes to the Board of Appeals from an Order of the Zoning Commissioner denying a variance and special exception for a nursery school/day care center for a portion of the Petitioner's property. The proposal is to build a new building which could be used not only as a day care center during the working hours for parents with small children, but also could be used on week-ends by the church nearby. The property is zoned DR 16 and DR 10.5 and is located directly across the street from a high density townhouse neighborhood from which the Protestants came.

The Protestants' case deals primarily with the impact of an traffic that the use of this proposed building would have on the neighborhood. Mr. Jack Sturgill testified that parking in the area is at a premium and that the homes in the area were built prior to the requirement by Baltimore County for off-street parking now required in DR 10.5 zones. This means that the two car families in the neighborhood have totally used up all available space on the streets and now overflow into nearby parking lots and parking areas. In addition, they feared double parking by the parents and permanent parking by employees, which would further absorb the already congested parking spaces in the neighborhood. Another of the protestants' concerns was that parents would drop off their children in the morning and pick them up in the evening on Dartmouth Avenue, causing excessive traffic congestion. They related that dangerous congestion already exists at the intersection of busy Taylor Avenue and Hillway.

While the Board is greatly concerned with the Protestants' parking and congestion problems, it concludes that there is virtually no modern use of the Petitioner's property that would not involve the threat of more automobiles. By definition, any such threat,

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Case No. 81-73-XA

accompanied from their drop-off/pick-up point, Lot C on Petitioner's Exhibit #2, by faculty and staff from the nursery school and shall at no time be allowed to walk to the student entrance unaccompanied by an adult, and (6) that the building and screening shall be accomplished in accord with the Petitioner's plan.

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John V. Murphy, Acting Chairman

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if it were to become reality, would further deteriorate the already overcrowded parking conditions in the neighborhood. In answer, the Petitioner has made great efforts to alleviate the neighborhood's concerns about traffic and parking. They note that the church property is virtually unused at the present time during the day, which provides a nearly empty parking lot behind the church, which would be used for all employees of the project. Their plan includes fencing around the property to discourage parents from double parking in picking up their children, except in an available semi-circle in front of the church. They would block off the small service parking lot (6 spaces) behind the new building during peak hours to assure the neighborhood that this would not be a source of congestion. In all, the Board believes that the Petitioner has met its burden of proof for the special exception in that its plans clearly indicate that if the plan is carried out, there would be no detriment to the neighborhood. The Board is further supported in this conclusion knowing that the church rather than the contract purchaser for the day care center will be ultimately responsible for the peaceful enjoyment of the new use within the neighborhood.

The Protestants' most difficult argument states that if the request is granted and if neither the Petitioner nor the Contract Purchaser live up to the requirements set out in the variance and special exception by this Board, that the enforcement by the County of any violations would be difficult, if not impossible. The Board recognizes the difficulty of the County enforcing its zoning regulations, particularly where perhaps 100 families would be using the day care center and the substantial investment of the contract purchaser. Nevertheless, to agree that the County was unable to enforce its own regulations and therefore should deny this petition, puts the Board in an untenable position. The Board must believe that when it grants the special exceptions, the County can and will enforce the law.

Another issue raised by the Petitioner and by the County, was that the need for a variance for setback had been eliminated by County Council Bill 124-81, passed after the Zoning Commissioner's hearing. Mr. James Howell, a Baltimore County Planner, testified that Bill 124-81 had changed the requirement for a variance for a setback from a

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to this Board to be unusually small for pre-school, less mobile children. Again, the remainder of the church property is virtually unused during the day and clearly would be available.

With the evidence before it, the Board will grant the special exception as restricted below.

The Board, in requiring the opening of Parking Lot B to the general public during the hours stated below, realizes the difficulties that the church and school will have from this Order. However, the Board feels that by accepting the removal of at least two parking spaces from Dartmouth Avenue for room for the driveway of Parking Lot B, the neighborhood should be compensated by having this lot available to them during off hours.

ORDER

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Case No. 81-73-XA

residential lot line such that a variance was no longer required in this case. We agree. Mr. Howell was concerned, however, about the interpretation of Section 283 of the Bill, which requires that a 75 foot buffer separate a special exception use from the nearby residential lot lines. All of the Petitioner's improvements meet this requirement except the driveway for the small parking lot behind this facility, which is clearly within the 75 foot line.

The Board believes that the County Council in adopting Bill 124-81 did not intend to change the long standing practice of this Board, that exempts driveways (but not parking lots) from the setback requirements. The logic here, as in the past, is that the driveways are mere incidental accessories to a parking lot.

After testimony was taken in this case, the Board became aware of the recent case of Schultz v. Pritts 291 Md. 1, decided July 16, 1981, which in Part III of the decision, restructures the standards by which special exceptions are to be granted, particularly where, as in this case, the primary issue is traffic. In Schultz, the Court of Appeals specifically overruled the standards established in Gowl v. Atlantic Richfield Co. 27 Md. App. 410, 341 A2d 832 (1975) which looked to the traffic generated by permitted uses in the zone, and if the special exception generated less traffic, directed this Board to grant the special exception. In Schultz, the Court said that we should look to the special exception specified by the Code rather than permitted uses as the traffic standard, and if this particular request does no more harm than any such special exception, the request must be granted.

Using the Schultz standards, we inquire as to whether the traffic generated by this nursery school, (which the Petitioner testified involved 90 cars in the morning and evening peak hours) would be more than that generated by the generalized nursery school allowed by special exception by the Council in the Baltimore County Zoning Regulations. Stated another way, the question becomes, is there anything particularly bad about this design of this location which makes it more burdensome on

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

the surrounding neighborhood than the nursery school/day care center foreseen in the Regulations. To make this analysis, we must conjure up the traffic characteristics generated by a generalized nursery school. The Baltimore County Zoning Regulations do not describe "nursery schools" but merely lists same (See B.C.Z.R. 1B 101.1 C 11). Surely this generalized school would not be either the largest or smallest conceivable traffic generators, since to choose the former, would be to grant all nursery school special exceptions regardless of their detriment to the neighborhood while choosing the latter would deny all such requests frustrating the special exception legislation. There then must be a strong element of "normal", "average" or "expected", to this generalized nursery school standard. This makes sense as well from the nature of a special exception in that this use, although not permitted by right, is a recognized use which the public would normally expect given special restrictions for the neighborhood's protection. Similarly, the generalized nursery school fits on a generalized lot located in a typical DR zone. Thus a proposal for a 1,000 student school on a small lot would not be expected in a high density neighborhood where a small school would. Based on this analysis, the Board asks are there exceptionally large numbers of students in this proposal and therefore excessive numbers of automobiles involved? Are there peculiarly dangerous entrance/exit ways compared to average nursery schools? Do the children walk exceptionally far from the planned drop-off/pick-up point so that parents will likely violate the Petitioner's plan for traffic control as compared to similar existing nursery schools which have been compatible with adjacent high density neighborhoods? After reviewing the testimony of the case, the Board concludes that there is no credible evidence before it that would indicate that the proposed design and location are any worse than the generalized nursery schools envisioned by the Zoning Regulations for a lot of this size and location. The Board believes that nursery schools of modern design definition, require pick-up and drop-off at peak traffic hours, if they are to be of service to the public. One hundred twenty students does not appear to be exceptionally large, as this would be equivalent to a four classroom school. Nine-tenths of an acre would certainly be small for a grammar or high school, but does not appear

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

accompanied from their drop-off/pick-up point, Lot C on Petitioner's Exhibit #2, by faculty and staff from the nursery school and shall at no time be allowed to walk to the student entrance unaccompanied by an adult, and (6) that the building and screening shall be accomplished in accord with the Petitioner's plan.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

John V. Murphy, Acting Chairman

Leroy B. Spurrier

John A. Miller

St. Andrews Evangelical Lutheran Church
Case No. 81-73-XA

to this Board to be unusually small for pre-school, less mobile children. Again, the remainder of the church property is virtually unused during the day and clearly would be available.

With the evidence before it, the Board will grant the special exception as restricted below.

The Board, in requiring the opening of Parking Lot B to the general public during the hours stated below, realizes the difficulties that the church and school will have from this Order. However, the Board feels that by accepting the removal of at least two parking spaces from Dartmouth Avenue for room for the driveway of Parking Lot B, the neighborhood should be compensated by having this lot available to them during off hours.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 4th day of February, 1982, by the County Board of Appeals, ORDERED that the special exception BE GRANTED, subject to the following restrictions: (1) that the student drop-off, pick-up point be restricted to Area C, as shown on Petitioner's Exhibit #2 and that no students be allowed to be picked up or dropped off on Hillway or Dartmouth Avenue, (2) that suitable fencing shall enclose the proposed site as defined by Petitioner's Exhibit #2 with the exception that the fencing shall continue along Taylor Avenue thereby preventing any discharge of students from Taylor Avenue. A separate sidewalk will therefore be required from student drop-off point, Lot C, across the flood plain and to the student entrance of the new building, (3) that the entrance driveway to the rear parking lot designated as Lot B on Petitioner's Exhibit #2 shall be blocked off by a suitable gate or chain from 8 a.m. to 10 a.m. and from 3 p.m. to 6 p.m., whenever the nursery school is in operation. At all other times, this lot shall be open to use for parking by visitors to the nursery school, emergency vehicles, and by the general public, (4) employees shall be required to park entirely on Parking Lot A as indicated on Petitioner's Exhibit #2, (5) students shall be

July 27, 1981
81-737A

RE: PETITIONS FOR SPECIAL EXCEPTION:
AND VARIANCES
SW/corner of Taylor and Hillsway : ZONING COMMISSIONER
Avenues - 9th Election District :
St. Andrews Evangelical Lutheran : OF
Church - Petitioner
NO. 81-73-XA (Item No. 14) : BALTIMORE COUNTY

... ..

This matter comes before the Zoning Commissioner as the result of a Petition for Special Exception for the construction and use of the subject property as a nursery school (day care center) for 120 children and, additionally, a Petition for Variances to permit a front yard setback of 15 feet in lieu of the required 30 feet and a minimum setback from the D.R.16 and D.R.10.5 zone line of 55 feet in lieu of the required 75 feet and to permit six parking spaces in lieu of the required 21 spaces. The site, containing 0.91 of an acre, more or less, is zoned D.R.16 and D.R.10.5 and is bounded on the north by Taylor Avenue; on the east by Hillsway Avenue and the subdivision of Hillendale Farms, zoned D.R.10.5; on the south by Dartmouth Avenue and the subdivision of Hillendale, zoned D.R.10.5; and on the west by Herring Run and additional property owned by St. Andrews Evangelical Lutheran Church, improved with the church and parking lot and zoned D.R.16 and D.R.5.5. According to the site plan, prepared by Daft-McCune-Walker, Inc., revised August 27, 1980, and marked Petitioner's Exhibit 1, the proposed one-story nursery school and six parking spaces are to be located in the D.R.16 Zone, whereas the access drive to the parking lot and the play area are proposed to be located in the D.R.10.5 Zone. The plan further shows a proposed four foot wide concrete walkway from the church parking area, across Herring Run, to the proposed day care center.

A review of the history of the subject site discloses that, in 1965, a decision was rendered by the then Zoning Commissioner, John G. Rose, reclassifying the site from an R-6 Zone to an R-A Zone and granting the requested special exception for offices, the special hearing for off-street parking in a residential zone, and the variance to permit 310 parking spaces in lieu of the

required 376 spaces (Case No. 65-377-R), but the property was never utilized for offices.

Testimony in behalf of the petitioner indicated that the land would be leased from St. Andrews Church to Hillsway Day Care Associates for the day care center operation and that the improvements would be constructed by Simons Builders, Inc. The proposed hours of operation would be from 7:00 a.m. to 6:00 p.m. Although it is contemplated that 12 employees would be required, the site plan shows only six on-site parking spaces to be provided. Approximately 50 spaces are available in the church parking lot located within 150 feet of the subject site and are accessible by the concrete walkway. The site, if developed as proposed, would be insufficient to provide the required 21 parking spaces without the availability of this additional parking. Further testimony submitted was designed to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations.

The Hillendale Improvement Association, Inc., though not in opposition to the proposed use of the property as a day care center per se, predicates its opposition upon the operational functions which will compound an otherwise difficult traffic and parking situation. The petitioner, in addressing this issue, proposes to secure a long-term lease with St. Andrews Church for additional parking in exchange for which the church would be afforded the opportunity to use the facility for Sunday school. The concrete walkway would connect the parking lot with the facility, but those in opposition believe the parents of the children would double park to drop their children off near the center in inclement weather rather than have them walk from the parking lot. Recognizing the ages of the children and the parents' natural desire to protect their children, it would appear that they are justified in this position. The traffic and parking problems would also be compounded by the insufficiency of on-site parking in view of the large amount of children proposed to use the center and the support personnel required for the operation thereof.

Subsequent to the special exception for offices being granted in 1965, the zoning regulations have been amended by Bill No. 100, 1970, to provide for

- 2 -

RE: PETITIONS FOR SPECIAL EXCEPTION:
AND VARIANCES
SW/corner of Taylor and Hillsway : ZONING COMMISSIONER
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Church - Petitioner
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Subsequent to the special exception for offices being granted in 1965, the zoning regulations have been amended by Bill No. 100, 1970, to provide for

residential transition areas and uses permitted therein (Section 1B01.1.B), the pertinent portions of which are set forth as follows:

Section 1B01.1.B.1.a.1 - "A residential transition area is any D.R.1, D.R.2, D.R.3.5, D.R.5.5, or D.R.10.5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area."

Section 1B01.1.B.1.a.2 - "A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein;" (Table referred to is incorporated herein as if fully set forth.)

Section 1B01.1.B.1.b - "Restrictions in Residential Transition Areas. In any residential transition area situated as described in the following table, only residential transition uses shall be permitted, and only as indicated;" (Table referred to is incorporated herein as if fully set forth.)

While it is true the residential transition area, as defined above, does not affect the portion of the petitioner's property lying within the D.R.16 Zone, it does affect that portion of the site lying within the D.R.10.5 Zone, which contains the parking lot access drive to Dartmouth Road and a majority of the area designated as the "Play Area" on Petitioner's Exhibit 1. Therefore, both the uses allowed in the "residential transition area" (see tables for Sections 1B01.1.B.1.a.2 and 1B01.1.B.1.b) and the requirements for "parking spaces" (see Section 409.2) become germane to the requested special exception.

In referring to the aforementioned tables, with application to the parking lot access drive and the play area, it is apparent that neither access to a commercial use nor a play area for children comes within the purview of uses provided for in the residential transition area. In view of this and the petitioner's failure to meet the requirements of Section 502.1, it is the opinion of the Zoning Commissioner that the special exception should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1981, that the herein Petition for Special Exception for a nursery school (day care center) be and the same is hereby DENIED.

- 3 -

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Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1981, that the herein Petition for Special Exception for a nursery school (day care center) be and the same is hereby DENIED.

It is FURTHER ORDERED that, by reason of the denial of the requested special exception, the herein Petition for Variances to permit a front yard setback of 15 feet in lieu of the required 30 feet and a minimum setback from the D.R.16 and D.R.10.5 zone line of 55 feet in lieu of the required 75 feet and to permit six parking spaces in lieu of the required 21 spaces be and the same is hereby DENIED.

Zoning Commissioner of
Baltimore County

It is FURTHER ORDERED that, by reason of the denial of the requested special exception, the herein Petition for Variances to permit a front yard setback of 15 feet in lieu of the required 30 feet and a minimum setback from the D.R.16 and D.R.10.5 zone line of 55 feet in lieu of the required 75 feet and to permit six parking spaces in lieu of the required 21 spaces be and the same is hereby DENIED.

Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE 7-27-81

BY [Signature]

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE 7-27-81

BY [Signature]

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE 7-27-81

BY [Signature]

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE 7-27-81

BY [Signature]

ADMINISTRATIVE ASSISTANT

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County, which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Nursery School (day care center)

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

I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Hillway Day Care Associates
(Type or Print Name)
Signature: John O. Simons, General Partner
7720 Belair Road
Address
Baltimore, Maryland 21236
City and State

Legal Owner(s):
St. Andrews Evangelical Lutheran Church
(Type or Print Name)
Signature: Charles L. Hellemann
President of St. Andrews Lutheran Church
Church
(Type or Print Name)
Signature

Attorney for Petitioner:
R. Taylor McLean
(Type or Print Name)
Signature
102 West Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 823-1800

Name and telephone number of legal owner, contract purchaser or representative to be contacted
Name
Telephone No.

BY ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1980, 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 7th day of October, 1980, at 10:30 o'clock A.M.

Signature
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

St. Andrews Evangelical Lutheran Church
I, or we, legal owner(s) 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 for a Variance from Section 1802.2 B (V.B.2) to permit a front yard setback of 15' instead of the required 30'

minimum
1802.2 C to permit a setback from D.R.16/D.R.10.5 line of 55'

Instead of the required 75'. Sect. 409.2 b(5) to permit 6 parking spaces instead of the required 21 spaces of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Drainage from Herring Run limits the developable area of the site.

Parking variance is requested because of the ample parking available on the St. Andrews Evangelical Lutheran Church lot.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance 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.

Hillway Day Care Associates
Signature: John O. Simons, Jr., General Partner
Contract purchaser
7720 Belair Road
Address
Baltimore, Maryland 21236
City and State
St. Andrews Evangelical Lutheran Church
Signature: Charles L. Hellemann, President of
Address: 1201 Taylor Avenue
Parkville, Maryland 21234

BY ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1980, 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 7th day of October, 1980, at 10:30 o'clock A.M.

Signature
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 25, 1980

St. Pauline Miller, Esquire
108 West Pennsylvania Avenue
Towson, Maryland 21204

Item No. 14
Petitioner - St. Andrews Evangelical Lutheran Church
Special Exception & Variance Petitions

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on the action. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the west side of Hillway Avenue between Taylor and Lawrence Avenues in the 9th Election District, the subject of this petition is part of a larger tract of land which is owned and occupied by the St. Andrews Evangelical Lutheran Church. Properties surrounding the subject site are noted D.R. 10.5 and are improved with row houses to the north and east, while playfields and office use exist to the north and south of Taylor Avenue.

Because of your client's proposal to construct a nursery school on this site, the Special Exception is required, while the Variances are required to permit the proposed building to be located closer to the property lines and zoning line and to allow less parking than required.

As indicated in my conversations with Mr. Fred Walker and Ms. Elaine White, it appears that the subject property is proposed to be rezoned to a R.O. classification with the adoption of the new comprehensive zoning map. This matter should be fully presented at the scheduled hearing in order that any potential ramifications, if any, can be discussed.

Particular attention should be afforded to the comments of the Office of Current Planning, Department of Permits and Licenses and the Health Department.

Item #14 (1980-1981)
Property Owner: St. Andrews Evangelical Lutheran Church
Page 2
September 8, 1980

Storm Drains (Cont'd)

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, is permitted within Baltimore County rights-of-way and utility easements. During the course of construction on this property, protection must be afforded by the Contractor for the storm drains and sanitary sewerage within this property.

Water and Sanitary Sewer

Public water supply and sanitary sewerage are available to serve this site.

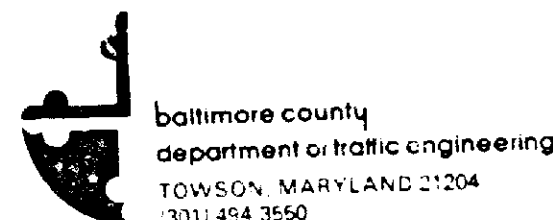
Very truly yours,

Signature
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:1WR:ss

cc: J. Somers, J. Wimbley

N-MW Key Sheet
31 & 32 NE 9 Pos. Sheets
NE 8 C Topo
70 Tax Map



STEPHEN E. COLLINS
DIRECTOR

August 11, 1980

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

Item No. 14 - ZAC - July 15, 1980
Property Owner: St. Andrews Evangelical Lutheran Church
Location: SW/Cor. Taylor Ave. Hillway Ave.
Existing Zoning: D.R. 16 & D.R. 10.5
Proposed Zoning: Special Exception for day care center and Variance to permit a front yard setback of 15' in lieu of the required 30' and a side yard setback of 15' in lieu of the required 25' and to permit a setback from D.R. 16/D.R. 10.5 line of 15' in lieu of the required 75'.
Acres: 0.91
District: 9th

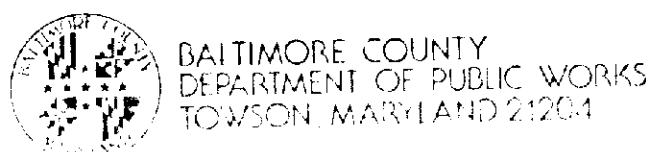
Dear Mr. Hammond:

The requested Special Exception for a day care center is not expected to cause any major traffic problems.

Very truly yours,

Signature
Michael S. Flanigan
Engineer Associate II

MSF/hmd



HARRY J. DIVER, P.E.
DIRECTOR

September 8, 1980

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

Re: Item #14 (1980-1981)
Property Owner: St. Andrews Evangelical Lutheran Church
S/W cor. Taylor Avenue and Hillway Avenue
Acres: 0.91 Acre District: 9th

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:

This site is a portion of an overall larger property. Subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Taylor, Hillway and Dartmouth Avenues are existing County roads. Further highway improvements are not required at this time. Concrete sidewalk is not continuous along the entire road frontage of this site.

The construction and reconstruction of concrete sidewalks, curbs and gutters, entrance, apron, etc. is the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item No. 14
Special Exception and Variance Petitions
September 25, 1980

The following comments are submitted to this office from the committee members at this time. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on the action. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Very truly yours,

Signature
NICHOLAS E. CONZOLARI
Chairman
Zoning Plans Advisory Committee

cc: J. Somers, J. Wimbley

N-MW Key Sheet

31 & 32 NE 9 Pos. Sheets
NE 8 C Topo
70 Tax Map

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Dec. 9, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-73-XA ST. ANDREWS EVANGELICAL LUTHERAN CHURCH

SW/corner Taylor and Hillsway Aves.

9th District

SE-Nursery school; Var. - front yard setback;
also to permit 6 parking spaces in lieu of 21 spaces6/26/81 - Z.C. DENIED variance and special
exception

ASSIGNED FOR: WEDNESDAY, JANUARY 13, 1982 at 10 a.m.

cc: St. Andrews Evangelical
Lutheran Church
(Charles L. Hellemann, Pres.)

Petitioner

R. Taylor McLean, Esq. Attorney for Petitioner
Hillsway Day Care Assoc. Contract Purchaser

Hillendale Improve. Assn. ✓ Protestant

Mr. & Mrs. A. F. Thorpe ✓ "

Mr. & Mrs. B. Meluh ✓ "

Mr. & Mrs. Wm. Frederick ✓ "

Mr. & Mrs. B. Kirkpatrick ✓ "

Mr. & Mrs. J. Grady ✓ "

Mr. & Mrs. S. V. Barnaba ✓ "

W. R. Corliss ✓ "

J. Sturgill, Jr. ✓ "

J. Hession, Esq. People's Counsel

J. E. Dyer

J. Hoswell

W. E. Hammond

N. Gerber

June Holmen, Secretary

June 26, 1981

R. Taylor McLean, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204RE: Petitions for Special Exception and
Variances
SW/corner of Taylor and Hillsway
Avenues - 9th Election District
St. Andrews Evangelical Lutheran
Church - Petitioner
WC. 81-73-XA (Item No. 14)

Dear Mr. McLean:

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: The Hillendale Improvement Association, Inc.
Attention: Mrs. Mary A. Poshman, President
P.O. Box 9716, Eudowood Station
Baltimore, Maryland 21204John W. Hession, III, Esquire
People's Counsel

Jan 13 1982 - St. Andrews Church

Petitioner Exhibit Case No. 81-73-XA

8-27-80 - Original Plat (RETURNED TO ZONING IN FILE)

1-11-81 - Large Scale Plat Material Spent & Drawn

A. Church Parking Lot B. Parking lot near

C. access drive - Section on one plat

(RETURNED TO ZONING IN FILE)

List of names in file of this

petition (15) (RETURNED TO ZONING IN FILE)

1 A DAY 1 M

People's Counsel Exhibit
Photos of subject site

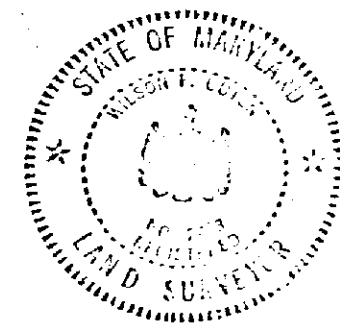
DAFT-McCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 301-290-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

0.91 Acre Parcel for Special Exception for Nursery School
and for Side Yard and Front Yard Variances
Ninth Election District, Baltimore County, Maryland

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a file curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said file curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 08" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a file curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said file curve (3) 23.32 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southeasterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 64° 45' 56" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.

Wilson F. Outen
Wilson F. Outen Reg. L.S. #2493April 28, 1980
Job Order No. B-8011R. Taylor McLean, Esquire
102 W. Pennsylvania Ave
Towson, Maryland 21204

September 17, 1980

NOTICE OF HEARING

RE: Petition for Special Exception & Variances - SW/C of
Taylor and Hillsway Avenues - St. Andrews Evangelical
Lutheran Church - Case No. 81-73-XA

TIME: 10:30 A.M.

DATE: Tuesday, October 7, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Hillsway Day Care Associates
7720 Belair Road
Baltimore, Maryland 21236ZONING COMMISSIONER OF
BALTIMORE COUNTYSt. Andrew's
EVANGELICAL LUTHERAN CHURCH 1201 TAYLOR AVE. - BALTIMORE, MD 21234 - PHONE 821-3155

September 18, 1980

Mr. Jack Simons
Simons Construction Co.
32 Maple Hollow Court
Baltimore, Md. 21234

Dear Mr. Simons:

Your request regarding the church parking facilities being
used by the staff of the proposed Day Care Center has been pre-
sented to the church council at their regular monthly meeting
Sunday, September 14, 1980.The Church Council of St. Andrew's Lutheran Church has
approved your request for the use of the church parking lot,
Monday thru Friday, by the staff of the Day Care Center.In return it is agreed that St. Andrew's Lutheran Church
will be allowed to use the Day Care facility each Sunday morn-
ing for Sunday School classes.

Sincerely,

Charles L. Hellemann
Charles L. Hellemann
President

CLH/lt

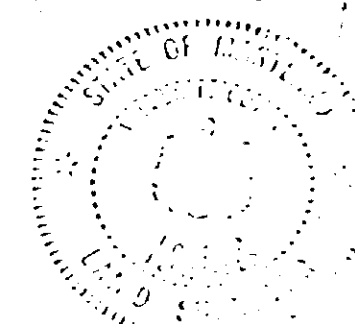
DAFT-McCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 301-290-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

0.91 Acre Parcel for Special Exception for Nursery School and for
Front Yard Variance and for Variance for Building in DR 16 Zone
Being Within 75' of Land Zoned DR 10.5 Which is not in the Same
Development and for Parking Variance
Ninth Election District, Baltimore, Maryland

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a file curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said file curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 08" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a file curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said file curve (3) 23.32 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southeasterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 64° 45' 56" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.

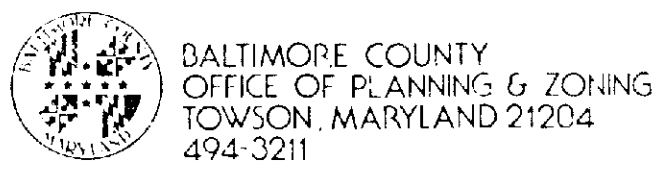
Wilson F. Outen
Wilson F. Outen Reg. L.S. #2493April 28, 1980
Job Order No. B-8011PETITION FOR SPECIAL EXCEPTION AND VARIANCE
9th DistrictTOWNSHIP: Petition for Special Exception and Variance
LOCATION: Southwest corner of Taylor and Hillsway Avenues
DATE & TIME: Tuesday, October 7, 1980 at 10:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, MarylandThe Zoning Commissioner of Baltimore County, by authority of the Zoning Act
and Regulations of Baltimore County, will hold a public hearing:Petition for Special Exception for a Nursery School
(day care center) and Variance to permit a front yard
setback of 15 feet in lieu of the required 30 feet and
to permit a minimum setback from S.R.16/D.R.10.5 line
of 55 feet in lieu of the required 75 feet and to
permit 6 parking spaces in lieu of the required 21 spaces

The Zoning Regulations to be excepted as follows:

Section 1902.2.B (V. 2.11) - front yard setback
Section 1902.2.C - Regulations, Standards and Controls for Density, Bulk,
Open Space and Parking
Section 1902.2b(5) - Offstreet parking and loading

All this parcel of land in the Ninth District of Baltimore County

Being the property of St. Andrews Evangelical Lutheran Church, as shown on
plat plan filed with the Zoning Department
Hearing Date: Tuesday, October 7, 1980 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, MarylandBY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY



JOHN D. KEYFFERT
DIRECTOR

August 25, 1980

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 #14, Zoning Advisory Committee Meeting, July 15, 1980, are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church
Location: SW/Cor Taylor Avenue and Hillsway Avenue
Acres: 0.91 acres
District: 9th

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.

The property is in an area controlled by a "D" intersection.

The site plan should indicate how the play area will be fenced or what safety precautions will be taken.

Very truly yours,

John L. Wimbley
John L. Wimbley
Current Planning & Development



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

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

August 19, 1980

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

Dear Mr. Hammond:

Comments on Item #14, Zoning Advisory Committee Meeting, July 15, 1980, are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church
Location: SW/Cor Taylor Avenue and Hillsway Avenue
Acres: 0.91 acres
District: 9th

Comments on Item #14, Zoning Advisory Committee Meeting, July 15, 1980, are as follows:

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Comments on Item #14, Zoning Advisory Committee Meeting, July 15, 1980, are as follows:



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: St. Andrews Evangelical Lutheran Church

Location: SW/Cor Taylor Avenue and Hillsway Avenue

Item No: 14 Zoning Agenda: Meeting of July 15, 1980

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 _____ 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 _____ EXCEEDS 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.

() 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", 1976 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

REVIEWER: *Paul H. Reincke* Noted and Approved: *George M. Weger*
Planning Group Fire Prevention Bureau
Special Inspection Division

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Dec. 9, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #109.

CASE NO. E1-73-XA

ST. ANDREWS EVANGELICAL LUTHERAN CHURCH

SW/corner Taylor and Hillsway Aves.

9th District

SE-Nursery school; Var. front yard setback;
also to permit 6 parking spaces in lieu of 21 spaces

6/26/81 - Z.C. DENIED variance and special
exception

ASSIGNED FOR:

WEDNESDAY, JANUARY 13, 1982, at 10 a.m.

cc: St. Andrews Evangelical
Lutheran Church
(Charles L. Hellemann, Pres.)

Petitioner

By Taylor McLeary, Esq. Attorney for Petitioner
Thomasine Drayton Contract Purchaser
Hillsway Day Care Assoc.

Hillendale Improve. Assn. Protestant

Mr. & Mrs. A. F. Thorpe "

Mr. & Mrs. B. Meluh "

Mr. & Mrs. Wm. Frederick "

Mr. & Mrs. B. Kirkpatrick "

Mr. & Mrs. J. Grady "

Mr. & Mrs. S. V. Barnaba "

W. R. Carlile "

J. Sturgill, Jr. "

J. Hession, Esq. People's Counsel

J. E. Dyer

J. Hoswell

W. E. Hammond

N. Gerber

John Helmen, Secretary



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZAFISKI JR.
DIRECTOR

September 16, 1980

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

Dear Mr. Hammond: REVISED

Comments on Item #14, Zoning Advisory Committee Meeting, September 9, 1980
are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church

Location: SW/Cor Taylor Avenue and Hillsway Avenue

Existing Zoning: D.R. 16 & D.R. 10.5

Proposed Zoning: Special Exception for day care center and Variance to permit a front yard setback of 15' in lieu of the required 30' and a side setback of 17' in lieu of the required 25' and to permit a setback from D.R. 16/D.R. 10.5 line of 15' in lieu of the required 75'.

Acres: 0.91

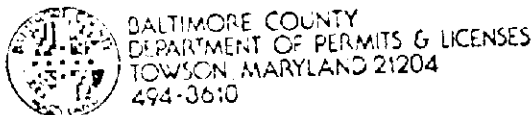
District: 9th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
 - A building/_____ permit shall be required before beginning construction.
 - Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
 - Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 2' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
 - Requested variance conflicts with the Baltimore County Building Code, Section/s _____
 - A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 305 and the required construction classification of Table 211.
- NOTE REPEAT: 1. Comments: The owner shall be aware this building cannot be constructed of unprotected wood frame (UB) for institutional uses-Table 305. It can be constructed of higher construction classification as allowed in Table 305. Other comments are still applicable and I do not see that any Handicapped spaces, signs, etc, cuts, ramps, etc, have to be noted on this plan (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CHERRY



TED ZAFISKI JR.
DIRECTOR

August 7, 1980

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

Dear Mr. Hammond:

Comments on Item #11, Zoning Advisory Committee Meeting, July 15, 1980
are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church
Location: SW/Cor Taylor Avenue and Hillsway Avenue
Acres: 0.91
District: 9th

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
 - A building/_____ permit shall be required before beginning construction.
 - Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
 - Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
 - In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 2' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
 - Requested variance conflicts with the Baltimore County Building Code, Section/s _____
 - A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
 - Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 305 and the required construction classification of Table 211.
- X 1. Comments: Check with Public Works department to determine if site is clear of possible flood plain. If a flood plain exist, Section 319.0 of the Building Code as amended would be applicable.
- NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

CHERRY

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 14, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 193, 9, 10, 11, 12 13, 14
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

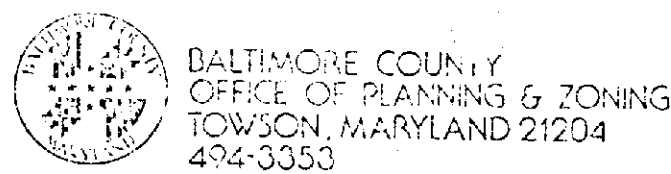
Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

KNP/bp



WILLIAM E. HAMMOND
ZONING COMMISSIONER

September 23, 1980

R. Taylor McLean, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
and Variance
SW/C Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran
Church - Case No. 81-73-XA

Dear Mr. McLean:

This is to advise you that \$99.38 is due for advertising
and posting of the above-property.

Please make check payable to Baltimore County, Maryland, and
remit to Sondra Jones, Room 113, County Office Building, Towson,
Maryland 21204, before the hearing.

Very truly yours,
WILLIAM E. HAMMOND
Zoning Commissioner

No. 051792

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

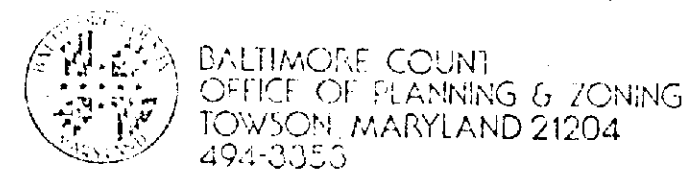
DATE October 8, 1980 ACCOUNT 01-662

AMOUNT \$99.38

RECEIVED FROM Simons Builders, Inc.

FOR Adv. & Posting for Case No. 81-73-XA

VALIDATION OR SIGNATURE OF CASHIER



WILLIAM E. HAMMOND
ZONING COMMISSIONER

August 3, 1981

The Hillendale Improvement Association, Inc.
P. O. Box 9716, Earlwood Station
Baltimore, Maryland 21204

Attn: Mrs. Mary A. Poehlman, President

RE: Petitions for Special Exception and Variances
SW/cor. of Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran Church -
Petitioner
Case No. 81-73-XA (Item 14)

Gentlemen:

Please be advised that an Appeal has been filed by John O. Simons, Jr.
on behalf of St. Andrews Evangelical Lutheran Church from the decision
rendered by the Zoning Commissioner of Baltimore County in the above-
referenced matter.

You will be notified of the date and time of the appeal hearing when it
is scheduled by the County Board of Appeals.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:klr

cc: John W. Hession, III, Esquire
People's Counsel

Mr. and Mrs. Brad Kirkpatrick
1255 Dartmouth Ave. 21234

Mrs. Arthur F. Thorpe
1253 Dartmouth Ave. 21234

Mr. and Mrs. Joseph Grady
1257 Dartmouth Ave. 21234

Mr. & Mrs. Bernhard Meluh
1249 Dartmouth Ave. 21234

Mr. and Mrs. S. Vincent Barnaba
1259 Dartmouth Ave. 21234

Mr. & Mrs. William Frederick
1251 Dartmouth Ave. 21234

SIMONS
BUILDERS
INC.

HAND DELIVERED

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

July 27, 1981

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

Re: Petitions for Special Exception and Variances
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church - Petitioner
No 81-73 -XA (Item No. 14)

Dear Mr. Hammond:

On behalf of St. Andrews Evangelical Lutheran Church, I am
hereby requesting an Appeal on the above referenced Order.
Enclosed please find a check for \$80.00 which I understand
is required. I will be happy to complete whatever information
is necessary.

Sincerely yours,

John O. Simons, Jr.

JOS:mem

Enclosure

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

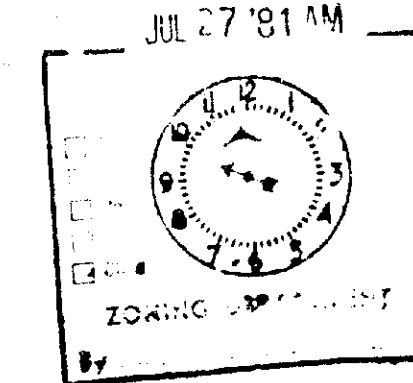
No. 100418

DATE 8/3/81 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM Simons Builders, Inc.

FOR Appeal Fee for Case #81-73-XA



VALIDATION OR SIGNATURE OF CASHIER

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
February 4, 1982

Mr. John O. Simons, General Partner
Hillsway Day Care Associates
7720 Belair Road
Baltimore, Md. 21236

Re: Case No. 81-73-XA
St. Andrews Evangelical
Lutheran Church

Dear Mr. Simons:

Enclosed herewith is a copy of the Opinion and Order
passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.

cc: St. Andrews Evangelical Lutheran Church
Hillsway Day Care Associates, Inc.
Mr. and Mrs. A. F. Thorpe
Mr. and Mrs. B. Meluh
Mr. and Mrs. W. Frederick
Mr. and Mrs. D. Kirkpatrick
Mr. and Mrs. J. Grady
Mr. and Mrs. S. V. Barnaba
Mr. W. R. Carlile
Mr. Jack Sturgill, Jr.
J. W. Hession, Esq.
J. Dyer
W. Hammond
J. Hoswell
N. Gerber

12/9/81 - Following have been notified of hearing set for Wed., Jan. 13, 1982, at 10 a.m.:

St. Andrews Evangelical Church
R. Taylor McLean, Esq.
Hillsway Day Care Assoc.
Hillsway Improve. Assoc.
Mr. and Mrs. Thorpe
Mr. and Mrs. Meluh
Mr. and Mrs. Frederick
Mr. and Mrs. Kirkpatrick
Mr. and Mrs. Grady
Mr. and Mrs. Barnaba
W. R. Carlile
J. Sturgill, Jr.
J. Hession
J. Dyer
J. Hoswell
W. Hammond
N. Gerber

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
Date: September 17, 1980
FROM: Mr. J. J. Sullivan, Jr.
Director
SUBJECT: Petition for Special Exception and Variance
Southwest corner of Taylor and Hillsway Avenues
Petitioner: St. Andrews Evangelical Lutheran Church

Petition for Special Exception and Variance
Southwest corner of Taylor and Hillsway Avenues
Petitioner: St. Andrews Evangelical Lutheran Church

North District

HEARING: Tuesday, October 7, 1980 (10:00 A.M.)

The proposed plan shall be incorporated into the final plan.
If this petition is approved, it is requested that a detailed
landmarking plan, submitted to and approved by the Division of
Current Planning and Development, be required.

WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

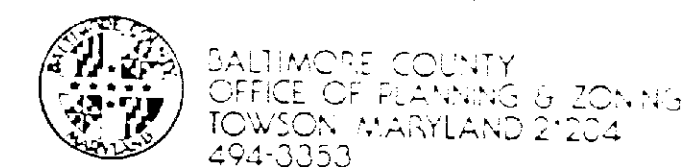
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. J. Sullivan, Jr.
Director
Date: November 3, 1980
FROM: Mr. J. J. Sullivan, Jr.
Director
SUBJECT: Illegal U-turns

This office has received numerous complaints as to illegal U-turns on
Linkside Avenue in the 9th Election District. According to the complainants
the U-turns are committed by one or two parents who are picking up their
children at the day care center located at Taylor and Hillsway Avenues (also
bordered by Linkside Avenue). These turns occur at the same time every
weekday, 5:15 p.m. Any assistance in this matter would be appreciated.

JJS:ljs

cc: Mr. & Mrs. J.B. Grady
1257 Dartmouth Avenue
Baltimore, Maryland 21234



ARNOLD JADON
ZONING COMMISSIONER

WILLIAM E. HAMMOND
DEPUTY ZONING COMMISSIONER

S. Eric DiNenna, Esquire
DiNenna, Mann & Preschl
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Nursery School (Day Care Center)
240 Corner of Taylor and Hillsway Avenues
9th Election District

Dear Mr. DiNenna:

By letter dated September 24, 1980, you have requested that this office advise
you as to the applicability of the zoning regulations regarding an expansion of a
parking area for the nursery school at Taylor and Hillsway Avenues. The nursery
school was granted a Special Exception by the Board of Appeals of Baltimore County,
Case No. 81-73-XA, on February 4, 1982. The Order granting the Special Exception
placed several restrictions on parking and drop-off points for children.

In order to rectify an oversight on the original Opinion and Order, the Board
issued a second Opinion and Order under the same case, No. 81-73-XA, dated February 7,
1982. This Order reads as follows:

"For the reasons set forth above, it is this day of
February, 1982, by the County Board of Appeals, ORDERED that
the variance to permit five (5) parking spaces instead of the
twenty-two (22) parking spaces required by County standards
be and the same is hereby GRANTED; and it is FURTHER ORDERED
that the variance requesting a fifteen (15) foot setback for
the front building line in lieu of the required County
standards be and the same is hereby GRANTED; and it is FURTHER
ORDERED that the request for a seventy-five (75) foot buffer
zone be declared null and void, it having been
eliminated by County Council Bill No. 12-81."

Since the restrictions were originated by the Board of Appeals, it is the position
of this office that any amendment to the above Orders should take place before the
Board of Appeals in the manner prescribed by said Board.

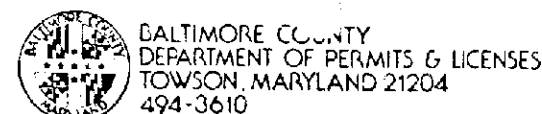
Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

JJS:mem

cc: Board of Appeals of Baltimore County
Administrative, Zoning Commissioner
Case File

RECORDED



TEO JALESKI, JR.
DIRECTOR

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

September 16, 1980

Dear Mr. Hammond:

Comments on item #14 Zoning Advisory Committee Meeting, September 9, 1980, are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church
Location: S/W corner Taylor and Hillsway Avenue
Existing Zoning: D.R. 16 & D.R. 10.5
Proposed Zoning: Special Exception for day care center and Variance to permit a front yard setback of 15' in lieu of the required 30' and a side setback of 17' in lieu of the required 25' and to permit a setback from D.R. 16/D.R. 10.5 line of 15' in lieu of the required 75'.
Acres: 0.91
District: 9th

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
- B. A building/ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section 5.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 210.

NOTE REPEAT: I. Comments. The owner shall be aware this building cannot be constructed of unprotected wood frame (LB) for institutional uses-Table 305. It can be constructed of higher construction classification as allowed in Table 305. Other comments are still applicable and I do not see that any Handicapped

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave. Towson.

Very truly yours,

Charles E. Burdman, Chief
Plans Review

Board of Appeals
Courthouse
Towson, Maryland 21204

Re: St. Andrew's Lutheran Church
81-73-XA

Dear Sir:

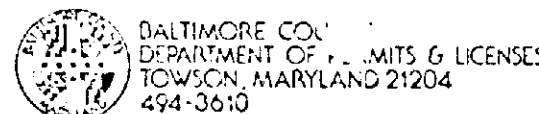
Please advise me of any scheduled hearings with reference to the captioned matter.

Very truly yours,

Jack R. Sturgill, Jr.

jrs/ges

1300 Dartmouth Avenue
Baltimore, Maryland 21234



TEO JALESKI, JR.
DIRECTOR

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

August 7, 1980

Dear Mr. Hammond:

Comments on item #14 Zoning Advisory Committee Meeting, July 15, 1980, are as follows:

Property Owner: St. Andrews Evangelical Lutheran Church
Location: S/W corner Taylor Avenue and Hillsway Avenue
Existing Zoning: D.R. 16 & D.R. 10.5
Proposed Zoning: Special Exception for day care center and Variance to permit a front yard setback of 15' in lieu of the required 30' and a side yard of 17' in lieu of the required 25' and to permit a setback from D.R. 16/D.R. 10.5 line of 15' in lieu of the required 75'.
Acres: 0.91
District: 9th

The items checked below are applicable:

- X A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes, and other miscellaneous.
- X B. A building/ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required.
- X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 8" masonry firewall is required if construction is on the lot line.
- F. Requested variance conflicts with the Baltimore County Building Code, Section 5.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 210.

X I. Comments. Check with Public Works department to determine if site is clear of possible flood plains. If flood plain exist, Section 319.0 of the Building Code as amended would be applicable.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave. Towson.

Very truly yours,

Charles E. Burdman, Chief
Plans Review

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 14, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: July 15, 1980

RE: Item No: 193, 9, 10, 11, 12, 13, 14

Present Zoning:

Proposed Zoning:

District:

No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

SIMONS
BUILDERS
INC.

HAND DELIVERED

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

July 27, 1981

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

Re: Petitions for Special Exception and Variances
SW corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church - Petitioner
No 81-73-XA (Item No. 14)

Dear Mr. Hammond:

On behalf of St. Andrews Evangelical Lutheran Church, I am hereby requesting an Appeal on the above referenced Order. Enclosed please find a check for \$80.00 which I understand is required. I will be happy to complete whatever information is necessary.

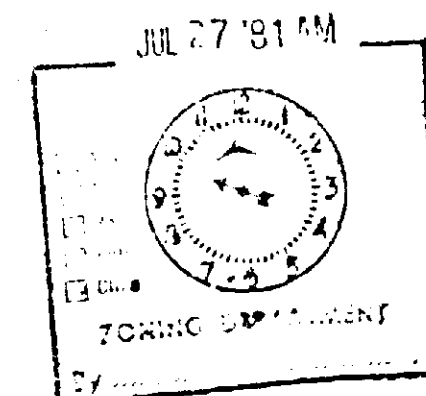
Sincerely yours,

John C. Simons, Jr.

JOS:mem

Enclosure

CC: St. Andrews Evangelical Lutheran Church
6515 Loch Raven Blvd.
Baltimore, Maryland 21234



DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW

N. ERIC DINENNA, P.A.
JAMES E. MANN, JR., P.A.
ROBERT A. BRESCHI, P.A.

September 24, 1985

James E. Dyer,
Zoning Supervisor
Office of the Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Zoning - Day Care Center

As you recall, we discussed the nursery school at Hillsway Avenue and Taylor Avenue, which was granted a Special Exception prior to the transition area bill requiring the DR 16 classification.

It is my understanding that you are going to discuss this matter with the Zoning Commissioner and I would respectfully request that you advise me of your office's position concerning the installation of a parking area, necessary for not only the convenience of the participants of the nursery school (parents) as well as staff, but also the surrounding community. Also the anticipated discharge of children from an area not covered by the Special Exception and as restricted.

Would you be so kind as to advise me of your office's position.

Very truly yours,

Eric Dinenna

SED:bkk
cc: Mr. Kamal Gadde

MICROFILMED

The Hillendale Improvement Association, Inc.

P.O. BOX 9716, ELDWOOD STATION
BALTIMORE, MARYLAND 21204
November 29, 1980

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

RE: Proposed Day Care Center
Taylor & Hillsway Avenues

Dear Mr. Hammond:

Pastor Goff of St. Andrew's Church called me last week after receiving a copy of my letter to you in which were listed the problems which we can foresee in connection with development of the above site. He indicated that your office was rather confused as to our opposition which seemed to inadvertently indicate we were opposed to a Day Care Center on the site. It is rather the horrendous traffic problems which we foresee from prior experience, i.e., the Burger King on the parking lot next to the Hillendale Theatre and etc.

Mr. Simon's letter to you of November 20 explained that the residents who were at the meeting were generally agreeable to the Day Care Center. They were also in agreement that the foreseeable problems should be worked out prior to development of the lot.

The garbage control problem can be worked out with Mr. Simon's proposal and with the cooperation of the County in keeping the stream area clean. Understandably, the residents who face the property are concerned.

As to Mr. Simon's statement that he does not believe that the mothers would double park or subject their children to crossing traffic, there is now a small day care on the opposite corner from where the Day Care Center would be located, and it has been seen by the residents who live nearby that they do indeed do just that.

It would be my suggestion that representatives from our community from the Church and the builder get together with you or a representative from your office and work out the problems to the satisfaction of all concerned. We appreciate the fact that both the Church and Mr. Simon wish to work with the community.

Yours for a better community through caring, love and service, I am

Mary A. Frohman, President

CC: Pastor Goff
Mr. Jack Simon

96-2524
SIMONS BUILDERS INC.

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

November 20, 1980

Re: Proposed Day Care Center
Taylor & Hillway Avenues

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

Dear Mr. Hammond:

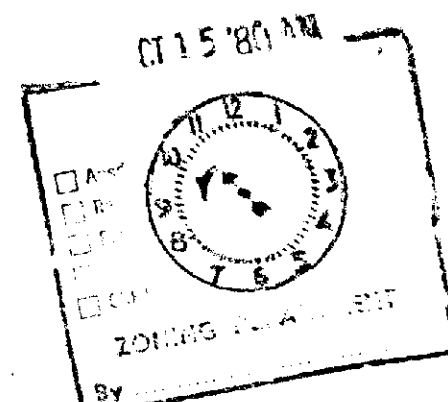
St. Andrews Church representatives and I met with members of the Hillendale Improvement Association on November 11, 1980. We attended the meeting at their request and were present for the entire proceedings.

I received today a copy of a letter dated November 14, 1980 from Mary A. Poehlman. I am concerned that it might not reflect the positive results of the discussion to someone who was not present. Pastor Joff has talked with Mary, and she indicated her willingness to write a follow-up letter. Fundamentally, the community was enthusiastic to the idea of a day care center. Several persons with homes immediately adjacent to the property were highly vocal in their opposition. The issues of traffic and garbage control were central to the discussion.

The Church and I are sensitive to the concerns of the community as we wish good relations and know that a day care center will be populated by children from this community. We would like to accommodate these concerns as follows:

1) Garbage control

- I believe a dumpster is the best way to prevent a rat problem.
- A day care operation would be particularly sensitive to this issue as this would certainly affect the image of the center. It would, therefore, be in the center's best interest to keep the area clean and the dumpster closed. Also, day care centers are regularly inspected by Health Department personnel.
- A stockade fence with proper landscaping will be installed to prevent homes from "having to look at a dumpster every morning".



1253 Dartmouth Avenue
Baltimore, Maryland 21234
October 12, 1980

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

Re: Proposed Rezoning Lot
Fronting on DARTMOUTH,
Hillway and Taylor
Avenues

Dear Mr. Hammond:

As per our conversation Friday, October 10, 1980, regarding the proposed rezoning of the subject property, below are set forth objections which I feel you should consider when rendering your decision:

- No sign was placed on Dartmouth Avenue where it could have been seen by the residents affected by the proposed rezoning.
- The sign placed on Taylor Avenue was destroyed by vandals within ten days to two weeks after it was put up, therefore it did not allow the proper amount of time for people to be aware of the proposed rezoning.
- According to information received, the entrance to the proposed building will be on Dartmouth Avenue, not on Taylor Avenue where the sign was placed.
- In the proposed rezoning, with the entrance to the building on Dartmouth Avenue, no consideration was given to residents, i.e., parking of cars, because if the building is allowed, parking will be restricted on both sides of the street.
- With the projected use of the building (a day care center) with at least 120 children, I would estimate there would be at least 15 to 20 employees in attendance and one of the existing exceptions posted on the sign was to change parking facilities from 13 to 6 spaces.

Page 2

2) Traffic

- The primary drop off point for children shall be at the Church parking lot and front driveway
- If the County would allow elimination of all onsite paving, we would be in favor. Then, however, there would have to be provision for service vehicles.
- Use of the proposed onsite paving could be as "Service Only" with minimal spaces for turning circle and staff parking. This could be enforced by proper signage or a barrier at the driveway (chain or swing gate).
- I do not believe that mothers will double park or subject their pre-school aged children to crossing traffic when adequate parking is provided on the adjacent Church site.

On the whole, we had a very productive discussion with examination of a number of ideas and alternatives. We would like to continue to work with the community under the guidelines of Baltimore County requirements to produce a viable use of this property. Thank you for your consideration of this proposal.

Yours truly,

John G. Simons, Jr.
John G. Simons, Jr.
Vice President

JOSJr/jaw

cc: Pastor Joff
Mary A. Poehlman

-2-

- Traffic would be extremely hazardous in the morning and evening when children would be dropped off and picked up. Double parking would be increased causing a bottleneck that could be unmountable, as Dartmouth Avenue curves around and it then becomes Linkside Drive, and during the morning and evening, when traffic is greatest, it would be most difficult to use the street.

Trusting the above objections will seriously be considered when you render your decision, I am,

Very truly yours,

Hilda L. Thorpe
Hilda L. Thorpe
(Mrs. Arthur F. Thorpe)

CC: Hillendale Improvement Association

We, the undersigned, concur in every way with the objections set forth in accompanying letter.

<i>Bernhard Meluh</i> Bernhard Meluh	1249 Dartmouth Avenue
<i>Mary Frederick</i> Mary Frederick	1251 Dartmouth Avenue
<i>Arthur F. Thorpe</i> Arthur F. Thorpe	1253 Dartmouth Avenue
<i>Diane Kirkpatrick</i> Diane Kirkpatrick	1255 Dartmouth Avenue
<i>Rose Grady</i> Rose Grady	1257 Dartmouth Avenue
<i>Patricia Barnaba</i> Patricia Barnaba	1259 Dartmouth Avenue

96-2494



The Hillendale Improvement Association, Inc.

P.O. BOX 9716, HUBWOOD STATION
BALTIMORE, MARYLAND 21204
November 14, 1980

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

Re: Proposed Day Care Center, Taylor & Hillway Avenues.

Dear Mr. Hammond:

At the H.I.A. General Meeting on November 11, 1980 the residents voted to write a letter to point out several vital problems which would be created or severely increased by the erection of a Day Care Center on the site.

- Opposition to ingress-egress on Dartmouth Avenue and parking spaces on the site.

Motorists now use the Dartmouth-Linkside road connecting route with Deanwood Road to avoid the traffic light at Hillway and Deanwood Road. Traffic congestion at the intersection of this connecting route already exists at peak traffic hours. Allowing ingress-egress on Dartmouth Avenue to the site's parking spaces would add to the existing problem and create an intolerable and dangerous situation. Although the plan is for the Church parking lot and driveway to be used to discharge and pickup the children, experience suggests that parents will double park on Dartmouth and Hillway when they drop off and pick up children, and especially so in inclement weather.

The six-space parking area provided in the builder's plans would not alleviate the discharge-pick up problem as a complicated three-point maneuver is needed to exit from the lot. The parking lot is provided for the Center's staff use. Elimination of the lot and corresponding ingress-egress on Dartmouth would at best keep the traffic problem at its current level. In addition, there would be no loss of parking spaces on the north side of Dartmouth. Our Community is now using every available inch of parking space and cannot afford to lose what it has.

Elementary school age children walk that route to and from school, and the crossing guard at Taylor and Hillway location now has problems with turning traffic and crossing children.

- Opposition to a dumpster on the site.

The school would be serving one or two meals a day and garbage disposal facilities will be needed. However, we now have a severe rat problem from the Herring Run stream which runs through one end



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

Mr. John G. Simons
Hillway Day Care Association
7720 Belair Road
Baltimore, MD 21234

Re: Case No. 80-01-XA
St. Andrews Evangelical
Lutheran Church

Dear Mr. Simons:

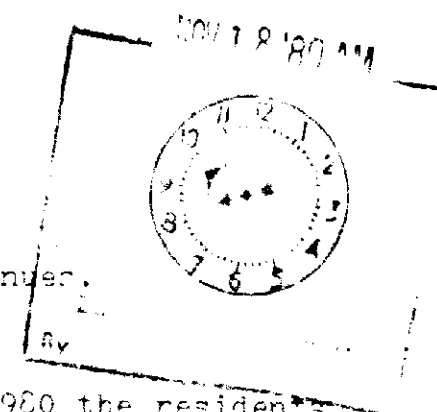
Enclosed herewith is a copy of the opinion and order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Charles L. Hellemann
Charles L. Hellemann
President

Encl.

cc: St. Andrews Evangelical Lutheran Church
Thomas F. McDermott, Esquire
Mr. Wm. E. Carlile
Mr. A. Poehlman
Mr. & Mrs. Wm. Frederick
Mr. & Mrs. E. Kirkpatrick
Mr. & Mrs. J. B. Grady
Mr. & Mrs. D. V. Barnaba
Mr. & Mrs. B. A. Meluh
Mr. & Mrs. A. F. Thorpe
Jack Sturpitt, Jr., Esq.
Elyse C. Friedman
R. J. Jolton
J. E. Iyer
J. Jurg
M. E. Genter
J. G. Howell



Mr. William E. Hammond - Continued

Re: Proposed Day Care Center, Taylor & Hillway Avenues.

of the proposed site. A dumpster outside the building would increase the rat problem, not to mention the danger to the children who will be playing in the playground.

The Community does not object to development of the property. We do object to the above critical problems which would be created and which should be addressed before approval by the Zoning Board.

Your consideration to this matter will be greatly appreciated.

Yours, for a better Community through
Caring, Love and Service, I am

Charles L. Hellemann
Charles L. Hellemann
President

cc: Pastor Joff
Jack Sims Builders

St. Andrew's
EVANGELICAL LUTHERAN CHURCH

1201 TAYLOR AVE - BALTIMORE, MD 21234 - PHONE 825-3155

September 12, 1980

Mr. Jack Simons
Simons Construction Co.
32 Maple Hollow Court
Baltimore, Md. 21234

Dear Mr. Simons:

Your request regarding the church parking facilities being used by the staff of the proposed Day Care Center has been presented to the church council at their regular monthly meeting Sunday, September 14, 1980.

The Church Council of St. Andrew's Lutheran Church has approved your request for the use of the church parking lot, Monday thru Friday, by the staff of the Day Care Center.

In return it is agreed that St. Andrew's Lutheran Church will be allowed to use the Day Care facility each Sunday morning for Sunday School classes.

Sincerely,

Charles L. Hellemann
Charles L. Hellemann
President

CLH/lt

ST. ANDREW'S
EXHIBIT C

The Essex Times

Essex, Md.,

1980

This is to Certify, That the annexed

was inserted in The Essex Times, a newspaper

printed and published in Baltimore County, once in

each of successive

weeks before the day of

Publisher.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this day of 1980

Filing Fee \$

Received: Check

Cash

Other

Petitioner

Submitted by

Petitioner's Attorney

Reviewed by

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

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>WJH</i>			Revised Plans:		Change in outline or description	Yes			No	
Previous case: <i>1060 / 15-377 RYH</i>			Map # <i>AE 54</i>							

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

BA 10-10-10

ZONING: Petition for Special Exception and Variance

LOCATION: Southwest corner of Taylor and Hillway Avenues

DATE & TIME: Tuesday, October 7, 1980 at 10:30 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 on the following:

Petition for Special Exception for a Nursery School (day care center) and Variance to permit a front yard setback of 15 feet in lieu of the required 30 feet and to permit a minimum setback from D.R. 16.10.5 line of 55 feet in lieu of the required 75 feet and to permit 6 parking spaces in lieu of the required 21 spaces.

The Zoning Regulations to be excepted as follows:

Section 1802.2.B (V.B.10) - front yard setback

Section 1802.2.C - Regulations, Standards and Controls for Density, Bulk, Open Space and Parking

Section 409.2b(5) - Offstreet parking and loading

All that parcel of land in the Ninth District of Baltimore County beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a flat curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillway Avenue, 80 feet wide, and running thence along said flat curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 00" East 20.39 feet, to the westernmost side of Hillway Avenue, thence binding along said westernmost side of Hillway Avenue (2) South 01° 04' 16" East 220.27 feet to the beginning of a flat curve, connecting said westernmost side of Hillway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said flat curve (3) 23.32 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 45° 36' West 142.14 feet, thence leaving Dartmouth Avenue and running (4) North 11° 17' 20" West 56.22 feet, (5) North 49° 47' 20" East 133.05 feet and (6) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, side of Hillway Avenue, 80 feet wide, thence binding thereon (8) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 59° 56' 40" East 23.00 feet and (10) South 84° 45' 30" East 16.00 feet to the place of beginning, containing 0.91 acre of land, more or less.

Being the property of St. Andrews Evangelical Lutheran Church, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, Oct. 7, 1980 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

BY ORDER OF: William E. Hammond, Zoning Commissioner of Baltimore County

Being the property of St. Andrews Evangelical Lutheran Church, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, October 7, 1980 at 10:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order of: William E. Hammond, Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 18, 1980

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, MD., 10000 in each

of one 1 1/2 inch before the 7th

day of October, 1980. The first publication

appearing on the 18th day of September

1980.

THE JEFFERSONIAN.

L. L. Smith Manager

Cost of Advertisement, \$

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>WJH</i>			Revised Plans:		Change in outline or description	Yes			No	
Previous case: <i>1060 / 15-377 RYH</i>			Map # <i>AE 54</i>							

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 9 Date of Posting: 10/11/80

Posted for: *William E. Hammond, Zoning Commissioner*

Petitioner: *St. Andrews Evangelical Lutheran Church*

Location of property: *South Taylor Ave. & Hillway Ave.*

Location of Signs: *at intersection of Taylor & Hillway Avenues*

Remarks:

Posted by: *William E. Hammond* Date of return: 10/15/80

Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 9 Date of Posting: 9/15/81

Posted for: *William E. Hammond, Zoning Commissioner*

Petitioner: *St. Andrews Evangelical Lutheran Church*

Location of property: *SW cor. Taylor & Hillway Aves.*

Location of Signs: *(1) facing intersection of Taylor & Hillway Avenues, (2) facing intersection of Hillway & Dartmouth Avenues*

Remarks:

Posted by: *William E. Hammond* Date of return: 9/14/81

Number of Signs: 2

R. Taylor Moseley, Esquire
102 West Fort Avenue
Towson, MD. 21204

cc: Hart-McDermott-Walker, Inc.
130 E. Joppa Rd.
Towson, Md. 21204

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 28th day of August, 1980.

WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: St. Andrews Evangelical Lutheran Church

Petitioner's Attorney: R. Taylor Moseley, Esquire

Reviewed by: *Nicholas B. Commodari*

Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

St. Andrew's
EVANGELICAL LUTHERAN CHURCH 1201 TAYLOR AVE. - BALTIMORE, MD. 21234 - PHONE: 825-3155

September 18, 1980

Mr. Jack Simons
Simons Construction Co.
32 Maple Hollow Court
Baltimore, Md. 21234

Dear Mr. Simons:

Your request regarding the church parking facilities being used by the staff of the proposed Day Care Center has been presented to the church council at their regular monthly meeting Sunday, September 14, 1980.

The Church Council of St. Andrew's Lutheran Church has approved your request for the use of the church parking lot, Monday thru Friday, by the staff of the Day Care Center.

In return it is agreed that St. Andrew's Lutheran Church will be allowed to use the Day Care facility each Sunday morning for Sunday School classes.

Sincerely,

Charles L. Hellemann
President

CLH/lt

PETITIONER'S
EXHIBIT 2

DAFT-McCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

0.91 Acre Parcel for Special Exception for Nursery School and for Front Yard Variance and for Variance for Building in DR 16 Zone Being Within 75' of Land Zoned DR 10.5 Which is not in the Same Development and for Parking Variance
Ninth Election District, Baltimore, Maryland

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a fillet curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said fillet curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 08" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a fillet curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said fillet curve (3) 23.32 feet in a southwesterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southwesterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 64° 45' 36" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.

Wilson F. Outen
Wilson F. Outen Reg. L.S. #2493

April 28, 1980
Job Order No. B-8011

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. A. Hammond
Zoning Commissioner
TO: _____
FROM: _____
SUBJECT: Petition No. 81-73-XA Item 1

Petition for Special Exception and Variance
Southwest corner of Taylor and Hillsway Avenues
Ninth Election District, Baltimore County, Maryland

DESCRIPTION

The proposed use shall be for a nursery school and day care center. It is requested that the Board of Zoning Appeals grant the Special Exception and Variance for the proposed use.

Wilson F. Outen
Office of the Zoning Commissioner

WFO/lt

DAFT-McCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

DESCRIPTION

0.91 Acre Parcel for Special Exception for Nursery School and for Side Yard and Front Yard Variances
Ninth Election District, Baltimore County, Maryland

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a fillet curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said fillet curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 08" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a fillet curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said fillet curve (3) 23.32 feet in a southwesterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southwesterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 64° 45' 36" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.

Wilson F. Outen
Wilson F. Outen Reg. L.S. #2493

April 28, 1980
Job Order No. B-8011



September 18, 1980

R. Taylor McLean, Esquire
102 W. Pennsylvania Ave
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception & Variance - SW/C of Taylor and Hillsway Avenues - St. Andrews Evangelical Lutheran Church - Case No. 81-73-XA

TIME: 10:30 A.M.

DATE: Tuesday, October 7, 1980

PLACE: ROOM 106, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Hillsway Day Care Associates
7720 Belair Road
Baltimore, Maryland 21236

William E. Hammond
Zoning Commissioner of Baltimore County

R. Taylor McLean, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
SW/C Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran Church - Case No. 81-73-XA

Dear Mr. McLean:

This is to advise you that \$99.38 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
MISCELLANEOUS CASH RECEIPT

No. 061782

DATE: October 8, 1980 ACCOUNT: 01-652

AMOUNT: \$99.38

RECEIVED FROM: Simons Builders, Inc.

FOR: Adv. & Posting for Case No. 81-73-XA

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

9th District

ZONING: Petition for Special Exception and Variance
LOCATION: Southwest corner of Taylor and Hillsway Avenues
DATE & TIME: Tuesday, October 7, 1980 at 10:30 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:

Petition for Special Exception for a Nursery School (day care center) and Variance to permit a front yard setback of 15 feet in lieu of the required 30 feet and to permit a minimum setback from D.R.16/D.R.10.5 line of 55 feet in lieu of the required 75 feet and to permit 6 parking spaces in lieu of the required 21 spaces

The Zoning Regulations to be excepted as follows:

Section 1802.2.B (V.B.II) - front yard setback
Section 1802.2.C - Regulations, Standards and Controls for Density, Bulk, Open Space and Parking
Section 409.2b(5) - Offstreet parking and loading

All that parcel of land in the Ninth District of Baltimore County

Being the property of St. Andrews Evangelical Lutheran Church, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, October 7, 1980 at 10:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

June 26, 1981

R. Taylor McLean, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Variances
SW/corner of Taylor and Hillsway Avenues - 5th Election District
St. Andrews Evangelical Lutheran Church - Petitioner
NO. 81-73-XA (Item No. 14)

Dear Mr. McLean:

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: The Hillendale Improvement Association, Inc.
Attention: Mrs. Mary A. Poehlman, President
P.O. Box 9716, Eudowood Station
Baltimore, Maryland 21204

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

SIMONS
BUILDERS
INC.

HAND DELIVERED

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

July 27, 1981

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

Re: Petitions for Special Exception and Variances
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church - Petitioner
No 81-73 -XA (Item No. 14)

Dear Mr. Hammond:

On behalf of St. Andrews Evangelical Lutheran Church, I am hereby requesting an Appeal on the above referenced Order. Enclosed please find a check for \$80.00 which I understand is required. I will be happy to complete whatever information is necessary.

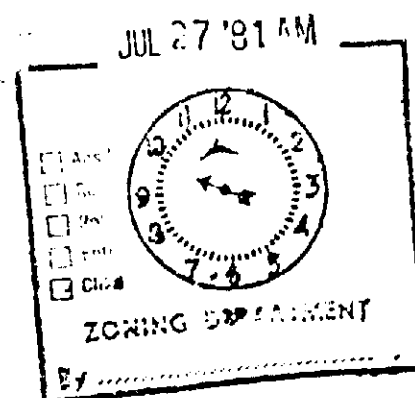
Sincerely yours,

John O. Simons, Jr.

JOS:mem

Enclosure

CC: St. Andrews Evangelical Lutheran Church
6515 Loch Raven Blvd.
Baltimore, Maryland 21234



SIMONS
BUILDERS
INC.

HAND DELIVERED

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

July 27, 1981

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

Re: Petitions for Special Exception and Variances
SW/corner of Taylor and Hillsway Avenues - 9th Election District
St. Andrews Evangelical Lutheran Church - Petitioner
No 81-73 -XA (Item No. 14)

Dear Mr. Hammond:

On behalf of St. Andrews Evangelical Lutheran Church, I am hereby requesting an Appeal on the above referenced Order. Enclosed please find a check for \$80.00 which I understand is required. I will be happy to complete whatever information is necessary.

Sincerely yours,

John O. Simons, Jr.

JOS:mem

Enclosure

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

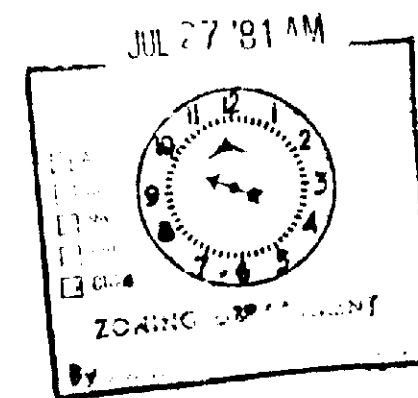
DATE 8/3/81 ACCOUNT 01-662

AMOUNT \$75.00

RECEIVED FROM Simons Builders, Inc.

FOR Appeal Fee for Case #81-73-XA

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3355

August 3, 1981

The Hillendale Improvement Association, Inc.
P. O. Box 9716, Eudowood Station
Baltimore, Maryland 21204

Attn: Mrs. Mary A. Poehlman, President

RE: Petitions for Special Exception and Variances
SW/cor. of Taylor & Hillsway Avenues
St. Andrews Evangelical Lutheran Church -
Petitioner
Case No. 81-73-XA (Item 14)

Gentlemen:

Please be advised that an Appeal has been filed by John O. Simons, Jr. on behalf of St. Andrews Evangelical Lutheran Church from the decision rendered by the Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:kir

cc: John W. Hessian, III, Esquire
People's Counsel

Mrs. A. Thur F. Thorpe
1253 Dartmouth Ave. 21234

Mr. & Mrs. Bernhard Meluh
1249 Dartmouth Ave. 21234

Mr. & Mrs. William Frederick
1251 Dartmouth Ave. 21234

Mr. and Mrs. Brad Kirkpatrick
1255 Dartmouth Ave. 21234

Mr. and Mrs. Joseph Grady
1257 Dartmouth Ave. 21234

Mr. and Mrs. S. Vincent Barnaba
1259 Dartmouth Ave. 21234

Mr. William E. Hammond - Continued

RE: Proposed Day Care Center, Taylor & Hillsway Avenues.

of the proposed site. A dumpster outside the building would increase the rat problem, not to mention the danger to the children who will be playing in the playground.

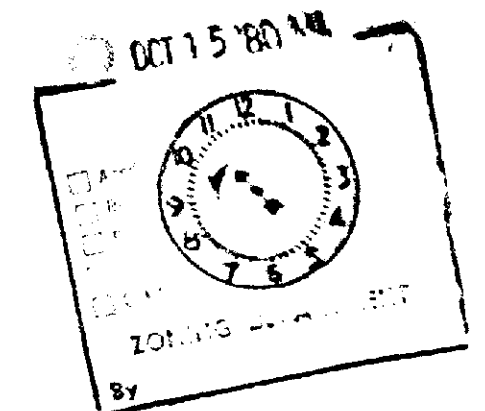
The Community does not object to development of the property. We do object to the above critical problems which would be created and which should be addressed before approval by the Zoning Board.

Your consideration to this matter will be greatly appreciated.

Yours, for a better Community through
Caring, Love and Service, I am

Mary A. Poehlman
President

cc: Pastor Goff
Jack Sims Builders



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

Re: Proposed Rezoning Lot
Fronting on DARTMOUTH,
Hillsway and Taylor
Avenues

Dear Mr. Hammond:

As per our conversation Friday, October 10, 1980, regarding the proposed rezoning of the subject property, below are set forth objections which I feel you should consider when rendering your decision:

- (1) No sign was placed on Dartmouth Avenue where it could have been seen by the residents affected by the proposed rezoning.
- (2) The sign placed on Taylor Avenue was destroyed by vandals within ten days to two weeks after it was put up, therefore it did not allow the proper amount of time for people to be aware of the proposed rezoning.
- (3) According to information received, the entrance to the proposed building will be on Dartmouth Avenue, not on Taylor Avenue where the sign was placed.
- (4) In the proposed rezoning, with the entrance to the building on Dartmouth Avenue, no consideration was given to residents, i.e., parking of cars, because if the building is allowed, parking will be restricted on both sides of the street.
- (5) With the projected use of the building (a day care center) with at least 120 children, I would estimate there would be at least 15 to 20 employees in attendance and one of the existing exceptions posted on the sign was to change parking facilities from 13 to 6 spaces.

7720 Belair Road
Baltimore, Maryland 21236
(301) 661-9500

November 20, 1980

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

Re: Proposed Day Care Center
Taylor & Hillsway Avenues

Dear Mr. Hammond:

St. Andrews Church representatives and I met with members of the Hillendale Improvement Association on November 11, 1980. We attended the meeting at their request and were present for the entire proceedings.

I received today a copy of a letter dated November 14, 1980 from Mary A. Poehlman. I am concerned that it might not reflect the positive results of the discussion to someone who was not present. Pastor Goff has talked with Mary, and she indicated her willingness to write a follow-up letter. Fundamentally, the community was enthusiastic to the idea of a day care center. Several persons with homes immediately adjacent to the property were highly vocal in their opposition. The issues of traffic and garbage control were central to the discussion.

The Church and I are sensitive to the concerns of the community as we wish good relations and know that a day care center will be populated by children from this community. We would like to accommodate these concerns as follows:

1) Garbage control

- a) I believe a dumpster is the best way to prevent a rat problem.
- b) A day care operation would be particularly sensitive to this issue as this would certainly affect the image of the center. It would, therefore, be in the center's best interest to keep the area clean and the dumpster closed. Also, day care centers are regularly inspected by Health Department personnel.
- c) A stockade fence with proper landscaping will be installed to prevent homes from "having to look at a dumpster every morning".

Page 2

2) Traffic

- a) The primary drop off point for children shall be at the Church parking lot and front driveway.
- b) If the County would allow elimination of all onsite paving, we would be in favor. Then, however, there would have to be provision for service vehicles.
- c) Use of the proposed onsite paving could be as "Service Only" with minimal spaces for turning circle and staff parking. This could be enforced by proper signage or a barrier at the driveway (chain or swing gate).
- d) I do not believe that mothers will double park or subject their pre-school aged children to crossing traffic when adequate parking is provided on the adjacent Church site.

On the whole, we had a very productive discussion with examination of a number of ideas and alternatives. We would like to continue to work with the community under the guidelines of Baltimore County requirements to produce a viable use of this property. Thank you for your consideration of this proposal.

Yours truly,

John O. Simons, Jr.
Vice President

JOSJr/jaw

cc: Pastor Goff
Mary A. Poehlman



The Hillendale Improvement Association, Inc.

P.O. BOX 9716, EUDOWOOD STATION
BALTIMORE, MARYLAND 21204
November 14, 1980

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

RE: Proposed Day Care Center, Taylor & Hillsway Avenues.

Dear Mr. Hammond:

At the H.I.A. General Meeting on November 11, 1980 the residents voted to write a letter to point out several vital problems which would be created or severely increased by the erection of a Day Care Center on the site.

1. Opposition to ingress-egress on Dartmouth Avenue and parking spaces on the site.

Motorists now use the Dartmouth-Linkside road connecting route with Deanwood Road to avoid the traffic light at Hillsway and Deanwood Road. Traffic congestion at the intersection of this connecting route already exists at peak traffic hours. Allowing ingress-egress on Dartmouth Avenue to the site's parking spaces would add to the existing problem and create an intolerable and dangerous situation. Although the plan is for the Church parking lot and driveway to be used to discharge and pickup the children, experience suggests that parents will double park on Dartmouth and Hillsway when they drop off and pick up children, and especially so in inclement weather.

The six-space parking area provided in the builder's plans would not alleviate the discharge-pick up problem as a complicated three-point maneuver is needed to exit from the lot. The parking lot is provided for the Center's staff use. Elimination of the lot and corresponding ingress-egress on Dartmouth would at best keep the traffic problem at its current level. In addition, there would be no loss of parking spaces on the north side of Dartmouth. Our Community is now using every available inch of parking space and cannot afford to lose what it has.

Elementary school age children walk that route to and from school, and the crossing guard at Taylor and Hillsway location now has problems with turning traffic and crossing children.

2. Opposition to a dumpster on the site.

The school would be serving one or two meals a day and garbage disposal facilities will be needed. However, we now have a severe rat problem from the Herring Run stream which runs through one end

20-206



The Hilldale Improvement Association, Inc.

P.O. BOX 9716, EUDOWOOD STATION
BALTIMORE, MARYLAND 21204
November 25, 1980

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

RE: Proposed Day Care Center
Taylor & Hillsway Avenues

Dear Mr. Hammond:

Pastor Goff of St. Andrew's Church called me last week after receiving a copy of my letter to you in which were listed the problems which we can foresee in connection with development of the above site. He indicated that your office was rather confused as to our opposition which seemed to inadvertently indicate we were opposed to a Day Care Center on the site. It is rather the horrendous traffic problems which we foresee from prior experience, i.e., the Burger King on the parking lot next to the Hilldale Theatre and etc..

Mr. Simon's letter to you of November 20 explained that the residents who were at the meeting were generally agreeable to the Day Care Center. They were also in agreement that the foreseeable problems should be worked out prior to development of the lot.

The garbage control problem can be worked out with Mr. Simon's proposal and with the cooperation of the County in keeping the stream area clean. Understandably, the residents who face the property are concerned.

As to Mr. Simon's statement that he does not believe that the mothers would double park or subject their children to crossing traffic, there is now a small day care on the opposite corner from where the Day Care Center would be located, and it has been seen by the residents who live nearby that they do indeed do just that.

It would be my suggestion that representatives from our community, from the Church and the builder get together with you or a representative from your office and work out the problems to the satisfaction of all concerned. We appreciate the fact that both the Church and Mr. Simon wish to work with the community.

Yours for a better community through caring, love and service, I am

Mary A. Koehlman
Mary A. Koehlman, President

CC: Pastor Goff
Mr. Jack Simon

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 4, 1982

Mr. John O. Simons, General Partner
Hillsway Day Care Associates
7720 Belair Road
Baltimore, Md. 21236

Re: Case No. 81-73-XA
St. Andrew's Evangelical
Lutheran Church

Dear Mr. Simons:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen, Secretary

Encl.
cc: St. Andrew's Evangelical Lutheran Church
Hilldale Improvement Assoc., Inc.
Mr. and Mrs. A. F. Thorpe
Mr. and Mrs. B. Meluh
Mr. and Mrs. W. Frederick
Mr. and Mrs. B. Kirkpatrick
Mr. and Mrs. J. Grady
Mr. and Mrs. S. V. Barnaba
Mr. W. R. Carlile
Mr. Jack Sturgill, Jr.
J. W. Hession, Esq.
J. Dyer
W. Hammond
J. Hoswell
N. Gerber

81-73-XA
ANDREW'S EVANGELICAL LUTHERAN CHURCH

-2-

- (6) Traffic would be extremely hazardous in the morning and evening when children would be dropped off and picked up. Double parking would be increased causing a bottleneck that could be unsurmountable, as Dartmouth Avenue curves around and it then becomes Linkside Drive, and during the morning and evening, when traffic is greatest, it would be most difficult to use the street.

Trusting the above objections will seriously be considered when you render your decision, I am,

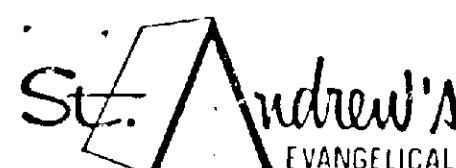
Very truly yours,

Hilda L. Thorpe
(Mrs. Arthur F. Thorpe)

CC: Hilldale Improvement Association

We, the undersigned, concur in every way with the objections set forth in accompanying letter.

Lisa Meluh
Bernard Meluh
1249 Dartmouth Avenue
Mary Frederick
1251 Dartmouth Avenue
William Frederick
1251 Dartmouth Avenue
Arthur F. Thorpe
1251 Dartmouth Avenue
Diane Kirkpatrick
1255 Dartmouth Avenue
Brad Kirkpatrick
1257 Dartmouth Avenue
Rose Grady
1257 Dartmouth Avenue
Joseph Grady
1259 Dartmouth Avenue
Patricia Barnaba
S. Vincent Barnaba



1201 TAYLOR AVE. - BALTIMORE, MD. 21234 - PHONE: 825-3155

September 18, 1980

Mr. Jack Simons
Simons Construction Co.
32 Maple Hollow Court
Lutimore, Md. 21234

Dear Mr. Simons:

Your request regarding the church parking facilities being used by the staff of the proposed Day Care Center has been presented to the church council at their regular monthly meeting Sunday, September 14, 1980.

The Church Council of St. Andrew's Lutheran Church has approved your request for the use of the church parking lot, Monday thru Friday, by the staff of the Day Care Center.

I return it is agreed that St. Andrew's Lutheran Church will be allowed to use the Day Care facility each Sunday morning for Sunday School classes.

Sincerely,

Charles L. Hellmann
Charles L. Hellmann
President

CLH/lt

Petitioner's
Exhibit
(copy) 2

1304 Dartmouth Ave
Baltimore, Md. 21234
August 11, 1981

Board of Appeals
Court House - 1st Floor
Towson, Md. 21204
Gentlemen:

Case 81-73-XA

Please register my name and address as being against this zoning appeal. The variance of only 6 parking spaces in lieu of 151 will be placing an unfair burden on the neighborhood. Parking at present is a bad situation. In your opinion the area is a high density residential neighborhood. The homes on the north side of Dartmouth Ave. are all two apartment houses with about 400 to 500 cars. The lot is not large enough to believe that the church will use the church parking lot and make a block. As a matter of fact when St. Andrew's built the nursery directly behind the church on that large lot directly next to their parking area rather than inconveniently in the neighborhood.

Another thought occurs to me - the changing of the zoning from residential to some other classification would not be in the interest of the neighborhood. The fact that the church might be stuck there.

Please advise when hearing will take place on case 81-73-XA

Yours truly
W. R. Carlile Jr.

WILLIAM R. CARLILE
1304 DARTMOUTH AVENUE
BALTIMORE, MD.
21234

12/9/81 - Following have been notified of hearing set for Wed., Jan. 13, 1982, at 10 a.m.:

St. Andrew's Evangelical Church
R. Taylor McLean, Esq.
Hillsway Day Care Assoc.
Hilldale Improve. Assoc.
Mr. and Mrs. Thorpe
Mr. and Mrs. Meluh
Mr. and Mrs. Frederick
Mr. and Mrs. Kirkpatrick
Mr. and Mrs. Grady
Mr. and Mrs. Barnaba
W. R. Carlile
J. Sturgill, Jr.
J. Hession
J. Dyer
J. Hoswell
W. Hammond
N. Gerber

DAFT-MCCUNE-WALKER, INC.

530 East Joppa Road
Towson, Md. 21204
Telephone: 410-296-3333

Land Planning Consultants
Landscape Architects
Engineers

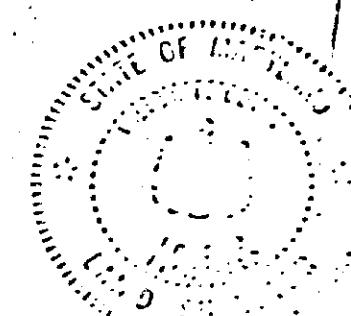
DESCRIPTION

0.91 Acre Parcel for Special Exception for Nursery School and for Front Yard Variance and for Variance for Building in DR 16 Zone Being Within 75' of Land Zoned DR 10.5 which is not in the Same Development and for Parking Variance
Ninth Election District, Baltimore, Maryland

Beginning for the same at a point on the southernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a fillet curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillsway Avenue, 80 feet wide, and running thence along said fillet curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 03" East 20.39 feet, to the westernmost side of Hillsway Avenue, thence binding along said westernmost side of Hillsway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a fillet curve connecting said westernmost side of Hillsway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said fillet curve (3) 23.32 feet in a southwesterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 28' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southwesterly direction along an arc of a curve to the left having a radius of 100.00 feet, said arc being subtended by a chord bearing South 64° 45' 30" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 48° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 23.00 feet and (10) South 86° 45' 30" East 16.00 feet to the place of beginning, containing 0.91 acre of land, more or less.

Wilson F. Outley
Wilson F. Outley Reg. L.S. 22493

April 28, 1980
Job Order No. B-8011



RECEIVED
JAN 14

91-73-XA

Petition
for Special Exception
And Variance
9th District -
Zoning: Petition to
Special exception and
Variance
Location: Southwest
corner of Taylor and
Hillway Avenues.
Date & Time: Tuesday
October 7, 1980 at 10:30
A.M.
Public Hearing: Room
108, County Office
Building, 111 W.
Chesapeake Avenue,
Towson, Md.
The Zoning
Commissioner of Baltimore
County, by authority of the
Zoning Act and
Regulations of Baltimore
County, will hold a public
hearing:
Petition for Special
Exception for a Nursery
School (day care center)
and Variance to permit a
front yard setback of 10
feet in lieu of the required
30 feet and to permit a
minimum setback from
D.R.16/D.R.10.5 line of 55
feet in lieu of the required
75 feet and to permit 6
parking spaces in lieu of
the required 21 spaces.
The Zoning Regulations
to be excepted as follows:
Section 1802.2.B
(V.B.) front yard setback
Section 1802.2.C
Regulations, Standards
and Controls for density
bulk, open space and
parking
Section 409.2b(5)
Offstreet parking and
loading
All that parcel of land in
the Ninth District of
Baltimore County
Beginning for the same
at a point on the
southernmost side of Taylor
avenue, 100 feet wide, at
the northwesternmost end
of a fillet curve, connecting
said southernmost side of
Taylor Avenue with the
westernmost side of
Hillway Avenue, 80 feet
wide, and running thence
along said fillet curve (1)
22.42 feet in a
southeasterly direction
along an arc of a curve to
the right having a radius of
15.00 feet, said arc being
subtended by a chord
bearing South 43° 53' 08"
East 20.39 feet, to the
westernmost side of
Hillway Avenue, thence
binding along said
westernmost side of
Hillway Avenue (2) South
01° 04' 16" East 225.27 feet
to the beginning of a fillet
curve connecting said
westernmost side of
Hillway Avenue with the
northernmost side of
Dartmouth Avenue, 60 feet
wide, thence binding along
said fillet curve (3) 23.32
feet in a southwesterly
direction along an arc of a
curve to the right having a
radius of 15.00 feet, said
arc being subtended by a
chord bearing South 43° 53'
26" West 21.05 feet, to the
northernmost side of
Dartmouth Avenue, thence
binding along said
northernmost side of
Dartmouth Avenue (4)
South 88° 01' 06" West
84.38 feet and (5) 146.16
feet in a southwesterly
direction along an arc of a
curve to the left having a
radius of 180.00 feet, said
arc being subtended by a
chord bearing South 43° 45'
36" West 142.14 feet,
thence leaving Dartmouth
Avenue and running (6)
North 11° 17' 20" West
86.22 feet, (7) North 49° 47'
20" East 133.05 feet and
(8) North 30° 13' 50" East
172.54 feet to a point on
the aforesaid
southernmost side of
Taylor Avenue, thence
binding thereon (9) 23.01
feet in an easterly direction
along an arc of a curve to
the left having a radius of
810.00 feet, said arc being
subtended by a chord
bearing South 85° 56' 40"
East 53.00 feet and (10)
South 88° 45' 30" East
16.05 feet to the place of
beginning, containing 0.91
acre of land, more or less.
Being the property of St.
Andrews Evangelical
Lutheran Church, as
shown on plat plan filed
with the Zoning
Department.
Hearing Date:
Tuesday, Oct. 7, 1980
at 10:30 A.M.
Public Hearing: Room
108, County Office
Building, 111 W.
Chesapeake Avenue,
Towson, Maryland.
BY ORDER OF
William E. Hammond
Zoning Commissioner
of Baltimore County

The Essex Times

Essex, Md., Sept 18 1980

Editor
This is to Certify, That the annexed

was inserted in The Essex Times, a newspaper
printed and published in Baltimore County, once in
each of one successive
weeks before the 18th day of
Sept 1980
W. L. McLean, Esquire Publisher.

PETITION FOR SPECIAL EXCEPTION AND VARIANCE 9th DISTRICT

ZONING: Petition for Special
Exception and Variance
LOCATION: Southwest corner of
Taylor and Hillway Avenues
DATE & TIME: Tuesday, October
7, 1980 at 10:30 A.M.
PUBLIC HEARING: Room 108,
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:
Petition for Special Exception for a Nursery School (day care center) and Variance to permit a front yard setback of 15 feet in lieu of the required 30 feet and to permit a minimum setback from D.R.16/D.R.10.5 line of 55 feet in lieu of the required 75 feet and to permit 6 parking spaces in lieu of the required 21 spaces.
The Zoning Regulations to be excepted as follows:
Section 1802.2.B (V.B.) front yard setback
Section 1802.2.C Regulations, Standards and Controls for Density, Bulk, Open Space and Parking
Section 409.2b(5) Offstreet parking and loading
All that parcel of land in the Ninth District of Baltimore County Beginning for the same at a point on the "westernmost side of Taylor Avenue, 100 feet wide, at the northwesternmost end of a fillet curve, connecting said southernmost side of Taylor Avenue with the westernmost side of Hillway Avenue, 80 feet wide, and running thence along said fillet curve (1) 22.42 feet in a southeasterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 08" East 20.39 feet, to the westernmost side of Hillway Avenue, thence binding along said westernmost side of Hillway Avenue (2) South 01° 04' 16" East 225.27 feet to the beginning of a fillet curve connecting said westernmost side of Hillway Avenue with the northernmost side of Dartmouth Avenue, 60 feet wide, thence binding along said fillet curve (3) 23.32 feet in a southwesterly direction along an arc of a curve to the right having a radius of 15.00 feet, said arc being subtended by a chord bearing South 43° 53' 26" West 21.05 feet, to the northernmost side of Dartmouth Avenue, thence binding along said northernmost side of Dartmouth Avenue (4) South 88° 01' 06" West 84.38 feet and (5) 146.16 feet in a southwesterly direction along an arc of a curve to the left having a radius of 180.00 feet, said arc being subtended by a chord bearing South 43° 45' 36" West 142.14 feet, thence leaving Dartmouth Avenue and running (6) North 11° 17' 20" West 86.22 feet, (7) North 49° 47' 20" East 133.05 feet and (8) North 30° 13' 50" East 172.54 feet to a point on the aforesaid southernmost side of Taylor Avenue, thence binding thereon (9) 23.01 feet in an easterly direction along an arc of a curve to the left having a radius of 810.00 feet, said arc being subtended by a chord bearing South 85° 56' 40" East 53.00 feet and (10) South 88° 45' 30" East 16.05 feet to the place of beginning, containing 0.91 acre of land, more or less.
Being the property of St. Andrews Evangelical Lutheran Church, as shown on plat plan filed with the Zoning Department.
Hearing Date: Tuesday, October 7, 1980 at 10:30 A.M.
Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
Sept. 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD., September 18, 1980

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 one time ~~before the~~ before the 18th day of October, 1980, the ~~last~~ publication appearing on the 18th day of September, 1980.

THE JEFFERSONIAN,

L. Levent, Jr.
Manager.

Cost of Advertisement, \$ 20.00

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9 Date of Posting 9/21/80
Posted for: Petition for Special Exception & Variance
Petitioner: St. Andrews Evangelical Lutheran Church
Location of property: SW cor. of Taylor Ave. & Hillway
Location of Signs: corner of property facing Taylor & Hillway
Remarks: _____
Posted by: William E. Hammond Date of return: 9/25/80
Number of Signs: 2

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 14 day of Sept, 1980*

Filing Fee \$ 20.00 Received: Check
Cash
Other

*(14) No fee
Check returned
9/20/80*

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner St. Andrews Evangelical Lutheran Church Submitted by _____
Petitioner's Attorney W. L. McLean, Esquire Reviewed by W. L. McLean

*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 9 Date of Posting 9/21/80
Posted for: Petition for Special Exception & Variance
Petitioner: St. Andrews Evangelical Lutheran Church
Location of property: SW cor. of Taylor Ave. & Hillway
Location of Signs: (1) facing intersection of Taylor & Hillway
(2) facing intersection of Hillway & Dartmouth
Remarks: _____
Posted by: William E. Hammond Date of return: 9/25/80
Signature _____

R. Taylor McLean, Esquire
R. Taylor McLean, Esquire
102 West Sunnyside Ave
Towson, Md. 21204

Deft-McDermott-Walker, Inc.
Deft-McDermott-Walker, Inc.
530 E. Joppa Rd
Towson, Md. 21204

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 28th day of August, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner St. Andrews Evangelical Lutheran Church

Petitioner's Attorney R. Taylor McLean, Esquire

Reviewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>W. L. McLean</u>	Revised Plans:				Change in outline or description <u>Yes</u>					
Previous case: <u>1060 / 65-377 XA</u>					<u>No</u>					
				Map # <u>ME 86</u>						

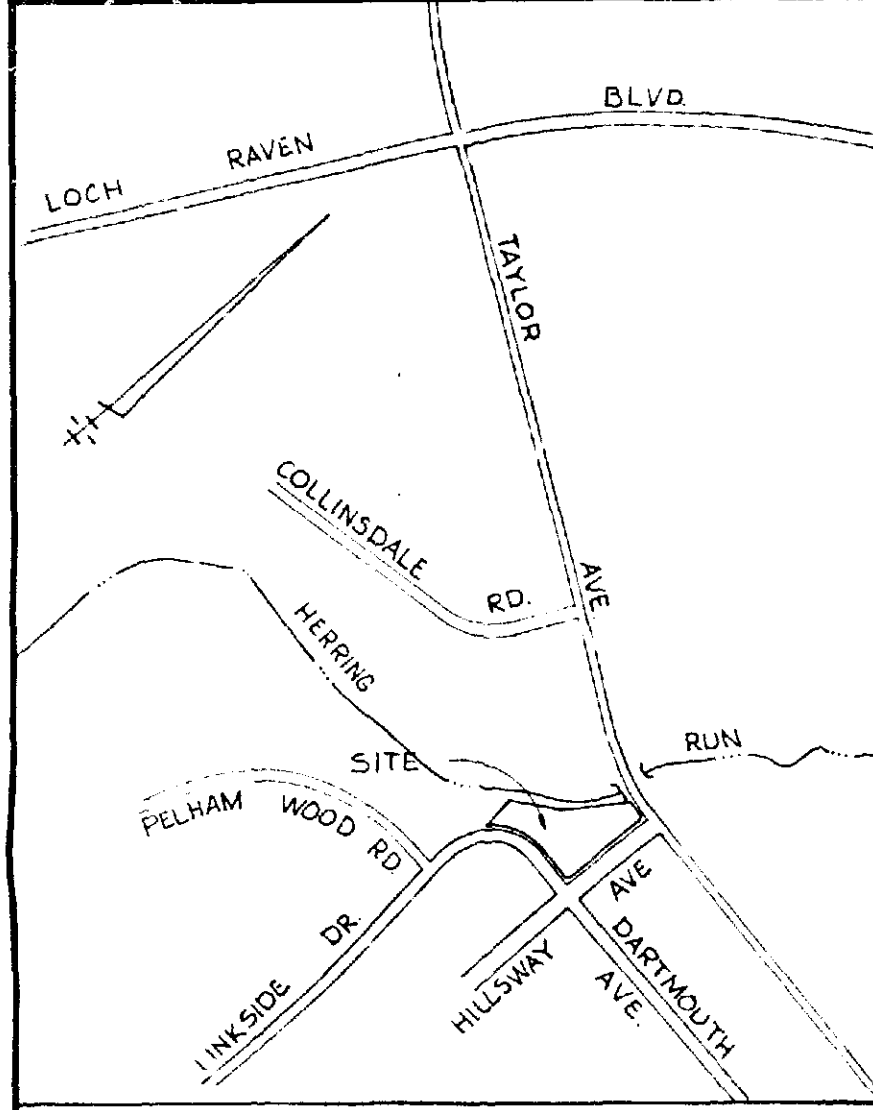
PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>W. L. McLean</u>	Revised Plans:				Change in outline or description <u>Yes</u>					
Previous case: <u>1060 / 65-377 XA</u>					<u>No</u>					
				Map # <u>ME 86</u>						

1) READINGS SHOWN ARE REFERRED TO THE TRUE
MERCATORIAN, AS ESTABLISHED FOR THE BALTIMORE
CITY METROPOLITAN DISTRICT.

2) ELEVATIONS ARE BASED - 1) BALTIMORE COUNTY
DITCH #1 AT H.B. #1 A-7321 "IRON OAK NORTH
EDGE LONG WALK SW. CORNER TAYLOR & HULLMAN.
ELEVATION 351.75

3) IRON PIPES SET AT ALL PROPERTY CORNERS.

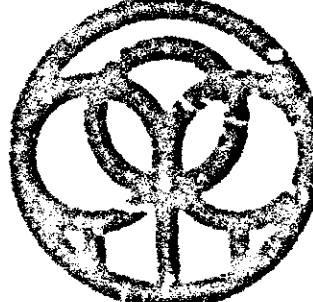


LOCATION MAP
SCALE: 1"=500'

Note: Boundary & topography shows portion taken from survey dated March 1970 prepared by APH Associates, Inc.

SITE DATA

1. Area of site = 0.91 Acre ±
2. Existing zoning = DR-10 & DR-10S
3. Existing use = Vacant
4. Proposed use = Nursery school
5. Plot area = 62,000 sq. ft.
6. Parking required @ 1 per 300 sq ft = 21 spaces
7. Parking provided = 6 spaces

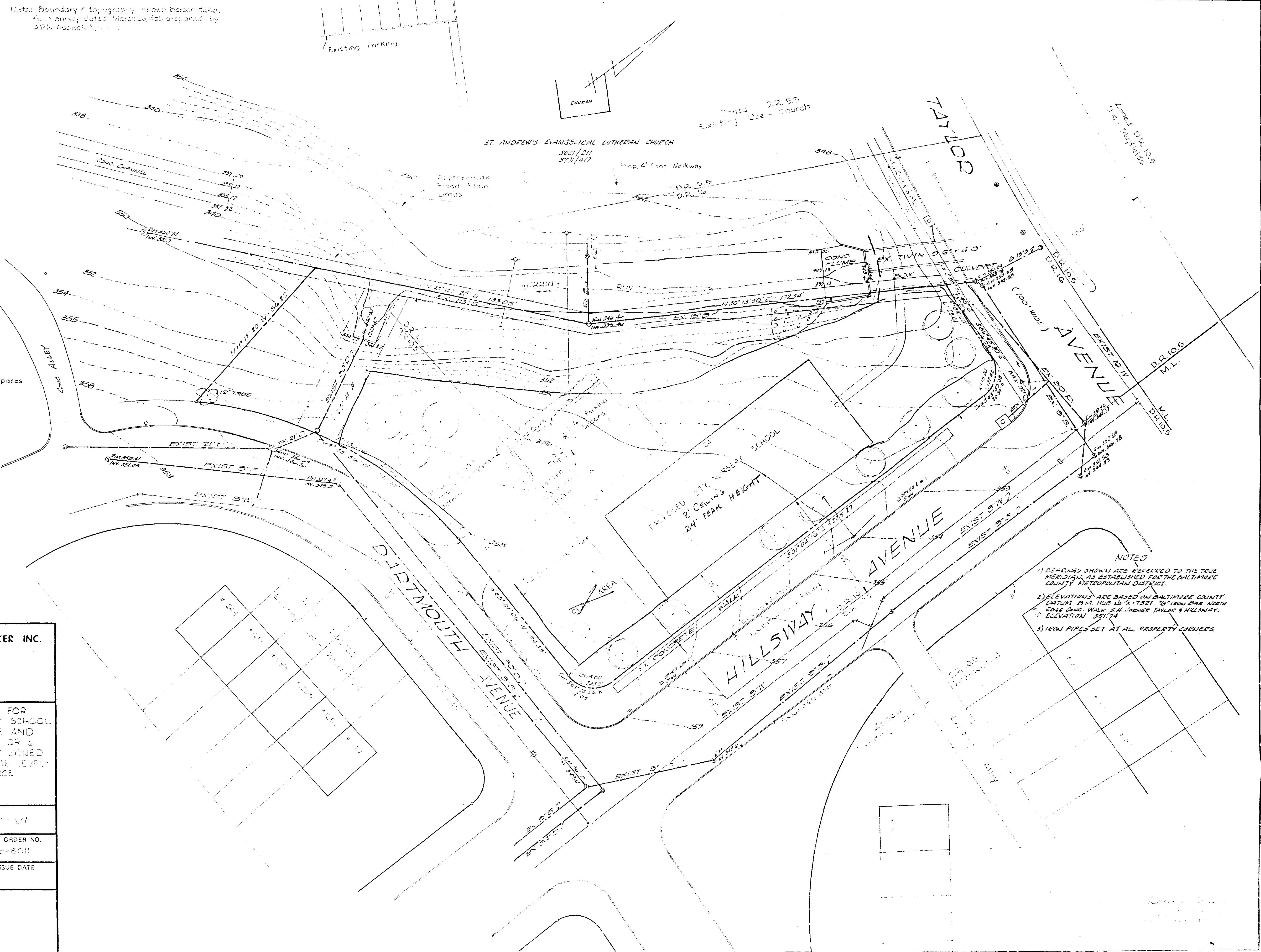


DAFT • McCUNE • WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JUPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

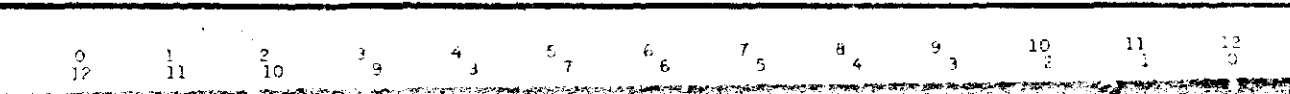
PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT YARD VARIANCE AND FOR VARIANCE FOR BUILDING IN DR-10 ZONE BEING WITHIN 75' OF LAND ZONED DR-10S WHICH IS NOT IN THE SAME LEVEL OF HEIGHT AND FOR PARKING VARIANCE (NURSERY BUILDING, DRIVE, ETC.)
BALTIMORE COUNTY, MARYLAND

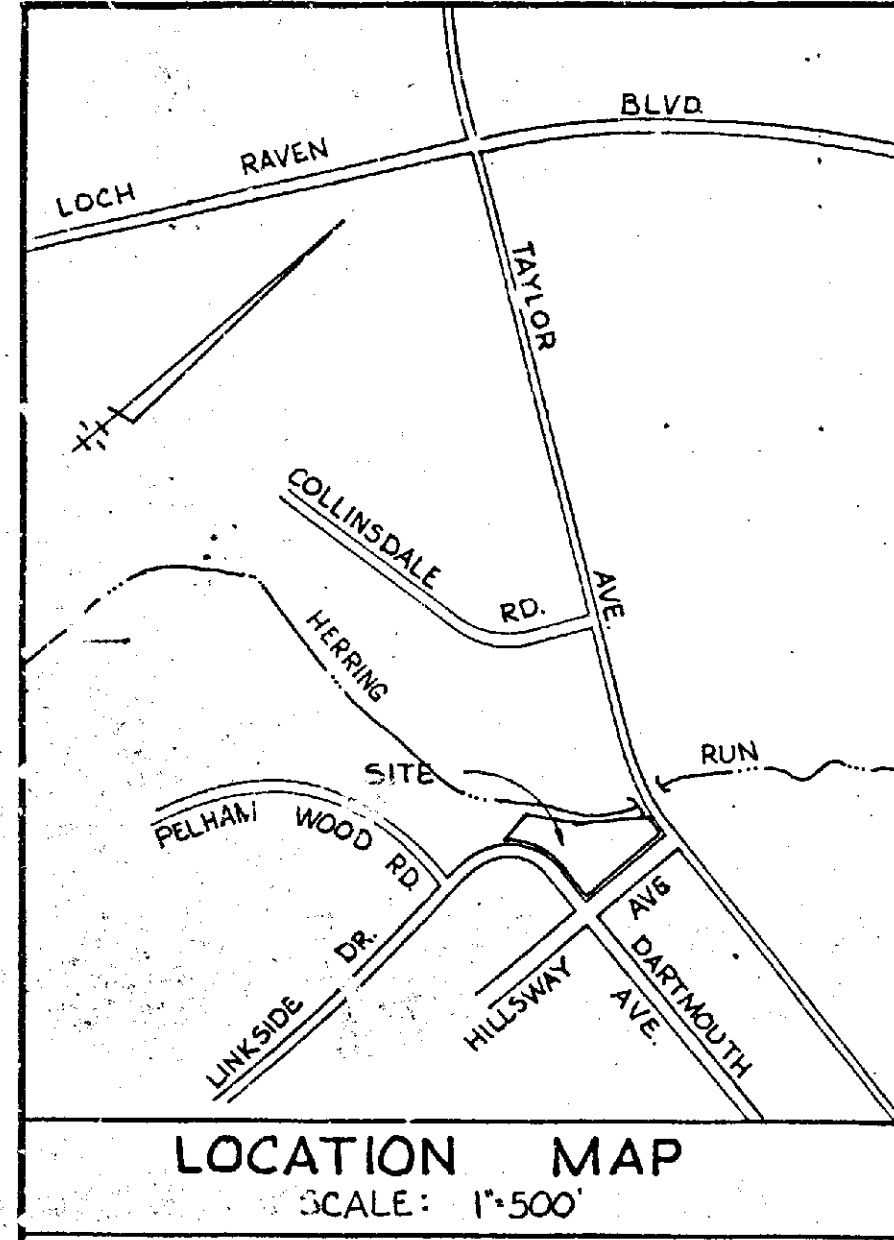
SCALE:
1"=20'
JOB ORDER NO.
2-801
ISSUE DATE

DATE	REVISIONS



- NOTES
- 1) BEARINGS SHOWN ARE REFERRED TO THE TRUE MERIDIAN, AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
 - 2) ELEVATIONS ARE BASED ON BALTIMORE COUNTY DATUM, B.M. HUB 10, X-7321, 2" IRON BAR NORTH CORNER CONC. WALK SW. CORNER TAYLOR & HILLSWAY, ELEVATION 357.75.
 - 3) IRON PIPES SET AT ALL PROPERTY CORNERS.

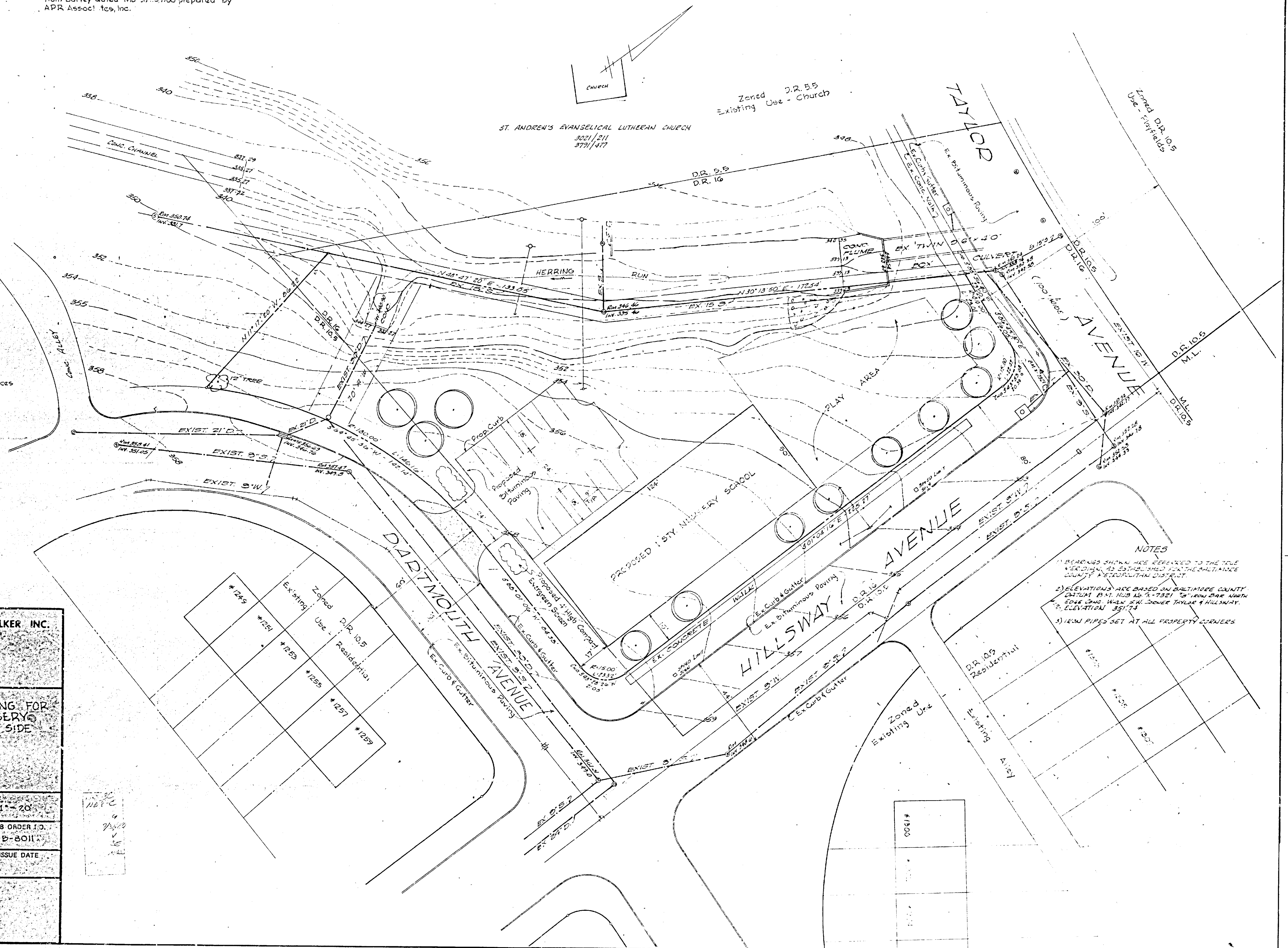




Note: Boundary & topography shown hereon taken from survey dated March 13, 1980 prepared by APR Associates, Inc.

SITE DATA

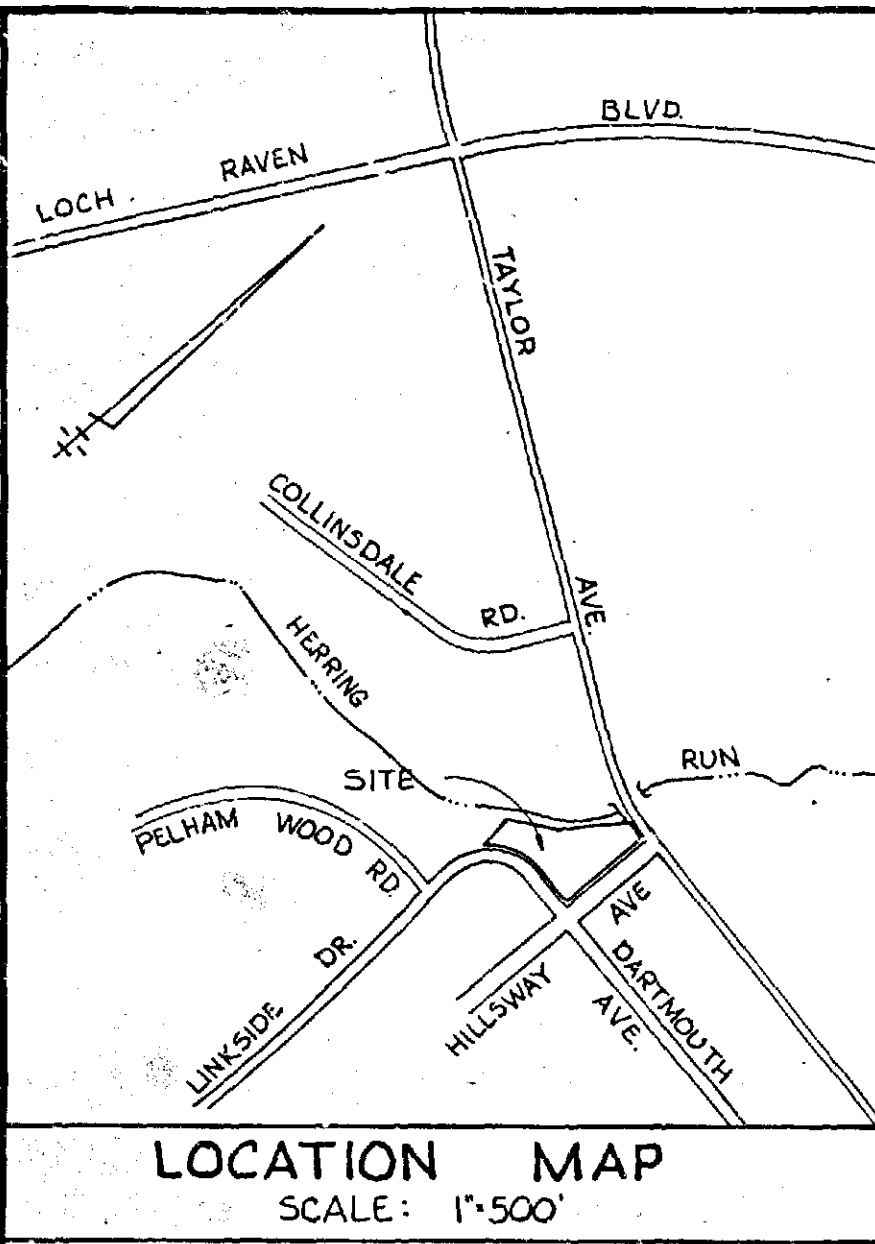
1. Area of site = 0.91 Acre ±
2. Existing zoning = DR.10 & DR.10.5
3. Existing use = Vacant
4. Proposed use = Nursery school
5. Floor area = 6200 sq. ft.
6. Proposed no. of children = 120
7. No. of teachers @ 1 per 10 children = 12
8. Parking required @ 1 per teacher = 12 spaces
9. Parking provided = 14 spaces



NOTES

- 1) BEARINGS SHOWN ARE REFERRED TO THE TRUE MERIDIAN, AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
- 2) ELEVATIONS ARE BASED ON BALTIMORE COUNTY DATUM B.M. HUB 16 X-7321 78" IRON BAR NORTH EDGE LONG. WALK S.W. CORNER TAYLOR & HILLWAY. ELEVATION 351.74
- 3) IRON PIPES SET AT ALL PROPERTY CORNERS

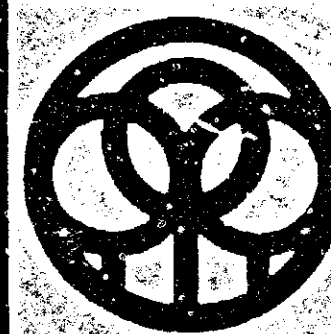
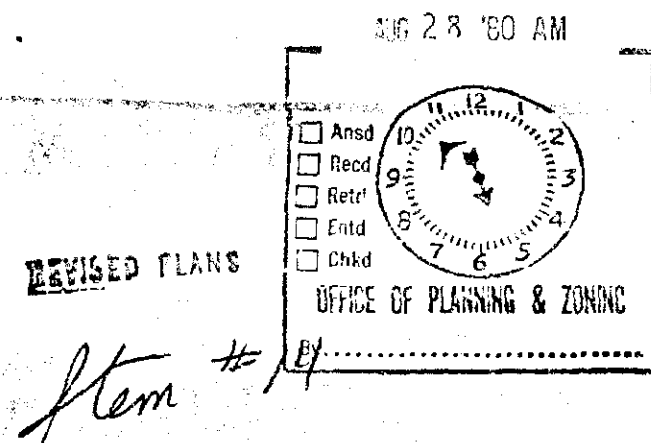
		DAFT McCUNE WALKER INC. LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS 554 E. JOPPA ROAD TOWSON, MD. 21204 TELEPHONE (301) 296-3333	
		PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT AND SIDE YARD VARIANCES NINTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND	
		SCALE: 1"=20' JOB ORDER I.D. B-8011 ISSUE DATE	30 1168 C 4 7/3/80 V SE 1/12
DATE	REVISIONS		



Note: Boundary & topography shown herein taken from survey dated March 26, 1980 prepared by APR Associates, Inc.

SITE DATA

1. Area of site = 0.91 Acre ±
2. Existing zoning = D.R. 16 & D.R. 10.5
3. Existing use = Vacant
4. Proposed use = Nursery school
5. Floor area = 6200 sq. ft.
6. Parking required @ 1 per 300 sq. ft. = 21 spaces
7. Parking provided = 6 spaces



DAFT, McCUNE, WALKER INC.

LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS

530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT YARD VARIANCE AND FOR VARIANCE FOR BUILDING IN DR 16 ZONE BEING WITHIN 75' OF LAND ZONED DR 10.5 WHICH IS NOT IN THE SAME DEVELOPMENT AND FOR PARKING VARIANCE NINTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



SCALE:

1" = 20'

JOB ORDER NO.

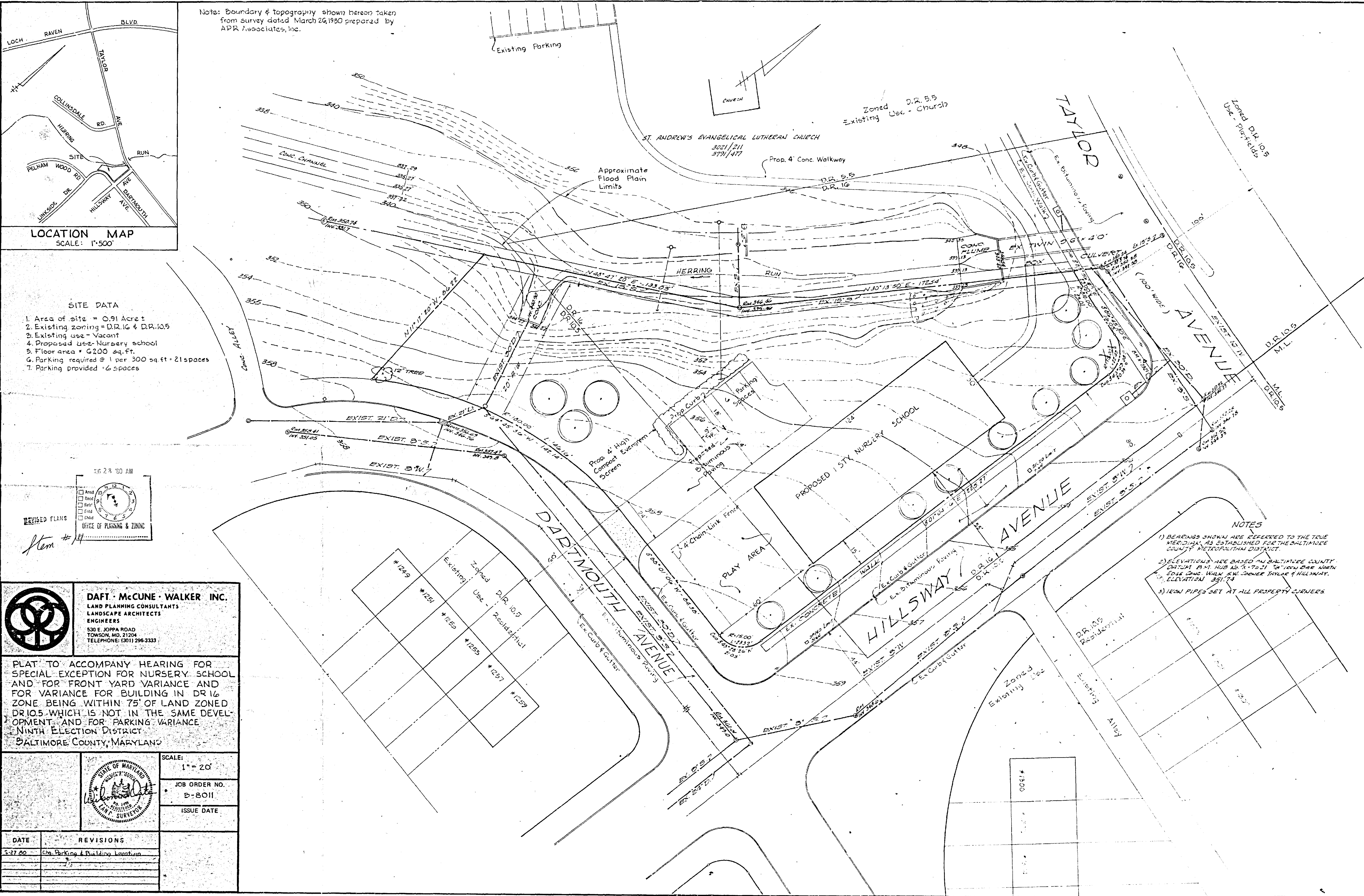
B-8011

ISSUE DATE

DATE

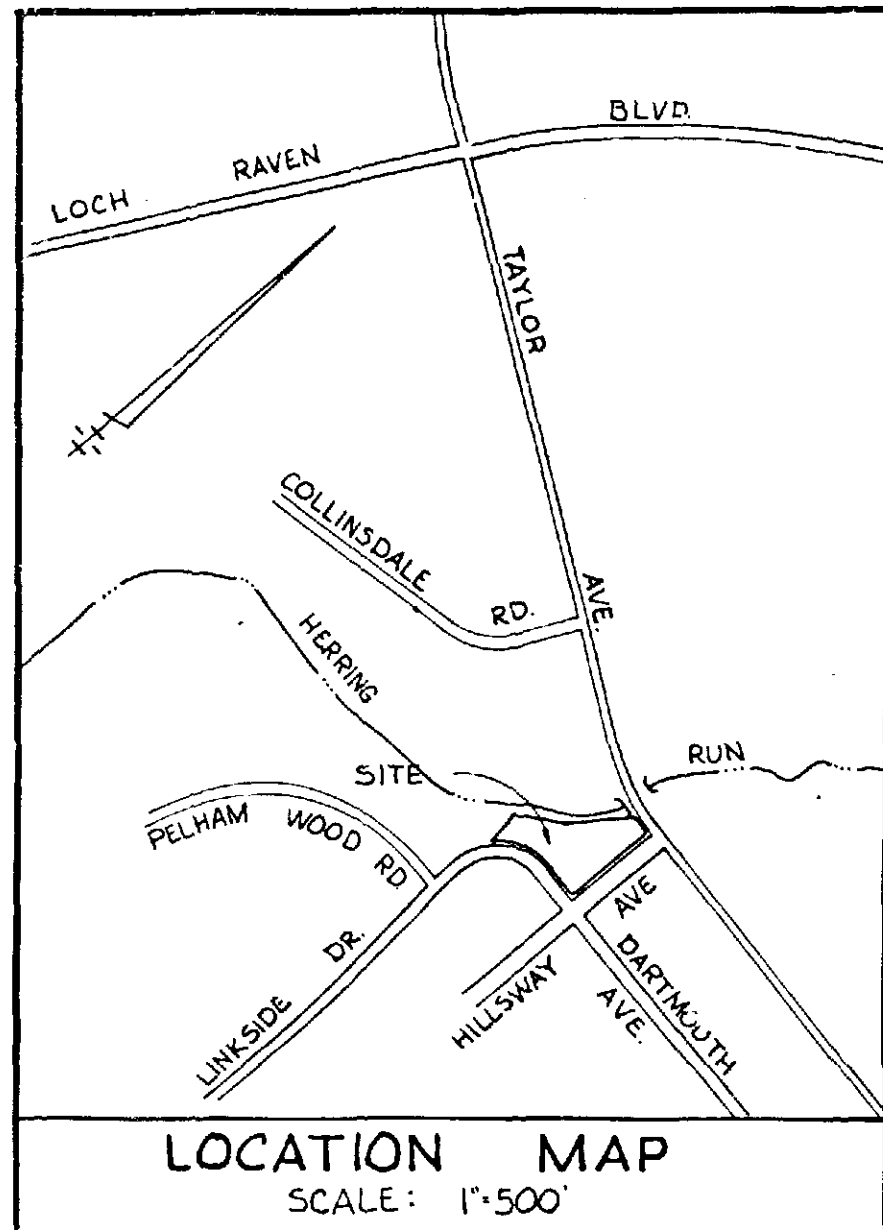
REVISIONS

5-27-80 Chg. Parking & Building Location



NOTES

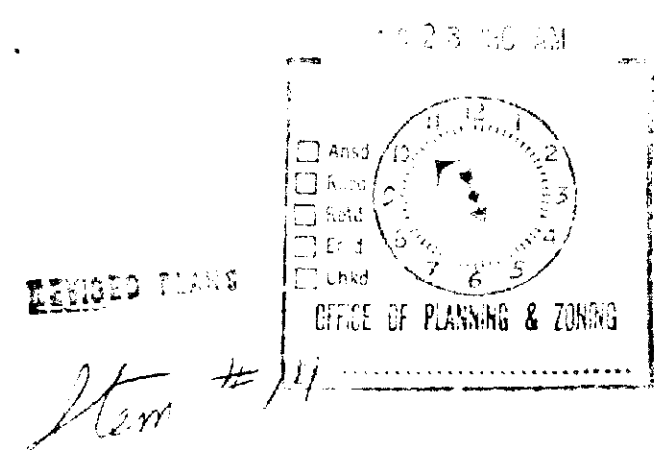
- 1) BEARINGS SHOWN ARE REFERRED TO THE TRUE MERIDIAN, AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
- 2) ELEVATIONS ARE BASED ON BALTIMORE COUNTY DATUM, A.M. HUB NO. 1-75-21 3/4" IRON BAR NORTH END CONC. WALK, SW. CORNER TAYLOR & HILLSWAY, ELEVATION 391.74
- 3) IRON PIPES SET AT ALL PROPERTY CORNERS



Note: Boundary & topography shown herein taken from survey dated March 26, 1980 prepared by APR Associates, Inc.

SITE DATA

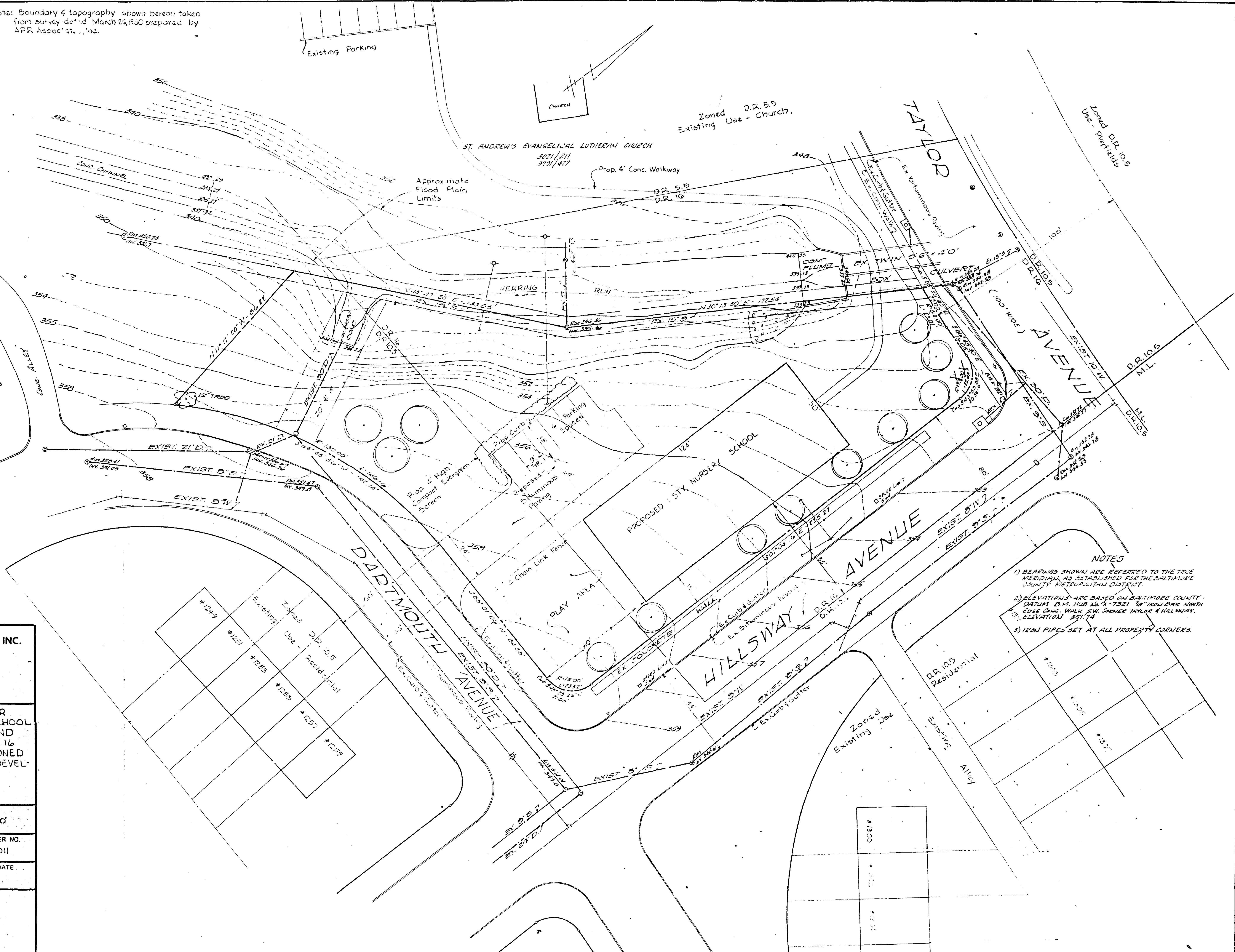
1. Area of site = 0.91 Acres
2. Existing zoning = D.R. 10.5 & D.R. 10.5
3. Existing use = Vacant
4. Proposed use = Nursery school
5. Floor area = 2,200 sq. ft.
6. Parking required @ 1 per 300 sq. ft. = 21 spaces
7. Parking provided = 6 spaces



DAFT McCune Walker INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

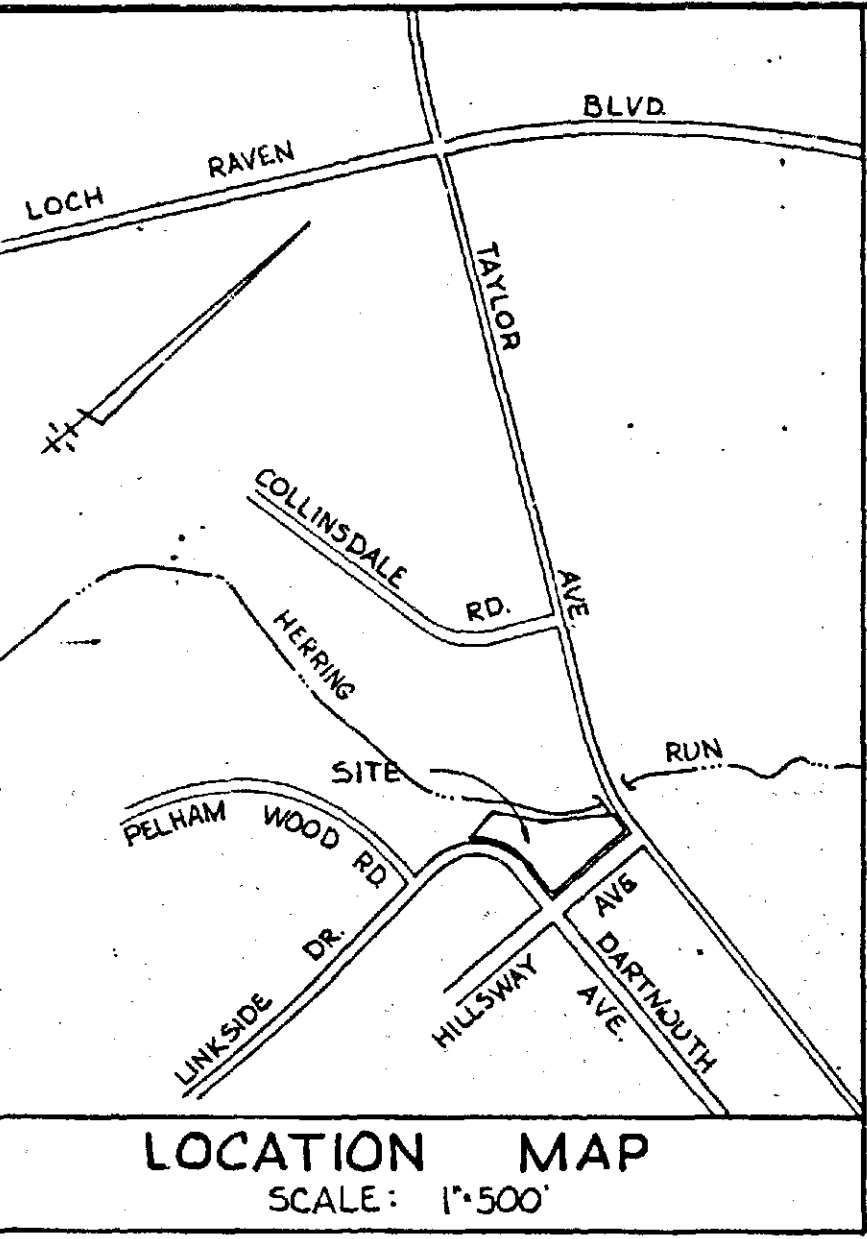
PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT YARD VARIANCE AND FOR VARIANCE FOR BUILDING IN DR 16 ZONE BEING WITHIN 75' OF LAND ZONED DR 10.5 WHICH IS NOT IN THE SAME DEVELOPMENT AND FOR PARKING VARIANCE NINTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

		SCALE: 1" = 20'
		JOB ORDER NO. D-8011
		ISSUE DATE
DATE	REVISIONS	
3-27-80	City Parking & Building Location	



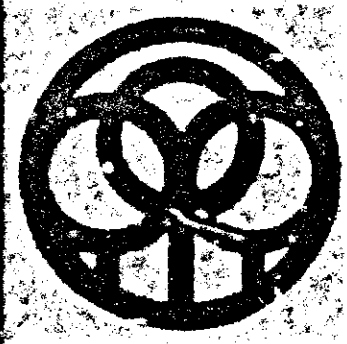
NOTES

- 1) BEARINGS SHOWN ARE REFERRED TO THE TRUE MERIDIAN, AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
- 2) ELEVATIONS ARE BASED ON BALTIMORE COUNTY DATUM, B.M. HUB 16.7 - 7321.20' IRON BAR NORTH 2014 CHUR. WALK SW. CORNER TAYLOR & HILLSWAY. ELEVATION 351.74
- 3) IRON PIPES SET AT ALL PROPERTY CORNERS



Note: Boundary & topography shown herein taken from survey dated March 26, 1980 prepared by APR Associates, Inc.

- SITE DATA**
- 1. Area of site = 0.91 Acre ±
 - 2. Existing zoning = D.R. 16 & D.R. 10.5
 - 3. Existing use - Vacant
 - 4. Proposed use - Nursery school
 - 5. Floor area = 6200 sq. ft.
 - 6. Proposed no. of children = 120
 - 7. No. of teachers @ 1 per 10 children = 12
 - 8. Parking required @ 1 per teacher = 12 spaces
 - 9. Parking provided = 14 spaces



DAFT McCUNE WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS-ENGINEERS
530 E. JOPPA ROAD
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333

PLAT TO ACCOMPANY HEARING FOR SPECIAL EXCEPTION FOR NURSERY SCHOOL AND FOR FRONT AND SIDE YARD VARIANCES

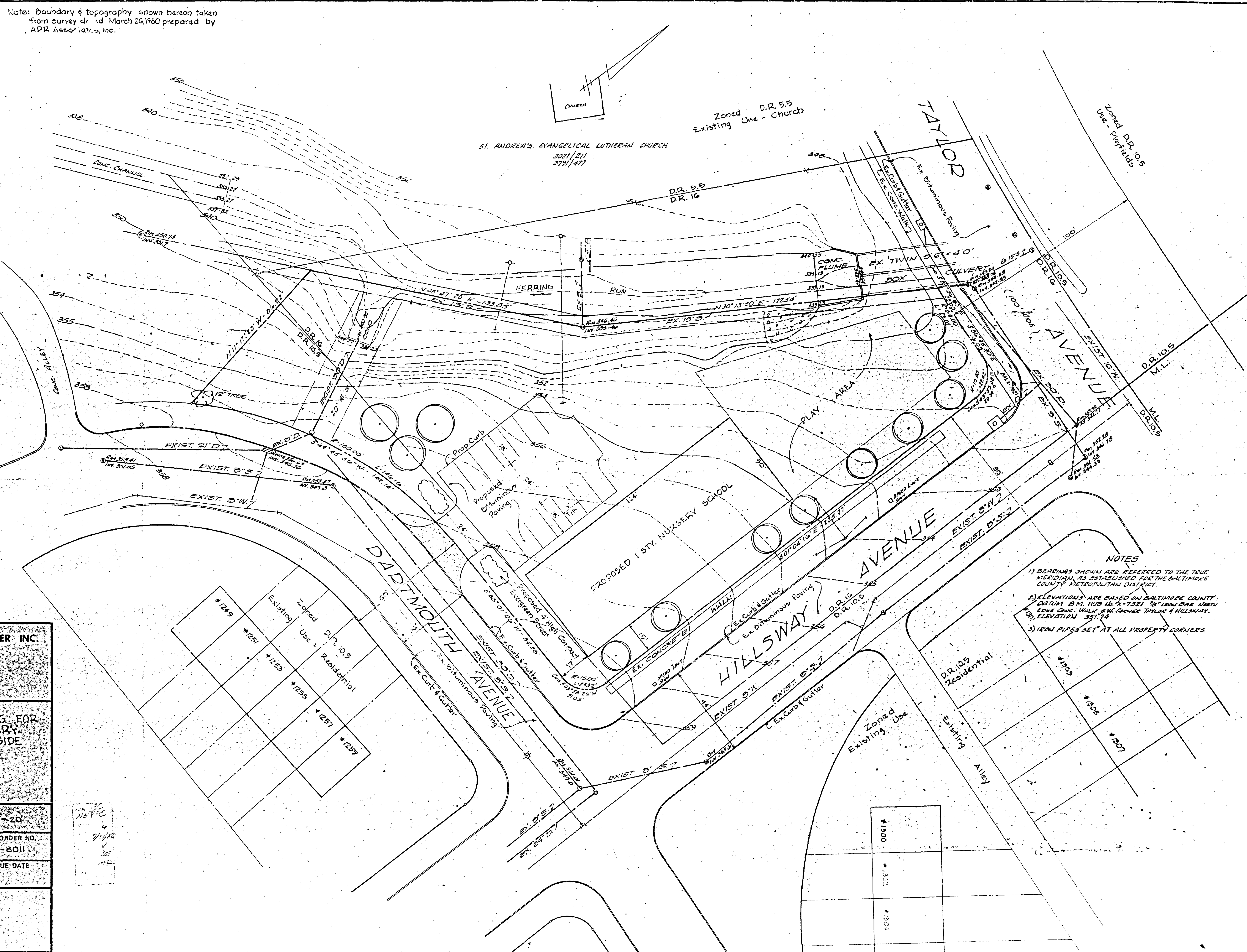
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

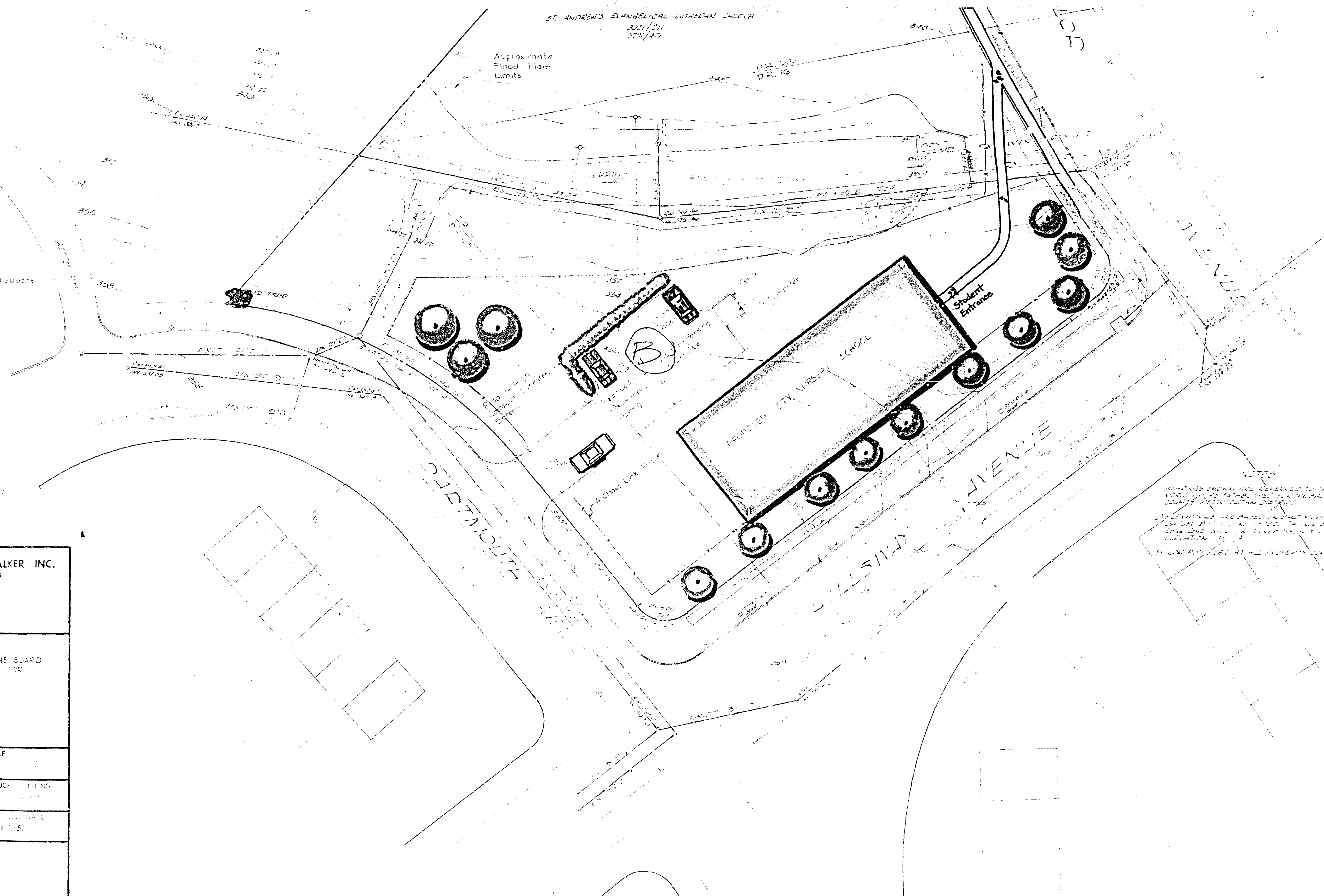
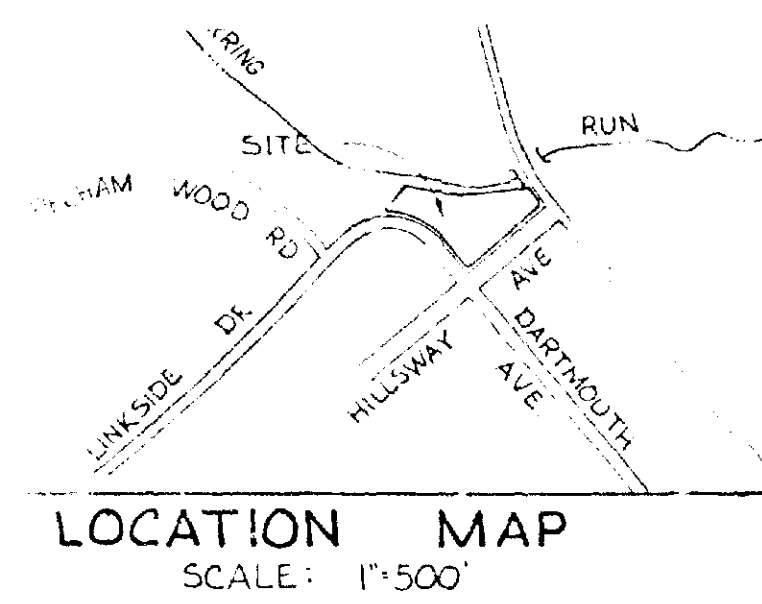
JOB ORDER NO. B-8011

ISSUE DATE

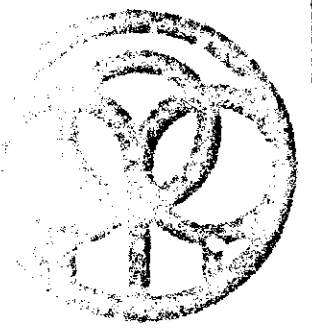
DATE	REVISIONS



- NOTES**
- 1) BEARINGS SHOWN ARE REFERRED TO THE TRUE MERIDIAN, AS ESTABLISHED FOR THE BALTIMORE COUNTY METROPOLITAN DISTRICT.
 - 2) ELEVATIONS ARE BASED ON BALTIMORE COUNTY DATUM B.M. HUB 16.1-7321 1/2" IRON BAR NORTH EDGE LONG. WALK. SW. CORNER TAYLOR & HILLSWAY. ELEVATION 351.74
 - 3) IRON PIPES SET AT ALL PROPERTY CORNERS.



NOTES
1. SECTIONS SHOWN ARE REFERRED TO THE 1988
RECORDS OF THE DISTRICT OF COLUMBIA
COUNTY RECORDS DIVISION
2. UTILITIES ARE BASED ON THE 1988
RECORDS OF THE DISTRICT OF COLUMBIA
COUNTY RECORDS DIVISION
3. SEE PROPOSED AT THE PROPERTY CORNERS

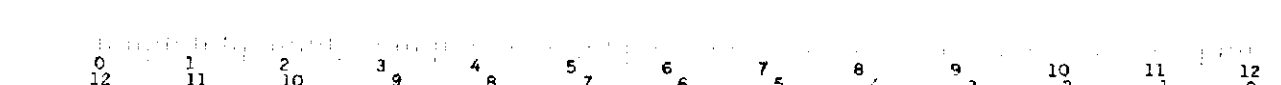


DAFT · McCune · WALKER INC.
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TOWSON, MD 21204
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THIS PLAN HAS BEEN PREPARED FOR THE BOARD
OF APPEALS TO SUPPLEMENT THE PLAT FOR
SPECIAL EXCEPTION

DATE	REVISIONS

SCALE
JOB NUMBER
DATE
1-11-81



BD. EXH. 2

COLLINSDALE

ROAD

Parking Area

EXISTING WOODS

