

PETITION FOR SPECIAL HEARING 84-106-SPH 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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve for A NON-CONFORMING USE FOR THE RUXTON COUNTRY SCHOOL including day care center

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of the above Special Hearing 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: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____

Legal Owner(s): _____
(Type or Print Name)
Signature _____
Address _____
City and State _____

Attorney for Petitioner: _____
Signature _____
Address _____
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Name _____
Address _____
City and State _____
Phone No. _____

Attorney's Telephone No.: 221-80242
2011 Indian Head Road Baltimore, Md.
Address _____
Phone No. 337-8516

ORDERED By the Zoning Commissioner of Baltimore County, this 7th day of September, 1983, 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 19th day of October, 1983, at 1:30 o'clock P.M.

Carl J. J...
Zoning Commissioner of Baltimore County.

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

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NW Corner of Berwick & Locust
Aves., 9th District : OF BALTIMORE COUNTY
RUXTON COUNTRY SCHOOL,
INC., Petitioner : Case No. 84-106-SPH

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 therefor, 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
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of October, 1983, a copy of the foregoing Order was mailed to Michael Lewis Freilich, Esquire, 401 Washington Ave., Towson, MD 21204, Attorney for Petitioner.

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

IN THE MATTER OF :
THE APPLICATION OF :
RUXTON COUNTRY SCHOOL, INC. :
FOR SPECIAL HEARING TO APPROVE :
A PRIOR NON-CONFORMING USE :
INCLUDING A DAY CARE CENTER :
ON PROPERTY LOCATED ON THE :
NORTHWEST CORNER OF BERWICK :
AND LOCUST AVENUES :
9th DISTRICT :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
No. 84-106-SPH

OPINION

The above captioned matter having come before this Board on an appeal from the decision of the Zoning Commissioner, dated October 27, 1983, wherein the subject property was determined to be a non-conforming use, subject to:

1. A detailed landscaping plan shall be submitted for approval by the Current Planning and Development Division, Office of Planning and Zoning. Such plan shall provide for more than fencing and shall include appropriate screening to shield the residence to the west of the subject site from said site. Said plan need only provide for landscaping between Dr. Aizer's property and the school. If the parties can reach an agreement, the above restriction will be superceded and not be required. An amended site plan showing said screening must be submitted to the Zoning Office.

By agreement of all parties and counsel, the matter proceeded before this Board on a statement of facts. The narrow issue is whether the Zoning Commissioner has the power to impose a condition on a prior non-conforming use?

This Board believes that the Zoning Commissioner lacks such power.

Simply, a non-conforming use is a non-conforming use. Since said use existed prior to the enactment of the Zoning Regulations, it is, by law, not subject to the conditions the Zoning Regulations are intended to address.

In the case at bar, all parties now agree that the Zoning Commissioner was correct in determining that the subject property does enjoy the status of a non-conforming use.

It is apparent that the Zoning Commissioner, in an effort to appease the Protestant, imposed extremely reasonable conditions. This Board finds absolutely

Ruxton Country School, Inc.
Case No. 84-106-SPH

nothing wrong with the nature of the conditions imposed. Indeed, the Protestant's concerns appear to be legitimate. Perhaps his concerns can be addressed through other agencies and/or avenues. Zoning, however, is not the agency or avenue through which his concerns can be addressed.

For the reasons cited above, the decision of the Zoning Commissioner dated October 27, 1983, shall be affirmed and modified.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 18th day of April, 1984, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated October 27, 1983, is hereby AFFIRMED as to the non-conforming use and therefore the Petition for a Special Hearing as to the non-conforming use be and hereby is GRANTED; and

IT IS FURTHER ORDERED that the Zoning Commissioner's Order be modified so as to delete the restrictions.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

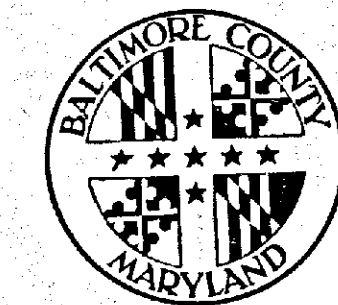
William R. Eyns
William R. Eyns, Acting Chairman

LeRoy R. Spurrer
LeRoy R. Spurrer

Joanne L. Suder
Joanne L. Suder

BALTIMORE COUNTY ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 13, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
cdo
Nicholas B. Cotmodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Public Planning
Building Department
Board of Education
County Administration
Industrial Development

Michael Lewis Freilich, Esquire
401 Washington Avenue
Towson, Maryland 21204

RE: Item No. 9 - Case No. 84-106-SPH
Ruxton Country School, Inc.
Special Hearing Petition

Dear Mr. Freilich:

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 assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Cotmodari
NICHOLAS B. COTMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Ms. Barbara Rayburn
2011 Indian Head Road
Baltimore, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

August 8, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #9 (1983-1984)
Property Owner: Ruxton Country School, Inc.
N/W corner Berwick Ave. and Locust Ave.
Acres: 220.93/240.84 X 173.07
District: 9th

Dear Mr. Jablon:

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:

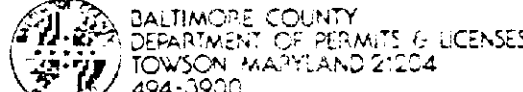
As no improvements or permits are proposed, this office has no comment.

Very truly yours,

Robert A. Norton
ROBERT A. NORTON, P.E., Chief
Bureau of Public Services

RAN:EAM:FWR:SS

O-NE Key Sheet
38 NW 5 Pos. Sheet
NW 10 B Topo
69 Tax Map



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

July 28, 1983

TED JALESKI JR.
DIRECTOR
Mr. William R. Eyns, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Eyns:

Comments on Item #9 Zoning Advisory Committee Meeting July 5, 1983 are as follows:

Property Owner: Ruxton Country School, Inc.
Location: NW corner Berwick Ave. and Locust Ave.
Meeting Subject: P.R. 2
Proposed Zoning: Special Hearing to approve a non-conforming use.

Acres: 220.93/240.84 X 173.07
District: 9

The items checked below are applicable:

- 1. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Age and other applicable Codes as they may apply to the existing structures.
- 2. A building and other miscellaneous permits shall be required before beginning construction.
- 3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- 4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- 5. 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 lines. A fire wall is required if construction is on the lot line, Sec. 101.01, Item 2, Section 101.07 and Table 101.07.
- 6. Requested variance conflicts with the Baltimore County Building Code, Section 101.01.
- 7. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- 8. 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 505 and the required construction classification of Table 101.
- 9. Comments See Sect. 103.0 as amended by Bill 1-82.

NOTE: These comments reflect only on the information provided by the drawings 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., 21204.

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

CEB:rrj
PURN 01-82

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWNSHIP BUILDING
TOWSON, MARYLAND 21204
301-298-4343

PETITIONER'S EXHIBIT 17

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approval for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active in removing or selling other real estate in our otherwise sedate residential community.

J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I support the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

J. Elmer Weisheit

J. Elmer Weisheit

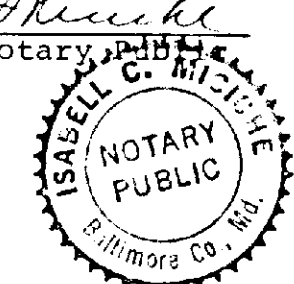
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



Baltimore County Soil Conservation District



9811 VAN BUREN LANE COCKEYSVILLE, MARYLAND 21030 PHONE (201) 666-1188

REPORT OF FIELD INSPECTION

John Gease
District Manager

On Friday, April 30, 1982 soil conservationist Steve Smith and I inspected the lot owned by Ms. Sally Ruhl near the intersection of Locust and Berwick Avenues.

The topography of the area east of the drive to the property is such that a significant volume of water will be carried toward the drive. Because of sparse groundcover on the adjacent property, this water will travel at a rapid rate and possibly be erosive. A low lying area 15' east of the drive is serving as a sump for this water, with the land rising again as it approaches the drive.

Ms. Ruhl described a stone drainage area placed below grade in the sump. This system serves to percolate the water to a drainage pipe under the drive. This system seems to be working well, as the soil in the depression was dry and a heavy rain had preceded our field inspection by just a few days.

Ms. Ruhl stated that the drive was to be paved in the near future, and that the pitch of the drive would cause the water to flow towards the depression. She was concerned that water leaving the drive could cause an erosion problem as it left the drive at a high velocity.

We then discussed several types of vegetative stabilization. The type decided upon was a row of white pine running along the drive. Ms. Ruhl stated that a nurseryman had also recommended such a planting.

It is our experience that the fibrous root system of the white pine serves to hold soil and prevent erosion. The trees should be kept a minimum of five feet from the drive, but should not be planted in the depression as excess water can cause plant damage.

It was recommended that the area under the trees should be mulched heavily to prevent any washing as the trees establish themselves. This will also prevent weed growth around the base of the trees.

PROTESTANT'S
EXHIBIT 2

CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Judy Sussman Date: April 15, 1983
FROM: Margaret L. Sherrard, M.D.
SUBJECT: Ruxton Country School

We have been inspecting the Ruxton Country School for facilities, but only as a day care center. When additional grades were added for elementary school, this made the school core under the jurisdiction of the State Department of Education. We will continue to inspect and re-license as appropriate until there are no longer any pre-schoolers in the facility. We are attaching a memo from Kay Drayton, Day Care Coordinator, sent to Dr. Roop dated April 13, 1983, which includes detailed comments regarding the above.

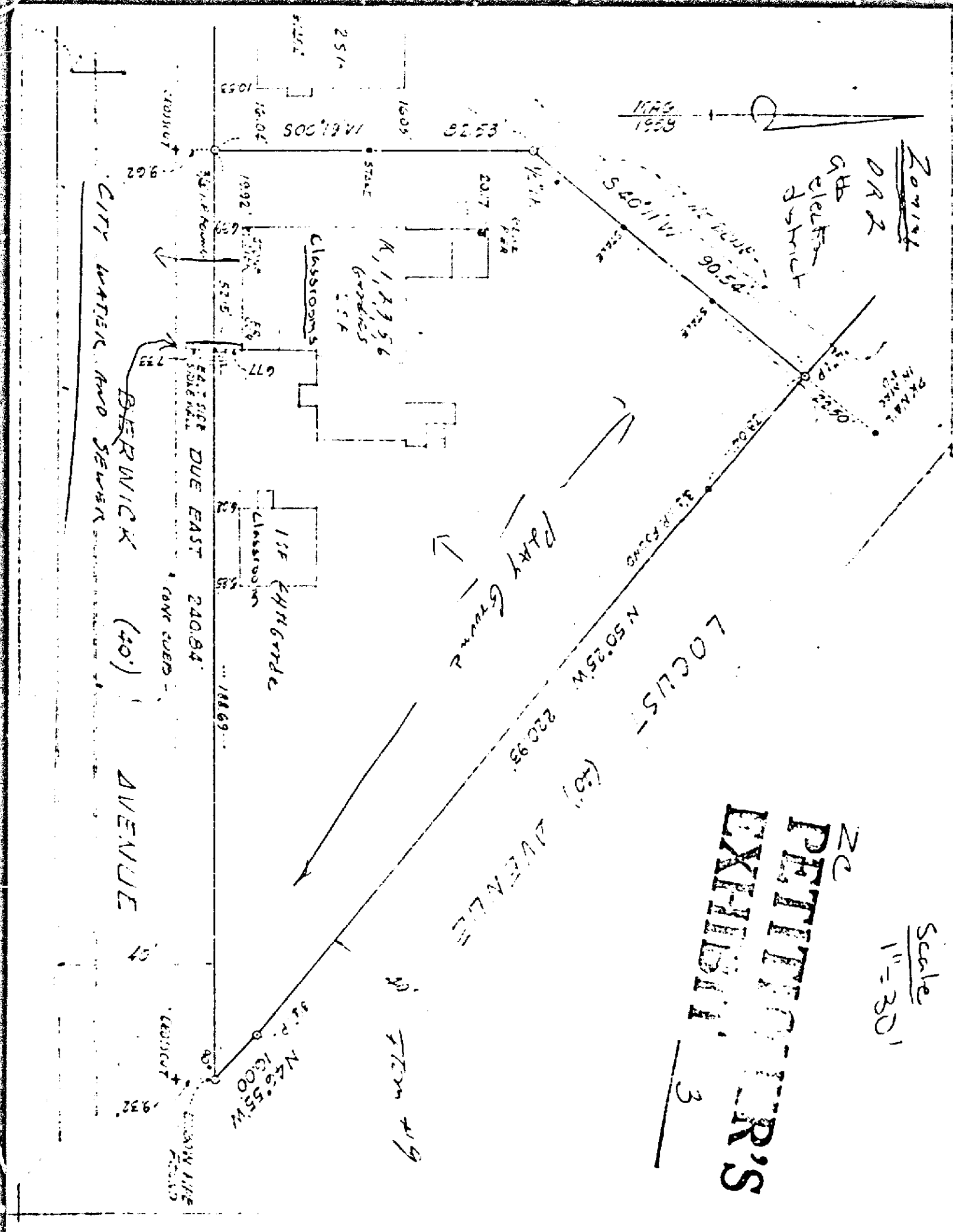
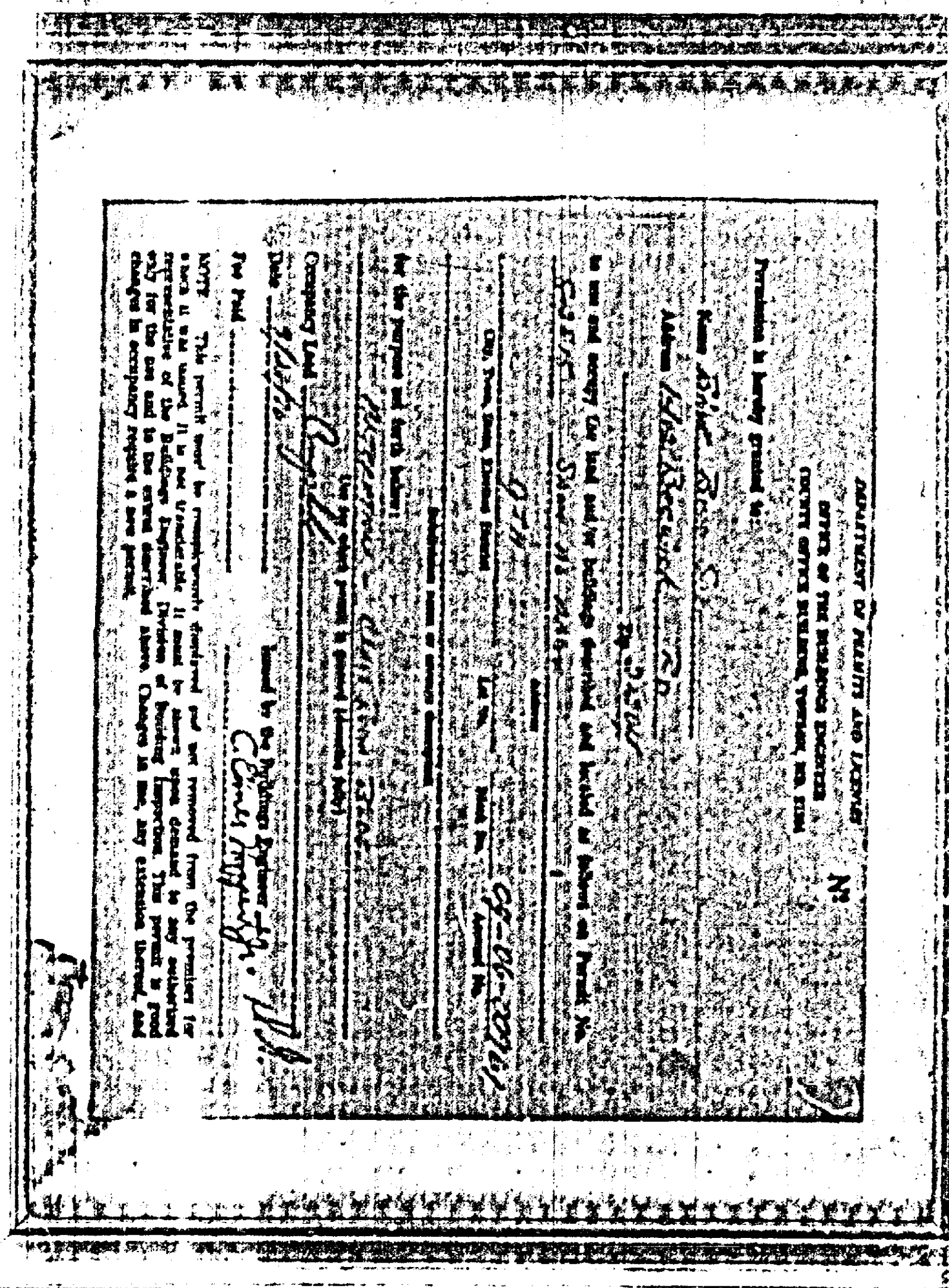
The letter of March 22nd from Dr. Roop, the Zoning Commissioner, referred to general maintenance problems and an investigation was made by a sanitarian from the Health Department. He has not submitted a written report, but in conversation he expressed the opinion that generally, overall, there were no major maintenance problems. There was no problem with debris during the investigation and no appreciable erosion or standing water were observed. However, no additional trees have been planted as recommended. The fence has two large holes and it is recommended that vegetation be removed, which means vines, honeysuckle, etc. There are large trees at the back of the property with limbs hanging over. One tree located outside the fence in the back of the property is dead and he advised that the large limbs should be pruned.

As Mrs. Drayton notes in her memo to Dr. Roop, the Zoning Commissioner will make a decision within a few weeks to either approve or disapprove the Ruxton Country School application. When we receive further information from other inspections, we will let you know. meantime, if you request any information other than we have provided and plan to provide after other inspections, please let us know.

Margaret L. Sherrard
Margaret L. Sherrard, M.D.
Deputy Director of Health

MLS:egy

Attachment



Addendum to Petition of Ruxton

Hours of Operation 8 AM to 6 PM
Monday thru Friday

no. of students- 70

no. of faculty- 7 fulltime
5 part-time
4 staff

PROTESTANT'S
EXHIBIT 3

BALTIMORE COUNTY
PLANNING & ZONING
MAYLAND 21204
JAN 1984
NOVEMBER 2, 1981
REGISTERED MAIL 7960951

Ms. Sally Ruhl
Riderwood, Maryland 21139

RE: SC81-170
Drainage
1402-04 Berwick Avenue
District 9

Dear Ms. Ruhl:

This letter is to confirm the field inspection of the drainage condition along the property line, between the dwelling which you recently built and the Ruxton Country School.

After reviewing the area, I believe it was agreed and concluded that additional work was required in the sump area - namely a yard inlet placed in the lowest area over the existing storm drain system. In reviewing the letter prepared by James S. Spamer & Associates, they have concluded the same remedy to the aforementioned problem. Mr. Tackett, of James S. Spamer & Associates, indicates that he recommends the installation of a Baltimore County Standard Y-1 Inlet (a detail of the Y-1 Inlet is attached.)

I would like to enlighten all concerned that this problem is an isolated condition in this drainage area and that both the writer and the Department of Public Works feel that the construction of the dwelling at 1404 Berwick Avenue has not adversely increased or affected the overall drainage pattern in this area.

The Office of the Buildings Engineer orders that the yard inlet be installed and the immediate area graded and stabilized within 10 days from receipt of this order.

If you disagree with the requirements to complete the work as outlined in this order or your responsibility in this matter, you may request a hearing with the Assistant Buildings Engineer by calling 494-3226 or you may appeal the order before the Baltimore County Board of Appeals within 15 days from the date of this letter.

Failure to complete the required work or to appeal this directive may necessitate this case being referred to the District

PROTESTANT'S
EXHIBIT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: October 7, 1983
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Ruxton Country School, Inc.
84-106-SPH

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

12/20/83 - Notified of appeal hearing scheduled for TUESDAY, MARCH 20, 1984 at 10 a.m.

Michael Lewis Freilich, Esq.
Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
Thomas J. Bollinger, Esq.
John W. Hessian, Esq.

1/13/84 - Above notified of Postponement and Reassignment to Thursday, April 5, 1984, at 10 a.m.

(plus P. M. Zimmerman)



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)

Towson, Maryland 21204

(301) 494-3180

January 13, 1984

NOTICE OF POSTPONEMENT and REASSIGNMENT

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including
Day Care Center

NW corner Berwick and Locust Aves.

9th District

10/27/83 - Z.C. Granted Petition

The above case which was scheduled for hearing on Tuesday, March 20, 1984,

at 10 a.m. has been POSTPONED by the Board at the request of the Protestants, and

REASSIGNED FOR: THURSDAY, APRIL 5, 1984, at 10 a.m.

cc: Michael L. Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

T. J. Bollinger, Esq. Office of Law

P. M. Zimmerman, Esq. Deputy People's Counsel

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secretary



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

April 18, 1984

Michael L. Freilich, Esq.
P. O. Box 5465
Towson, Md. 21204

Re: Case No. 84-106-SPH
Ruxton Country School, Inc.

Dear Mr. Freilich:

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: Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
T. J. Bollinger, Esq.
Phyllis Friedman
N. E. Gerber
J. Hoswell
A. Jablon
J. Jung
J. Dyer

JOSEPH AISNER, M.D. F.A.C.P.

1404 BERWICK RD.
RUXTON, MARYLAND 21204

Edith T. Eisenhart, Adm. Secretary
County Court of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Ms. Eisenhart:

Thank you for the notification of the appeal hearing on case No. 84-106-SPH Ruxton Country School, Inc. Since I was the initiator of the zoning hearing originally, and since I gave testimony in this hearing, and since the conditions applied to the granting of petition directly affected me, I have considerable interest in participating in the appeal hearing. Unfortunately, I have long standing professional commitments on March 20, 1984, and I will be participating and giving a symposium on the West Coast. Thus, I shall be unable to attend at this date. I therefore, respectfully request that the appeal hearing be rescheduled.

I shall not be available in the week of March 17 through 24 nor the weeks of April 25 through May 6, and May 13 through the end of June. I would certainly appreciate your rescheduling of this appeal hearing with these considerations.

Sincerely,

Joseph Aisner, M.D.F.A.C.P.

cc: R. Knepper c/o Levin, Gann, and Hankin.

Rec'd 1-10-84
1:04 PM

Assigned by 4/14/84
Rec'd on 4/15/84

494-3180

County Board of Appeals

Room 200 Court House

Towson, Maryland 21204

December 20, 1983

(Hearing Room #218)

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including
DAY CARE CENTER

NW CORNER BERWICK AND LOCUST AVENUES

9th DISTRICT

10/27/83 - Z.C. GRANTED PETITION

ASSIGNED FOR: TUESDAY, MARCH 20, 1984 at 10 a.m.

cc: Michael L. Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Barbara Rayburn

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

Thomas J. Bollinger, Esq. Office of Law

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

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. E. Dyer

Edith T. Eisenhart, Adm. Secretary

August 2, 1983

Mrs. Judith Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Md. 21204

Dear Mrs. Banker:

As a lifelong resident of Ruxton, I am distressed to learn that the credibility of Ruxton Country School is being questioned. I live on Berwick Avenue and pass the school every day, each time enjoying the sight of the children at their activities and the warm memories they afford me. In the late 1920's and early 30's, I was a pupil there, then Bluebird School, under the enlightened tutelage of Miss Therese.

When my parents moved to Washington in 1932, the learning and cultural advances provided at Bluebird enabled me to move immediately two grades ahead in the D.C. public school system. As a parent, I was privileged to send my children to this Ruxton institution, knowing that its high standards have always been upheld. The benefits they acquired were reflected later in their good showings in Baltimore County public and private schools.

Considering the current uproar over the crises in American education, the very existence of a small, private elementary school gives us hope. If it remains viable, enduring, we have a promise of healthy elements in the coming generation, examples of an unmechanized and attentive elementary training.

To lose this to the venal desires of a real estate operative would be damn shame.

Sincerely,

Keith W. McBee
Keith W. McBee
1207 Berwick Road
Baltimore, Md. 21204

Riggs, Counselman, Michaels & Downes, Inc.
100 Light Street
Baltimore, Maryland 21202
(301) 229-4235

October 6, 1983

Mr. Michael L. Freilich
401 Washington Avenue
Towson, Maryland 21204

Dear Mr. Freilich:

I am writing to advise of my interest in the continuation of the Ruxton Country School and to express my sorrow that there is some controversy as to whether the School should be closed.

I attended this School, which was then the Bluebird School, for four years beginning in the year 1922. From there, I went to the Gilman School, and wish to state that I received a very good education at the Ruxton Country School.

This letter simply advises you of my continued interest in this School and hope the property will be used for educational purposes as in the past.

Thanking you,

Most sincerely,

Edwin W. Levering III
Edwin W. Levering, III

EWL:jp

M. JENKINS CRONWELL, JR.
1008 Old Court Road
Baltimore, Maryland 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tolly for many years; and going back quite a few years before 1946.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Cronwell, Jr.
M. Jenkins Cronwell, Jr.

MJC:cw

JAMES E. HOOPER, JR.
2518 CAVES ROAD
OWINGS MILLS, MD 21117

August 29, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

As a former student at the Bluebird School from 1926-29, I am very pleased to attest that the Bluebird School was indeed in existence at its present location at 1402 Berwick Avenue in Ruxton during this period as a small private elementary school for boys and girls.

Under the aegis of Miss Therese, its young students were well prepared for admission to Gilman and other Baltimore schools upon completion of the excellent curriculum. I no longer have any classroom documentation for space reasons but can well remember my current events books with the rotogravure pictures of major events of the time and Miss Therese's gold stars prominently displayed.

I no longer live in Ruxton, but I never heard any complaints at any time about the school during the time that I lived in Ruxton. I am happy to write this letter because I have difficulty understanding how individuals can move into a neighborhood and then threaten the existence of a private school of so many years standing in the community, which presumably conforms to all codes and regulations, and which was already there when they moved into the neighborhood.

Sincerely,

James E. Hooper, Jr.
James E. Hooper, Jr.

JEHjr/slw

DAVID W. KENNEDY
108 OGDON TERRACE
RAMSEY, N. J. 07446
(201) 327-0254

August 17, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am writing to attest to the presence of your school at its present site and in its present form in the 1930s.

I attended the predecessor Bluebird School from pre-school in 1932-33 through third grade in 1935-36. The school was then run by a lady from Switzerland, a

original
Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker:

It is inconceivable to me that 3 people - in particular a building corporation with an address of Berwick Ave. - can in any way threaten the existence of the Blue Bird - Ruxton Country School in any way.

The school has been a part of this community in so many beneficial ways there isn't space to detail.

My husband Marshall Hawks attended the school.

He was born in 1919 and spent his kindergarten + early grades at Blue Bird. His god parent Sam Wiley was, and our neighbor, was. I believe, the School's first student.

Never has there been any threat to the Ruxton community from the school except perhaps the threat that might close it - I for one would hate that.

Having lived here - from New Orleans - since 1945, I am sad that I do not see a family name among those who are complaining - But then I know I would not - My friends would not

in any way try to condemn the School's existence

It does appear that a real estate greed is behind one of the complaints - And there I do question zoning that allows a RE corp to operate from a Berwick address.

Hopefully your defense and your success in staying at this location will be from the angry cry of the many residents who know, have known and will continue to support a school that is a tradition, a valued avenue for education for our young -

To me, I feel personally
offended since I am
fully aware of the
need for the school
and the fact that -
as a 37 years neighbor
I want the school to
remain in operation

Olson Hawks
1506 La Belle Ave
Roxton, Md
21204

823-3822

Monday-Aug. 15, 1983

1323 BERWICK ROAD
BALTIMORE
MARYLAND
21204

Aug 15, 1983

Ruxton Country School

Dear Neighbors,

Confirming our recent
conversation, we moved to a rented house -
Ruxton Rd. near Slocum in 1982, and our
son attended the Blue Bird School.

In 1987 we built our present
house within one block of the school.
At no time during this long period
have the school activities posed a
nuisance or caused us to regret our
decision.

Sincerely,
W. H. Kennedy

Mrs. M. P. Worthington
8000 Strand Road
Baltimore, Maryland 21284

Aug. 8th

Dear Mrs. Banker

I support your need to
defend your right to continue
the existence of the Ruxton
Country School at the present
location. It would be a feasible
consequence to make any changes
that our sister
Margaret Worthington
1931-1977
former resident of 1215 Enye Ave.

Mrs. James W. Hundley, Jr.
305 Greenwood Road, Ruxton, Md. 21204

Dear Mrs. Banker
I attended Blue Bird School from
1932-36 along with Danny and Irene
Bauske, the Sadler boys, Edgar Miller II,
Graham Menzie and his twin sister Ann
and Betty Worthington, Henry S. Baker III
and other off indigenous to Ruxton and the
county. Our education was exemplary.
I went on to Bryn Mawr School and Smith
College, and eventually, sent my four
children there and they, in turn, wound up
at Garrison and Giffman and graduated
from Colgate, Connecticut and Princeton.

Mrs. William Nikola
455 Range Road
Towson, Maryland 21204

August 2, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Because I was in Vermont for a good
part of my life, I had not heard of the
problems facing Ruxton Country School until
recently. I was truly distressed because
the school is unique, something which
is not often found and which provides a
form of education which should be
preserved, not repeated.

I have a special interest in the
well-being of Ruxton Country School
because I taught second grade there
for three years when it was the
Blue Bird School. I came in 1960, the
year that Helene Fiedler assumed the
role of headmistress because Miss Theresa

1503 Latell Avenue
Ruxton, Maryland 21204
August 1, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker,

In the summer of 1944 my family moved to Ruxton, and we have been
living at the above address ever since. Because the Bluebird School
was a short two blocks away and because I was an executive at an
elementary school in Baltimore, I quickly became aware of the
neighboring school and its fine reputation. The Ruxton Country School
continues to enjoy this reputation and carries on the tradition of an
excellent small private school for girls and boys.

Because my own children knew so many of their contemporaries at
the Bluebird School, I was aware of the services that the School was
providing to families living in the vicinity. It would be more than
an inconvenience to dozens of families - it would be a positive
diservice - if they did not have available the resources of the
Ruxton Country School.

Very sincerely yours,

Richard L. Hart
Archibald Hart

From
"Luss Frederick L. West
1209 Berwick Rd
Ruxton,
Md. 21204

For the Ruxton Board of
Roxton County -
Dear Sirs -
My wife and I built
our house and moved
in the summer of 1982.
For the three years ago.
The Ruxton School on
Berwick Road was a
well established school

THIS
END UP
FURNITURE CO.

Kenilworth Bazaar
820A Kenilworth Drive
Towson, Md. 21204
301-825-1173

Dear Judy,

July 24, 1983

I am writing this to thank the
company attached for it is a personal note
from all the Moons.

We are distressed to hear about
your zoning problem, especially from people
who are new to the neighborhood & they
didn't like being near to a school. Why
did they purchase homes next door?

Clark and I raised three children
at 1308 Berwick St. The school has
always been an asset to the area. But if
the character of our Ruxton as the diversity
and this includes Ruxton Country School.
People who do not like the charming feature
should move to "baby" school housing in
Cockeysville and leave us alone.

Many times we have felt we
are alone. Judy, please let Clark and I know
if I can give you any further help.

Sincerely,
L. W. West
L. W. West

(over

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LYON, SCHENCK, STECK, ASSOCIATES

TEXTILES

1558 PENNBRIDGE ROAD
P. O. BOX 28065
GREENSBORO, N.C. 27408

TELEPHONE
919-379-1623

July 22, 1983

Mrs. Judith B. Banker
Head Mistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was distressed to learn that your school, which I remember so fondly as Blue Bird School, is in jeopardy for its existence. I was a student during my second, third, and fourth grade years (1944-1946) at Blue Bird and thank that school for much of my founding in math and language. In my opinion, it would be a tragic loss to the Ruxton community for this traditional old elementary school to be lost to its future young people.

I sincerely hope that suitable defenses may be found to stop the Baltimore County zoning office from doing damage to the existence of the school.

Sincerely yours,

Fred H. Steck
Fred H. Steck, Jr.

/gb

July 21, 1983

To whom it may concern:

We have been living in the Ruxton area since 1955. At that time we believe that the Blue Bird-Ruxton Country School had been in existence for a number of years and was highly respected. We lost four of our children to school there and were very pleased with the quality of instruction. Since that time it is our understanding that the school has continued to offer an excellent education to the Ruxton community. It is our understanding that Dr. Joseph Dixon, Mr. Christopher Burrows and Mr. Billy Rude have complained to the zoning office charging the school with zoning, health, safety, traffic and fire violations and have requested a public hearing. Since this time

July 20, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

The Johnson family moved to Ruxton in 1944. Our three children were enrolled in the Bluebird School that year and graduated in due turn.

We chose the Bluebird School because of its extraordinary scholastic reputation for academic excellence and character building under the direction of Miss Therese Macchili.

What this school did for our family was priceless and rare in the field of education. Ruxton has been the benefactor over many years from the principles instilled into its youth through association with this institution.

Most sincerely,

Marius P. Johnson
Dr. Marius P. Johnson

July 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

I lived in Ruxton from 1930 until 1947 on Ruxton Road west of Bellona Avenue, and from 1947 to 1963 at 1409 LaBelle Avenue. My mother, Champe B. Tubman, lived at these addresses until she passed away in 1977, still residing at 1409 LaBelle Avenue.

The "Bluebird School", as it was known in those days, was an important and popular element in the community. It was located between Locust and Berwick Avenues, where it continues today under the name of "The Ruxton Country School". As far as I know, this School has always been a small private elementary school for boys and girls. Many neighborhood children have attended the School over the years.

I honestly can not recall a single complaint about the School being located in the neighborhood in the years I lived there; and I do not recall my mother mentioning a complaint, thereafter. I clearly recall that the School was a popular meeting place for many neighborhood residents each year on Halloween, when the children enjoyed watching the headmistress play the part of the witch and the older folks met there to exchange pleasantries.

Assuming that the School has not changed its character in recent years, it surprises me that some individuals would complain about it, particularly if they purchased or built in the neighborhood after the School had been long established there. It would be regrettable if a few individuals, for personal gain or in order to reverse a bad financial decision, were able to close the School. Obviously, there are many who are content to have the School remain there.

Sincerely,

Joseph R. Tubman
Joseph R. Tubman
11431 Mays Chapel Road
Timonium, MD 21093

Van Zelen
Washington, D.C. 20543

June 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker,

Our daughter, Connie, was a student at the Blue Bird School. She was enrolled in 1943 when she was five years old and continued her studies at that school until her graduation in 1947 when she was enrolled at Ruxton Country School in Baltimore from which she graduated.

Her school was in the same location on Berwick Ave. that it is now and was a small private elementary school for boys and girls.

Our son William was a first grader at Blue Bird School in 1951.

With good wishes

Sincerely, *Queen van Zelen*

Mrs. William H. Gordon
1217 Berwick Road, Baltimore, Maryland 21204

July 20, 1983

Dear Mrs. Banker,

We moved to Ruxton, at the above address, in 1938. I kind personally that the Bluebird School was in existence at its present location. Also we had two daughters who attended this school, one beginning her school year in 1942, and the other daughter beginning her school year in 1945.

Ruxton Country School has been an exceptionally good school, serving the community and nearby areas.

Sincerely,
Amelia C. Gordon

ALEXANDER Y. HOFF
2539 ELLENHAM ROAD, BALTIMORE, MARYLAND 21204

July 19, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

This is to attest that I attended your school from 1941 to 1944. It was then, and is now, an asset to the neighborhood and remains virtually unchanged in both physical character and outstanding educational quality.

Very truly yours,

A. Y. Hoff
A. Y. Hoff

AYH:cm

M. PITKIN JOHNSON, JR., D.D.S.
RITCHIE PROFESSIONAL CENTER
8025 RITCHIE HIGHWAY
PRASADENA, MARYLAND 21122
TELEPHONE 768-3288

July 19, 1983

Mrs. Judith B. Banker, headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am a dentist, age 46, and a 1947 graduate of the Bluebird School. When my parents moved to Ruxton in 1941, they enrolled me in the pre-school. By six years at Bluebird, under the direction of Therese Macchili, were important in my preparation for entrance into the Gilman School. The quality of education was so high that, in later years, students were admitted to Gilman with little attention to the usual entrance examinations, for the reputation of Bluebird carried greater weight.

I can still recall knowing the multiplication tables by the end of the second grade, and by the end of the third grade all students could recite them in French!

As a resident of Anne Arundel County since 1955, I shall always remember growing up in Ruxton. My roots are there and certainly the Bluebird School is in the forefront of my memories. I wish you good luck in your defense of the school. I hope my contribution is one of many documents needed to present to the Zoning Board.

Sincerely,

M. Pitkin Johnson, Jr.
M. Pitkin Johnson, Jr.

PPJ/ssb

July 18, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Road
Ruxton, MD 21204

Dear Mrs. Banker:

This is in response to your letter of July 8 about the complaint registered with the Zoning Office about the Ruxton Country School.

Except for the years 1951 and '52, I have lived at the upper end of Berwick Avenue/Road at either 1209 or 1214 since 1930. To put it another way, I have driven or walked past the school perhaps 40,000 times in the past 53 years. About the only thing that has changed at the Berwick/Locust corner is that a few new houses have lately been built thereabouts. One of these is occupied by one of the complainants -- Dr. Joseph Aisner -- who bought 1404 from Mrs. Sally Ruhl, the other complainant and a real estate developer. As you may have noticed, Dr. Aisner's house is very large for such a small lot. (It has been described as a two-acre house on a half-acre lot.) In negotiating with Dr. Aisner, did Mrs. Ruhl suggest that the school was about to close? Did she add that, when and if it closed, she would buy the property and build a house or two thereon, selling off a little footage to give the Aisner house some breathing room? These suggestions are not made facetiously, for I imagine Dr. Aisner is a man with his wits about him and had some idea of what he was getting into when he paid over \$300,000 for a house cheek-to-jowl with a school. Mrs. Ruhl, who built the house and obviously wasn't born yesterday real estate-wise, is obviously pretty persuasive.

But enough of my speculation about the Aisner/Ruhl entente. My real purpose in writing this letter is to state positively and categorically that the character of the Ruxton Country School (the Bluebird School), which all three of my children attended and of which I was once a trustee, has not changed since 1930. No, I am wrong. In one respect, it has changed. Some years ago, Mrs. Helene Farchione, once the headmistress and owner, kept two ponies on the school property. And there were some monkeys in a cage on the back porch. Mrs. Ruhl and Dr. Aisner imply that they would not have opposed

the school had it retained its earlier form, then perhaps a few animals should be reintroduced. My daughter Emily, who was given one of the ponies by Mrs. Farchione when the manure disposal problem became unmanageable, could tell a few stories that would curl the collective Ruhl/Aisner hair. Those of us who have been in the neighborhood for more than a few months took such things more or less in stride.

If it is not already evident, you have my hearty support in your fight against the Ruhl/Aisner ploy. As you probably gather, I would welcome the opportunity to testify for the school if a hearing should be scheduled. We Berwick Roaders are, by and large, a tolerant lot. We smiled -- albeit, faintly -- at old Mrs. Nelson's overflowing septic tank, at my mother's nine dogs at the vehicular excesses of various teenagers in the neighborhood. And always we have recognized that it is graven in stone "Thou shalt not mess around with the Bluebird School."

Sincerely,

Frederick T. Wehr
Frederick T. Wehr
1214 Berwick Road



from the desk of

7/18/83

COOPER WALKER

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Md. 21204.

Dear Mrs. Banker,

I have personal knowledge of the old Bluebird School starting from my association in the 1920's. I knew Miss Therese and was a close friend of Tommy Guilford, her adopted son. My wife, the former Anne Harrison went to Bluebird in the '20's; so did my brother-in-law, Hamilton Langer, in the '30's. My daughter went there in the '50's.
Sincerely yours,
Cooper Walker

J. ROLLIN OTTO, JR., M.D.
14 WEST GOLD SPRING LANE
BALTIMORE, MARYLAND 21210
TELEPHONE 323 4660

July 18, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was requested to write to you by Mrs. Barbara Rayburn. I certainly do have personal knowledge that your school has been in existence at its present location for many years. I was a student there from 1939 through 1941. Under the leadership of Madame Therese.

I am distressed to hear that you are having a zoning problem, as indeed your school has been a well established institution in the community over these many years.

Sincerely,

J. Rollin Otto, Jr.
J. Rollin Otto, Jr., M.D.



FAITH P. MOECKEL

8018 Park Overlook Drive • Bethesda, MD 20817
(301) 469-6330

July 16, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Judy:

Sorry to hear that zoning questions have risen to trouble the peace and prosperity of Ruxton Country School. Again, I recall a similar uproar many years ago, and the firm resolution that, indeed, Ruxton Country School (then called "Bluebird School") had indeed been functioning in the same capacity and at the same location since the early 1920's.

I was born in 1938, and was enrolled in Preschool at "Bluebird", at 1402 Berwick Avenue, at age five (1943). We were referred to "Bluebird" by administrators at Friends School who (in 1943) recommended it as a well-known, long-established school handier to our Lutherville home than they were -- gas rationing was a problem at the time.

Subsequently, as you know, my mother was invited to teach at Bluebird (1946) and we moved to Ruxton to live in the school a year later (1947) and remained there until 1972. Therese Waelchli, original founder of the school, taught classes on Mrs. Wiley's porch starting in 1913 (the house down the street with the stone wall around it) and then bought the house at 1402 Berwick, jointly with Mr. & Mrs. Hans Froelicher, Jr. a few years later and established her school there. I do not know the year she bought the Froelicher's share of the house, but it was in the 1920's.

I recently came across Judy Froelicher's name in an alumni newsletter from Park School. You might want to track her down through Park, for details on that part of the history of "Bluebird."

Another "eyewitness" authority you might contact is Mrs. Bernard M. Jackson (Maywood Avenue, Ruxton) whose daughter was in my class at Bluebird, and who also taught at Bluebird. Her son Christo was a year or so ahead of me, and her younger son a year or so behind. So Mrs. Jackson is keenly aware of the school's operation at that location before 1945.

Yet another person you might contact is Leonard Baker, attorney (retired) who lives on Roland Avenue in Baltimore and who may have been "on board" as accountant and legal advisor to my mother when zoning was questioned some years ago, when mother was headmistress and owner of Bluebird School.

I can further refer you to Betsy Lebrun (maiden name) with Piper & Co. who knows the area well and who remembers our moving from Lutherville to Ruxton -- to Bluebird -- around the time in question.

I could probably come up with other names for you, if the need arises.

But for the purpose of firm documentation of the existence and operation of an "elementary, private" school at 1402 Berwick Avenue before 1945 I can offer my own physical presence as a student in the school from 1943 through 1948.

Please let me know if you need further information and assistance.

Cordially,

Faith

Faith Farchione Moeckel

PS: I find it interesting that one of the three "complaints" comes from a person associated with a construction company.

PPS: Another reference, should you need it, would be Mrs. Margaret Gilliard Person (P O Box 86, Pocono Pines, PA 18350), widow of Thomas Gilliard, who was the nephew of Miss Therese Waelchli and who lived with her at the school throughout his boyhood---certainly well before 1945!

Ellen Leving
Ellen Leving
1402 Locust Avenue
Baltimore, MD 21204

July 15, 1983

Dear Mrs. Banker:

Since I have lived near the school all my life, and attended it in the 1920's, when it was known as The Blue Bird School, I can attest to its claim that it has been in existence in its present location, and that its function has remained unchanged since before 1946.

Sincerely,
Ellen Leving

M. JENKINS CROWWELL, JR.
1008 Old Court Road
BALTIMORE, MARYLAND 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridgewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tecky for many years; and going back quite a few years before 1945.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Crowwell, Jr.
M. Jenkins Crowwell, Jr.

MJC:cw

Sincerely,
Margaret W. Robertson
(Mrs. Harrison M. Robertson, Jr.,)

God bless in your future endeavor
and as a life time resident of Ruston
I sincerely hope the Ruston County School
shall continue to exist in its present form
and prosper for centuries to come.
Sincerely
William C. Satterlow
7100 Club Rd
Ruston, Md. 2204

the school. It now appears that speed has entered the picture in the form of persons wishing to use the land

102 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204 • TELEPHONE 301 825 8600
TELEX 87762 • CABLE ADDRESS: BROWN'S BALTIMORE

Telephone 275-2600 (Office only -
no home calls)

122 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204 • TELEPHONE 801-825-8800

"Real Estate From The Harbor Through North Baltimore County"

The other 2 houses away, The ^{William H. C. Nelson} ~~also~~ ^{owning Partner} bought the old Looms house. Catty Cornwell
is the school and is building another
house behind it. They will to my knowledge
offer it for sale. She is one of the individuals
who signed the letter of complaint along
with the other person, Dr. Joseph Pinner.
Dr. Pinner objects to traffic when parents
are delivering and picking up children
to and from Bluebird. As his very large
house is squeezed in between the school
and the house next door there is no
wonder that he minds the traffic 2 times
a day. I have seen no visible difference
in traffic or congestion since 1930. Everyone
who buys a house should kind out ahead
of time what surrounds it. I feel sure that
he knew the school was there and
certainly was told by his agent. Also
both parties ^{considering} ~~considering~~ neighbors
want and perhaps for personal reasons
want the property enjoyed by the neighbors.

"Real Estate From The Harbor Through North Baltimore County"

I am a Real Estate Agent with the
O W H.C. & W.D. Smith Co.

"Real Estate From The Harbor Through North Baltimore County"

Michael Lewis Freilich, Esquire
401 Washington Avenue
Towson, Md. 21204

Ms. Barbara Rayburn
2011 York Road
Baltimore, 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
7th day of September, 1983.

Arnold Layton
ARNOLD LAYTON
Zoning Commissioner

Petitioner: Ruxton Country School, Inc.
Petitioner's Attorney: M. L. Freilich, Esquire
Received by: Nicholas B. Connors
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Sept. 2, 1983
Posted for: *Appeal*
Petitioner: *Ruxton Country School, Inc.*
Location of property: *NW/Corner of Berwick and Locust Aves.*
Location of Signs: *NW/Corner of Berwick and Locust Aves.*
Remarks: *12 Signs*
Posted by: *M. L. Freilich*
Number of Signs: *1* Date of return: *Sept. 7, 1983*

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

Cost of Advertisement, \$29.78

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Sept. 3, 1983
Posted for: *Special Hearing*
Petitioner: *Ruxton Country School, Inc.*
Location of property: *NW/Corner of Berwick and Locust Aves.*
Location of Signs: *NW/Corner of Locust and Berwick Avenues*
Remarks: *12 Signs*
Posted by: *M. L. Freilich*
Number of Signs: *1* Date of return: *Sept. 7, 1983*

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 29, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 29th day of September 1983.

THE JEFFERSONIAN

Cost of Advertisement, \$21.00

Veteran Ruxton Teacher Honored By Community

Early tough years she has spent firmly on her feet and has been a pillar of strength to many. In consequence, several hundred members of the community gathered last Saturday for a neighborhood celebration to honor the life of Miss Therese Gillard, a Ruxton teacher and a woman of many talents.

PEACEMAKER'S Head Of Blue Bird School Ruxton, Miss Waelchli, Dies

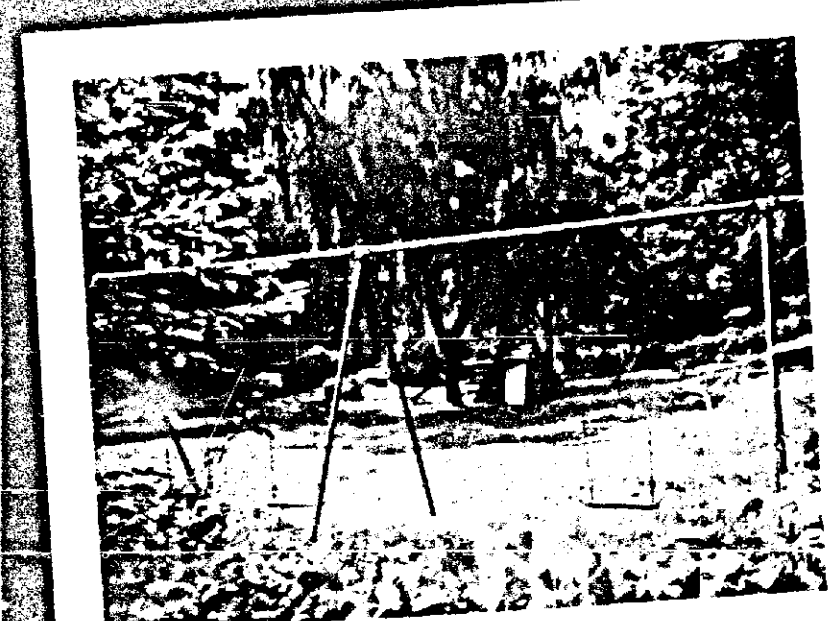
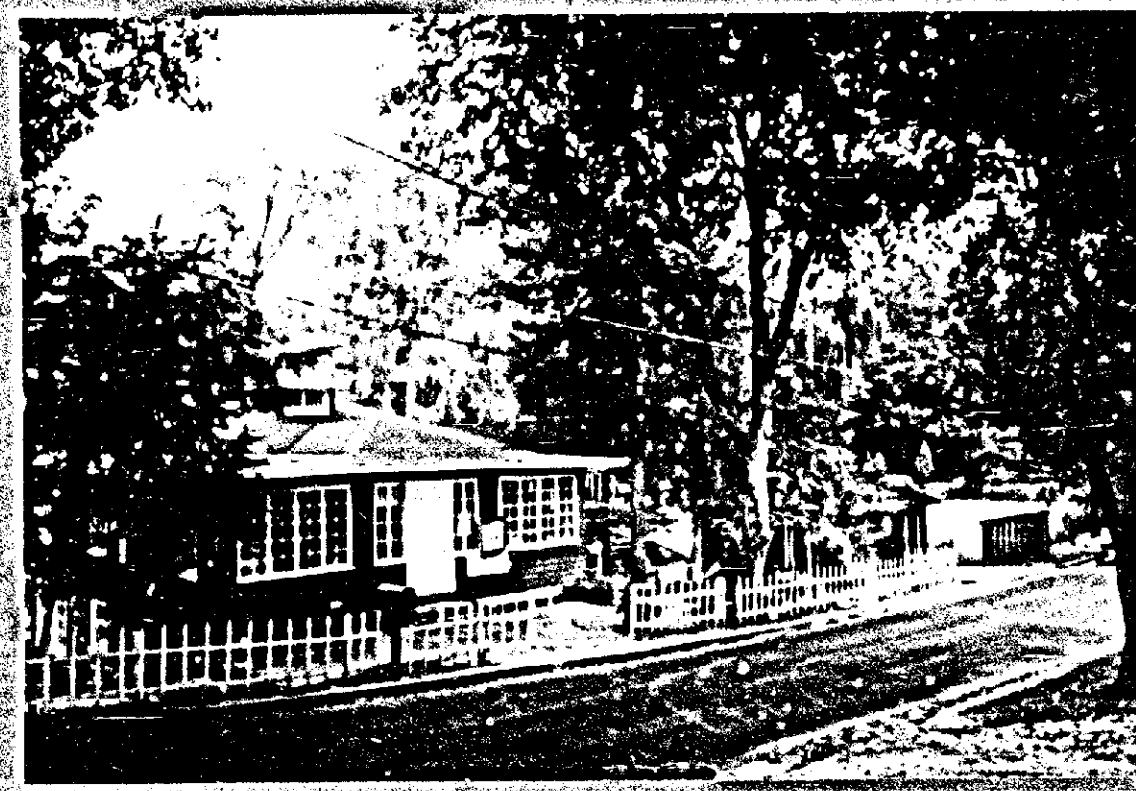
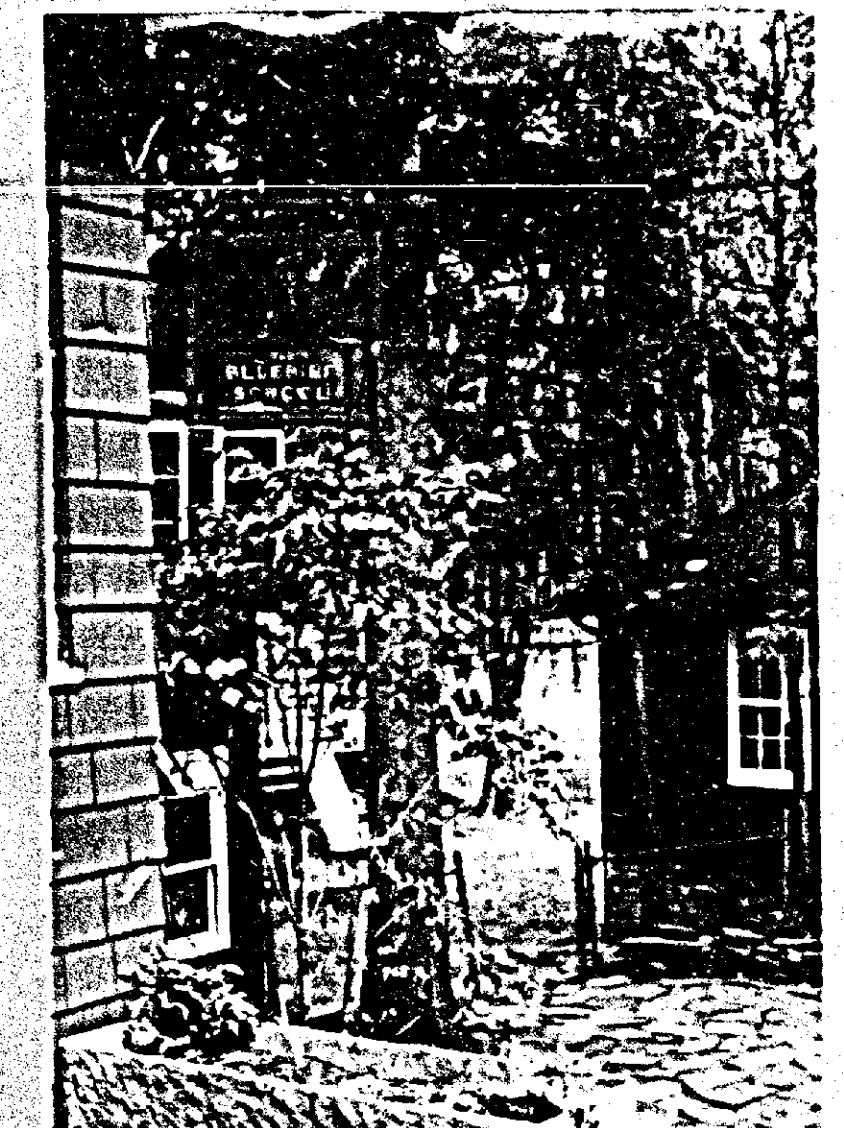
Stressful, yet highly personalized, version of the life of Miss Waelchli, who died last Saturday, was the subject of a service held at the Church of the Good Shepherd in Ruxton.

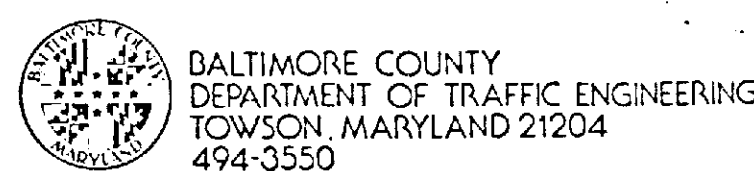
ADMITTED IN MARYLAND
KEVIN J. LEONARD
ATTORNEY AT LAW
MICHAEL LEWIS FREILICH, CHARTERED
NOTARY PUBLIC
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

84-106-SPH
NW/Corner Berwick and Locust Aves.
Ruxton Country School, Inc.
1 SIGN

BALTIMORE COUNTY, MARYLAND OFFICE OF REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 422990
DATE: 11/29/83 ACCOUNT: R-01-615-000
AMOUNT: \$80.00
RECEIVED: Michael L. Freilich, Esquire
FROM: Appeal fee on Case 84-106-SPH
FOR: (Ruxton Country School, Inc.)
164. C 02*****06010 229AA
VALIDATION OR SIGNATURE OF CASHIER





STEPHEN E. COLLINS
DIRECTOR

August 2, 1983

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

Item No. 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11. ZAC-Meeting of July 5, 1983.
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 5, 1983

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

Z.A.C. Meeting of: July 5, 1983

RE: Item No: 275, 276, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
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, Assistant
Department of Planning

WNP/bp

William E. Hammond, Zoning Commissioner
Office of Planning and Zoning

August 2, 1983

Ian J. Forrest

Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #275 - Steven J. & Theola S. Toole
- Item #2 - Jack Irwin Brown, et al
- Item #3 - Maryland Builders, Inc.
- Item #5 - Miles V. Martin
- Item #7 - Paul E. & Alberta G. Nolder
- Item #9 - Ruxton Country School

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

137/eth

IN RE: PETITION SPECIAL HEARING
NW corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.

OFFICE OF THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-104-21H

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Ruxton Country School, comes before the Zoning Commissioner to request a determination that it is in fact a nonconforming use in its present location.

The Petitioner, represented by Counsel, presented numerous witnesses, including the present headmistress of the school. Protestants appeared and testified. Also testifying was Diana Litter of the Zoning Office.

Testimony was presented, and was uncontradicted, that the property, zoned D.R.2, was purchased by the founders of the Blue Bird School for the express and sole purpose of a school in which the teacher hired could live. The Blue Bird School began in the early 1930's by a group of neighbors who joined together to provide an education for their children. They retained a teacher who lived with one of the founders until they purchased the property and building into which the teacher moved and set up the school. This occurred in or about the early 1930's. The testimony presented by the Petitioner testified that they had lived in the area of the school all of their lives and had indeed attended the school in their and its early years. Testimony was clear that the school, now known as Ruxton Country School, has been in continuous existence without interruption. Indeed, the number of students attending have remained fairly constant throughout the years. The school has always provided classes for children from pre-school, kindergarten, and first grade through fourth. The average class size in the 20's was nine to 12.

ORDER RECEIVED FOR FILING

DATE 8/24/83

BY [Signature]

in the 50's about 15, and in recent years the total number of students has ranged from 45 to 78. During the course of the school's existence, grades five and six have been offered when the student population allows. The school was first certified by the State Department of Education in 1948, and has been licensed since. The State did not license non-public schools prior to 1948.

A stable, or garage, had existed on the property separate and apart from the main building and had been used alternately through the years for arts and crafts, a camp, a stable and garage, and for classroom space since 1976. No longer is there anyone living in residence.

The Petitioner argues that the school existed prior to the adoption of any zoning regulations and therefore is now a nonconforming use. Although a school is now permitted as of right in a D.R. Zone, it is necessary for the school to be approved as a nonconforming use in order to allow for the lack of on-site parking, to conform to setback requirements, and to avoid the implementation of the residential transition area (RTA) requirements.

The Protestants testified that the school has numerous health and safety problems which need corrective action. They also testified that there is a lack of screening between the school and Dr. Joseph Aisner, a neighbor and Protestant here-

in. Further, soil retardation is becoming a serious problem on the school site which if allowed to continue will cause serious erosion to occur to Dr. Aisner's property. There was also testimony about traffic congestion in front of the school, which the school has apparently alleviated through actions taken to re-route traffic and prevent parking in front of the school to the satisfaction of Dr. Aisner. All the Protestants complained about trees being destroyed.

The Petitioner seeks relief under Section 104 of the Baltimore County Zoning Regulations (BCZR).

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, *American*

Law of Zoning, 2nd Ed., Section 6.01 to 6.73; 3 Rathkopf, The Law of Zoning and Planning, Section 58-1 to 62-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129 A.2d 363 (1957). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. Feldstein v. LaNale Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948).

In deciding whether a current activity is within the scope of a nonconforming use, the following factors should be considered:

1. to what extent the current use of the property reflects the nature and purpose of the original nonconforming use;
2. is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
3. does the current use have a substantially different effect upon the neighborhood; and
4. is the current use a drastic enlargement or extension of the original nonconforming use.

Idem v. Balto. County, 39 Md. App. 257 (1948).

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a

presumption of validity that must be accepted. Johnson & Wales College v. DiPietro, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd. of Dineham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Revillacqua, 432 A.2d 661 (R.I., 1981).

Section 104.1 is clear and unambiguous.

Nonconforming uses are by definition inherently incompatible with permitted uses in a zone; the Petitioner, however, is not inherently incompatible as a school as, under the present zoning regulations, it is permitted as of right. See Boyce v. Sembly, 29 Md. App. 43 (1975). The lack of parking on the site and the lack of appropriate setback requirements are incompatible. There is no question that the school has been in continuous existence since the World War I era. Although there has been a change of ownership, even if the existence of the school was to be determined as a nonconforming use, the mere change does not destroy such a use. Consequently, a use transferred to a successor in interest will continue to be legal so long as the nature and character of that use is unchanged and substantially the same facilities are used. Kastendike v. Balto. A.S.N. for Retarded Children, 267 Md. 389 (1974). The question of what is an extension or enlargement is ordinarily one of fact. Wilson v. Mayor and Commissioners of Town of Elkridge, 35 Md. App. 417 (1977).

Based on the evidence and testimony presented, the existence of Ruxton Country School in a D.R.2 Zone is permitted as a matter of right. It is equally clear from the testimony and evidence that the site has been essentially unchanged since the day it was first founded as a school. Under the present zoning regulations, Section 409.2, a school is required to have one parking space for each six seats

to be permanently maintained off street. Pursuant to Section 504, BCZR, and the Comprehensive Manual for Development Policies, setbacks of 40 feet minimum front yard depth, 30 feet minimum side yard width, 40 feet minimum sum of side yard widths, and 40 feet minimum rear yard depth are required. It is equally clear that the school cannot satisfy all of these requirements. Therefore, to the extent that the school cannot satisfy these requirements, a nonconforming use exists. Certainly, the facts as presented are clear that no new buildings have been added or buildings moved. The current parking situation and setback situation reflects the nature of the original building and represents no departure to what had existed before the zoning regulations. The current situation does not cause a substantially different effect upon the neighborhood and there has been no drastic enlargement or extension of the original use.

It is clear that approval of the lack of on-site parking as a nonconforming use and the nonconforming setbacks will not adversely affect the health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request for determination of a nonconforming use is granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of October, 1983, that the Petition for Special Hearing to determine nonconforming use for presently existing side, front, and rear yard setbacks as where appropriate, as more fully described on Petitioner's Exhibit 3, and for lack of off-street parking be and is hereby GRANTED for the purpose of determining the above, the property as a school is declared to be a nonconforming use, from and after the date of this Order, subject to the following:

1. A detailed landscaping plan shall be submitted for approval by the Current Planning and Development Division, Office of Planning and Zoning. Such plan shall provide for more than fencing and shall include appropriate

ORDER RECEIVED FOR FILING

DATE 8/24/83

BY [Signature]

LYON, SCHENCK, STECK, ASSOCIATES

TEXTILES

1558 PENNBOUR ROAD
P. O. BOX 28065
GREENSBORO, N.C. 27408

TELEPHONE
919-879-1623

July 22, 1983

Mrs. Judith B. Banker
Head Mistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was distressed to learn that your school, which I remember so fondly as Blue Bird School, is in jeopardy for its existence. I was a student during my second, third, and fourth grade years (1944-1946) at Blue Bird and thank that school for much of my founding in math and language. In my opinion, it would be a tragic loss to the Ruxton community for this traditional old elementary school to be lost to its future young people.

I sincerely hope that suitable defenses may be found to stop the Baltimore County zoning office from doing damage to the existence of the school.

Sincerely yours,

Fred H. Steck
Fred H. Steck, Jr.

/gb

July 21, 1983

To whom it may concern:

We have been living in the Ruxton area since 1955. At that time we believe that the Blue Bird-Ruxton Country School had been in existence for a number of years and was highly respected. We lost four of our children to school there and were very pleased with the quality of instruction. Since that time it is our understanding that the school has continued to offer an excellent education to the Ruxton community. It is our understanding that Dr. Joseph Dixon, Mr. Christopher Burrows and Mr. Billy Rude have complained to the zoning office charging the school with zoning, health, safety, traffic and fire violations and have requested a public hearing. Since this time

July 20, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

The Johnson family moved to Ruxton in 1944. Our three children were enrolled in the Bluebird School that year and graduated in due turn.

We chose the Bluebird School because of its extraordinary scholastic reputation for academic excellence and character building under the direction of Miss Therese Macchili.

What this school did for our family was priceless and rare in the field of education. Ruxton has been the benefactor over many years from the principles instilled into its youth through association with this institution.

Most sincerely,

Marius P. Johnson
Dr. Marius P. Johnson

July 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

I lived in Ruxton from 1930 until 1947 on Ruxton Road west of Bellona Avenue, and from 1947 to 1963 at 1409 LaBelle Avenue. My mother, Champe B. Tubman, lived at these addresses until she passed away in 1977, still residing at 1409 LaBelle Avenue.

The "Bluebird School", as it was known in those days, was an important and popular element in the community. It was located between Locust and Berwick Avenues, where it continues today under the name of "The Ruxton Country School". As far as I know, this School has always been a small private elementary school for boys and girls. Many neighborhood children have attended the School over the years.

I honestly can not recall a single complaint about the School being located in the neighborhood in the years I lived there; and I do not recall my mother mentioning a complaint, thereafter. I clearly recall that the School was a popular meeting place for many neighborhood residents each year on Halloween, when the children enjoyed watching the headmistress play the part of the witch and the older folks met there to exchange pleasantries.

Assuming that the School has not changed its character in recent years, it surprises me that some individuals would complain about it, particularly if they purchased or built in the neighborhood after the School had been long established there. It would be regrettable if a few individuals, for personal gain or in order to reverse a bad financial decision, were able to close the School. Obviously, there are many who are content to have the School remain there.

Sincerely,

Joseph R. Tubman
Joseph R. Tubman
11431 Mays Chapel Road
Timonium, MD 21093

Van Zelen
Washington, D.C. 20543

June 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker,

Our daughter, Connie, was a student at the Blue Bird School. She was enrolled in 1943 when she was five years old and continued her studies at that school until her graduation in 1947 when she was enrolled at Ruxton Country School in Baltimore where she graduated.

Her school was in the same location on Berwick Ave. that it is now and was a small private elementary school for boys and girls.

Our son William was a first grader at Blue Bird School in 1951.

With good wishes

Sincerely, *Queen van Zelen*

Mrs. William H. Gordon
1217 Berwick Road, Baltimore, Maryland 21204

July 20, 1983

Dear Mrs. Banker,

We moved to Ruxton, at the above address, in 1938. I kind personally that the Bluebird School was in existence at its present location. Also we had two daughters who attended this school, one beginning her school year in 1942, and the other daughter beginning her school year in 1945.

Ruxton Country School has been an exceptionally good school, serving the community and nearby areas.

Sincerely,
Amelia C. Gordon

ALEXANDER Y. HOFF
2539 ELLENHAM ROAD, BALTIMORE, MARYLAND 21204

July 19, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

This is to attest that I attended your school from 1941 to 1944. It was then, and is now, an asset to the neighborhood and remains virtually unchanged in both physical character and outstanding educational quality.

Very truly yours,

A. Y. Hoff
A. Y. Hoff

AYH:cm

M. PITKIN JOHNSON, JR., D.D.S.
RITCHIE PROFESSIONAL CENTER
8025 RITCHIE HIGHWAY
PRASADENA, MARYLAND 21122
TELEPHONE 768-3288

July 19, 1983

Mrs. Judith B. Banker, headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am a dentist, age 46, and a 1947 graduate of the Bluebird School. When my parents moved to Ruxton in 1941, they enrolled me in the pre-school. By six years at Bluebird, under the direction of Therese Macchili, were important in my preparation for entrance into the Gilman School. The quality of education was so high that, in later years, students were admitted to Gilman with little attention to the usual entrance examinations, for the reputation of Bluebird carried greater weight.

I can still recall knowing the multiplication tables by the end of the second grade, and by the end of the third grade all students could recite them in French!

As a resident of Anne Arundel County since 1955, I shall always remember growing up in Ruxton. My roots are there and certainly the Bluebird School is in the forefront of my memories. I wish you good luck in your defense of the school. I hope my contribution is one of many documents needed to present to the Zoning Board.

Sincerely,

M. Pitkin Johnson, Jr.
M. Pitkin Johnson, Jr.

PPJ/ssb

screening to shield the residence to the west of the subject site from said site. Said plan need only provide for landscaping between Dr. Aisner's property and the school. If the parties can reach an agreement, the above restriction will be superceded and not be required. An amended site plan showing said screening must be submitted to the Zoning Office.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 19, 1983
BY John R. Langley
ADMINISTRATIVE ASSISTANT

- 6 -

Legal Description-1402 Berwick Ave.
Ruxton, MD 21204

Beginning at the northwest corner of Berwick Avenue, Locust Avenue and running the following courses:

N 46 55 W 16.00

N 50 25 W 220.93

S 40 11 W 90.54

S 00 19 W 82.53

Thence easterly along the north side of Berwick Avenue
also known as 1402 Berwick Avenue.

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

LOCATION: Northwest corner of Berwick and Locust Avenues

DATE & TIME: Wednesday, October 19, 1983 at 1:30 P.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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a prior nonconforming use for the Ruxton Country School including day care center

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

Being the property of Ruxton Country School, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



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

ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/cor. Berwick & Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

Dear Mr. Frellich:

This is to advise you that \$55.28 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

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

No. 122908

DATE 10/19/83 ACCOUNT R-01-615-000

AMOUNT \$55.28

RECEIVED Ruxton Country School
FOR Advertising & Posting Case #84-106-SPH

6 010*****552810 #20-A

VALIDATION OR SIGNATURE OF CASHIER

September 22, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
NW/cor. Berwick and Locust Avenue
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

TIME: 1:30 P.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 117691

DATE 10/24/83 ACCOUNT R-01-615-00

AMOUNT \$100.00

RECEIVED Michael Lewis Frellich
FROM Ray Turner
FOR Ruxton Country School
(eb) 6 090*****100010 227-A

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWSON BUILDING
TOWSON, MARYLAND 21204
301-266-4343

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

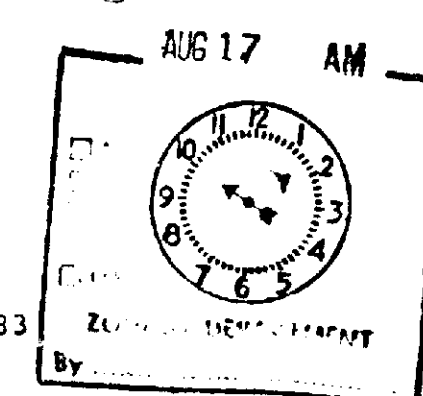
Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approbation for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and, in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active renovating or selling other real estate in our otherwise sedate residential community.



J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I like the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

[Signature]
J. Elmer Weisheit

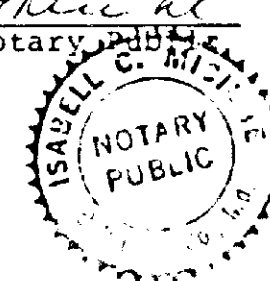
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm F. Spicer, Jr., County Attorney
TO: Thomas Bellinger, Asst. County Attorney Date October 31, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-106-SPH

It appears that this case, being a special hearing upon nonconforming use, is within the jurisdiction of your office rather than ours. Please note that if an appeal is desired, the time limit for filing is Friday, November 25, 1983.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

Enclosure:
Order dtd. 10-27-83

PMZ:sh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Thomas Bollinger, Asst. County Attorney Date: November 30, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-105-SPH

As further explained in my memorandum of October 31, 1983, this case decision was referred to you. In the meantime, an appeal has been filed by the Attorney for Petitioner. Copies of our memorandum and the Zoning Commissioner's letter dated November 29, 1983 are enclosed for your information.

Peter Max Zimmerman
Peter Max Zimmerman, Deputy People's Counsel

Enclosures
cc: County Board of Appeals
sh

October 27, 1983

Michael Lewis Freilich, Esquire
P.O. Box 5465
Towson, Maryland 21285-5465

IN RE: Petition Special Hearing
NW/corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.,
Petitioner
Case No. 84-105-SPH

Dear Mr. Freilich:

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/ar1

Attachments

cc: Arnold Fleischmann, Esquire
Suite 500, 40 West Chesapeake Avenue
Towson, Maryland 21204

Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 29, 1983

Arnold Fleischmann, Esquire
Suite 500
40 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/corner of Berwick and Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-105-SPH

Dear Mr. Fleischmann:

Please be advised that an appeal has been filed by Michael Lewis Freilich, attorney for the petitioner, from the decision rendered by the Zoning Commissioner of Baltimore County, as to the imposition of an obligation to plant screening as a condition to the nonconforming use, said use being granted on October 27, 1983.

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

Sincerely,

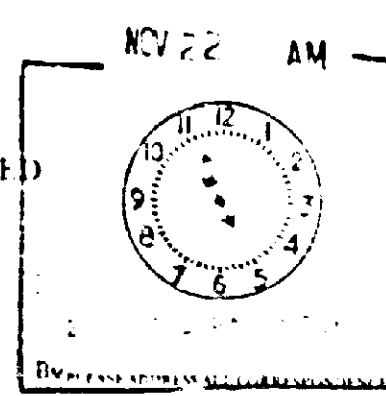
Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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

MICHAEL LEWIS FREILICH, CHARTERED
NOTES & LANDMARKS
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND
(410) 521-0000



MICHAEL LEWIS FREILICH
DEBORAH BLACK MOORE
KEVIN J. LEONARD
*ADMITTED IN FLORIDA 1/8/80

November 22, 1983

Mr. Arnold Jablon,
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

Re: Notice of Appeal of the
Commissioner's decision in case no. 84-105-SPH
Our File No. 644-1

Dear Mr. Jablon:

This is to inform you that the Petitioner in the above-captioned matter, the Ruxton Country School, appeals the Commissioner's imposition of an obligation to plant screening as a condition to the nonconforming use.

The Petitioner does not appeal the Commissioner's finding of a prior nonconforming use.

Enclosed is a check for \$20.00 to cover the cost of the appeal and the posting that will be necessary in connection therewith.

Thank you for your cooperation in this matter.

Sincerely yours,

Michael Lewis Freilich
Michael Lewis Freilich
1/1w/49

PETITIONER'S EXHIBIT

To whom it may concern:
We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Barbara Orendoff</i>	BARBARA ORENDOFF	1407 BERWICK RD. 6 1/2 yr.	
<i>P. Barrett Orendoff</i>	P. BARRETT ORENDOFF	1407 BERWICK RD. 6 1/2 yrs	
<i>Patricia M. Smith</i>	Patricia Smith	1533 Locust Ave 10 yrs.	
<i>Paul H. Smith</i>	PAUL H. SMITH	1503 LOCUST AVE 10 yrs	
<i>Millie Walzer</i>	Millie Walzer	1505 Locust Ave 8	
<i>Peter H. Walzer</i>	PETER H. WALZER	1502 BERWICK RD. 17	
<i>Harry M. Walzer</i>	HARRY WALZER	1505 LOCUST AVE 8	
<i>John W. Walzer</i>	JOHN W. WALZER	1516 BERWICK RD. 21204 4 yrs	
<i>David M. Walzer</i>	DAVID FORBES	1512 BERWICK RD. 21204	
<i>David M. Walzer</i>	DAVID WARSZAWSKY	1506 BERWICK RD. 21204 13 yrs	
<i>Marlene Warszawsky</i>	MARLENE WARSZAWSKY	1506 BERWICK RD. 21204 13 yrs	
<i>RJ Traustman</i>	RJ TRAUSTMAN	1510 BERWICK RD. 21204 11 yrs	
<i>Ellen H. Godine</i>	ELLEN H. GODINE	1308 LOCUST AVE. 13 yrs	
<i>Louise H. Schulz</i>	LOUISE H. SCHULZ	1406 BERWICK RD. 4 yrs	
<i>Toy D. Savage, III</i>	TOY D. SAVAGE, III	1501 BERWICK RD. 3 yrs	
<i>Gail L. Savage</i>	GAIL L. SAVAGE	121 BERWICK RD. 3 1/2 yrs	
<i>Patricia L. Burrow</i>	PAWELA L. BURROW	1405 BERWICK RD. 2 yrs	
<i>Christopher R. Burrow</i>	CHRISTOPHER R. BURROW	1405 BERWICK RD. 2 yrs	
<i>Joseph A. Schulz</i>	JOSEPH A. SCHULZ	1406 BERWICK RD. 4 yrs	
<i>Barbara Ann Dicks</i>	BARBARA ANN DICKS	1501 LOCUST AVE 14 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>J. Elmer Weiskert</i>	J. ELMER WEISKERT	1401 BERWICK RD. 29 yrs	
<i>D.M. Godine</i>	D.M. GODINE	1308 LOCUST AVE 10 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Kathleen J. Reed</i>	KATHLEEN J. REED	1408 BERWICK RD. 1 1/2 yrs.	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>V. Havaro</i>	V. HAVARO	1500 Ruxton Rd 21204 9 yrs	
<i>Lynne B. Havaro</i>	LYNNE B. HAVARO	1500 Ruxton Rd 21204 9 yrs	
<i>Sarah F. Wilkes</i>	SARAH F. WILKES	1510 Ruxton Rd 21204 13 yrs	
<i>Peter R. Wilkes</i>	PETER R. WILKES	1510 Ruxton Rd 21204 same	
<i>Shirley B. Perry</i>	SHIRLEY B. PERRY	1514 Ruxton Rd 21204 20 yrs	
<i>Raymond L. Perry</i>	RAYMOND L. PERRY	1514 Ruxton Rd 21204 11 yrs	
<i>Harry S. Hays</i>	HARRY S. HAYS	1412 Ruxton Rd. 7	
<i>Susan C. McKernan</i>	SUSAN C. MCKERNAN	1412 Ruxton Rd. 2 yrs	
<i>Elizabeth S. Calkins</i>	ELIZABETH S. CALKINS	1406 Ruxton Rd. 20 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Joyce S. McCrystle</i>	Joyce S. McCrystle	1517 LOCUST AVE.	18
<i>Helen D. Martin</i>	Helen D. Martin	1409 Locust Ave.	12
<i>J. Carey Martin</i>	J. CAREY MARTIN	1409 Locust Ave.	12
<i>Wright Covington</i>	Bill Covington	1501 Boyce Ave	27
<i>J. Brock McCrystle</i>	J. Brock McCrystle	1517 Locust Ave	18
<i>Priscilla L. Buppert</i>	Hobart C. Buppert	1501 LaBelle Ave.	44
<i>William B. Boyer</i>	William B. Boyer	1407 LaBelle Ave	24
<i>John B. Boyer</i>	John B. Boyer	1407 LaBelle Ave	24
<i>John B. Boyer</i>	John B. Boyer	1409 Berwick Rd.	16 yrs.
<i>Robert B. Boyer</i>	Robert B. Boyer	1409 Berwick Rd.	16 yrs.
<i>Frances P. Spayd</i>	Frances P. Spayd	1502 Berwick Rd.	17 yrs.
<i>Ann H. Stillmann</i>	Ann H. Stillmann	1411 LaBelle Ave	20 yrs.
<i>Ann H. Stillmann</i>	Ann H. Stillmann	1412 LaBelle Ave	<1 year
<i>Harvey J. Reed</i>	Harvey J. Reed	1408 Berwick Rd	2
<i>Alison and her son</i>	Alison and her son	1307 Berwick Rd.	28 yrs.
<i>Sharon Weiss</i>	Sharon Weiss	7705 Rider Hill Rd.	12 yrs.
<i>C. Macklin + Bettye B. Speed</i>	C. Macklin + Bettye B. Speed	7703 Rider Hill Rd.	21 yrs.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>John W. Weiskert</i>	John W. Weiskert	1401 Berwick Rd	24 yrs.
<i>John M. Goshue</i>	John M. Goshue	1302 Locust Ave	10 years
<i>Carl Nelson</i>	Carl Nelson	1314 Berwick Rd. Ruxton	69 years.
<i>Mr. & Mrs. John C. O'Connor</i>	Mr. & Mrs. John C. O'Connor	1413 Locust Ave.	20 years.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Frederick T. Weir</i>	Frederick T. Weir	1214 Berwick Rd	52
<i>Lois W. Weir</i>	Lois W. Weir	1214 Berwick Rd	4 1/2
<i>Lois W. Weir</i>	Lois W. Weir	1209 Berwick Rd	53 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	56 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	31 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	29 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	60 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1409 LaBelle Ave	59 yrs.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Frederick T. Weir</i>	Frederick T. Weir	1214 Berwick Rd	52
<i>Lois W. Weir</i>	Lois W. Weir	1214 Berwick Rd	4 1/2
<i>Lois W. Weir</i>	Lois W. Weir	1209 Berwick Rd	53 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	56 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	31 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	29 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	60 yrs.
<i>Lois W. Weir</i>	Lois W. Weir	1409 LaBelle Ave	59 yrs.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Alec Munsell</i>	Alec Munsell	1304 Berwick Rd	34
<i>Frances B. Munsell</i>	Frances B. Munsell	1304 Berwick Rd.	34

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Karin Wilson</i>	Karin Wilson	1302 Locust Ave.	3 yrs

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Susan E. Athey</i>	Susan E. Athey	1505 LaBelle Ave.	2
<i>Susan E. Athey</i>	Susan E. Athey	1507 LaBelle Ave	8
<i>Susan E. Athey</i>	Susan E. Athey	1510 LaBelle Ave	10
<i>Susan E. Athey</i>	Susan E. Athey	1504 LaBelle Ave	12
<i>Susan E. Athey</i>	Susan E. Athey	1500 Locust Ave	20
<i>Susan E. Athey</i>	Susan E. Athey	1414 Locust Ave	13
<i>Susan E. Athey</i>	Susan E. Athey	1414 Locust Ave	13
<i>Susan E. Athey</i>	Susan E. Athey	1323 Berwick Rd	36
<i>Susan E. Athey</i>	Susan E. Athey	" "	46+
<i>Susan E. Athey</i>	Susan E. Athey	1320 Berwick Rd.	8
<i>Susan E. Athey</i>	Susan E. Athey	1319 Berwick Rd	34
<i>Susan E. Athey</i>	Susan E. Athey	1318 Berwick Rd	2104
<i>Susan E. Athey</i>	Susan E. Athey	7701 Rider Hill	2104
<i>Susan E. Athey</i>	Susan E. Athey	1413 LaBelle Ave	27 yrs.
<i>Susan E. Athey</i>	Susan E. Athey	1413 LaBelle Ave	27 yrs.
<i>Susan E. Athey</i>	Susan E. Athey	7809 Chelmsford	12 yrs
<i>Susan E. Athey</i>	Susan E. Athey	1515 LaBelle Ave	28 yrs
<i>Susan E. Athey</i>	Susan E. Athey	1509 LaBelle Ave	9 yrs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Dr. Donald Rook Date: April 13, 1983
FROM: Ray Prayton
SUBJECT: Ruxton Country School, 1402 Berwick Road, Towson 21204

The relicensing inspections are in process for the Ruxton Country School. Inspection reports have already been approved by Fire Prevention and Environmental Services. Therefore, when the "Ruxton letter" arrived, we decided to proceed on schedule with our investigations. Within a few weeks, the Zoning Commissioner will approve or disapprove the Ruxton Country School application with regard to the present situation. Lt. Largent and James Dieter were asked on April 4 to comment on safety issues addressed in the letter. Our office is still waiting for a response.

The school at 1402 Berwick Road is over 50 years old, known originally as the Blue Bird School, housing over 80 children. In 1978, the school became officially the Ruxton Country School and ownership changed from the Board of Trustees of the Blue Bird School, Inc. to the Board of Directors of the Ruxton Country School, Inc.

The Ruxton Country School is approved by the State Department of Education. The Baltimore County Department of Health is involved exclusively in the approvals of the admission of up to twenty pre-school children. When our investigations for relicensure confirm that preschoolers are no longer in attendance, the school will not need Health Department inspections or a County permit for Day Nurseries.

CD/jt
Attachments

PROTESTANT'S EXHIBIT

RECEIVED

APR 13 1983

DEPT. OF HEALTH

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWSON BUILDING
TOWSON, MARYLAND 21204
301-298-4343

PETITIONER'S EXHIBIT 17

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approval for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active in removing or selling other real estate in our otherwise sedate residential community.

J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I support the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

J. Elmer Weisheit

J. Elmer Weisheit

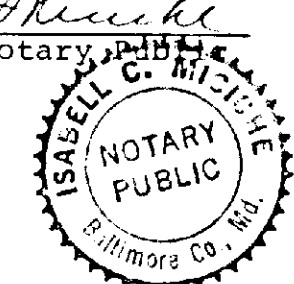
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



Baltimore County Soil Conservation District



9811 VAN BUREN LANE COCKEYSVILLE, MARYLAND 21030 PHONE (201) 666-1188

REPORT OF FIELD INSPECTION

John Gease
District Manager

On Friday, April 30, 1982 soil conservationist Steve Smith and I inspected the lot owned by Ms. Sally Ruhl near the intersection of Locust and Berwick Avenues.

The topography of the area east of the drive to the property is such that a significant volume of water will be carried toward the drive. Because of sparse groundcover on the adjacent property, this water will travel at a rapid rate and possibly be erosive. A low lying area 15' east of the drive is serving as a sump for this water, with the land rising again as it approaches the drive.

Ms. Ruhl described a stone drainage area placed below grade in the sump. This system serves to percolate the water to a drainage pipe under the drive. This system seems to be working well, as the soil in the depression was dry and a heavy rain had preceded our field inspection by just a few days.

Ms. Ruhl stated that the drive was to be paved in the near future, and that the pitch of the drive would cause the water to flow towards the depression. She was concerned that water leaving the drive could cause an erosion problem as it left the drive at a high velocity.

We then discussed several types of vegetative stabilization. The type decided upon was a row of white pine running along the drive. Ms. Ruhl stated that a nurseryman had also recommended such a planting.

It is our experience that the fibrous root system of the white pine serves to hold soil and prevent erosion. The trees should be kept a minimum of five feet from the drive, but should not be planted in the depression as excess water can cause plant damage.

It was recommended that the area under the trees should be mulched heavily to prevent any washing as the trees establish themselves. This will also prevent weed growth around the base of the trees.

PROTESTANT'S
EXHIBIT 2

CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Judy Sussman Date: April 15, 1983
FROM: Margaret L. Sherrard, M.D.
SUBJECT: Ruxton Country School

We have been inspecting the Ruxton Country School for facilities, but only as a day care center. When additional grades were added for elementary school, this made the school core under the jurisdiction of the State Department of Education. We will continue to inspect and re-license as appropriate until there are no longer any pre-schoolers in the facility. We are attaching a memo from Kay Drayton, Day Care Coordinator, sent to Dr. Roop dated April 13, 1983, which includes detailed comments regarding the above.

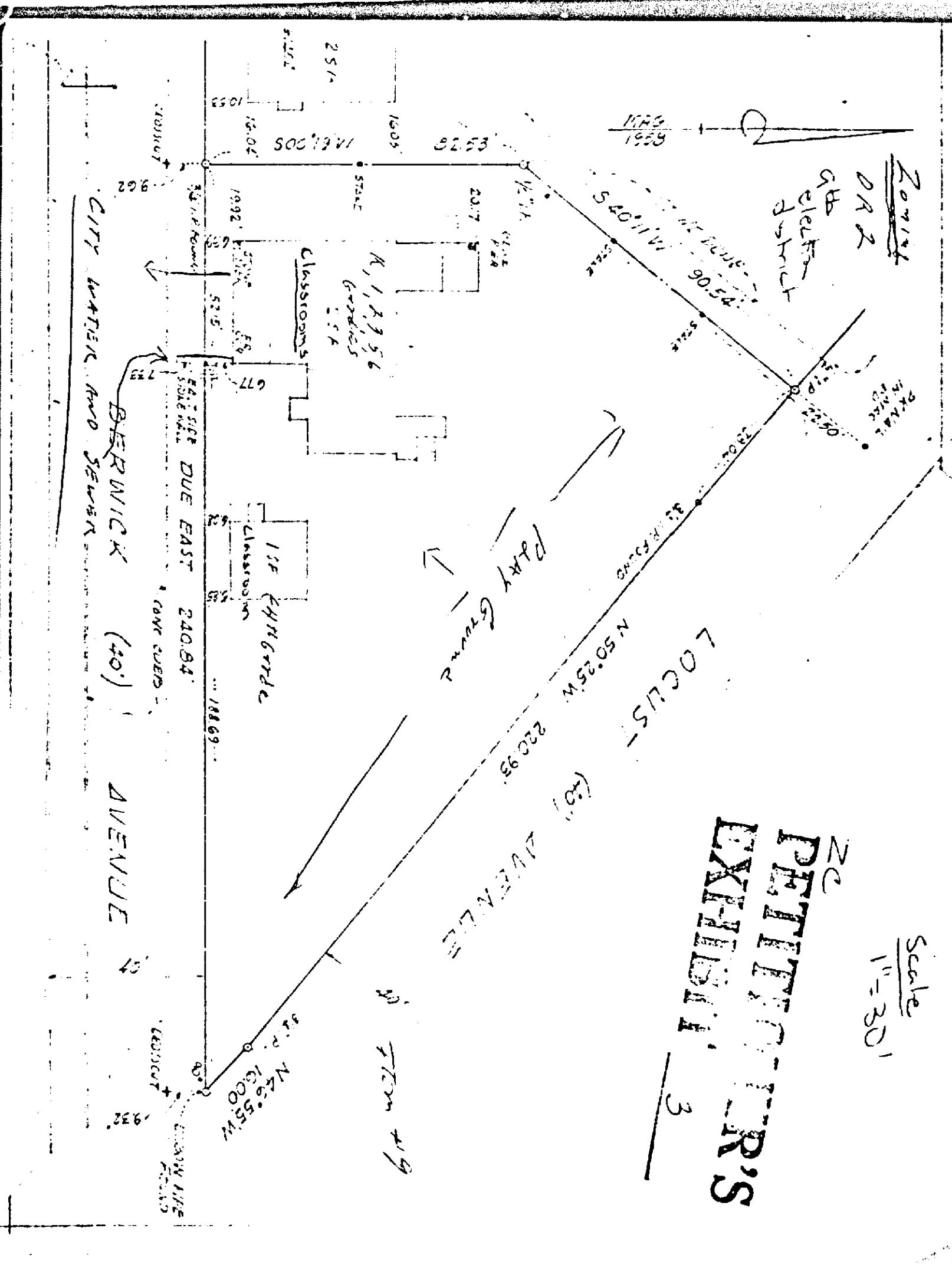
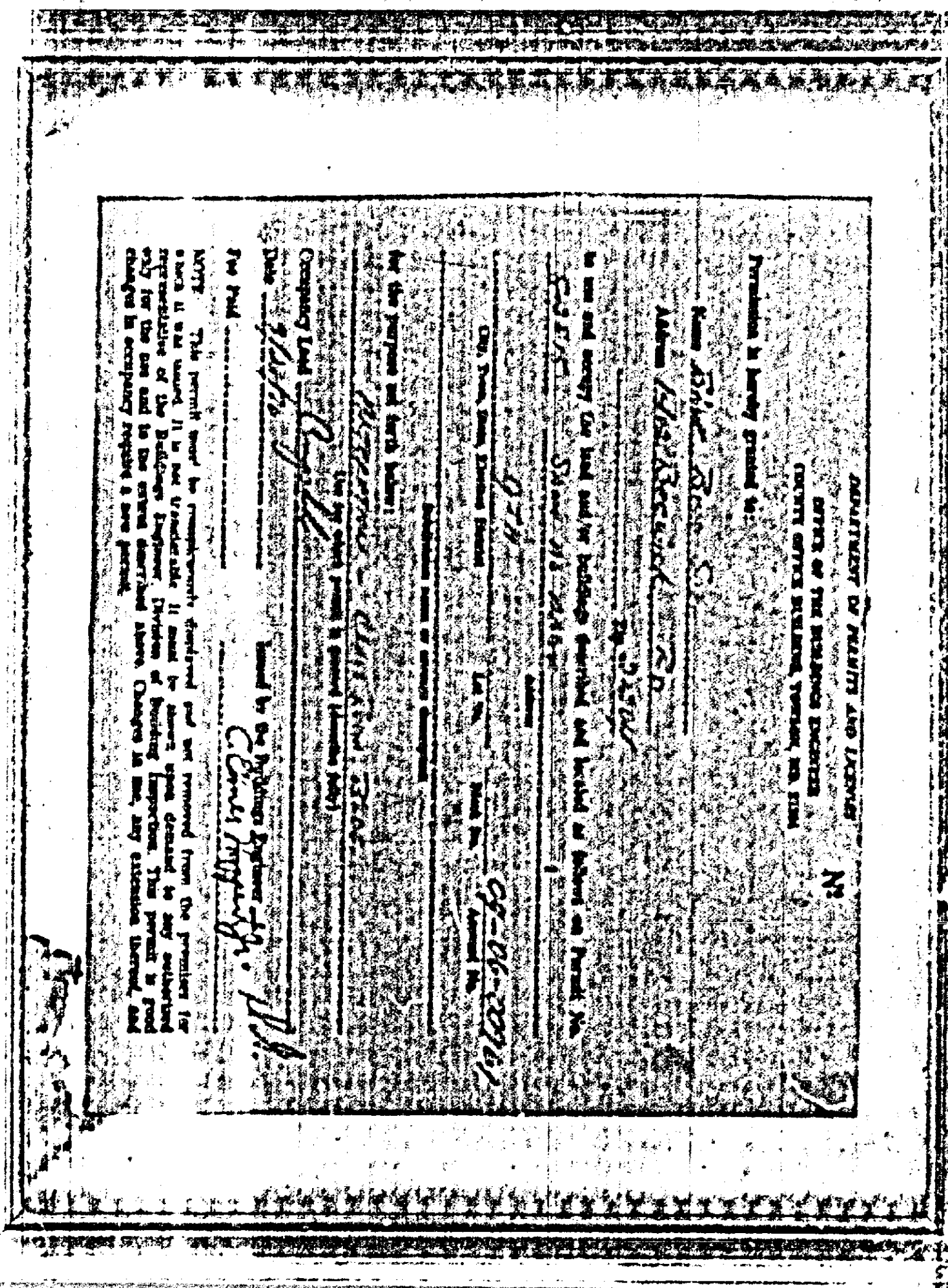
The letter of March 22nd from Dr. Roop, the Zoning Commissioner, referred to general maintenance problems and an investigation was made by a sanitarian from the Health Department. He has not submitted a written report, but in conversation he expressed the opinion that generally, overall, there were no major maintenance problems. There was no problem with debris during the investigation and no appreciable erosion or standing water were observed. However, no additional trees have been planted as recommended. The fence has two large holes and it is recommended that vegetation be removed, which means vines, honeysuckle, etc. There are large trees at the back of the property with limbs hanging over. One tree located outside the fence in the back of the property is dead and he advised that the large limbs should be pruned.

As Mrs. Drayton notes in her memo to Dr. Roop, the Zoning Commissioner will make a decision within a few weeks to either approve or disapprove the Ruxton Country School application. When we receive further information from other inspections, we will let you know. meantime, if you request any information other than we have provided and plan to provide after other inspections, please let us know.

Margaret L. Sherrard
Margaret L. Sherrard, M.D.
Deputy Director of Health

MLS:egy

Attachment



Addendum to Petition of Ruxton

Hours of Operation 8 AM to 6 PM
Monday thru Friday

no. of students- 70

no. of faculty- 7 fulltime
5 part-time
4 staff

PROTESTANT'S
EXHIBIT 3

BALTIMORE COUNTY
PLANNING & ZONING
MAYLAND 21204
JAN 1984
NOVEMBER 2, 1981
REGISTERED MAIL 7960951

Ms. Sally Ruhl
Riderwood, Maryland 21139

RE: SC81-170
Drainage
1402-04 Berwick Avenue
District 9

Dear Ms. Ruhl:

This letter is to confirm the field inspection of the drainage condition along the property line, between the dwelling which you recently built and the Ruxton Country School.

After reviewing the area, I believe it was agreed and concluded that additional work was required in the sump area - namely a yard inlet placed in the lowest area over the existing storm drain system. In reviewing the letter prepared by James S. Spamer & Associates, they have concluded the same remedy to the aforementioned problem. Mr. Tackett, of James S. Spamer & Associates, indicates that he recommends the installation of a Baltimore County Standard Y-1 Inlet (a detail of the Y-1 Inlet is attached.)

I would like to enlighten all concerned that this problem is an isolated condition in this drainage area and that both the writer and the Department of Public Works feel that the construction of the dwelling at 1404 Berwick Avenue has not adversely increased or affected the overall drainage pattern in this area.

The Office of the Buildings Engineer orders that the yard inlet be installed and the immediate area graded and stabilized within 10 days from receipt of this order.

If you disagree with the requirements to complete the work as outlined in this order or your responsibility in this matter, you may request a hearing with the Assistant Buildings Engineer by calling 494-3226 or you may appeal the order before the Baltimore County Board of Appeals within 15 days from the date of this letter.

Failure to complete the required work or to appeal this directive may necessitate this case being referred to the District

PROTESTANT'S
EXHIBIT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: October 7, 1983
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Ruxton Country School, Inc.
84-106-SPH

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

12/20/83 - Notified of appeal hearing scheduled for TUESDAY, MARCH 20, 1984 at 10 a.m.

Michael Lewis Freilich, Esq.
Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
Thomas J. Bollinger, Esq.
John W. Hessian, Esq.

1/13/84 - Above notified of Postponement and Reassignment to Thursday, April 5, 1984, at 10 a.m.

(plus P. M. Zimmerman)



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)

Towson, Maryland 21204

(301) 494-3180

January 13, 1984

NOTICE OF POSTPONEMENT and REASSIGNMENT

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including
Day Care Center

NW corner Berwick and Locust Aves.

9th District

10/27/83 - Z.C. Granted Petition

The above case which was scheduled for hearing on Tuesday, March 20, 1984,

at 10 a.m. has been POSTPONED by the Board at the request of the Protestants, and

REASSIGNED FOR: THURSDAY, APRIL 5, 1984, at 10 a.m.

cc: Michael L. Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

T. J. Bollinger, Esq. Office of Law

P. M. Zimmerman, Esq. Deputy People's Counsel

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secretary



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

April 18, 1984

Michael L. Freilich, Esq.
P. O. Box 5465
Towson, Md. 21204

Re: Case No. 84-106-SPH
Ruxton Country School, Inc.

Dear Mr. Freilich:

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: Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
T. J. Bollinger, Esq.
Phyllis Friedman
N. E. Gerber
J. Hoswell
A. Jablon
J. Jung
J. Dyer

JOSEPH AISNER, M.D. F.A.C.P.
1404 BERWICK RD.
RUXTON, MARYLAND 21204

Edith T. Eisenhart, Adm. Secretary
County Court of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Ms. Eisenhart:

Thank you for the notification of the appeal hearing on case No. 84-106-SPH Ruxton Country School, Inc. Since I was the initiator of the zoning hearing originally, and since I gave testimony in this hearing, and since the conditions applied to the granting of petition directly affected me, I have considerable interest in participating in the appeal hearing. Unfortunately, I have long standing professional commitments on March 20, 1984, and I will be participating and giving a symposium on the West Coast. Thus, I shall be unable to attend at this date. I therefore, respectfully request that the appeal hearing be rescheduled.

I shall not be available in the week of March 17 through 24 nor the weeks of April 25 through May 6, and May 13 through the end of June. I would certainly appreciate your rescheduling of this appeal hearing with these considerations.

Sincerely,
Joseph Aisner, M.D.F.A.C.P.

cc: R. Knepper c/o Levin, Gann, and Hankin.

494-3180

County Board of Appeals

Room 200 Court House

Towson, Maryland 21204

December 20, 1983

(Hearing Room #218)

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including
DAY CARE CENTER

NW CORNER BERWICK AND LOCUST AVENUES

9th DISTRICT

10/27/83 - Z.C. GRANTED PETITION

ASSIGNED FOR: TUESDAY, MARCH 20, 1984 at 10 a.m.

cc: Michael L. Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Barbara Rayburn

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

Thomas J. Bollinger, Esq. Office of Law

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

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. E. Dyer

Edith T. Eisenhart, Adm. Secretary

Those Present at Trial Table

- ① Judy Banker
- ② Raymond Via
- ③ Michael Freilich
- ④ Arnold Fleischmann

Protestants

JOSEPH AISNER 1404 BERWICK RD.
SEENA AISNER 1404 BERWICK RD.
Sara Ann Ruhl 1325 Berwick Rd.
Joseph Aisner 1325 Berwick Rd.

m. f. g. e.

Read 1-10-84
1:04 PM

Assigned by 4/14/84
Read on 4/15/84

August 2, 1983

Mrs. Judith Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Md. 21204

Dear Mrs. Banker:

As a lifelong resident of Ruxton, I am distressed to learn that the credibility of Ruxton Country School is being questioned. I live on Berwick Avenue and pass the school every day, each time enjoying the sight of the children at their activities and the warm memories they afford me. In the late 1920's and early 30's, I was a pupil there, then Bluebird School, under the enlightened tutelage of Miss Therese.

When my parents moved to Washington in 1932, the learning and cultural advances provided at Bluebird enabled me to move immediately two grades ahead in the D.C. public school system. As a parent, I was privileged to send my children to this Ruxton institution, knowing that its high standards have always been upheld. The benefits they acquired were reflected later in their good showings in Baltimore County public and private schools.

Considering the current uproar over the crises in American education, the very existence of a small, private elementary school gives us hope. If it remains viable, enduring, we have a promise of healthy elements in the coming generation, examples of an unmechanized and attentive elementary training.

To lose this to the venal desires of a real estate operative would be damn shame.

Sincerely,

Keith W. McBee
Keith W. McBee
1207 Berwick Road
Baltimore, Md. 21204

Riggs, Counselman, Michaels & Downes, Inc.
100 Light Street
Baltimore, Maryland 21202
(301) 229-4235

October 6, 1983

Mr. Michael L. Freilich
401 Washington Avenue
Towson, Maryland 21204

Dear Mr. Freilich:

I am writing to advise of my interest in the continuation of the Ruxton Country School and to express my sorrow that there is some controversy as to whether the School should be closed.

I attended this School, which was then the Bluebird School, for four years beginning in the year 1922. From there, I went to the Gilman School, and wish to state that I received a very good education at the Ruxton Country School.

This letter simply advises you of my continued interest in this School and hope the property will be used for educational purposes as in the past.

Thanking you.

Most sincerely,

Edwin W. Levering III
Edwin W. Levering, III

EWL:jp

M. JENKINS CRONWELL, JR.
1008 Old Court Road
Baltimore, Maryland 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tolly for many years; and going back quite a few years before 1946.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Cronwell, Jr.
M. Jenkins Cronwell, Jr.

MJC:cw

JAMES E. HOOPER, JR.
2518 CAVES ROAD
OWINGS MILLS, MD 21117

August 29, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

As a former student at the Bluebird School from 1926-29, I am very pleased to attest that the Bluebird School was indeed in existence at its present location at 1402 Berwick Avenue in Ruxton during this period as a small private elementary school for boys and girls.

Under the aegis of Miss Therese, its young students were well prepared for admission to Gilman and other Baltimore schools upon completion of the excellent curriculum. I no longer have any classroom documentation for space reasons but can well remember my current events books with the rotogravure pictures of major events of the time and Miss Therese's gold stars prominently displayed.

I no longer live in Ruxton, but I never heard any complaints at any time about the school during the time that I lived in Ruxton. I am happy to write this letter because I have difficulty understanding how individuals can move into a neighborhood and then threaten the existence of a private school of so many years standing in the community, which presumably conforms to all codes and regulations, and which was already there when they moved into the neighborhood.

Sincerely,

James E. Hooper, Jr.
James E. Hooper, Jr.

JEHjr/slw

DAVID W. KENNEDY
105 OGDON TERRACE
RAMSEY, N. J. 07446
(201) 327-0254

August 17, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am writing to attest to the presence of your school at its present site and in its present form in the 1930s.

I attended the predecessor Bluebird School from pre-school in 1932-33 through third grade in 1935-36. The school was then run by a lady from Switzerland, a

original
Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker:

It is inconceivable to me that 3 people - in particular a building corporation with an address of Berwick Ave. - can in any way threaten the existence of the Blue Bird - Ruxton Country School in any way.

The school has been a part of this community in so many beneficial ways there isn't space to detail.

My husband Marshall Hawks attended the school.

He was born in 1919 and spent his kindergarten + early grades at Blue Bird. His god parent Sam Wiley was, and our neighbor, was. I believe, the school's first student.

Never has there been any threat to the Ruxton community from the school except perhaps the threat that might close it - I for one would hate that.

Having lived here - from New Orleans - since 1945, I am sad that I do not see a family name among those who are complaining - But then I know I would not - My friends would not

in any way try to condemn the school's existence

It does appear that a real estate greed is behind one of the complaints - And there I do question zoning that allows a RE corp to operate from a Berwick address.

Hopefully your defense and your success in staying at this location will be from the angry cry of the many residents who know, have known and will continue to support a school that is a tradition, a valued avenue for education for our young -

To me, I feel personally
offended since I am
fully aware of the
need for the school
and the fact that -
as a 37 years neighbor
I want the school to
remain in operation

Olson Hawks
1506 La Belle Ave
Roxton, Md
21204

823-3822

Monday-Aug. 15, 1983

1323 BERWICK ROAD
BALTIMORE
MARYLAND
21204

Aug 15, 1983

Ruxton Country School

Dear Neighbors,

Confirming our recent
conversation, we moved to a rented house -
Ruxton Rd. near Slocum in 1982, and our
son attended the Blue Bird School.

In 1987 we built our present
house within one block of the school.
At no time during this long period
have the school activities posed a
nuisance or caused us to regret our
decision.

Sincerely,
W. B. Kennedy

Mrs. M. P. Worthington
8000 Strand Road
Baltimore, Maryland 21284

Aug. 8th

Dear Mrs. Banker

I support your need to
defend your right to continue
the existence of the Ruxton
Country School at the present
location. It would be a feasible
consequence to make any changes
that our sister
Margaret Worthington
1931-1977
former resident of 1215 Enye Ave.

Mrs. James W. Hundley, Jr.
305 Greenwood Road, Ruxton, Md. 21204

Dear Mrs. Banker

I attended Blue Bird School from
1932-36 along with Danny and Irene
Bauske, the Sadler boys, Edgar Miller II,
Graham Menzie and his twin sister Ann
and Betty Worthington, Henry S. Baker III
and other off indigenous to Ruxton and the
county. Our education was exemplary.
I went on to Bryn Mawr School and Smith
College, and eventually, sent my four
children there and they, in turn, wound up
at Garrison and Giffman and graduated
from Colgate, Connecticut and Princeton.

Mrs. William Nikola
455 Range Road
Towson, Maryland 21204

August 2, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Because I was in Vermont for a good
part of my life, I had not heard of the
problems facing Ruxton Country School until
recently. I was truly distressed because
the school is unique, something which
is not often found and which provides a
form of education which should be
preserved, not repeated.

I have a special interest in the
well-being of Ruxton Country School
because I taught second grade there
for three years when it was the
Blue Bird School. I came in 1960, the
year that Helene Fiedler assumed the
role of headmistress because Miss Theresa

1503 Latell Avenue
Ruxton, Maryland 21204
August 1, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker,

In the summer of 1944 my family moved to Ruxton, and we have been
living at the above address ever since. Because the Bluebird School
was a short two blocks away and because I was an executive at an
elementary school in Baltimore, I quickly became aware of the
neighboring school and its fine reputation. The Ruxton Country School
continues to enjoy this reputation and carries on the tradition of an
excellent small private school for girls and boys.

Because my own children knew so many of their contemporaries at
the Bluebird School, I was aware of the services that the School was
providing to families living in the vicinity. It would be more than
an inconvenience to dozens of families - it would be a positive
diservice - if they did not have available the resources of the
Ruxton Country School.

Very sincerely yours,

Richard A. Hart
Archibald Hart

From
"Luss Frederick L. West
1209 Berwick Rd
Ruxton,
Md. 21204

For the Ruxton Board of
Roxton County -
Dear Sirs -
My wife and I built
our house and moved
in the summer of 1982.
For the three years ago.
The Ruxton School on
Berwick Road was a
well established school

THIS
END UP
FURNITURE CO.

Kenilworth Bazaar
820A Kenilworth Drive
Towson, Md. 21204
301-825-1173

Dear Judy,

July 24, 1983

I am writing this to thank the
company attached for it is a personal note
from all the Moons.

We are distressed to hear about
your zoning problem, especially how people
who are new to the neighborhood & they
didn't like being near to a school, why
did they purchase homes next door?

Clark and I raised three children
at 1308 Berwick St. The school has
always been an asset to the area and I
like the character of Ruxton as the diversity
and this includes Ruxton Country School.
People who do not like the charming feature
should move to "big" closed housing in
Cockeysville and leave us alone.

Many times we have felt we
are alone. Judy, please let Clark and I know
if I can give you any further help.

Sincerely,
L. West

LYON, SCHENCK, STECK, ASSOCIATES

TEXTILES

1558 PENNBRIDGE ROAD
P. O. BOX 28065
GREENSBORO, N.C. 27408

TELEPHONE
910-379-1623

July 22, 1983

Mrs. Judith B. Banker
Head Mistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was distressed to learn that your school, which I remember so fondly as Blue Bird School, is in jeopardy for its existence. I was a student during my second, third, and fourth grade years (1944-1946) at Blue Bird and thank that school for much of my founding in math and language. In my opinion, it would be a tragic loss to the Ruxton community for this traditional old elementary school to be lost to its future young people.

I sincerely hope that suitable defenses may be found to stop the Baltimore County zoning office from doing damage to the existence of the school.

Sincerely yours,

Fred H. Steck
Fred H. Steck, Jr.

/gb

July 21, 1983

To whom it may concern:

We have been living in the Ruxton area since 1955. At that time we believe that the Blue Bird-Ruxton Country School had been in existence for a number of years and was highly respected. We lost four of our children to school there and were very pleased with the quality of instruction. Since that time it is our understanding that the school has continued to offer an excellent education to the Ruxton community. It is our understanding that Dr. Joseph Dixon, Mr. Christopher Burrows and Mr. Billy Rude have complained to the zoning office charging the school with zoning, health, safety, traffic and fire violations and have requested a public hearing. Since this time

July 20, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

The Johnson family moved to Ruxton in 1944. Our three children were enrolled in the Bluebird School that year and graduated in due turn.

We chose the Bluebird School because of its extraordinary scholastic reputation for academic excellence and character building under the direction of Miss Therese Macchili.

What this school did for our family was priceless and rare in the field of education. Ruxton has been the benefactor over many years from the principles instilled into its youth through association with this institution.

Most sincerely,

Marius P. Johnson
Dr. Marius P. Johnson

July 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

I lived in Ruxton from 1930 until 1947 on Ruxton Road west of Bellona Avenue, and from 1947 to 1963 at 1409 LaBelle Avenue. My mother, Champe B. Tubman, lived at these addresses until she passed away in 1977, still residing at 1409 LaBelle Avenue.

The "Bluebird School", as it was known in those days, was an important and popular element in the community. It was located between Locust and Berwick Avenues, where it continues today under the name of "The Ruxton Country School". As far as I know, this School has always been a small private elementary school for boys and girls. Many neighborhood children have attended the School over the years.

I honestly can not recall a single complaint about the School being located in the neighborhood in the years I lived there; and I do not recall my mother mentioning a complaint, thereafter. I clearly recall that the School was a popular meeting place for many neighborhood residents each year on Halloween, when the children enjoyed watching the headmistress play the part of the witch and the older folks met there to exchange pleasantries.

Assuming that the School has not changed its character in recent years, it surprises me that some individuals would complain about it, particularly if they purchased or built in the neighborhood after the School had been long established there. It would be regrettable if a few individuals, for personal gain or in order to reverse a bad financial decision, were able to close the School. Obviously, there are many who are content to have the School remain there.

Sincerely,

Joseph R. Tubman
Joseph R. Tubman
11431 Mays Chapel Road
Timonium, MD 21093

Van Zelen
Washington, D.C. 20536

June 20, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker,

Our daughter, Connie, was a student at the Blue Bird School. She was enrolled in 1943 when she was five years old and continued her studies at that school until her graduation in 1947 when she was enrolled at Ruxton Country School in Baltimore from which she graduated.

Her school was in the same location on Berwick Ave. that it is now and was a small private elementary school for boys and girls.

Our son William was a first grader at Blue Bird School in 1951.

With good wishes

Sincerely, *Queen van Zelen*

Mrs. William H. Gordon
1217 Berwick Road, Baltimore, Maryland 21204

July 20, 1983

Dear Mrs. Banker,

We moved to Ruxton, at the above address, in 1938. I kind personally that the Bluebird School was in existence at its present location. Also we had two daughters who attended this school, one beginning her school year in 1942, and the other daughter beginning her school year in 1945.

Ruxton Country School has been an exceptionally good school, serving the community and nearby areas.

Sincerely,
Amelia C. Gordon

ALEXANDER Y. HOFF
2539 ELLENHAM ROAD, BALTIMORE, MARYLAND 21204

July 19, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

This is to attest that I attended your school from 1941 to 1944. It was then, and is now, an asset to the neighborhood and remains virtually unchanged in both physical character and outstanding educational quality.

Very truly yours,

A. Y. Hoff
A. Y. Hoff

AYH:cm

M. PITKIN JOHNSON, JR., D.D.S.
RITCHIE PROFESSIONAL CENTER
8025 RITCHIE HIGHWAY
PRASADENA, MARYLAND 21122
TELEPHONE 768-3288

July 19, 1983

Mrs. Judith B. Banker, headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am a dentist, age 46, and a 1947 graduate of the Bluebird School. When my parents moved to Ruxton in 1941, they enrolled me in the pre-school. By six years at Bluebird, under the direction of Therese Macchili, were important in my preparation for entrance into the Gilman School. The quality of education was so high that, in later years, students were admitted to Gilman with little attention to the usual entrance examinations, for the reputation of Bluebird carried greater weight.

I can still recall knowing the multiplication tables by the end of the second grade, and by the end of the third grade all students could recite them in French!

As a resident of Anne Arundel County since 1955, I shall always remember growing up in Ruxton. My roots are there and certainly the Bluebird School is in the forefront of my memories. I wish you good luck in your defense of the school. I hope my contribution is one of many documents needed to present to the Zoning Board.

Sincerely,

M. Pitkin Johnson, Jr.
M. Pitkin Johnson, Jr.

PPJ/ssb

July 18, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Road
Ruxton, MD 21204

Dear Mrs. Banker:

This is in response to your letter of July 8 about the complaint registered with the Zoning Office about the Ruxton Country School.

Except for the years 1951 and '52, I have lived at the upper end of Berwick Avenue/Road at either 1209 or 1214 since 1930. To put it another way, I have driven or walked past the school perhaps 40,000 times in the past 53 years. About the only thing that has changed at the Berwick/Locust corner is that a few new houses have lately been built thereabouts. One of these is occupied by one of the complainants -- Dr. Joseph Aisner -- who bought 1404 from Mrs. Sally Ruhl, the other complainant and a real estate developer. As you may have noticed, Dr. Aisner's house is very large for such a small lot. (It has been described as a two-acre house on a half-acre lot.) In negotiating with Dr. Aisner, did Mrs. Ruhl suggest that the school was about to close? Did she add that, when and if it closed, she would buy the property and build a house or two thereon, selling off a little footage to give the Aisner house some breathing room? These suggestions are not made facetiously, for I imagine Dr. Aisner is a man with his wits about him and had some idea of what he was getting into when he paid over \$300,000 for a house cheek-to-jowl with a school. Mrs. Ruhl, who built the house and obviously wasn't born yesterday real estate-wise, is obviously pretty persuasive.

But enough of my speculation about the Aisner/Ruhl entente. My real purpose in writing this letter is to state positively and categorically that the character of the Ruxton Country School (the Bluebird School), which all three of my children attended and of which I was once a trustee, has not changed since 1930. No, I am wrong. In one respect, it has changed. Some years ago, Mrs. Helene Farchione, once the headmistress and owner, kept two ponies on the school property. And there were some monkeys in a cage on the back porch. Mrs. Ruhl and Dr. Aisner imply that they would not have opposed

the school had it retained its earlier form, then perhaps a few animals should be reintroduced. My daughter Emily, who was given one of the ponies by Mrs. Farchione when the manure disposal problem became unmanageable, could tell a few stories that would curl the collective Ruhl/Aisner hair. Those of us who have been in the neighborhood for more than a few months took such things more or less in stride.

If it is not already evident, you have my hearty support in your fight against the Ruhl/Aisner ploy. As you probably gather, I would welcome the opportunity to testify for the school if a hearing should be scheduled. We Berwick Roaders are, by and large, a tolerant lot. We smiled -- albeit, faintly -- at old Mrs. Nelson's overflowing septic tank, at my mother's nine dogs at the vehicular excesses of various teenagers in the neighborhood. And always we have recognized that it is graven in stone "Thou shalt not mess around with the Bluebird School."

Sincerely,

Frederick T. Wehr
Frederick T. Wehr
1214 Berwick Road

from the desk of

COOPER WALKER

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Md. 21204.

Dear Mrs. Banker,

I have personal knowledge of the old Bluebird School starting from my association in the 1920's. I knew Miss Therese and was a close friend of Tommy Guilford, her adopted son. My wife, the former Anne Harrison went to Bluebird in the '20's; so did my brother-in-law, Hamilton Langer, in the '30's. My daughter went there in the '50's.
Sincerely yours,
Cooper Walker

J. ROLLIN OTTO, JR., M.D.
14 WEST GOLD SPRING LANE
BALTIMORE, MARYLAND 21210
TELEPHONE 323 4660

July 18, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was requested to write to you by Mrs. Barbara Rayburn. I certainly do have personal knowledge that your school has been in existence at its present location for many years. I was a student there from 1939 through 1941. Under the leadership of Madame Therese.

I am distressed to hear that you are having a zoning problem, as indeed your school has been a well established institution in the community over these many years.

Sincerely,

J. Rollin Otto, Jr.
J. Rollin Otto, Jr., M.D.

FAITH P. MOECKEL

8018 Park Overlook Drive • Bethesda, MD 20817
(301) 469-6330

July 16, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Judy:

Sorry to hear that zoning questions have risen to trouble the peace and prosperity of Ruxton Country School. Again, I recall a similar uproar many years ago, and the firm resolution that, indeed, Ruxton Country School (then called "Bluebird School") had indeed been functioning in the same capacity and at the same location since the early 1920's.

I was born in 1938, and was enrolled in Preschool at "Bluebird", at 1402 Berwick Avenue, at age five (1943). We were referred to "Bluebird" by administrators at Friends School who (in 1943) recommended it as a well-known, long-established school handier to our Lutherville home than they were -- gas rationing was a problem at the time.

Subsequently, as you know, my mother was invited to teach at Bluebird (1946) and we moved to Ruxton to live in the school a year later (1947) and remained there until 1972. Therese Waelchli, original founder of the school, taught classes on Mrs. Wiley's porch starting in 1913 (the house down the street with the stone wall around it) and then bought the house at 1402 Berwick, jointly with Mr. & Mrs. Hans Froelicher, Jr. a few years later and established her school there. I do not know the year she bought the Froelicher's share of the house, but it was in the 1920's.

I recently came across Judy Froelicher's name in an alumni newsletter from Park School. You might want to track her down through Park, for details on that part of the history of "Bluebird."

Another "eyewitness" authority you might contact is Mrs. Bernard M. Jackson (Maywood Avenue, Ruxton) whose daughter was in my class at Bluebird, and who also taught at Bluebird. Her son Christo was a year or so ahead of me, and her younger son a year or so behind. So Mrs. Jackson is keenly aware of the school's operation at that location before 1945.

Yet another person you might contact is Leonard Baker, attorney (retired) who lives on Roland Avenue in Baltimore and who may have been "on board" as accountant and legal advisor to my mother when zoning was questioned some years ago, when mother was headmistress and owner of Bluebird School.

I can further refer you to Betsy Lebrun (maiden name) with Piper & Co. who knows the area well and who remembers our moving from Lutherville to Ruxton -- to Bluebird -- around the time in question.

I could probably come up with other names for you, if the need arises.

But for the purpose of firm documentation of the existence and operation of an "elementary, private" school at 1402 Berwick Avenue before 1945 I can offer my own physical presence as a student in the school from 1943 through 1948.

Please let me know if you need further information and assistance.

Cordially,

Faith

Faith Farchione Moeckel

PS: I find it interesting that one of the three "complaints" comes from a person associated with a construction company.

PPS: Another reference, should you need it, would be Mrs. Margaret Gilliard Person (P O Box 86, Pocono Pines, PA 18350), widow of Thomas Gilliard, who was the nephew of Miss Therese Waelchli and who lived with her at the school throughout his boyhood---certainly well before 1945!

July 15, 1983

Dear Mrs. Banker:

Since I have lived near the school all my life, and attended it in the 1920's, when it was known as The Blue Bird School, I can attest to its claim that it has been in existence in its present location, and that its function has remained unchanged since before 1946.

Sincerely,
Ellen Leving

M. JENKINS CROWWELL, JR.
1008 Old Court Road
BALTIMORE, MARYLAND 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridgewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tecky for many years; and going back quite a few years before 1945.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Crowwell, Jr.
M. Jenkins Crowwell, Jr.

MJC:cw

July 18, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

This is in response to your letter of July 8 about the complaint registered with the Zoning Office about the Ruxton Country School.

Except for the years 1951 and '52, I have lived at the upper end of Berwick Avenue/Road at either 1209 or 1214 since 1930. To put it another way, I have driven or walked past the school perhaps 40,000 times in the past 53 years. About the only thing that has changed at the Berwick/Locust corner is that a few new houses have lately been built thereabouts. One of these is occupied by one of the complainants -- Dr. Joseph Aisner -- who bought 1404 from Mrs. Sally Ruhl, the other complainant and a real estate developer. As you may have noticed, Dr. Aisner's house is very large for such a small lot. (It has been described as a two-acre house on a half-acre lot.) In negotiating with Dr. Aisner, did Mrs. Ruhl suggest that the school was about to close? Did she add that, when and if it closed, she would buy the property and build a house or two thereon, selling off a little footage to give the Aisner house some breathing room? These suggestions are not made facetiously, for I imagine Dr. Aisner is a man with his wits about him and had some idea of what he was getting into when he paid over \$300,000 for a house cheek-to-jowl with a school. Mrs. Ruhl, who built the house and obviously wasn't born yesterday real estate-wise, is obviously pretty persuasive.

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the school had it retained its earlier form, then perhaps a few animals should be reintroduced. My daughter Emily, who was given one of the ponies by Mrs. Farchione when the manure disposal problem became unmanageable, could tell a few stories that would curl the collective Ruhl/Aisner hair. Those of us who have been in the neighborhood for more than a few months took such things more or less in stride.

If it is not already evident, you have my hearty support in your fight against the Ruhl/Aisner ploy. As you probably gather, I would welcome the opportunity to testify for the school if a hearing should be scheduled. We Berwick Roaders are, by and large, a tolerant lot. We smiled -- albeit, faintly -- at old Mrs. Nelson's overflowing septic tank, at my mother's nine dogs at the vehicular excesses of various teenagers in the neighborhood. And always we have recognized that it is graven in stone "Thou shalt not mess around with the Bluebird School."

Sincerely,

Frederick T. Wehr
Frederick T. Wehr
1214 Berwick Road

from the desk of

COOPER WALKER

7/18/83

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Md. 21204.

Dear Mrs. Banker,

I have personal knowledge of the old Bluebird School starting from my association in the 1920's. I knew Miss Therese and was a close friend of Tommy Guilford, her adopted son. My wife, the former Anne Harrison went to Bluebird in the '20's; so did my brother-in-law, Hamilton Langer, in the '30's. My daughter went there in the '50's.
Sincerely yours,
Cooper Walker

J. ROLLIN OTTO, JR. M.D.
14 WEST GOLD SPRING LANE
BALTIMORE, MARYLAND 21210
TELEPHONE 323 4660

July 18, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker:

I was requested to write to you by Mrs. Barbara Rayburn. I certainly do have personal knowledge that your school has been in existence at its present location for many years. I was a student there from 1939 through 1941. Under the leadership of Madame Therese.

I am distressed to hear that you are having a zoning problem, as indeed your school has been a well established institution in the community over these many years.

Sincerely,

J. Rollin Otto, Jr.
J. Rollin Otto, Jr., M.D.

FAITH P. MOECKEL

8018 Park Overlook Drive • Bethesda, MD 20817
(301) 469-6330

July 16, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Judy:

Sorry to hear that zoning questions have risen to trouble the peace and prosperity of Ruxton Country School. Again, I recall a similar uproar many years ago, and the firm resolution that, indeed, Ruxton Country School (then called "Bluebird School") had indeed been functioning in the same capacity and at the same location since the early 1920's.

I was born in 1938, and was enrolled in Preschool at "Bluebird", at 1402 Berwick Avenue, at age five (1943). We were referred to "Bluebird" by administrators at Friends School who (in 1943) recommended it as a well-known, long-established school handier to our Lutherville home than they were -- gas rationing was a problem at the time.

Subsequently, as you know, my mother was invited to teach at Bluebird (1946) and we moved to Ruxton to live in the school a year later (1947) and remained there until 1972. Therese Waelchli, original founder of the school, taught classes on Mrs. Wiley's porch starting in 1913 (the house down the street with the stone wall around it) and then bought the house at 1402 Berwick, jointly with Mr. & Mrs. Hans Froelicher, Jr. a few years later and established her school there. I do not know the year she bought the Froelicher's share of the house, but it was in the 1920's.

I recently came across Judy Froelicher's name in an alumni newsletter from Park School. You might want to track her down through Park, for details on that part of the history of "Bluebird."

Another "eyewitness" authority you might contact is Mrs. Bernard M. Jackson (Maywood Avenue, Ruxton) whose daughter was in my class at Bluebird, and who also taught at Bluebird. Her son Christo was a year or so ahead of me, and her younger son a year or so behind. So Mrs. Jackson is keenly aware of the school's operation at that location before 1945.

Yet another person you might contact is Leonard Baker, attorney (retired) who lives on Roland Avenue in Baltimore and who may have been "on board" as accountant and legal advisor to my mother when zoning was questioned some years ago, when mother was headmistress and owner of Bluebird School.

I can further refer you to Betsy Lebrun (maiden name) with Piper & Co. who knows the area well and who remembers our moving from Lutherville to Ruxton -- to Bluebird -- around the time in question.

I could probably come up with other names for you, if the need arises.

But for the purpose of firm documentation of the existence and operation of an "elementary, private" school at 1402 Berwick Avenue before 1945 I can offer my own physical presence as a student in the school from 1943 through 1948.

Please let me know if you need further information and assistance.

Cordially,

Faith

Faith Farchione Moeckel

PS: I find it interesting that one of the three "complaints" comes from a person associated with a construction company.

PPS: Another reference, should you need it, would be Mrs. Margaret Gilliard Person (P O Box 86, Pocono Pines, PA 18350), widow of Thomas Gilliard, who was the nephew of Miss Therese Waelchli and who lived with her at the school throughout his boyhood---certainly well before 1945!

July 15, 1983

Dear Mrs. Banker:

Since I have lived near the school all my life, and attended it in the 1920's, when it was known as The Blue Bird School, I can attest to its claim that it has been in existence in its present location, and that its function has remained unchanged since before 1946.

Sincerely,
Ellen Leving

M. JENKINS CROWWELL, JR.
1008 Old Court Road
BALTIMORE, MARYLAND 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridgewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tecky for many years; and going back quite a few years before 1945.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Crowwell, Jr.
M. Jenkins Crowwell, Jr.

MJC:cw

Sincerely,
Margaret W. Robertson
(Mrs. Harrison M. Robertson, Jr.,

God bless in your future endeavor
and as a life time resident of Ruston
I sincerely hope the Ruston County School
shall continue to exist in its present form
and prosper for centuries to come.
Sincerely
William C. Satterlow
7100 Club Rd
Ruston, Neb. 68204

It now appears that speed has entered the picture in the form of persons wishing to use the land

102 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204 • TELEPHONE 301 825 8600
TELEX 87762 • CABLE ADDRESS: BROWN'S BALTIMORE

Telephone 275-2600 (Office only -
no home calls)

132 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204 • TELEPHONE 301/825-6800
 10000 20000 30000 40000 50000 60000 70000 80000 90000 100000
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Respectfully submitted,
Stephen Y. Hall
Stephen Y. Hall
Zoning Committee Chairman
Ruxton-Riderwood-Lake Roland
Area Improvement Association
Inc.

As a small child most of my friends attended Blue Bird School so I spent a great deal of time playing in the playground and around the area. My family and I always, except during some snow storms, like Bonwith Rd. Since we moved to Ruxton in 1930 practically no building has taken place in that immediate area with the exception of a handful of houses beyond the Blue Bird School and 2 houses that Mrs. Ruhl has built, one immediately next to the school on a very small lot and

"Real Estate From The Harbor Through North Baltimore County"

The other 2 houses away. She also
 bought the old Loomis house Catty Corned
 to the school and is building another
 house behind it. They will be my knowledge
 offered for sale. She is one of the individuals
 who signed the letter of complaint along
 with the other person, Dr. Joseph Dörner.
 Dr. Dörner objects to traffic when parents
 are delivering and picking up children
 to and from school. As his very large
 house is squeezed in between the school
 and the house next door there is no
 wonder that he minds the traffic 2 times
 a day. I have seen no visible difference
 in traffic or congestion since 1930. Someone
 who keeps a house should kind out ahead
 of time what surrounds it. I feel sure that
 he knew the school was there and
 certainly was told by his agent. Also
 both parties ^{parties} ~~parties~~ ^{initial} ~~initial~~ ^{concerns} ~~concerns~~ to the neigh-
 borhood and perhaps for personal reasons
 about the property in general. The neighbors

"Real Estate From The Harbor Through North Baltimore County"

The School is wonderful, helpful
and a vital part of Ruxton and our
community-

Yours Very Sincerely,
Henry Wehr Thiesmann

I am a Real Estate Agent with 40
O W.H.C. Wilson Co.

"Real Estate From The Harbor Through North Baltimore County"

Michael Lewis Freilich, Esquire
401 Washington Avenue
Towson, Md. 21204

Ms. Barbara Rayburn
2011 York Road
Baltimore, 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
7th day of September, 1983.

Arnold Layton
ARNOLD LAYTON
Zoning Commissioner

Petitioner: Ruxton Country School, Inc.
Petitioner's Attorney: M. L. Freilich, Esquire
Received by: Nicholas B. Connors
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Sept. 2, 1983
Posted for: Appeal
Petitioner: Ruxton Country School, Inc.
Location of property: NW/Corner of Berwick and Locust Aves.
Location of Signs: NW/Corner of Berwick and Locust Aves.
Remarks: 12 Signs
Posted by: M. L. Freilich, Esquire
Number of Signs: 12
Date of return: Dec. 7, 1983

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept. 1983.

THE TOWSON TIMES

Cost of Advertisement, \$29.78

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Sept. 3, 1983
Posted for: Special Hearing
Petitioner: Ruxton Country School, Inc.
Location of property: NW/Corner of Berwick and Locust Aves.
Location of Signs: NW/Corner of Locust and Berwick Avenues.
Remarks: 12 Signs
Posted by: M. L. Freilich, Esquire
Number of Signs: 12
Date of return: Oct. 7, 1983

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 29, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 29th day of September, 1983.

THE JEFFERSONIAN

Cost of Advertisement, \$21.00

Veteran Ruxton Teacher Honored By Community

Early tough years she has spent firmly on her feet and has been a pillar of strength to many. In consequence, several hundred members of the community gathered last Saturday for a neighborhood celebration to honor the life of Miss Therese Gillard, a Ruxton teacher and a woman of many talents.

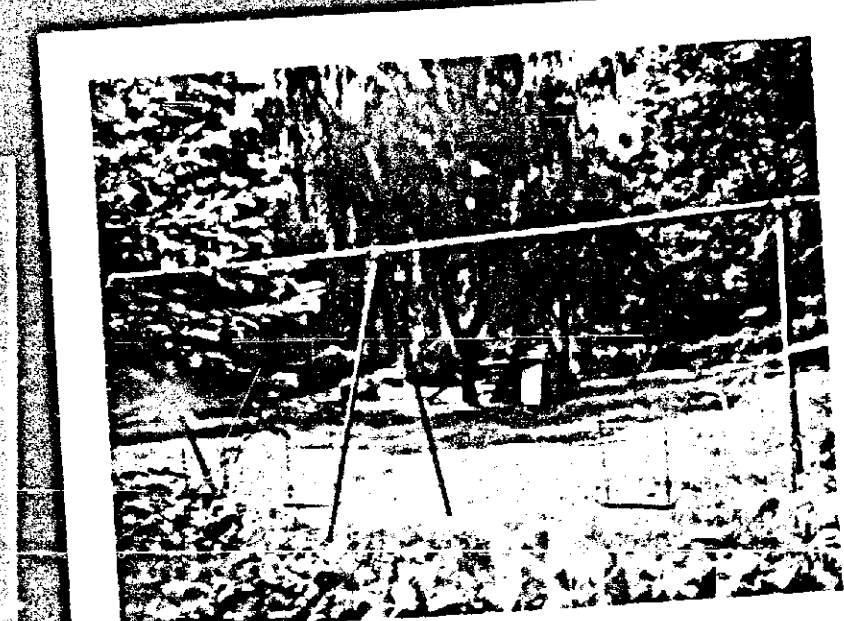
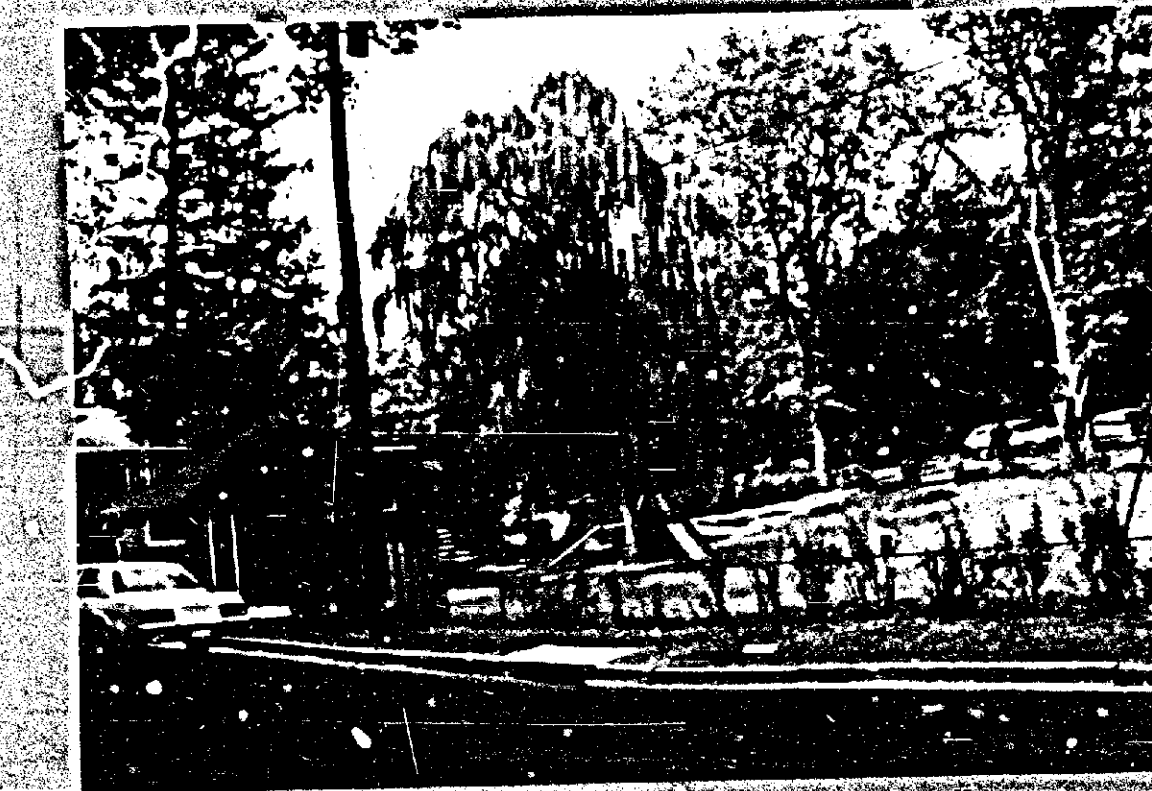
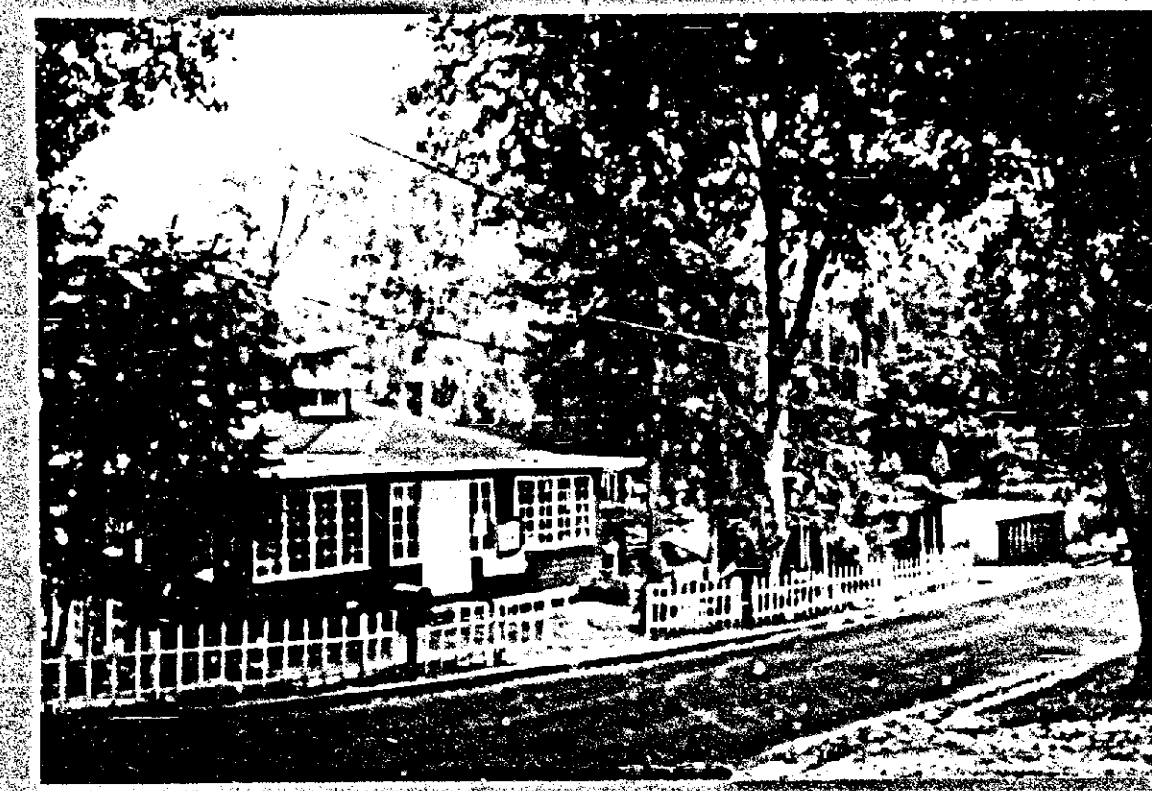
PRISONER'S Head Of Blue Bird School Ruxton, Miss Waelchli, Dies

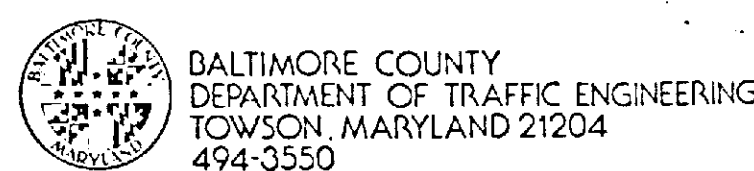
Stressful, yet highly personalized, version of the life of Miss Waelchli, who died last Saturday, was the subject of a play presented at the Ruxton Country School last night.

ADMITTED IN MARYLAND
KEVIN J. LEONARD
ATTORNEY AT LAW
MILITARY SERVICE: 1954-1958
MILITARY SERVICE: 1954-1958
MILITARY SERVICE: 1954-1958

84-106-SPH
NW/Corner Berwick and Locust Aves.
Ruxton Country School, Inc.
1 SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 422990
DATE: 11/29/83 ACCOUNT: R-01-615-000
AMOUNT: \$80.00
RECEIVED: Michael L. Freilich, Esquire
FROM: Appeal fee on Case 84-106-SPH
FOR: (Ruxton Country School, Inc.)
164. C 02*****06010 229AA
VALIDATION OR SIGNATURE OF CASHIER





STEPHEN E. COLLINS
DIRECTOR

August 2, 1983

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

Item No. 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11. ZAC-Meeting of July 5, 1983.
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11.

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/edm

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 5, 1983

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

Z.A.C. Meeting of: July 5, 1983

RE: Item No: 275, 276, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
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, Assistant
Department of Planning

WNP/bp

William E. Hammond, Zoning Commissioner
Office of Planning and Zoning

August 2, 1983

Ian J. Forrest

Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #275 - Steven J. & Theola S. Toole
- Item #2 - Jack Irwin Brown, et al
- Item #3 - Maryland Builders, Inc.
- Item #5 - Miles V. Martin
- Item #7 - Paul E. & Alberta G. Nolder
- Item #9 - Ruxton Country School

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

137/eth

IN RE: PETITION SPECIAL HEARING
NW corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.

OFFICE OF THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-104-21H

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Ruxton Country School, comes before the Zoning Commissioner to request a determination that it is in fact a nonconforming use in its present location.

The Petitioner, represented by Counsel, presented numerous witnesses, including the present headmistress of the school. Protestants appeared and testified. Also testifying was Diana Litter of the Zoning Office.

Testimony was presented, and was uncontradicted, that the property, zoned D.R.2, was purchased by the founders of the Blue Bird School for the express and sole purpose of a school in which the teacher hired could live. The Blue Bird School began in the early 1930's by a group of neighbors who joined together to provide an education for their children. They retained a teacher who lived with one of the founders until they purchased the property and building into which the teacher moved and set up the school. This occurred in or about the early 1930's. The testimony presented by the Petitioner testified that they had lived in the area of the school all of their lives and had indeed attended the school in their and its early years. Testimony was clear that the school, now known as Ruxton Country School, has been in continuous existence without interruption. Indeed, the number of students attending have remained fairly constant throughout the years. The school has always provided classes for children from pre-school, kindergarten, and first grade through fourth. The average class size in the 20's was nine to 12.

ORDER RECEIVED FOR FILING

DATE 8/24/83

BY [Signature]

in the 50's about 15, and in recent years the total number of students has ranged from 45 to 78. During the course of the school's existence, grades five and six have been offered when the student population allows. The school was first certified by the State Department of Education in 1948, and has been licensed since. The State did not license non-public schools prior to 1948.

A stable, or garage, had existed on the property separate and apart from the main building and had been used alternately through the years for arts and crafts, a camp, a stable and garage, and for classroom space since 1976. No longer is there anyone living in residence.

The Petitioner argues that the school existed prior to the adoption of any zoning regulations and therefore is now a nonconforming use. Although a school is now permitted as of right in a D.R. Zone, it is necessary for the school to be approved as a nonconforming use in order to allow for the lack of on-site parking, to conform to setback requirements, and to avoid the implementation of the residential transition area (RTA) requirements.

The Protestants testified that the school has numerous health and safety problems which need corrective action. They also testified that there is a lack of screening between the school and Dr. Joseph Aisner, a neighbor and Protestant here-

in. Further, soil retardation is becoming a serious problem on the school site which if allowed to continue will cause serious erosion to occur to Dr. Aisner's property. There was also testimony about traffic congestion in front of the school, which the school has apparently alleviated through actions taken to re-route traffic and prevent parking in front of the school to the satisfaction of Dr. Aisner. All the Protestants complained about trees being destroyed.

The Petitioner seeks relief under Section 104 of the Baltimore County Zoning Regulations (BCZR).

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, *American*

Law of Zoning, 2nd Ed., Section 6.01 to 6.73; 3 Rathkopf, The Law of Zoning and Planning, Section 58-1 to 62-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129 A.2d 363 (1957). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. Feldstein v. LaNale Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948).

In deciding whether a current activity is within the scope of a nonconforming use, the following factors should be considered:

1. to what extent the current use of the property reflects the nature and purpose of the original nonconforming use;
2. is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
3. does the current use have a substantially different effect upon the neighborhood; and
4. is the current use a drastic enlargement or extension of the original nonconforming use.

Idem v. Balto. County, 39 Md. App. 257 (1948).

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a

presumption of validity that must be accepted. Johnson & Wales College v. DiPietro, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd. of Dineham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Revillacqua, 432 A.2d 661 (R.I., 1981).

Section 104.1 is clear and unambiguous.

Nonconforming uses are by definition inherently incompatible with permitted uses in a zone; the Petitioner, however, is not inherently incompatible as a school as, under the present zoning regulations, it is permitted as of right. See Boyce v. Sembly, 29 Md. App. 43 (1975). The lack of parking on the site and the lack of appropriate setback requirements are incompatible. There is no question that the school has been in continuous existence since the World War I era. Although there has been a change of ownership, even if the existence of the school was to be determined as a nonconforming use, the mere change does not destroy such a use. Consequently, a use transferred to a successor in interest will continue to be legal so long as the nature and character of that use is unchanged and substantially the same facilities are used. Kastendike v. Balto. A.S.N. for Retarded Children, 267 Md. 389 (1974). The question of what is an extension or enlargement is ordinarily one of fact. Wilson v. Mayor and Commissioners of Town of Elkridge, 35 Md. App. 417 (1977).

Based on the evidence and testimony presented, the existence of Ruxton Country School in a D.R.2 Zone is permitted as a matter of right. It is equally clear from the testimony and evidence that the site has been essentially unchanged since the day it was first founded as a school. Under the present zoning regulations, Section 409.2, a school is required to have one parking space for each six seats

to be permanently maintained off street. Pursuant to Section 504, BCZR, and the Comprehensive Manual for Development Policies, setbacks of 40 feet minimum front yard depth, 30 feet minimum side yard width, 40 feet minimum sum of side yard widths, and 40 feet minimum rear yard depth are required. It is equally clear that the school cannot satisfy all of these requirements. Therefore, to the extent that the school cannot satisfy these requirements, a nonconforming use exists. Certainly, the facts as presented are clear that no new buildings have been added or buildings moved. The current parking situation and setback situation reflects the nature of the original building and represents no departure to what had existed before the zoning regulations. The current situation does not cause a substantially different effect upon the neighborhood and there has been no drastic enlargement or extension of the original use.

It is clear that approval of the lack of on-site parking as a nonconforming use and the nonconforming setbacks will not adversely affect the health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request for determination of a nonconforming use is granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of October, 1983, that the Petition for Special Hearing to determine nonconforming use for presently existing side, front, and rear yard setbacks as where appropriate, as more fully described on Petitioner's Exhibit 3, and for lack of off-street parking be and is hereby GRANTED for the purpose of determining the above, the property as a school is declared to be a nonconforming use, from and after the date of this Order, subject to the following:

1. A detailed landscaping plan shall be submitted for approval by the Current Planning and Development Division, Office of Planning and Zoning. Such plan shall provide for more than fencing and shall include appropriate

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DATE 8/24/83

BY [Signature]

screening to shield the residence to the west of the subject site from said site. Said plan need only provide for landscaping between Dr. Aisner's property and the school. If the parties can reach an agreement, the above restriction will be superceded and not be required. An amended site plan showing said screening must be submitted to the Zoning Office.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 19, 1983
BY John R. Langley
ADMINISTRATIVE ASSISTANT

- 6 -

Legal Description-1402 Berwick Ave.
Ruxton, MD 21204

Beginning at the northwest corner of Berwick Avenue, Locust Avenue and running the following courses:

N 46 55 W 16.00

N 50 25 W 220.93

S 40 11 W 90.54

S 00 19 W 82.53

Thence easterly along the north side of Berwick Avenue
also known as 1402 Berwick Avenue.

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

LOCATION: Northwest corner of Berwick and Locust Avenues

DATE & TIME: Wednesday, October 19, 1983 at 1:30 P.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:

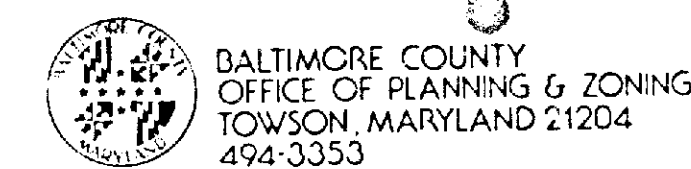
Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a prior nonconforming use for the Ruxton Country School including day care center

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

Being the property of Ruxton Country School, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/cor. Berwick & Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

Dear Mr. Frellich:

This is to advise you that \$55.28 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

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

No. 122908

DATE 10/19/83 ACCOUNT R-01-615-000

AMOUNT \$55.28

RECEIVED Ruxton Country School
FOR Advertising & Posting Case #84-106-SPH

6 010*****552810 #20-A

VALIDATION OR SIGNATURE OF CASHIER

September 22, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
NW/cor. Berwick and Locust Avenue
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

TIME: 1:30 P.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 117691

DATE 10/24/83 ACCOUNT R-01-615-00

AMOUNT \$100.00

RECEIVED Michael Lewis Frellich

FOR Case #84-106-SPH

(6b) 6 090*****100610 227-A

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWSON BUILDING
TOWSON, MARYLAND 21204
301-266-4343

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approbation for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and, in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active renovating or selling other real estate in our otherwise sedate residential community.

J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I like the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

[Signature]
J. Elmer Weisheit

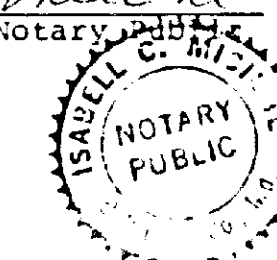
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm F. Spicer, Jr., County Attorney
TO: Thomas Bellinger, Asst. County Attorney Date October 31, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-106-SPH

It appears that this case, being a special hearing upon nonconforming use, is within the jurisdiction of your office rather than ours. Please note that if an appeal is desired, the time limit for filing is Friday, November 25, 1983.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

Enclosure:
Order dtd. 10-27-83

PMZ:sh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Thomas Bollinger, Asst. County Attorney Date: November 30, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-105-SPH

As further explained in my memorandum of October 31, 1983, this case decision was referred to you. In the meantime, an appeal has been filed by the Attorney for Petitioner. Copies of our memorandum and the Zoning Commissioner's letter dated November 29, 1983 are enclosed for your information.

Peter Max Zimmerman
Peter Max Zimmerman, Deputy People's Counsel

Enclosures

cc: County Board of Appeals

sh

October 27, 1983

Michael Lewis Freilich, Esquire
P.O. Box 5465
Towson, Maryland 21285-5465

IN RE: Petition Special Hearing
NW/corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.,
Petitioner
Case No. 84-105-SPH

Dear Mr. Freilich:

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

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ/ar1

Attachments

cc: Arnold Fleischmann, Esquire
Suite 500, 40 West Chesapeake Avenue
Towson, Maryland 21204

Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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



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

ARNOLD JABLON
ZONING COMMISSIONER

November 29, 1983

Arnold Fleischmann, Esquire
Suite 500
40 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/corner of Berwick and Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-105-SPH

Dear Mr. Fleischmann:

Please be advised that an appeal has been filed by Michael Lewis Freilich, attorney for the petitioner, from the decision rendered by the Zoning Commissioner of Baltimore County, as to the imposition of an obligation to plant screening as a condition to the nonconforming use, said use being granted on October 27, 1983.

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

Sincerely,

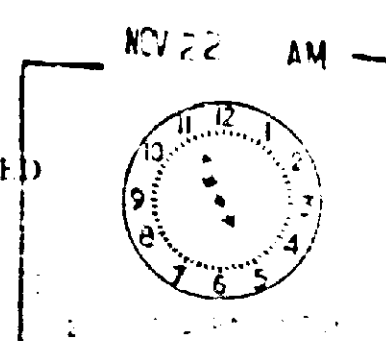
Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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

MICHAEL LEWIS FREILICH, CHARTERED
NOTES & EVIDENCE
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND
(410) 521-0900



MICHAEL LEWIS FREILICH
DEBORAH BLACK MOORE
KEVIN J. LEONARD
ADMITTED IN FLORIDA 1/8/80

November 22, 1983

Mr. Arnold Jablon,
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

Re: Notice of Appeal of the
Commissioner's decision in case no. 84-105-SPH
Our File No. 644-1

Dear Mr. Jablon:

This is to inform you that the Petitioner in the above-captioned matter, the Ruxton Country School, appeals the Commissioner's imposition of an obligation to plant screening as a condition to the nonconforming use.

The Petitioner does not appeal the Commissioner's finding of a prior nonconforming use.

Enclosed is a check for \$80.00 to cover the cost of the appeal and the posting that will be necessary in connection therewith.

Thank you for your cooperation in this matter.

Sincerely yours,

Michael Lewis Freilich
Michael Lewis Freilich
1/1w/49

PETITIONER'S EXHIBIT

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Barbara Orendoff</i>	BARBARA ORENDOFF	1407 BERWICK RD. 6 1/2 yr.	
<i>P. Barrett Orendoff</i>	P. BARRETT ORENDOFF	1407 BERWICK RD. 6 1/2 yrs	
<i>Patricia M. Smith</i>	Patricia Smith	1533 Locust Ave	10 yrs.
<i>Paul H. Smith</i>	PAUL H. SMITH	1503 LOCUST AVE	10 yrs
<i>Millie Walzer</i>	Millie Walzer	1505 Locust Ave	8
<i>Peter H. Walzer</i>	PETER H. WALZER	1502 BERWICK RD.	17
<i>Harry W. Walzer</i>	HARRY WALZER	1505 LOCUST AVE 8	
<i>John W. Walzer</i>	JOHN W. WALZER	1516 BERWICK RD. 21204 4 yrs	
<i>David M. Walzer</i>	DAVID FORBES	1512 BERWICK RD. 21204	
<i>David M. Walzer</i>	DAVID WASHINSKY	1506 BERWICK RD. 21204 13 yrs	
<i>Marlene Washinsky</i>	MARLENE WASHINSKY	1506 BERWICK RD. 21204 13 yrs	
<i>RJ Traustman</i>	RJ TRAUSTMAN	1510 BERWICK RD. 21204 11 yrs	
<i>Ellen H. Godine</i>	ELLEN H. GODINE	1308 LOCUST AVE.	13 yrs.
<i>Louise H. Schulz</i>	LOUISE H. SCHULZ	1406 BERWICK RD.	4 yrs
<i>Toy D. Savage, III</i>	TOY D. SAVAGE, III	1501 BERWICK RD.	3 yrs.
<i>Gail L. Savage</i>	GAIL L. SAVAGE	121 BERWICK RD.	3 1/2 yrs.
<i>Patricia L. Burrow</i>	PAWELA L. BURROW	1405 BERWICK RD.	2 yrs
<i>Christopher R. Burrow</i>	CHRISTOPHER R. BURROW	1405 BERWICK RD.	2 yrs.
<i>Joseph A. Schulz</i>	JOSEPH A. SCHULZ	1406 BERWICK RD.	4 yrs
<i>Barbara Ann Dicks</i>	BARBARA ANN DICKS	1501 LOCUST AVE	14 yrs.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>J. E. Weiskert</i>	J. E. WEISKERT	1401 BERWICK RD.	29 yrs str
<i>J. M. Godine</i>	J. M. GODINE	1308 LOCUST AVE	10 years

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Kathleen J. Reed</i>	KATHLEEN J. REED	1408 BERWICK RD.	1 1/2 yrs.

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>V. Havaro</i>	V. HAVARO	1500 Ruxton Rd. 21204	9 yrs
<i>Lynne B. Havaro</i>	LYNNE B. HAVARO	1500 Ruxton Rd. 21204	9 yrs
<i>Sarah F. Wilkes</i>	SARAH F. WILKES	1510 Ruxton Rd. 21204	13 yrs
<i>Peter R. Wilkes</i>	PETER R. WILKES	1514 Ruxton Rd. 21204	20 yrs.
<i>Shirley B. Perry</i>	SHIRLEY B. PERRY	1514 Ruxton Rd. 21204	11
<i>Raymond L. Perry</i>	RAYMOND L. PERRY	1514 Ruxton Rd. 21204	7
<i>Harry S. Perry</i>	HARRY S. PERRY	1514 Ruxton Rd. 21204	2 yrs
<i>Susan C. McKernan</i>	SUSAN C. MCKERNAN	1412 Ruxton Rd. 21204	20 yrs.
<i>Elizabeth J. Calkins</i>	ELIZABETH J. CALKINS	1406 Ruxton Rd. 21204	

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

To whom it may concern:

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Signature	Name (print)	Address (print)	No. of years in community
<i>Frederick T. Wehr</i>	Frederick T. Wehr	1214 Bernick Rd	52
<i>Louis W. Wehr</i>	Louis W. Wehr	1214 Bernick Rd	4 $\frac{1}{2}$
<i>Louis Fred L. Wehr</i>	Louis Fred L. Wehr	1209 Bernick Rd	53 $\frac{3}{4}$ less 1000
<i>Keith H. Wehr</i>	Keith H. Wehr	1207 Bernick Rd	56 yrs.
<i>Wm. William H. Wehr</i>	Wm. William H. Wehr		31 yrs

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

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Signature	Name (print)	Address (print)	No. of years in community
✓ Susan E. Athey	Susan E. Athey	1525 LaBelle Ave.	2
✓ J. H. H.	J. H. H.	1507 LaBelle Ave	8
✓ John W. Hanson	John W. Hanson	1510 LaBelle Ave	10
✓ ~~John W. Hanson~~	~~John W. Hanson~~	~~1511 LaBelle Ave~~	~~12~~
✓ J. P. Beck	J. P. Beck	1500 Locust Ave	20
✓ Marie H. Barries	Marie H. Barries	1414 Locust Ave	13
✓ Andrew B. B.	Andrew B. B.	1414 Locust Ave	13
✓ Clara W. Kennedy	Clara W. Kennedy	1323 Barwick Rd	36
✓ J. J. Kennedy	J. J. Kennedy	" "	46+
✓ W. H. Saxon	W. H. Saxon	1320 Barwick Rd.	8
✓ ~~Rosalia D. Saxon~~	~~Rosalia D. Saxon~~	~~1320 Barwick Rd.~~	~~8~~
✓ Dr. H. B. Richard	Dr. H. B. Richard	1319 Barwick Rd	34
Mr. and Mrs. Robert Rusten	Robert Rusten	1318 Barwick Rd	21204
✓ Julia P. Gaurin	Julia P. Gaurin	7701 Rider Hill	21204
✓ Elizabeth Staker	Elizabeth Staker	1413 LaBelle Ave.	21204 27 yrs
✓ John P. Parker	John P. Parker	1413 LaBelle Ave	21204 27 yrs
✓ Jean Moran	Jean Moran	7809 Chestnut St	21204 12 yrs
✓ Marie H. Beckenbaur	Marie H. Beckenbaur	1515 LaBelle Ave	21212 28 yrs
✓ Tina A. Watts	Tina A. Watts	1507 LaBelle Ave	21209 9 yrs

INTER-OFFICE CORRESPONDENCE

The relicensing inspections are in process for the Ruxton Country School. Inspection reports have already been approved by Fire Prevention and Environmental Services. Therefore, when the "Ruxton letter" arrived, we decided to proceed on schedule with our investigations. Within a few weeks, the Zoning Commissioner will approve the application. The Ruxton Country School application with regard to the proposed construction of the new building. Lieutenant and James Dieter were asked on April 4 to comment on safety issues addressed in the letter. Our office is still waiting for a response.

The school at 1402 Berwick Road is over 60 years old, known originally as the Blue Bird School, housing over 80 children. In 1978, the school became officially the Ruxton Country School and ownership changed from the Board of Trustees of the Blue Bird School, Inc. to the Board of Directors of the Ruxton Country School, Inc.

The Ruxton County School is approved by the State Department of Education. The Baltimore County Department of Health is involved exclusively in the approvals of the admission of up to twenty pre-school children. When our investigations for relicensure confirm that preschoolers are no longer in attendance, the school will not need Health Department inspections or a County permit for Day Nurseries.

CD/jt

Attachments

PROTESTANT
EXHIBIT

RECEIVED

APR 13 1983

DEPUTY IN-----
OF HIS

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWNSHIP BUILDING
TOWSON, MARYLAND 21204
301-298-4343

PETITIONER'S EXHIBIT 17

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approval for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active in removing or selling other real estate in our otherwise sedate residential community.

J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I have the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

J. Elmer Weisheit

J. Elmer Weisheit

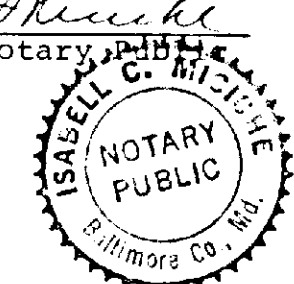
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



Baltimore County Soil Conservation District



9811 VAN BUREN LANE COCKEYSVILLE, MARYLAND 21030 PHONE (201) 666-1188

REPORT OF FIELD INSPECTION

John Gease
District Manager

On Friday, April 30, 1982 soil conservationist Steve Smith and I inspected the lot owned by Ms. Sally Ruhl near the intersection of Locust and Berwick Avenues.

The topography of the area east of the drive to the property is such that a significant volume of water will be carried toward the drive. Because of sparse groundcover on the adjacent property, this water will travel at a rapid rate and possibly be erosive. A low lying area 15' east of the drive is serving as a sump for this water, with the land rising again as it approaches the drive.

Ms. Ruhl described a stone drainage area placed below grade in the sump. This system serves to percolate the water to a drainage pipe under the drive. This system seems to be working well, as the soil in the depression was dry and a heavy rain had preceded our field inspection by just a few days.

Ms. Ruhl stated that the drive was to be paved in the near future, and that the pitch of the drive would cause the water to flow towards the depression. She was concerned that water leaving the drive could cause an erosion problem as it left the drive at a high velocity.

We then discussed several types of vegetative stabilization. The type decided upon was a row of white pine running along the drive. Ms. Ruhl stated that a nurseryman had also recommended such a planting.

It is our experience that the fibrous root system of the white pine serves to hold soil and prevent erosion. The trees should be kept a minimum of five feet from the drive, but should not be planted in the depression as excess water can cause plant damage.

It was recommended that the area under the trees should be mulched heavily to prevent any washing as the trees establish themselves. This will also prevent weed growth around the base of the trees.

PROTESTANT'S
EXHIBIT 2

CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Judy Sussman Date: April 15, 1983
FROM: Margaret L. Sherrard, M.D.
SUBJECT: Ruxton Country School

We have been inspecting the Ruxton Country School for facilities, but only as a day care center. When additional grades were added for elementary school, this made the school core under the jurisdiction of the State Department of Education. We will continue to inspect and re-license as appropriate until there are no longer any pre-schoolers in the facility. We are attaching a memo from Kay Drayton, Day Care Coordinator, sent to Dr. Roop dated April 13, 1983, which includes detailed comments regarding the above.

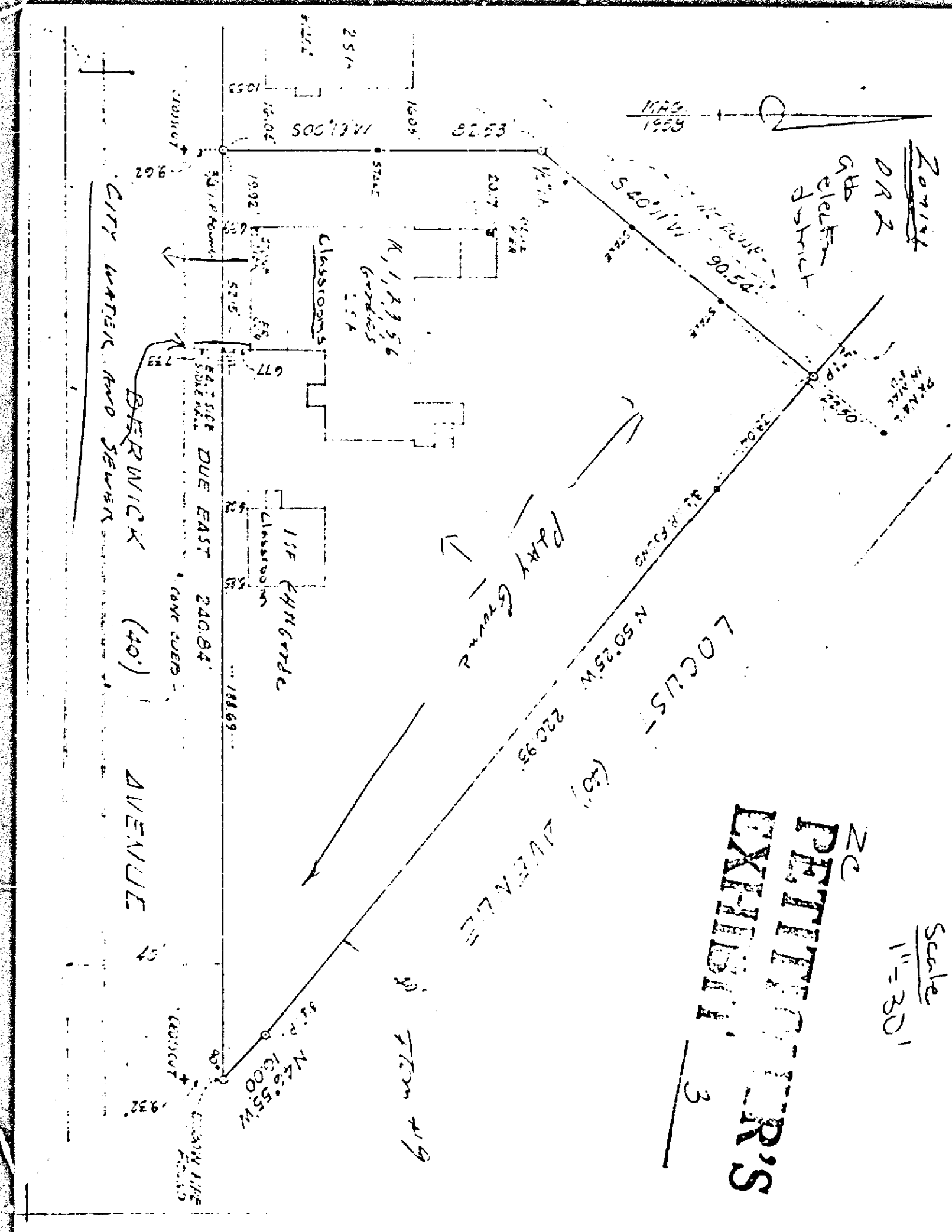
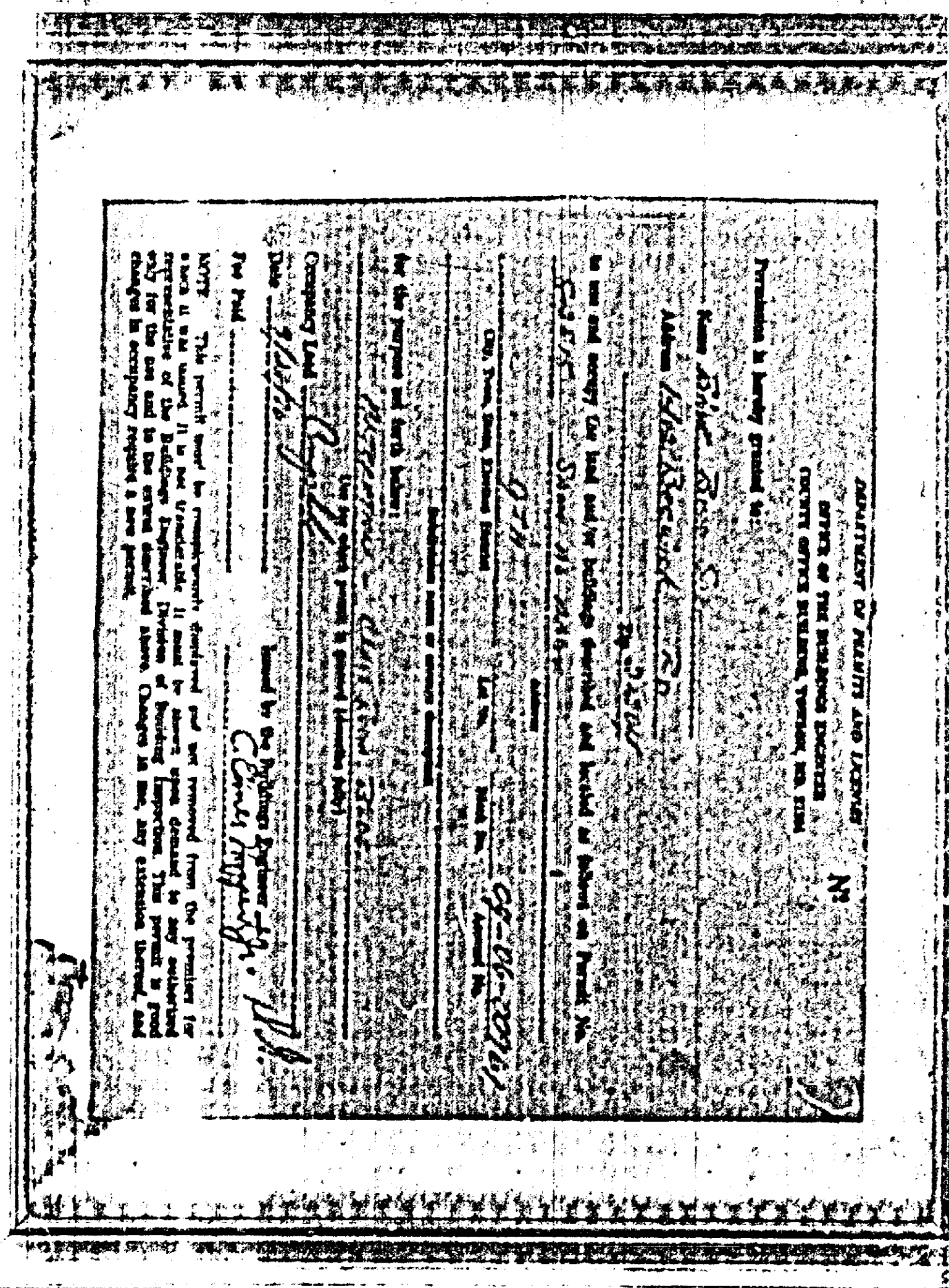
The letter of March 22nd from Dr. Roop, the Zoning Commissioner, referred to general maintenance problems and an investigation was made by a sanitarian from the Health Department. He has not submitted a written report, but in conversation he expressed the opinion that generally, overall, there were no major maintenance problems. There was no problem with debris during the investigation and no appreciable erosion or standing water were observed. However, no additional trees have been planted as recommended. The fence has two large holes and it is recommended that vegetation be removed, which means vines, honeysuckle, etc. There are large trees at the back of the property with limbs hanging over. One tree located outside the fence in the back of the property is dead and he advised that the large limbs should be pruned.

As Mrs. Drayton notes in her memo to Dr. Roop, the Zoning Commissioner will make a decision within a few weeks to either approve or disapprove the Ruxton Country School application. When we receive further information from other inspections, we will let you know. meantime, if you request any information other than we have provided and plan to provide after other inspections, please let us know.

Margaret L. Sherrard
Margaret L. Sherrard, M.D.
Deputy Director of Health

MLS:egy

Attachment



November 19, 1981

CERTIFIED MAIL 0332211

Ms. Sally Ruhl
Ruhl Building Corporation
Riderwood, Maryland 21139

RE: SC81-170
1402-04 Berwick Avenue
District 9

Dear Ms. Ruhl:

The contents and conditions of this Office's order dated November 2, 1981 was based upon the letter from the Office of James S. Spamer & Associates, Professional Engineer dated September 2, 1981. The letter from James S. Spamer & Associates indicated the problem and recommended corrections after a field inspection on August 31, 1981 by Mr. William Luette.

However, since our letter, Mr. Luette has reinspected the site with yourself and Mrs. Banker, Ruxton Country School and altered his opinion of September 2, 1981 as indicated in his most recent letter dated November 11, 1981. Furthermore, in a telephone conversation on the morning of November 8, 1981 with you and Mr. Max Miller, legal consultant for Ruxton Country School, it was indicated that Ruxton Country School and Ruhl Building Corporation would enter into a written agreement to cover any additional inlet work if indeed it would be required at a future date.

I agreed to rescind the original order, dated November 2, 1981, but to issue a new order to cover the stabilization in the area along the property line between the new dwelling known as 1404 Berwick Avenue and the Ruxton Country School.

The Office of the Buildings Engineer orders the aforementioned area to be seeded and mulched within 10 days of receipt of this order.

If you disagree with the requirements to complete the work as outlined in this order or your responsibility in this matter, you may request a hearing with the Assistant Buildings Engineer by calling 494-3226 or you may appeal the order before the Baltimore County Board of Appeals within fifteen days from the date of this letter.

Failure to complete the required work or to appeal this directive may necessitate this case being referred to the District Court of Maryland for further action.

PROTESTANT'S
EXHIBIT 3

Addendum to Petition of Ruxton

Hours of Operation 8 AM to 6 PM
Monday thru Friday

no. of students- 70

no. of faculty- 7 fulltime
5 part-time
4 staff

BALTIMORE COUNTY
PLANNING & ZONING
MAYLAND 21204
JAN 1984
NOVEMBER 2, 1981
REGISTERED MAIL 7960951

Ms. Sally Ruhl
Riderwood, Maryland 21139

RE: SC81-170
Drainage
1402-04 Berwick Avenue
District 9

Dear Ms. Ruhl:

This letter is to confirm the field inspection of the drainage condition along the property line, between the dwelling which you recently built and the Ruxton Country School.

After reviewing the area, I believe it was agreed and concluded that additional work was required in the sump area - namely a yard inlet placed in the lowest area over the existing storm drain system. In reviewing the letter prepared by James S. Spamer & Associates, they have concluded the same remedy to the aforementioned problem. Mr. Tackett, of James S. Spamer & Associates, indicates that he recommends the installation of a Baltimore County Standard Y-1 Inlet (a detail of the Y-1 Inlet is attached.)

I would like to enlighten all concerned that this problem is an isolated condition in this drainage area and that both the writer and the Department of Public Works feel that the construction of the dwelling at 1404 Berwick Avenue has not adversely increased or affected the overall drainage pattern in this area.

The Office of the Buildings Engineer orders that the yard inlet be installed and the immediate area graded and stabilized within 10 days from receipt of this order.

If you disagree with the requirements to complete the work as outlined in this order or your responsibility in this matter, you may request a hearing with the Assistant Buildings Engineer by calling 494-3226 or you may appeal the order before the Baltimore County Board of Appeals within 15 days from the date of this letter.

Failure to complete the required work or to appeal this directive may necessitate this case being referred to the District

PROTESTANT'S
EXHIBIT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
Date: October 7, 1983
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Ruxton Country School, Inc.
84-106-SPH

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Director of Planning and Zoning

NEG:JGH:cav

12/20/83 - Notified of appeal hearing scheduled for TUESDAY, MARCH 20, 1984 at 10 a.m.

Michael Lewis Freilich, Esq.
Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
Thomas J. Bollinger, Esq.
John W. Hessian, Esq.

1/13/84 - Above notified of Postponement and Reassignment to Thursday, April 5, 1984, at 10 a.m.

(plus P. M. Zimmerman)



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)

Towson, Maryland 21204

(301) 494-3180

January 13, 1984

NOTICE OF POSTPONEMENT and REASSIGNMENT

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including
Day Care Center

NW corner Berwick and Locust Aves.

9th District

10/27/83 - Z.C. Granted Petition

The above case which was scheduled for hearing on Tuesday, March 20, 1984,

at 10 a.m. has been POSTPONED by the Board at the request of the Protestants, and

REASSIGNED FOR: THURSDAY, APRIL 5, 1984, at 10 a.m.

cc: Michael L. Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

T. J. Bollinger, Esq. Office of Law

P. M. Zimmerman, Esq. Deputy People's Counsel

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secretary



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

April 18, 1984

Michael L. Freilich, Esq.
P. O. Box 5465
Towson, Md. 21204

Re: Case No. 84-106-SPH
Ruxton Country School, Inc.

Dear Mr. Freilich:

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: Ruxton Country School, Inc.
Arnold Fleischmann, Esq.
Dr. Joseph Aisner
T. J. Bollinger, Esq.
Phyllis Friedman
N. E. Gerber
J. Hoswell
A. Jablon
J. Jung
J. Dyer

JOSEPH AISNER, M.D. F.A.C.P.
1404 BERWICK RD.
RUXTON, MARYLAND 21204

Edith T. Eisenhart, Adm. Secretary
County Court of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Ms. Eisenhart:

Thank you for the notification of the appeal hearing on case No. 84-106-SPH Ruxton Country School, Inc. Since I was the initiator of the zoning hearing originally, and since I gave testimony in this hearing, and since the conditions applied to the granting of petition directly affected me, I have considerable interest in participating in the appeal hearing. Unfortunately, I have long standing professional commitments on March 20, 1984, and I will be participating and giving a symposium on the West Coast. Thus, I shall be unable to attend at this date. I therefore, respectfully request that the appeal hearing be rescheduled.

I shall not be available in the week of March 17 through 24 nor the weeks of April 25 through May 6, and May 13 through the end of June. I would certainly appreciate your rescheduling of this appeal hearing with these considerations.

Sincerely,
Joseph Aisner, M.D.F.A.C.P.

cc: R. Knepper c/o Levin, Gann, and Hankin.

494-3180

County Board of Appeals

Room 200 Court House

Towson, Maryland 21204

December 20, 1983

(Hearing Room #218)

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 #59-79

CASE NO. 84-106-SPH RUXTON COUNTRY SCHOOL, INC.

SPH-Prior nonconforming use including

DAY CARE CENTER

NW CORNER BERWICK AND LOCUST AVENUES

9th DISTRICT

10/27/83 - Z.C. GRANTED PETITION

ASSIGNED FOR: TUESDAY, MARCH 20, 1984 at 10 a.m.

cc: Michael Lewis Freilich, Esq. Counsel for Petitioner

Ruxton Country School, Inc. Petitioner

Barbara Rayburn

Arnold Fleischmann, Esq. Protestants

Dr. Joseph Aisner "

Thomas J. Bollinger, Esq. Office of Law

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

N. E. Gerber

J. G. Hoswell

A. Jablon

J. Jung

J. E. Dyer

Edith T. Eisenhart, Adm. Secretary

Those Present at Trial Table
Petitioner

- ① Judy Banker
- ② Raymond Via
- ③ Michael Freilich
- ④ Arnold Fleischmann

Protestants

JOSEPH AISNER 1404 BERWICK RD.
SEENA AISNER 1404 BERWICK RD.
Sara Ann Ruhl 1325 Berwick Rd.
Sandra Brunyat 1325 Berwick Rd.

m.s.g.

Read 1-10-84
1:04 PM

Assigned by 4/14/84
Read on 4/15/84

August 2, 1983

Mrs. Judith Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Md. 21204

Dear Mrs. Banker:

As a lifelong resident of Ruxton, I am distressed to learn that the credibility of Ruxton Country School is being questioned. I live on Berwick Avenue and pass the school every day, each time enjoying the sight of the children at their activities and the warm memories they afford me. In the late 1920's and early 30's, I was a pupil there, then Bluebird School, under the enlightened tutelage of Miss Therese.

When my parents moved to Washington in 1932, the learning and cultural advances provided at Bluebird enabled me to move immediately two grades ahead in the D.C. public school system. As a parent, I was privileged to send my children to this Ruxton institution, knowing that its high standards have always been upheld. The benefits they acquired were reflected later in their good showings in Baltimore County public and private schools.

Considering the current uproar over the crises in American education, the very existence of a small, private elementary school gives us hope. If it remains viable, enduring, we have a promise of healthy elements in the coming generation, examples of an unmechanized and attentive elementary training.

To lose this to the venal desires of a real estate operative would be damn shame.

Sincerely,

Keith W. McBee
Keith W. McBee
1207 Berwick Road
Baltimore, Md. 21204

Riggs, Counselman, Michaels & Downes, Inc.
100 Light Street
Baltimore, Maryland 21202
(301) 229-4235

October 6, 1983

Mr. Michael L. Freilich
401 Washington Avenue
Towson, Maryland 21204

Dear Mr. Freilich:

I am writing to advise of my interest in the continuation of the Ruxton Country School and to express my sorrow that there is some controversy as to whether the School should be closed.

I attended this School, which was then the Bluebird School, for four years beginning in the year 1922. From there, I went to the Gilman School, and wish to state that I received a very good education at the Ruxton Country School.

This letter simply advises you of my continued interest in this School and hope the property will be used for educational purposes as in the past.

Thanking you.

Most sincerely,

Edwin W. Levering III
Edwin W. Levering, III

EWL:jp

M. JENKINS CRONWELL, JR.
1008 Old Court Road
Baltimore, Maryland 21204

July 15, 1983

Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Avenue
Baltimore, Maryland 21204

Dear Judy:

In response to a recent letter from Barbara Rayburn, I am happy to state that, as a long-time resident of the Ruxton/Ridewood area (dating back to 1936), I can indeed remember the Bluebird School, located at its present address on Berwick Avenue, and functioning and thriving under the leadership of Miss Tolly for many years; and going back quite a few years before 1946.

I also remember the School operating continuously ever since, albeit under different management, administrations and name, in the more recent years.

If I can be of any further assistance, please don't hesitate to let me know.

With warmest personal regards,

M. Jenkins Cronwell, Jr.
M. Jenkins Cronwell, Jr.

MJC:cw

JAMES E. HOOPER, JR.
2518 CAVES ROAD
OWINGS MILLS, MD 21117

August 29, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, MD 21204

Dear Mrs. Banker:

As a former student at the Bluebird School from 1926-29, I am very pleased to attest that the Bluebird School was indeed in existence at its present location at 1402 Berwick Avenue in Ruxton during this period as a small private elementary school for boys and girls.

Under the aegis of Miss Therese, its young students were well prepared for admission to Gilman and other Baltimore schools upon completion of the excellent curriculum. I no longer have any classroom documentation for space reasons but can well remember my current events books with the rotogravure pictures of major events of the time and Miss Therese's gold stars prominently displayed.

I no longer live in Ruxton, but I never heard any complaints at any time about the school during the time that I lived in Ruxton. I am happy to write this letter because I have difficulty understanding how individuals can move into a neighborhood and then threaten the existence of a private school of so many years standing in the community, which presumably conforms to all codes and regulations, and which was already there when they moved into the neighborhood.

Sincerely,

James E. Hooper, Jr.
James E. Hooper, Jr.

JEHjr/slw

DAVID W. KENNEDY
108 OGDON TERRACE
RAMSEY, N. J. 07446
(201) 327-0254

August 17, 1983

Mrs. Judith B. Banker,
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, MD 21204

Dear Mrs. Banker:

I am writing to attest to the presence of your school at its present site and in its present form in the 1930s.

I attended the predecessor Bluebird School from pre-school in 1932-33 through third grade in 1935-36. The school was then run by a lady from Switzerland, a

original
Mrs. Judith B. Banker
Headmistress
Ruxton Country School
1402 Berwick Ave.
Ruxton, Maryland 21204

Dear Mrs. Banker:

It is inconceivable to me that 3 people - in particular a building corporation with an address of Berwick Ave. - can in any way threaten the existence of the Blue Bird - Ruxton Country School in any way.

The school has been a part of this community in so many beneficial ways there isn't space to detail.

My husband Marshall Hawks attended the school.

He was born in 1919 and spent his kindergarten + early grades at Blue Bird. His god parent Sam Wiley was, and our neighbor, was. I believe, the School's first student.

Never has there been any threat to the Ruxton community from the school except perhaps the threat that might close it - I for one would hate that.

Having lived here - from New Orleans - since 1945, I am sad that I do not see a family name among those who are complaining - But then I know I would not - My friends would not

in any way try to condemn the School's existence

It does appear that a real estate greed is behind one of the complaints - And there I do question zoning that allows a RE corp to operate from a Berwick address.

Hopefully your defense and your success in staying at this location will be from the angry cry of the many residents who know, have known and will continue to support a school that is a tradition, a valued avenue for education for our young -

To me, I feel personally
offended since I am
fully aware of the
need for the school
and the fact that -
as a 37 years neighbor
I want the school to
remain in operation

Olson Hawks
1506 La Belle Ave
Roxton, Md
21204

823-3822

Monday-Aug. 15, 1983

1323 BERWICK ROAD
BALTIMORE
MARYLAND
21204

Aug 15, 1983

Ruxton Country School

Dear Neighbors,

Confirming our recent
conversation, we moved to a rented house -
Ruxton Rd. near Slocum in 1982, and our
son attended the Blue Bird School.

In 1987 we built our present
house within one block of the school.
At no time during this long period
have the school activities posed a
nuisance or caused us to regret our
decision.

Sincerely,
W. B. Kennedy

Mrs. M. P. Worthington
8000 Strand Road
Baltimore, Maryland 21284

Aug. 8th

Dear Mrs. Banker

I support your need to
defend your right to continue
the existence of the Ruxton
Country School at the present
location. It would be a feasible
consequence to make any changes
that our sister
Margaret Worthington
1931-1977
former resident of 1215 Enye Ave.

Mrs. James W. Hundley, Jr.
305 Greenwood Road, Ruxton, Md. 21204

Dear Mrs. Banker

I attended Blue Bird School from
1932-36 along with Danny and Irene
Bauske, the Sadler boys, Edgar Miller II,
Graham Menzie and his twin sister Ann
and Betty Worthington, Henry S. Baker III
and other off indigenous to Ruxton and the
county. Our education was exemplary.
I went on to Bryn Mawr School and Smith
College, and eventually, sent my four
children there and they, in turn, wound up
at Garrison and Giffman and graduated
from Colgate, Connecticut and Princeton.

Mrs. William Nikola
455 Range Road
Towson, Maryland 21204

August 2, 1983

Mrs. Judith B. Banker, Headmistress
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Because I was in Vermont for a good
part of my life, I had not heard of the
problems facing Ruxton Country School until
recently. I was truly distressed because
the school is unique, something which
is not often found and which provides a
form of education which should be
preserved, not repeated.

I have a special interest in the
well-being of Ruxton Country School
because I taught second grade there
for three years when it was the
Blue Bird School. I came in 1960, the
year that Helene Fiedler assumed the
role of headmistress because Miss Theresa

1503 Latell Avenue
Ruxton, Maryland 21204
August 1, 1983

Mrs. Judith B. Banker
Ruxton Country School
1402 Berwick Avenue
Ruxton, Maryland 21204

Dear Mrs. Banker,

In the summer of 1944 my family moved to Ruxton, and we have been
living at the above address ever since. Because the Bluebird School
was a short two blocks away and because I was an executive at an
elementary school in Baltimore, I quickly became aware of the
neighboring school and its fine reputation. The Ruxton Country School
continues to enjoy this reputation and carries on the tradition of an
excellent small private school for girls and boys.

Because my own children knew so many of their contemporaries at
the Bluebird School, I was aware of the services that the School was
providing to families living in the vicinity. It would be more than
an inconvenience to dozens of families - it would be a positive
diservice - if they did not have available the resources of the
Ruxton Country School.

Very sincerely yours,

Richard L. Hart
Archibald Hart

From
"Luss Frederick L. West
1209 Berwick Rd
Ruxton,
Md. 21204

For the Ruxton Board of
Roxton County -
Dear Sirs -
My wife and I built
our house and moved
in the summer of 1982.
For the three years ago.
The Ruxton School on
Berwick Road was a
well established school

THIS
END UP
FURNITURE CO.

Kenilworth Bazaar
820A Kenilworth Drive
Towson, Md. 21204
301-825-1173

Dear Judy,

July 24, 1983

I am writing this to thank the
company attached for it is a personal note
from all the Moons.

We are distressed to hear about
your zoning problem, especially from people
who are new to the neighborhood & they
didn't like being near to a school, why
did they purchase homes next door?

Clark and I raised three children
at 1308 Berwick St. The school has
always been an asset to the area and the
character of our Ruxton as the diversity
and this includes Ruxton Country School.
People who do not like the charming features
should move to "big" closed housing in
Cockeysville and leave us alone.

Many times we have felt we
are alone. Judy, please let Clark and I know
if I can give you any further help.

Sincerely,
L. West
L. West

Sincerely,
Margaret W. Robertson
(Mrs. Harrison W. Robertson, Jr.)

And thank you for your kind
and on a life time present of Ruston
I surely hope the Ruston County School
shall continue to exist in its present form
and prosper for centuries to come.
Sincerely
William C. Satterlee
Two Club Rd
Ruston, Md. 21204

It now appears that speed has entered the picture in the form of persons wishing to use the land

102 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204 • TELEPHONE 301 825 8600
FAX 301 825 8601 • E-MAIL info@baltimorejournal.com

Telephone 875-2600 (Office only -
no home calls)

132 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204 • TELEPHONE 801-825-8

"Real Estate From The Harbor Through North Baltimore County"

"Real Estate From The Harbor Through North Baltimore County"

I am a Real Estate Agent with the
O W.C. Wilson Co.

"Real Estate From The Harbor Through North Baltimore County"

Michael Lewis Freilich, Esquire
401 Washington Avenue
Towson, Md. 21204

Ms. Barbara Rayburn
2011 York Road
Baltimore, 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
7th day of September, 1983.

Arnold Layton
ARNOLD LAYTON
Zoning Commissioner

Petitioner: Ruxton Country School, Inc.
Petitioner's Attorney: M. L. Freilich, Esquire
Received by: Nicholas B. Connors
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF PUBLICATION

TOWSON, MD. 10/3 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 28th day of Sept 1983.

THE TOWSON TIMES

Cost of Advertisement, \$29.78

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Sept. 31-83
Posted for: Special Hearing
Petitioner: Ruxton Country School, Inc.
Location of property: NW/Corner of Berwick and Locust Aves.
Location of Signs: NW/Corner of Locust and Berwick Avenues
Remarks: AD Post
Posted by: AD Post
Number of Signs: 1
Date of return: Oct 7, 1983

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 29, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once a week for one time, the first publication appearing on the 29th day of September 1983.

THE JEFFERSONIAN

Cost of Advertisement, \$21.00

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-106-SPH

District: 9th Date of Posting: Dec 2-83
Posted for: Appeal
Petitioner: Ruxton Country School, Inc.
Location of property: NW/Corner of Berwick and Locust Aves.
Location of Signs: NW/Corner of Berwick and Locust Aves.
Remarks: AD Post
Posted by: AD Post
Number of Signs: 1
Date of return: Dec 7-83

Veteran Ruxton Teacher Honored By Community

To residents of Ruxton, the symbol of the American tradition of individuality, self-reliance, devotion to others are embodied in a red-haired, blue-eyed woman who has been a member of the community for over 30 years. She is Mrs. Gillard, a teacher at the Ruxton Country School, who has been honored by the community for her many years of service. She is a woman of many talents, a mother, a teacher, and a community leader. Her dedication to the school and the community has been a source of inspiration for many. She has been a part of the school's history and has helped to shape the future of the community. Her legacy will live on in the hearts of the people of Ruxton.

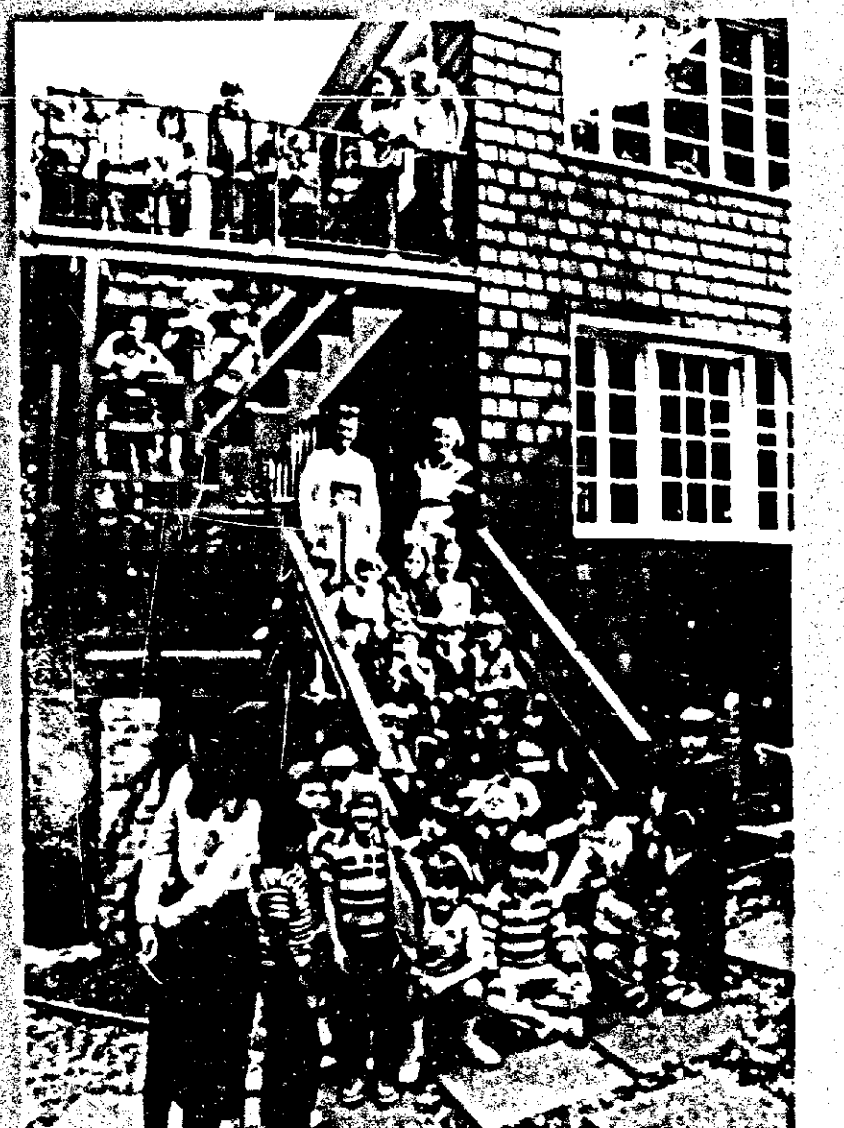
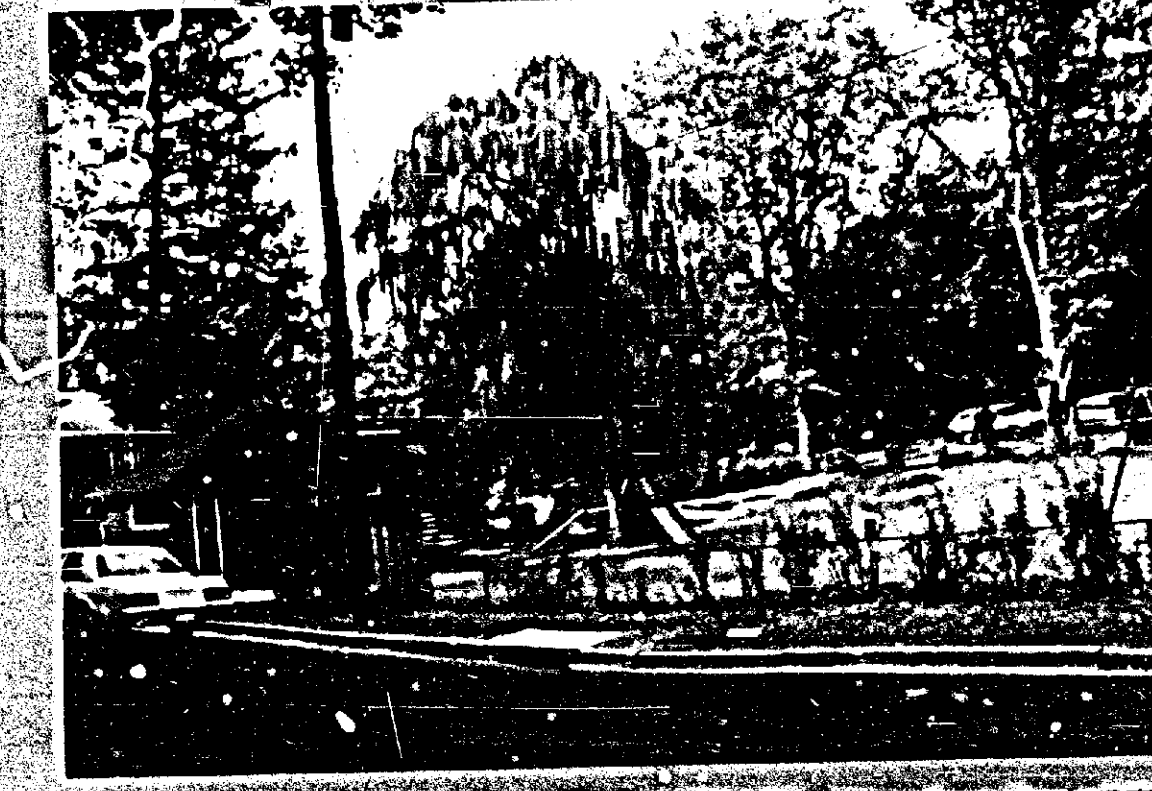
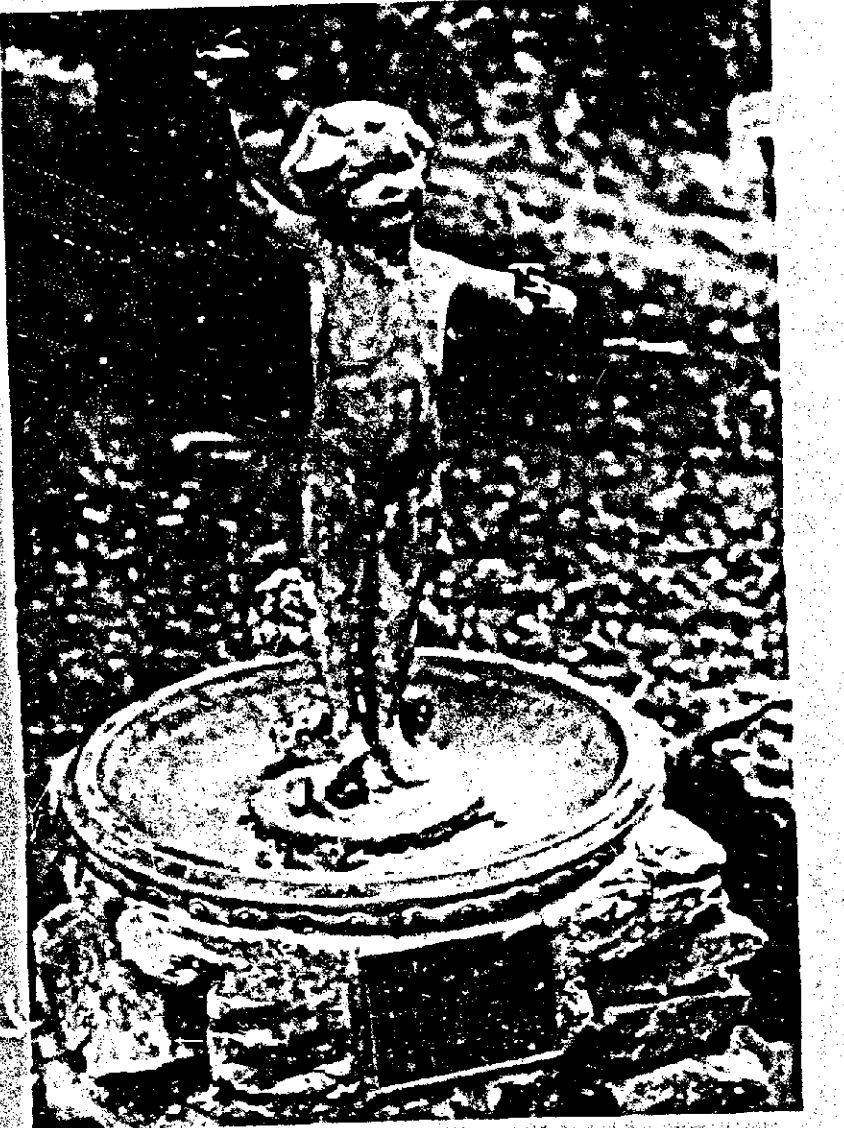
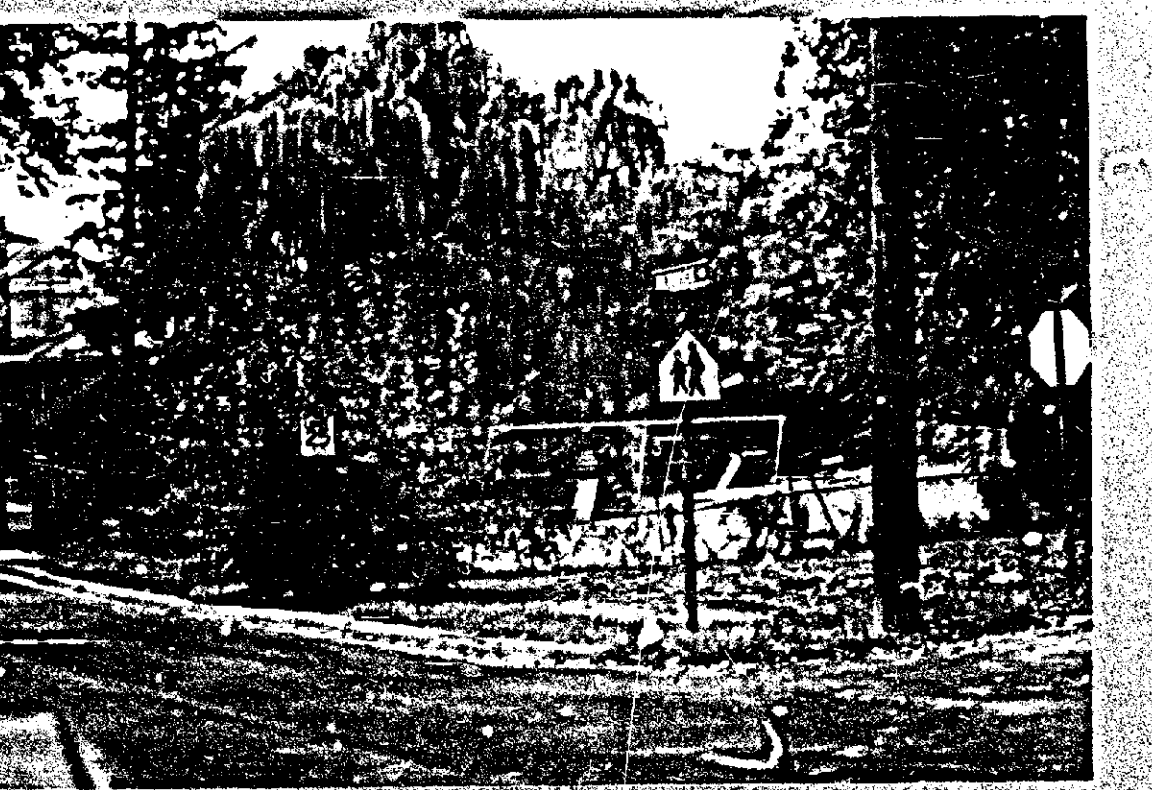
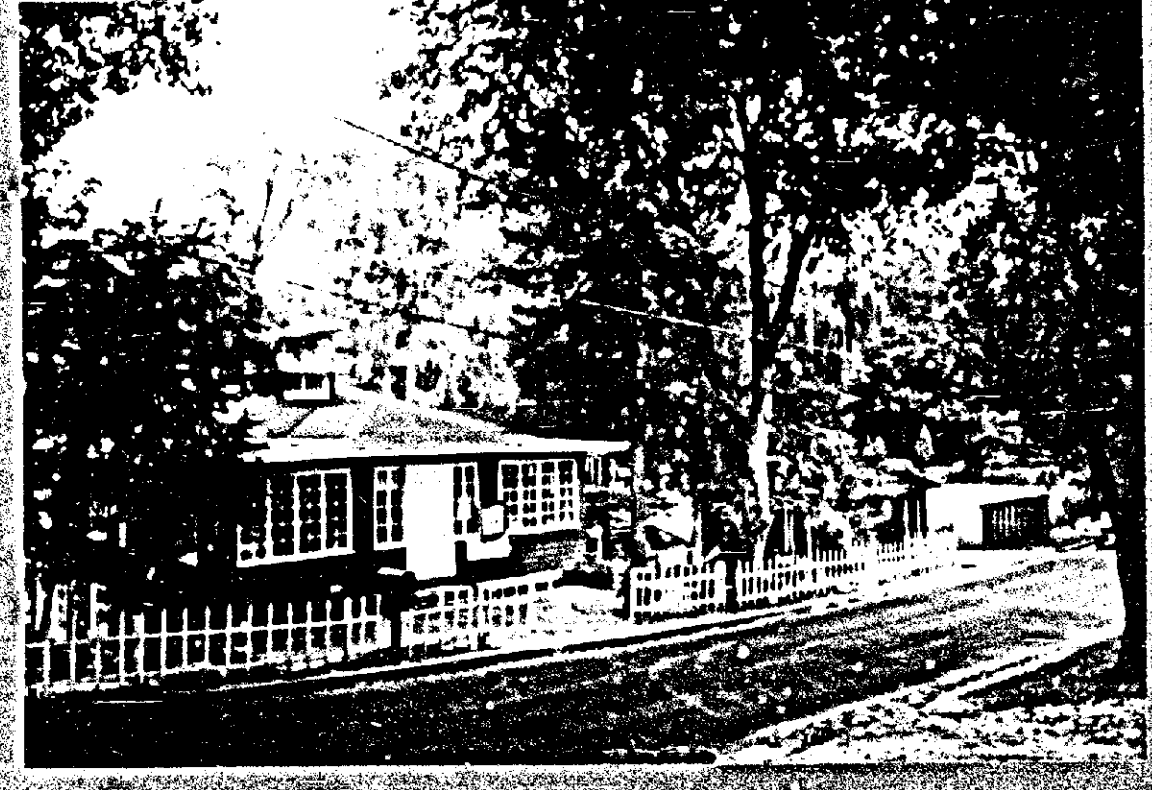
HEAD OF BLUE BIRD SCHOOL Ruxton, Miss Waelchli, Dies

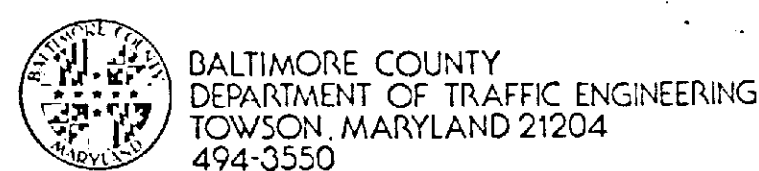
Stroudsburg, Pa., June 10 (AP) — Miss Waelchli, a highly personalized, warm, and friendly woman, died of cancer at her home in Stroudsburg, Pa., on June 8. She was 68 years old. Miss Waelchli was the head of the Blue Bird School in Ruxton, Md., for many years. She was a dedicated teacher and a community leader. She was known for her kindness and her ability to connect with her students. Her death is a great loss to the community. She will be missed by all who knew her. Her funeral will be held on June 12 at the Ruxton Country School. She is survived by her family.

ADMITTED IN MARYLAND
KEVIN J. LEONARD
ATTORNEY AT LAW
MICHAEL LEWIS FREILICH, CHARTERED
NOTARY PUBLIC
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

84-106-SPH
NW/Corner Berwick and Locust Aves.
Ruxton Country School, Inc.
1 SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 422990
DATE: 11/29/83 ACCOUNT: R-01-615-000
AMOUNT: \$80.00
RECEIVED: Michael L. Freilich, Esquire
FROM: Appeal fee on Case 84-106-SPH
FOR: (Ruxton Country School, Inc.)
164. C 02*****00010 229AA
VALIDATION OR SIGNATURE OF CASHIER





STEPHEN E. COLLINS
DIRECTOR

August 2, 1983

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

Item No. 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11. ZAC-Meeting of July 5, 1983.
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 275, 276, 1, 4, 5, 6, 7, 8, 9, 10, and 11.

Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/ccm

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: July 5, 1983

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

Z.A.C. Meeting of: July 5, 1983

RE: Item No: 275, 276, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
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, Assistant
Department of Planning

WNP/bp

William E. Hammond, Zoning Commissioner
Office of Planning and Zoning

August 2, 1983

Ian J. Forrest

Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #275 - Steven J. & Theola S. Toole
- Item #2 - Jack Irwin Brown, et al
- Item #3 - Maryland Builders, Inc.
- Item #5 - Miles V. Martin
- Item #7 - Paul E. & Alberta G. Nolder
- Item #9 - Ruxton Country School

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

137/eth

IN RE: PETITION SPECIAL HEARING
NW corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.

OFFICE OF THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-104-21H

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Ruxton Country School, comes before the Zoning Commissioner to request a determination that it is in fact a nonconforming use in its present location.

The Petitioner, represented by Counsel, presented numerous witnesses, including the present headmistress of the school. Protestants appeared and testified. Also testifying was Diana Litter of the Zoning Office.

Testimony was presented, and was uncontradicted, that the property, zoned D.R.2, was purchased by the founders of the Blue Bird School for the express and sole purpose of a school in which the teacher hired could live. The Blue Bird School began in the early 1930's by a group of neighbors who joined together to provide an education for their children. They retained a teacher who lived with one of the founders until they purchased the property and building into which the teacher moved and set up the school. This occurred in or about the early 1930's. The testimony presented by the Petitioner testified that they had lived in the area of the school all of their lives and had indeed attended the school in their and its early years. Testimony was clear that the school, now known as Ruxton Country School, has been in continuous existence without interruption. Indeed, the number of students attending have remained fairly constant throughout the years. The school has always provided classes for children from pre-school, kindergarten, and first grade through fourth. The average class size in the 20's was nine to 12.

ORDER RECEIVED FOR FILING

DATE 8/24/83

BY 137/eth

in the 50's about 15, and in recent years the total number of students has ranged from 45 to 78. During the course of the school's existence, grades five and six have been offered when the student population allows. The school was first certified by the State Department of Education in 1948, and has been licensed since. The State did not license non-public schools prior to 1948.

A stable, or garage, had existed on the property separate and apart from the main building and had been used alternately through the years for arts and crafts, a camp, a stable and garage, and for classroom space since 1976. No longer is there anyone living in residence.

The Petitioner argues that the school existed prior to the adoption of any zoning regulations and therefore is now a nonconforming use. Although a school is now permitted as of right in a D.R. Zone, it is necessary for the school to be approved as a nonconforming use in order to allow for the lack of on-site parking, to conform to setback requirements, and to avoid the implementation of the residential transition area (RTA) requirements.

The Protestants testified that the school has numerous health and safety problems which need corrective action. They also testified that there is a lack of screening between the school and Dr. Joseph Aisner, a neighbor and Protestant here-

in. Further, soil retardation is becoming a serious problem on the school site which if allowed to continue will cause serious erosion to occur to Dr. Aisner's property. There was also testimony about traffic congestion in front of the school, which the school has apparently alleviated through actions taken to re-route traffic and prevent parking in front of the school to the satisfaction of Dr. Aisner. All the Protestants complained about trees being destroyed.

The Petitioner seeks relief under Section 104 of the Baltimore County Zoning Regulations (BCZR).

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, *American*

Law of Zoning, 2nd Ed., Section 6.01 to 6.73; 3 Rathkopf, The Law of Zoning and Planning, Section 58-1 to 62-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129 A.2d 363 (1957). Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommenced after abandonment ordinarily is governed by the provisions of the applicable ordinances and regulations. Feldstein v. LaNale Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948).

In deciding whether a current activity is within the scope of a nonconforming use, the following factors should be considered:

1. to what extent the current use of the property reflects the nature and purpose of the original nonconforming use;
2. is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
3. does the current use have a substantially different effect upon the neighborhood; and
4. is the current use a drastic enlargement or extension of the original nonconforming use.

Idem v. Balto. County, 39 Md. App. 257 (1948).

There is a strong presumption of the correctness of original zones and of comprehensive zoning. Howard County v. Dorsey, 438 A.2d 1339 (1982). There is a

presumption of validity that must be accepted. Johnson & Wales College v. DiPietro, 448 A.2d 1271 (R.I., 1982). When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd. of Dineham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Revillacqua, 432 A.2d 661 (R.I., 1981).

Section 104.1 is clear and unambiguous.

Nonconforming uses are by definition inherently incompatible with permitted uses in a zone; the Petitioner, however, is not inherently incompatible as a school as, under the present zoning regulations, it is permitted as of right. See Boyce v. Sembly, 29 Md. App. 43 (1975). The lack of parking on the site and the lack of appropriate setback requirements are incompatible. There is no question that the school has been in continuous existence since the World War I era. Although there has been a change of ownership, even if the existence of the school was to be determined as a nonconforming use, the mere change does not destroy such a use. Consequently, a use transferred to a successor in interest will continue to be legal so long as the nature and character of that use is unchanged and substantially the same facilities are used. Kastendike v. Balto. A.S.N. for Retarded Children, 267 Md. 389 (1974). The question of what is an extension or enlargement is ordinarily one of fact. Wilson v. Mayor and Commissioners of Town of Elkridge, 35 Md. App. 417 (1977).

Based on the evidence and testimony presented, the existence of Ruxton Country School in a D.R.2 Zone is permitted as a matter of right. It is equally clear from the testimony and evidence that the site has been essentially unchanged since the day it was first founded as a school. Under the present zoning regulations, Section 409.2, a school is required to have one parking space for each six seats

to be permanently maintained off street. Pursuant to Section 504, BCZR, and the Comprehensive Manual for Development Policies, setbacks of 40 feet minimum front yard depth, 30 feet minimum side yard width, 40 feet minimum sum of side yard widths, and 40 feet minimum rear yard depth are required. It is equally clear that the school cannot satisfy all of these requirements. Therefore, to the extent that the school cannot satisfy these requirements, a nonconforming use exists. Certainly, the facts as presented are clear that no new buildings have been added or buildings moved. The current parking situation and setback situation reflects the nature of the original building and represents no departure to what had existed before the zoning regulations. The current situation does not cause a substantially different effect upon the neighborhood and there has been no drastic enlargement or extension of the original use.

It is clear that approval of the lack of on-site parking as a nonconforming use and the nonconforming setbacks will not adversely affect the health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the request for determination of a nonconforming use is granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of October, 1983, that the Petition for Special Hearing to determine nonconforming use for presently existing side, front, and rear yard setbacks as where appropriate, as more fully described on Petitioner's Exhibit 3, and for lack of off-street parking be and is hereby GRANTED for the purpose of determining the above, the property as a school is declared to be a nonconforming use, from and after the date of this Order, subject to the following:

1. A detailed landscaping plan shall be submitted for approval by the Current Planning and Development Division, Office of Planning and Zoning. Such plan shall provide for more than fencing and shall include appropriate

ORDER RECEIVED FOR FILING

DATE 8/24/83

BY 137/eth

screening to shield the residence to the west of the subject site from said site. Said plan need only provide for landscaping between Dr. Aisner's property and the school. If the parties can reach an agreement, the above restriction will be superceded and not be required. An amended site plan showing said screening must be submitted to the Zoning Office.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE October 19, 1983
BY John R. Langley
ADMINISTRATIVE ASSISTANT

- 6 -

Legal Description-1402 Berwick Ave.
Ruxton, MD 21204

Beginning at the northwest corner of Berwick Avenue, Locust Avenue and running the following courses:

N 46 55 W 16.00

N 50 25 W 220.93

S 40 11 W 90.54

S 00 19 W 82.53

Thence easterly along the north side of Berwick Avenue also known as 1402 Berwick Avenue.

PETITION FOR SPECIAL HEARING

9th Election District

ZONING: Petition for Special Hearing

LOCATION: Northwest corner of Berwick and Locust Avenues

DATE & TIME: Wednesday, October 19, 1983 at 1:30 P.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:

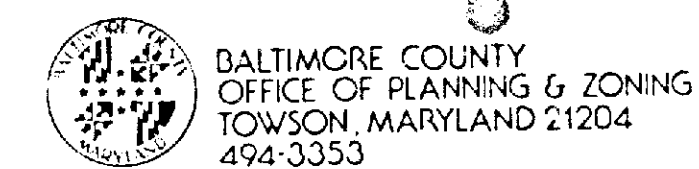
Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a prior nonconforming use for the Ruxton Country School including day care center

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

Being the property of Ruxton Country School, Inc., as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 13, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/cor. Berwick & Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

Dear Mr. Frellich:

This is to advise you that \$55.28 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

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

No. 122908

DATE 10/19/83 ACCOUNT R-01-615-000

AMOUNT \$55.28

RECEIVED Ruxton Country School
FOR Advertising & Posting Case #84-106-SPH

6 010*****552810 #20-A

VALIDATION OR SIGNATURE OF CASHIER

September 22, 1983

Michael Lewis Frellich, Esquire
401 Washington Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
NW/cor. Berwick and Locust Avenue
Ruxton Country School, Inc. - Petitioner
Case No. 84-106-SPH

TIME: 1:30 P.M.

DATE: Wednesday, October 19, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 117691

DATE 10/24/83 ACCOUNT R-01-615-00

AMOUNT \$100.00

RECEIVED Michael Lewis Frellich
FROM Ray Turner

FOR Ruxton Country School
(eb) 6 090*****100610 227-A

VALIDATION OR SIGNATURE OF CASHIER

LAW OFFICES
J. ELMER WEISHEIT
SUITE 500
EQUITABLE TOWNSHIP BUILDING
TOWSON, MARYLAND 21204
301-266-4343

August 10, 1983

Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Ruxton Country School ("RCS")
Formerly Bluebird School
1402 Berwick Road
Ruxton, Maryland

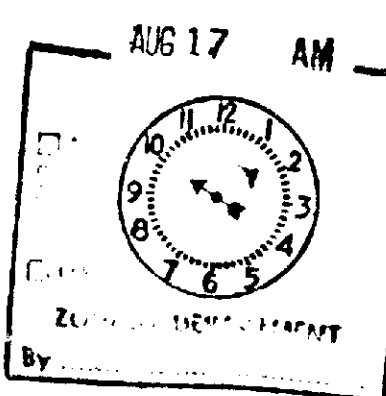
Gentlemen:

I am advised that a letter dated March 22, 1983, was sent to the Baltimore County Office of Planning and Zoning by certain parties who recently moved into our community together with a non-resident builder, Mrs. Ruhl, alleging violations of public ordinances and that after appropriate inspection, the school was fully vindicated in its operations. Mrs. Weisheit and I have lived directly across the street at 1401 Berwick Road since 1954. I attended school there in 1923-4-5 together with other current residents in the neighborhood, such as Arthur W. Machen, Jr.

Our experiences over the past 28 years as a neighbor with nearly 200 feet of residential lot frontage situated directly across the street from RCS should qualify Mrs. Weisheit and myself as experts on the desirability of the school as an operating entity in our immediate community. Please record our enthusiastic approbation for the continuance of the school since its uninterrupted existence beginning in 1913.

Your records should confirm what my neighbor, Dr. Burrow, told me, i.e., that his signature as a complainant was obtained by a misunderstanding and that he has withdrawn of record his objection and, in fact, affirmatively subscribes to a continuance of RCS.

Mrs. Ruhl's objections undoubtedly stem from some personal motivation. Information received suggests that Mrs. Ruhl built and sold the residence in which the other complainants live and is active renovating or selling other real estate in our otherwise sedate residential community.



J. ELMER WEISHEIT

Office of Planning and Zoning
August 10, 1983
Page Two

The Drs. Aisner purchased their property fully aware of the existence and operation of the school. It is a rather callous and presumptuous gesture for them now to attempt to impose their wishes in preference to those of us who have been in the community for decades and even generations.

Mrs. Weisheit and I like the idea of a small children's school at 1402 Berwick Road and challenge any representation by anyone that the school has not been a viable operating institution for learning for over sixty consecutive years last past.

Very truly yours,

[Signature]
J. Elmer Weisheit

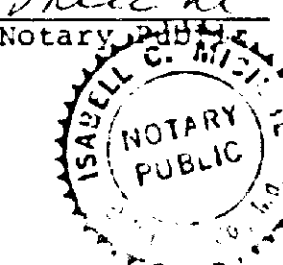
EW/icm
CC: Mrs. Judith B. Banker
Arthur W. Machen, Jr., Esquire
Dr. Christopher Burrow

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 10th day of August, 1983, before me, a Notary Public of the State aforesaid, personally appeared J. ELMER WEISHEIT and he made oath in due form of law that the matters and facts stated in the foregoing letter are true to the best of his information, knowledge and belief.

WITNESS my hand and Notarial Seal.

My Commission expires: July 1, 1986



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Malcolm F. Spicer, Jr., County Attorney
TO: Thomas Bellinger, Asst. County Attorney Date October 31, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-106-SPH

It appears that this case, being a special hearing upon nonconforming use, is within the jurisdiction of your office rather than ours. Please note that if an appeal is desired, the time limit for filing is Friday, November 25, 1983.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

Enclosure:
Order dtd. 10-27-83

PMZ:sh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Thomas Bollinger, Asst. County Attorney Date: November 30, 1983

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ruxton Country School, Inc., Petitioner - Zoning Case No. 84-105-SPH

As further explained in my memorandum of October 31, 1983, this case decision was referred to you. In the meantime, an appeal has been filed by the Attorney for Petitioner. Copies of our memorandum and the Zoning Commissioner's letter dated November 29, 1983 are enclosed for your information.

Peter Max Zimmerman
Peter Max Zimmerman, Deputy People's Counsel

Enclosures
cc: County Board of Appeals
sh

October 27, 1983

Michael Lewis Freilich, Esquire
P.O. Box 5465
Towson, Maryland 21285-5465

IN RE: Petition Special Hearing
NW/corner of Berwick and Locust
Avenues - 9th Election District
Ruxton Country School, Inc.,
Petitioner
Case No. 84-105-SPH

Dear Mr. Freilich:

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

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/ar1

Attachments

cc: Arnold Fleischmann, Esquire
Suite 500, 40 West Chesapeake Avenue
Towson, Maryland 21204

Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
294-3353

ARNOLD JABLON
ZONING COMMISSIONER

November 29, 1983

Arnold Fleischmann, Esquire
Suite 500
40 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
NW/corner of Berwick and Locust Avenues
Ruxton Country School, Inc. - Petitioner
Case No. 84-105-SPH

Dear Mr. Fleischmann:

Please be advised that an appeal has been filed by Michael Lewis Freilich, attorney for the petitioner, from the decision rendered by the Zoning Commissioner of Baltimore County, as to the imposition of an obligation to plant screening as a condition to the nonconforming use, said use being granted on October 27, 1983.

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

Sincerely,

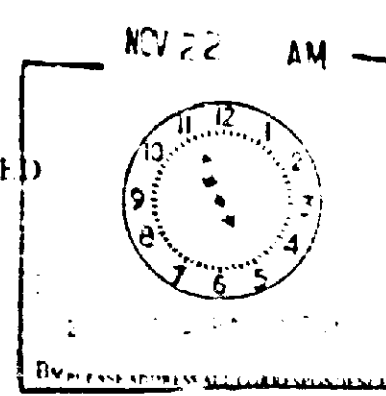
Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

cc: Dr. Joseph Aisner
1404 Berwick Avenue
Towson, Maryland 21204

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

MICHAEL LEWIS FREILICH, CHARTERED
NOTES & EVIDENCE
40 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND
(410) 521-0900



MICHAEL LEWIS FREILICH
DEBORAH BLACK MOORE
KEVIN J. LEONARD
*ADMITTED IN FLORIDA 1/8/80

November 22, 1983

Mr. Arnold Jablon,
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

Re: Notice of Appeal of the
Commissioner's decision in case no. 84-105-SPH
Our File No. 644-1

Dear Mr. Jablon:

This is to inform you that the Petitioner in the above-captioned matter, the Ruxton Country School, appeals the Commissioner's imposition of an obligation to plant screening as a condition to the nonconforming use.

The Petitioner does not appeal the Commissioner's finding of a prior nonconforming use.

Enclosed is a check for \$20.00 to cover the cost of the appeal and the posting that will be necessary in connection therewith.

Thank you for your cooperation in this matter.

Sincerely yours,

Michael Lewis Freilich
Michael Lewis Freilich
1/1w/49

PETITIONER'S EXHIBIT

To whom it may concern:
We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Barbara Orendoff</i>	BARBARA ORENDOFF	1407 BERWICK RD. 6 1/2 yr.	
<i>P. Barrett Orendoff</i>	P. BARRETT ORENDOFF	1407 BERWICK RD. 6 1/2 yrs	
<i>Patricia M. Smith</i>	Patricia Smith	1533 Locust Ave 10 yrs.	
<i>Paul H. Smith</i>	PAUL H. SMITH	1503 LOCUST AVE 10 yrs	
<i>Millie Walzer</i>	Millie Walzer	1505 Locust Ave 8	
<i>Peter H. Walzer</i>	PETER H. WALZER	1502 BERWICK RD. 17	
<i>Harry M. Walzer</i>	HARRY WALZER	1505 LOCUST AVE 8	
<i>John W. Walzer</i>	JOHN W. WALZER	1516 BERWICK RD 21204 4 yrs	
<i>David M. Walzer</i>	DAVID FORBES	1512 BERWICK RD 21204	
<i>David M. Walzer</i>	DAVID WARSZAWSKY	1506 BERWICK RD 21204 13 yrs	
<i>Marjory Warszawsky</i>	MARJORY WARSZAWSKY	1506 BERWICK RD. 21204 13 yrs	
<i>RJ Traustman</i>	RJ TRAUSTMAN	1510 BERWICK RD. 21204 11 yrs	
<i>Ellen H. Godine</i>	ELLEN H. GODINE	1308 LOCUST AVE. 13 yrs	
<i>Louise H. Schulz</i>	LOUISE H. SCHULZ	1406 BERWICK RD 14 yrs	
<i>Toy D. Savage, III</i>	TOY D. SAVAGE, III	1501 BERWICK RD 3 yrs	
<i>Gail L. Savage</i>	GAIL L. SAVAGE	121 BERWICK RD. 3 1/2 yrs	
<i>Patricia L. Burrow</i>	PAWELA L. BURROW	1405 BERWICK RD. 2 yrs	
<i>Christopher R. Burrow</i>	CHRISTOPHER R. BURROW	1405 BERWICK RD 2 yrs	
<i>Joseph A. Schulz</i>	JOSEPH A. SCHULZ	1406 BERWICK RD 4 yrs	
<i>Barbara Ann Dicks</i>	BARBARA ANN DICKS	1501 LOCUST AVE 14 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>J. E. Weiskert</i>	J. E. WEISKERT	1401 BERWICK RD 29 yrs	
<i>J. M. Godine</i>	J. M. GODINE	1208 LOCUST AVE 10 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Kathleen J. Reed</i>	KATHLEEN J. REED	1408 BERWICK RD. 1 1/2 yrs.	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>V. Havaro</i>	V. HAVARO	1500 Ruxton Rd 21204 9 yrs	
<i>Lynne B. Havaro</i>	LYNNE B. HAVARO	1500 Ruxton Rd 21204 9 yrs	
<i>Sarah F. Wilkes</i>	SARAH F. WILKES	1510 Ruxton Rd 21204 13 yrs	
<i>Peter R. Wilkes</i>	PETER R. WILKES	1510 Ruxton Rd 21204 same	
<i>Shirley B. Perry</i>	SHIRLEY B. PERRY	1514 Ruxton Rd 21204 20 yrs	
<i>Raymond L. Perry</i>	RAYMOND L. PERRY	1514 Ruxton Rd 21204 11 yrs	
<i>Harry S. Hays</i>	HARRY S. HAYS	1412 Ruxton Rd 21204 7 yrs	
<i>Susan C. McKernan</i>	SUSAN C. MCKERNAN	1412 Ruxton Rd 21204 2 yrs	
<i>Elizabeth J. Calkins</i>	ELIZABETH J. CALKINS	1406 Ruxton Rd 21204 20 yrs	

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Joyce S. McCrystle</i>	Joyce S. McCrystle	1517 LOCUST AVE.	18
<i>Helen D. Martin</i>	Helen D. Martin	1409 Locust Ave.	12
<i>J. Carey Martin</i>	J. CAREY MARTIN	1409 Locust Ave.	12
<i>Wright Covington</i>	Bill Covington	1501 Boyce Ave	27
<i>J. Brock McCreight</i>	J. Brock McCreight	1517 Locust Ave	18
<i>Priscilla L. Buppert</i>	Priscilla L. Buppert	1501 Labelle Ave.	44
<i>William B. Boyer</i>	William B. Boyer	1407 Labelle Ave	24
<i>Robert B. Boyer</i>	Robert B. Boyer	1407 Labelle Ave	24
<i>Frances P. Spayd</i>	Frances P. Spayd	1502 Berwick Rd.	17 yrs
<i>Ann H. Stollmann</i>	Ann H. Stollmann	1411 LaBelle Ave	20 yrs
<i>Harvey J. Reed</i>	Harvey J. Reed	1408 Berwick Rd	2
<i>Alison and her son</i>	Alison and her son	1307 Berwick Rd.	28 yrs
<i>Sharon Weiss</i>	Sharon Weiss	7705 Rider Hill Rd.	12 yrs
<i>C. Macklin + Betty B. Speed</i>	C. Macklin + Betty B. Speed	7703 Rider Hill Rd.	21 yrs

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>John W. Weiskert</i>	John W. Weiskert	1401 Berwick Rd	24 yrs
<i>Samuel M. Geline</i>	Samuel M. Geline	1302 Locust Ave	10 yrs
<i>E. Linck Nelson</i>	E. Linck Nelson	1314 Berwick Rd. Ruxton	69 years
<i>Mr. & Mrs. John C. O'Connor</i>	Mr. & Mrs. John C. O'Connor	1413 Locust Ave.	20 years

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Frederick T. Weir</i>	Frederick T. Weir	1214 Berwick Rd	52
<i>Lois W. Weir</i>	Lois W. Weir	1214 Berwick Rd	4 1/2
<i>Lois W. Weir</i>	Lois W. Weir	1209 Berwick Rd	53 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	56 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	31 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	29 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	60 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	59 yrs

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Frederick T. Weir</i>	Frederick T. Weir	1214 Berwick Rd	52
<i>Lois W. Weir</i>	Lois W. Weir	1214 Berwick Rd	4 1/2
<i>Lois W. Weir</i>	Lois W. Weir	1209 Berwick Rd	53 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	56 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	31 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	29 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	60 yrs
<i>Lois W. Weir</i>	Lois W. Weir	1207 Berwick Rd	59 yrs

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Alec Munsell</i>	Alec Munsell	1304 Berwick Rd	34
<i>Frances B. Munsell</i>	Frances B. Munsell	1304 Berwick Rd.	34

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Karin Wilson</i>	Karin Wilson	1302 Locust Ave	3 yrs

To whom it may concern:

We the undersigned neighbors of the Ruxton Country School wish to express our desire that any questions regarding its zoning be resolved in favor of its continued presence in our community.

Signature	Name (print)	Address (print)	No. of years in community
<i>Susan E. Athey</i>	Susan E. Athey	1505 LaBelle Ave.	2
<i>Susan E. Athey</i>	Susan E. Athey	1507 LaBelle Ave	8
<i>Susan E. Athey</i>	Susan E. Athey	1510 LaBelle Ave	10
<i>Susan E. Athey</i>	Susan E. Athey	1504 LaBelle Ave	12
<i>Susan E. Athey</i>	Susan E. Athey	1500 Locust Ave	20
<i>Susan E. Athey</i>	Susan E. Athey	1414 Locust Ave	13
<i>Susan E. Athey</i>	Susan E. Athey	1414 Locust Ave	13
<i>Susan E. Athey</i>	Susan E. Athey	1323 Berwick Rd	36
<i>Susan E. Athey</i>	Susan E. Athey	" "	46+
<i>Susan E. Athey</i>	Susan E. Athey	1320 Berwick Rd.	8
<i>Susan E. Athey</i>	Susan E. Athey	1319 Berwick Rd	34
<i>Susan E. Athey</i>	Susan E. Athey	1318 Berwick Rd	2104
<i>Susan E. Athey</i>	Susan E. Athey	7701 Rider Hill	21204
<i>Susan E. Athey</i>	Susan E. Athey	1413 LaBelle Ave	21204
<i>Susan E. Athey</i>	Susan E. Athey	1413 LaBelle Ave	21004
<i>Susan E. Athey</i>	Susan E. Athey	7809 Chelmsford	21204
<i>Susan E. Athey</i>	Susan E. Athey	1515 LaBelle Ave	21212
<i>Susan E. Athey</i>	Susan E. Athey	1507 LaBelle Ave	21209

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Dr. Donald Roper Date: April 13, 1983
FROM: Ray Drayton
SUBJECT: Ruxton Country School, 1402 Berwick Road, Towson 21204

The relicensing inspections are in process for the Ruxton Country School. Inspection reports have already been approved by Fire Prevention and Environmental Services. Therefore, when the "Ruxton letter" arrived, we decided to proceed on schedule with our investigations. Within a few weeks, the Zoning Commissioner will approve or disapprove the Ruxton Country School application with regard to the present situation. Lt. Largent and James Dieter were asked on April 4 to comment on safety issues addressed in the letter. Our office is still waiting for a response.

The school at 1402 Berwick Road is over 50 years old, known originally as the Blue Bird School, housing over 80 children. In 1978, the school became officially the Ruxton Country School and ownership changed from the Board of Trustees of the Blue Bird School, Inc. to the Board of Directors of the Ruxton Country School, Inc.

The Ruxton Country School is approved by the State Department of Education. The Baltimore County Department of Health is involved exclusively in the approvals of the admission of up to twenty pre-school children. When our investigations for relicensure confirm that preschoolers are no longer in attendance, the school will not need Health Department inspections or a County permit for Day Nurseries.

CD/jt
Attachments

PROTESTANTS
EXHIBIT 1

RECEIVED
APR 13 1983
DEPT. OF HEALTH